



MEETING AGENDA

November 18, 2016

Bruce Berry, MD, Chair

Michael J. Farrell, Esq., Vice Chair

Kathy Eddy, CPA, Secretary

Jenny Allen

Kay Goodwin, Ex-Officio

John Leon, MD

Michael J. Martirano, Ed.D., Ex-Officio

Andrew Payne

Clarence Pennington, Ex-Officio

Paul Hill, Ph.D., Chancellor

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

2000 Union Carbide Drive, 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 2000

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 2000

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION MEETING

**November 18, 2016 | 9:00 a.m. | West Virginia Regional Technology Park
or by conference call***

AGENDA

I. Call to Order

II. Approval of Minutes (Pages 5-14)

III. Chairman's Report

IV. Chancellor's Report

V. Council of Presidents' Report

VI. Annual Reports from Constituent Groups

- A. Advisory Council of Classified Employees
- B. Advisory Council of Faculty
- C. Advisory Council of Students

VII. Access

- A. Approval of Revisions to Series 7, Legislative Rule, West Virginia Providing Real Opportunities for Maximizing In-State Excellence (PROMISE) Scholarship Program **(Pages 15-25)**
- B. Approval of Revisions to Series 42, Legislative Rule, West Virginia Higher Education Grant Program **(Pages 26-37)**
- C. Approval of Series 11, Procedural Rule, Submission of Proposals for New Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs **(Pages 38-51)**
- D. Approval of Revisions to Series 13, Procedural Rule, Change in the Organization of Colleges or Schools **(Pages 52-53)**
- E. Approval of Revisions of Series 25, Procedural Rule, Residency Classification for Admission and Fee Purposes **(Pages 54-59)**

VIII. Success

- A. Approval of Master of Science in Dental Hygiene Program **(Pages 60-86)**
- B. Approval of Revisions to Series 52, Legislative Rule, Annual Reauthorization of Degree-Granting Institutions **(Pages 87-101)**
- C. Report on Program Review **(Pages 102-115)**

IX. Impact

- A. Approval of West Virginia State University Campus Development Plan **(Pages 116-120)**
- B. Report on Fall 2016 Enrollment **(Page 121)**
- C. Master Plan and Compact Update **(Page 122)**

- X. Approval to Repeal Legislative and Procedural Rules (Pages 123-159)**
- XI. Report on 2015 Human Resources Report Card (Pages 160-193)**
- XII. Approval of TIAA Retirement Plan Modifications (Page 194)**
- XIII. Approval of 2016 Research Trust Fund Annual Report (Pages 195-227)**
- XIV. Approval of Revisions to Series 48, Legislative Rule, Research Trust Fund Program (Pages 228-239)**
- XV. Approval of Fiscal Year 2017 WVNET Budget (Pages 240-255)**
- XVI. Approval of Fiscal Year 2017 Capital Project Priorities (Pages 256-265)**
- XVII. Approval to Reallocate Series 2012 Bond Proceeds (Pages 266-267)**
- XVIII. Possible Executive Session under the Authority of West Virginia Code §6-9A-4**
 - A. Approval of Presidential Contract at Concord University
 - B. **Consideration of Institutional Compliance with the Statewide Financial Audit**
- XIX. Additional Board Action and Comment**
- XX. Adjournment**

**To join by conference call, dial 866-453-5550 and enter the participant code 5245480#.*

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

JULY 12, 2016

I. Call to Order

Chairman Bruce Berry convened a work session of the Higher Education Policy Commission at 1:00 p.m. in the Ninth 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, Michael Farrell, John Leon, and Andrew Payne. The Chancellor, staff, and institutional representatives were also in attendance.

II. Review of July 18, 2016 Meeting Agenda

Commission staff provided an overview of the items on the agenda for the July 18, 2016 meeting.

III. Executive Session under the Authority of West Virginia Code §6-9A-4

Commissioner Farrell moved to convene in Executive Session under the authority of West Virginia Code §6-9A-4 to discuss personnel issues. Commissioner Leon seconded the motion. Motion passed.

After deliberations, the Commission reconvened in open session. Chairman Berry explained that no decisions were made or actions taken during Executive Session.

IV. Adjournment

There being no further business, the meeting was adjourned.

Bruce L. Berry, Chairman

Kathy Eddy, Secretary

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

July 18, 2016

I. Call to Order

Chairman Bruce Berry convened a meeting of the Higher Education Policy Commission at 9:00 a.m. in the David K. Hendrickson Conference Center, 2000 Union Carbide Drive, South Charleston, West Virginia. The following Commission members were present: Jenny Allen, Bruce Berry, Kathy Eddy, Michael Farrell, Kay Goodwin, and Andrew Payne. Also in attendance were institutional presidents, higher education staff, and others.

II. Approval of Minutes

Commissioner Farrell moved to approve the minutes of the meetings held on March 16, April 1, May 18 and June 24, 2016. Commissioner Eddy seconded the motion. Motion passed.

III. Chairman's Report

Chairman Berry welcomed Commission members and the audience to the meeting. He urged the Legislature to consider higher education as the state budget is allocated so institutions are not delayed in setting their tuition and fees for the new fiscal year. He asked everyone to keep in mind our fellow citizens who lost so much in the flooding.

Chairman Berry welcomed Dr. Anthony L. Jenkins, the new president of West Virginia State University.

Chairman Berry announced the Commission meeting schedule for Fiscal Year 2016-17.

IV. Chancellor's Report

Dr. Paul Hill, Chancellor, welcomed President Anthony Jenkins to West Virginia's higher education community. He congratulated President Marsha Krotseng and the Bluefield State College student robotic team which won five awards and finished in second place overall in the 2016 international "Intelligent Ground Vehicle Competition (IGVC) Autonomous Challenge" at Oakland University, Michigan.

Chancellor Hill reported on recent activities at the Commission. He stated that Legal Division staff attended the Campus Sexual Assault and Title IX Training in

Lewisburg; the Division of Student Affairs held College Decision Day in 34 schools across the state and also the Student Leadership Conference; the Division of Finance staff attended State Auditor's meetings and OASIS/Kronos implementation training; the Division of Financial Aid sent award letters to all Promise Scholarship recipients, and it received a \$55,000 grant from the National College Access Network. Chancellor Hill gave an update regarding the Early Outcomes from Texting Project; and, he proudly announced that Dr. Adam Green, Vice Chancellor for Student Affairs, has been named National GEAR Up Professional of the Year. Dr. Hill stated that he and staff worked closely with the leadership of the House and Senate Finance and Education committees to prevent further funding cuts to the higher education budget.

Chancellor Hill mentioned that efforts are underway to assist those students affected by the recent flooding.

V. Council of Presidents' Report

Chancellor Hill announced that Dr. Kendra Boggess, President of Concord University, has agreed to serve as Chair of the Council of Presidents for Fiscal Years 2017 and 2018. She will be reporting at future meetings.

VI. Updates from Constituent Groups

The Advisory Councils of Classified Employees, Faculty, and Students did not present reports.

VII. Access

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

Mr. Brian Weingart, Senior Director of Financial Aid, presented information regarding the proposed appointment.

Commissioner Farrell moved approval of the following resolution:

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

Commissioner Eddy seconded the motion. Motion passed.

B. Approval of Annual Reauthorization of Four-Year Degree-Granting Institutions

Dr. Mark Stotler, Director of Academic Programming, presented information regarding the proposed reauthorization.

Commissioner Goodwin requested that the public and private institutions be divided and action taken in separate motions.

Commissioner Goodwin moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Annual Reauthorization for Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University, West Liberty University, West Virginia School of Osteopathic Medicine, and West Virginia State University.

Commissioner Farrell seconded the motion. Motion passed.

Commissioner Farrell moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Annual Reauthorization for Alderson Broaddus University, Appalachian Bible College, Bethany College, Davis and Elkins College, Future Generations Graduate School, Ohio Valley University, University of Charleston, West Virginia Wesleyan College, Wheeling Jesuit University, American Public University System, Salem International University, and Strayer University.

Commissioner Eddy seconded the motion. Commissioner Goodwin opposed the reauthorization of Future Generations Graduate School and Salem International University. Motion passed.

C. Approval of Master of Arts/Master of Science in Biology at West Liberty University

Dr. Corley Dennison, Vice Chancellor for Academic Affairs, presented information regarding the proposed degree.

Commissioner Goodwin moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Master of Arts/Master of Science in Biology at West Liberty University, effective spring 2018. Additional approval by the Higher Learning Commission prior to implementation is required. This approval expires in two years from the date of Commission approval if the program is not fully implemented at that time.

Commissioner Farrell seconded the motion. Motion passed.

D. Approval of Reciprocity Agreement between West Virginia and Maryland

Dr. Keri Ferro, Director of Statewide Academic Initiatives, presented

information regarding the proposed agreement.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the reciprocity agreement between West Virginia University and Garrett College until June 30, 2019.

Commissioner Eddy seconded the motion. Motion passed.

E. Presentation of the Federal Aid and Student Loan Supplement to the 2015 Financial Aid Comprehensive Report

Mr. Weingart explained that The Federal Aid and Student Loan Supplement to the Financial Aid Comprehensive Report expands upon previous federal-level reporting, moving beyond a brief overview of national trends to a more comprehensive sector-by-sector examination of trends in federal aid, student loans and outcomes in West Virginia. He added that seeing the massive outlays for each program by institution and sector will allow one to gain a better understanding of the scope of federal funding and student borrowing in the state. Mr. Weingart gave a detailed analysis of the report.

F. Approval of Revisions to Series 21, Procedural Rule, Freshman Assessment and Placement Standards

Dr. Ferro presented information regarding the proposed revisions.

Commissioner Farrell moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves revisions to Series 21, Procedural Rule, Freshman Assessment and Placement Standards to be filed with the Secretary of State for the thirty-day public comment period and if no substantive comments are received, that the Commission extends its final approval.

Commissioner Eddy seconded the motion. Motion passed.

VIII. Success

A. Approval of Revisions to Series 11, Procedural Rule, Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs

Vice Chancellor Dennison presented information regarding the proposed revisions.

Commissioner Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the revisions to Series 11, Procedural Rule, Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring And Discontinuance of Existing Programs to be filed with the Secretary of State for the thirty-day public comment period and if no substantive comments are received, that the Commission extends its final approval.

Commissioner Payne seconded the motion. Motion passed.

B. Presentation of New Program Post-Approval Audits

Dr. Stotler explained that Series 11, Procedural Rule, Submission of Proposals for Academic Programs and the Monitoring and Discontinuance of Existing Programs, provides that “all proposals approved by the Higher Education Policy Commission shall be reviewed via a post-approval audit three years after the initial approval was received.” He provided post-audit summaries regarding institutional programs up for review.

C. Report on Master’s Degree Programs

Dr. Stotler explained that the first master’s level programs at former baccalaureate-only institutions were approved by the Commission for initial offering in the 2003-04 academic year and, 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. Dr. Stotler summarized notable developments and achievements in the graduate offerings at each institution and provided the number of program enrollees and graduates.

IX. Impact

A. Approval of Institutional Campus Master Plans

Dr. Neal Holly, Vice Chancellor for Policy and Planning, presented information regarding the proposed master plans.

Commissioner Farrell moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves current campus master plans for Fairmont State University, Potomac State College of West Virginia University, West Virginia School of Osteopathic Medicine, West Virginia University, and West Virginia University Institute of Technology.

Commissioner Eddy seconded the motion. Motion passed.

X. Approval of Revisions to Series 30, Procedural Rule, Purchasing

Dr. Edward Magee, Vice Chancellor for Finance, presented information regarding the proposed revisions.

Commissioner Goodwin moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves revisions to Series 30, Procedural Rule, Purchasing, to be filed with the Secretary of State for a thirty-day public comment period and if no substantive comments are received, that the Commission extends its final approval.

Commissioner Farrell seconded the motion. Motion passed.

XI. Approval of Fiscal Year 2017 Science and Research Spending Plans

Dr. Jan Taylor, Director of Science and Research, presented information regarding the spending plans.

Commissioner Farrell moved approval of the following resolution:

Resolved, that the West Virginia Higher Education Policy Commission approves the Fiscal Year 2017 spending plans as recommended by the West Virginia Science and Research Council.

Commissioner Eddy seconded the motion. Motion passed.

XII. Approval of Tuition and Fees for 2016-17 Academic Year

Vice Chancellor Magee presented detailed information regarding the proposed institutional tuition and fees for the 2016-17 academic year. He explained the process required by the institutions to submit their annual tuition and fees requests and the justification required for increases above five percent. Dr. Magee reviewed the criteria necessary for the Commission to consider increases in tuition and fees for resident and non-resident students. Following lengthy discussion, Commissioner Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves tuition and fees for the 2016-17 academic year.

Commissioner Payne seconded the motion. Motion passed.

XIII. Review of Institutional Operating Budgets and Approval of Fiscal Year 2017 Institutional Capital Budgets

Vice Chancellor Magee explained that West Virginia Code §18B-1B-4 requires the Commission to review institutional operating budgets and review and approve

capital budgets for all governing boards under its jurisdiction, except the governing boards of Marshall University and West Virginia University. Institutional operating and capital budgets were submitted on forms recommended by Commission staff. Together, the operating and capital budgets reflect all planned revenues and expenditures for Fiscal Year 2017. Dr. Magee presented additional detailed information including the proposed budget approval.

Commissioner Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2017 institutional capital budgets.

Commissioner Farrell seconded the motion. Motion passed.

XIV. Approval of Fiscal Year 2017 Higher Education Policy Commission Division Operating Budgets and Higher Education Resource Assessment Projects

Vice Chancellor Magee presented information regarding the proposed division operating budgets and resource assessment projects.

Commissioner Farrell moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2017 division operating budgets and Higher Education Resource Assessment projects.

Commissioner Eddy seconded the motion. Motion passed.

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

Commissioner Farrell moved to convene in Executive Session under the authority of West Virginia Code §6-9A-4 to discuss personnel issues. Commissioner Payne seconded the motion. Motion passed.

After deliberations, the Commission reconvened in open session with Commissioner Farrell moving to rise from Executive Session and Commissioner Eddy seconding the motion. Motion passed.

Chairman Berry explained that no decisions were made or actions taken during Executive Session.

XVI. Additional Board Action Item and Comment

A. Approval of Presidential Contract and Compensation at Glenville State College

Commissioner Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Presidential Contract Addendum for Dr. Peter B. Barr as requested by the Glenville State College Board of Governors.

Commissioner Payne seconded the motion. Motion passed.

B. Approval of Presidential Contract and Compensation at West Virginia University

Commissioner Farrell moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Presidential Contract Addendum for Dr. E. Gordon Gee as requested by the West Virginia University Board of Governors.

Commissioner Payne seconded the motion. Motion passed.

XVII. Adjournment

There being no further business, Commissioner Farrell moved to adjourn the meeting. Commissioner Goodwin seconded the motion. Motion passed.

Bruce L. Berry, Chairman

Kathy Eddy, Secretary

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION SPECIAL MEETING

October 31, 2016

I. Call to Order

Chairman Bruce Berry convened a special meeting of the Higher Education Policy Commission at 10:04 a.m. in the Ninth Floor Conference Room at 1018 Kanawha Boulevard, East, Charleston, West Virginia, and by conference call. The following Commission members participated: Jenny Allen, Bruce Berry, Michael Farrell, Kay Goodwin and Andrew Payne. Also in attendance were Chancellor Paul Hill and staff members.

II. Approval of Presidential Search Procedure for Fairmont State University

Commissioner Goodwin recognized on behalf of the Commission President Maria Rose's valuable service and dedication to Fairmont State University and higher education. She moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Presidential Search Procedures as adopted by the Fairmont State University Board of Governors.

Commissioner Allen seconded the motion. Motion passed.

III. Approval of Presidential Search Procedure for Glenville State College

Commissioner Goodwin expressed to President Peter Barr the Commission's appreciation for his service to Glenville State College.

Commissioner Farrell moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Presidential Search Procedures as adopted by the Glenville State College Board of Governors.

Commissioner Allen seconded the motion. Motion passed.

IV. Adjournment

There being no further business, Commissioner Allen moved to adjourn the meeting. Commissioner Goodwin seconded the motion. Motion passed.

Bruce L. Berry, Chairman

Kathy Eddy, Secretary

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Revisions to Series 7, Legislative Rule, West Virginia Providing Real Opportunities for Maximizing In-State Excellence (PROMISE) Scholarship Program

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 7, Legislative Rule, West Virginia Providing Real Opportunities for Maximizing In-State Excellence (PROMISE) Scholarship Program, to be filed with the Secretary of State for the 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.

STAFF MEMBER: Brian Weingart

BACKGROUND:

Based upon recommendations from the Higher Education Student Financial Aid Advisory Board, staff recommend the following revisions to Series 7, Legislative Rule, West Virginia Providing Real Opportunities for Maximizing In-State Excellence (PROMISE) Scholarship Program.

References to residency status will use the terms U.S. permanent resident and eligible non-citizen, instead of legal immigrant, to coincide with the terminology used by the U.S. Department of Education for federal financial aid.

With the Free Application for Federal Student Aid becoming available earlier, it is recommended that the PROMISE Scholarship Program be able to use sixth semester grades to make earlier determinations of eligibility instead of seventh semester grades. The Commission will continue to receive seventh and eighth semester grades as well.

West Virginia replaced the GED test with the TASC as the state's high school equivalency test. All references to GED have been replaced with general terminology of high school equivalency in case of any future changes to the test.

It is recommended that if a student receives PROMISE for only one semester during an academic year, then the student would only need to complete 15 credit hours to renew the award for the following academic year. This will help address several issues that students and colleges have run into.

The revised rule includes all college grades earned when calculating eligibility for renewal. Currently, college grades earned in high school are excluded. This has created an administrative burden for institutions to recalculate grade point averages. It also creates confusion for the student because the grade point average on their transcript is not the same grade point average used to calculate renewal of a PROMISE scholarship.

The rule currently does not address how to handle the PROMISE Scholarship funds if a student withdraws during the semester; it is recommended the rule use the same language that is used for the West Virginia Higher Education Grant Program.

Staff further recommends approval of the proposed revisions to Series 7, Legislative Rule, West Virginia Providing Real Opportunities for Maximizing In-State Excellence (PROMISE) Scholarship Program, for submission to the Secretary of State for the thirty-day public comment period. If no substantive comments are received at the conclusion of the comment period, staff will file the rule with the Legislative Oversight Commission on Education Accountability and with the Secretary of State for final filing.

**TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 7
WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE
STUDENT EXCELLENCE (PROMISE) SCHOLARSHIP PROGRAM**

§133-7-1. General.

1.1. Scope. -- This rule establishes guidelines and procedures for establishing eligibility for the West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence Scholarship Program, hereinafter referred to as PROMISE.

1.2. Authority. -- West Virginia Code §18B-1-6 and §18C-7-6.

1.3. Filing Date. -- ~~March 22, 2010.~~

1.4. Effective Date. -- ~~April 21, 2010.~~

1.5. Repeals and replaces Title 133, Series 7, dated ~~March 23, 2008~~ April 21, 2010.

§133-7-2. Eligibility of High School Graduates for Initial Award.

2.1. To be eligible for an initial PROMISE Scholarship, a high school applicant must be eligible for the award at the time of application and at the time the award is received by meeting all academic criteria in place at the time of application and award; and

2.1.~~a~~a. Must complete high school graduation requirements at a West Virginia public or private high school unless he or she qualified as a military dependent under Section 6 of this rule, or has commuted to an out-of-state school pursuant to Section 7 of this rule; and

2.1.~~2b~~b. Must complete at least one half of the credits required for high school graduation through attendance at a public or private high school in this state, unless he or she qualified as a military dependent under Section 6 of this rule, or has commuted to an out-of-state school pursuant to Section 7 of this rule; and

2.1.~~3c~~c. Must apply for the scholarship within two years of graduation from high school unless the applicant entered the United States armed services pursuant to Section 5 of this rule; and

2.1.~~4e~~e. Must, while enrolled in high school, have attained a cumulative grade point average of at least 3.0 on a 4.0 scale, based on county board grading policies, in both core courses and overall coursework required for graduation by the State Board of Education; and

2.1.~~5e~~e. Must meet standardized test score criteria on an ACT or SAT national test as established by the West Virginia Higher Education Policy Commission (~~Policy~~ Commission); and

2.1.~~6f~~f. Must have resided in West Virginia continuously for a minimum of twelve consecutive months immediately preceding the final date of application for a PROMISE Scholarship, unless a member of the Armed Services pursuant to Section 5 of this rule or a military dependent pursuant to Section 6 of this rule, and be a United States citizen ~~or legal immigrant to the United States~~, a U.S. permanent resident,

or an eligible non-citizen who meets the residency requirements for Federal Student Aid; and

2.1.7g. Must submit both the Free Application for Federal Student Aid and any application form required by the ~~Policy~~ Commission by the deadline established by the ~~Policy~~ Commission; however:

2.1.7.g.1. Any student who misses the deadline for application may apply by a later date established by the ~~Policy~~ Commission for a spring semester award. This option is contingent upon the availability of funding for late awards.

2.2. The grade point average required in Section 2.1.4d. will be determined by the appropriate school official at the end of the ~~seventh~~ sixth high school semester. However, the final calculation of the grade point average and eligibility for the award may be determined as late as after the eighth semester.

2.3. Weighted grades may be used in the computation of a student's core and overall grade point average based on county board grading policies.

2.4. A student who applied for and was deemed eligible for a PROMISE award must enroll for the first regularly scheduled enrollment period after being selected unless granted a deferment under the leave of absence provisions of Section 10.7 or 10.8.

2.5. A student who was deemed eligible for a PROMISE award but elects not to enroll at an eligible institution set forth in Section 8 of this rule may regain eligibility providing the student discontinues enrollment at the ineligible institution no later than one academic year after high school graduation and re-enrolls at an eligible institution. Any such student must meet the eligibility standards for a PROMISE award renewal set out in Section 10 of this rule.

§133-7-3. Eligibility for the Home-Schooled.

3.1. A person who has been home-schooled pursuant to the exemption allowed by W.Va. Code § 18-8-1 for both the 11th and 12th grades as documented by registration with the county school board system is eligible for a PROMISE award, but only if he or she has passed ~~the General Educational Development (GED)~~ a state approved high school equivalency examination with a minimum score of 2500 ~~or a score as determined by the Policy Commission.~~

3.2. A home-schooled student must apply for a PROMISE award within two years of the earlier of ~~attaining~~ passing a GED state approved high school equivalent examination or the date the student's high school class would normally have graduated and meet all other criteria established by the ~~Policy~~ Commission, including required scores on national standardized tests.

3.3. The parents or legal guardian and the applicant must meet the residency requirements set out in Section 2.1.6f. of this rule.

§133-7-4. Eligibility for Graduates of Alternative Educational Programs.

4.1. A person who successfully completed an alternative educational program, such as the Mountaineer Challenge Academy, approved by the Director of State Financial Aid Programs, is eligible for a PROMISE award, but only if he or she has passed ~~the GED~~ a state approved high school equivalency examination with a minimum score determined by the ~~Policy~~ Commission.

4.2. A graduate of such programs must apply for a PROMISE award within two years of the earlier of ~~attaining~~ passing a GED state approved high school equivalent examination or the date the student's

high school class would normally have graduated and meet all other criteria at the time of application established by the ~~Policy~~ Commission, including required scores on national standardized tests.

4.3. The parents or legal guardian and the applicant must meet the residency requirements set out in Section 2.1.6f. of this rule.

4.4. A student ~~with passing a GED~~ state approved high school equivalent examination under other exceptional circumstances may appeal for scholarship consideration under the provisions of Section 14 of this rule.

§133-7-5. Eligibility of Members of Armed Services.

5.1. A person who entered full-time, active duty with the United States armed services within two years of his or her high school graduation and is discharged with a status other than dishonorable is eligible to apply or claim a PROMISE award within seven years of the time he or she has initially entered military service. However, this eligibility ends one year after discharge from such military service.

5.2. The applicant must meet all other criteria established by the ~~Policy~~ Commission for eligible high school graduates at the time of the application, including high school grade point average and required scores on national standardized tests.

5.3. The applicant must meet the residency requirements set out in Section 2.1.6f. of this rule, or have entered military service from this state, and not have established domicile in another state, at any time during that military service.

5.4. A student attending a United States military academy is only eligible for a PROMISE award if he or she leaves the military academy and meets the requirements of Section 2.5 of this rule.

§133-7-6. Eligibility of Military Dependents.

6.1. The credit hour requirements in Section 2.1.2b. and the residency requirements of Section 2.1.6f. of this rule shall be waived if:

6.1.4a. The applicant both resided in a state other than West Virginia and attended high school in another state or in a United States territory, United States possession or foreign country; and

6.1.2b. Resided with his or her parent or legal guardian; and

6.1.3c. The applicant's parent or legal guardian served in the United States armed forces while the student attended high school in such state, territory, possession or country; and

6.1.4d. The parent or legal guardian was stationed for military purposes in such state, territory, possession or country; and

6.1.5e. The parent or legal guardian maintained legal residence in West Virginia while stationed in such state, territory, possession or country.

§133-7-7. Eligibility of Commuting Students.

7.1. The credit hour requirements in Section 2.1.2b. of this rule shall be waived if:

7.1.4a. The applicant resided in West Virginia while attending high school in another state; and

7.1.2b. Resided with his or her parent or legal guardian; and

7.1.3c. The parent or legal guardian and the applicant must have met the residency requirements set out in Section 2.1.6f. of this rule; and

7.1.4d. The student commuted from this state on a daily basis; and

7.1.5e. The student was a dependent of the parent or legal guardian with whom the student resided; and

7.1.5e.1. A dependent student is one who is required to provide parental information on the Free Application for Federal Student Aid because the student does not meet the criteria to be classified an independent student contained in the Higher Education Act of 1965 as amended and implementing regulations.

7.1.6f. The student has not established domicile in another state; and

7.1.7g. The school to which the student commuted was fully accredited to a degree acceptable to West Virginia's State Superintendent of Schools; and

7.1.8h. The school's curriculum requirements for graduation are equivalent, or sufficiently similar to, those required for high school graduation in this state.

§133-7-8. Eligible Institutions.

8.1. Only those institutions specified in W. Va. Code §18C-7-3, or any other regionally accredited, not-for-profit institution in this state approved by the Policy Commission, are eligible to participate in the PROMISE Scholarship Program.

§133-7-9. Awards.

9.1. ~~The PROMISE award for a student enrolled in a state institution of higher education, and who was awarded and used a PROMISE Scholarship prior to January 1, 2010, shall be equal to the actual tuition and mandatory fee charges for resident students at the institution.~~

9.2. ~~"Tuition and mandatory fees" means the quarter, semester or term charges imposed by a state institution of higher education upon all students as a required condition of enrollment.~~

9.2.1a. For purposes of this rule, West Virginia University's undergraduate health sciences students shall be treated as paying the same amount of tuition and mandatory fees as all other West Virginia University undergraduate students.

9.2.2b. West Virginia University, Potomac State College of West Virginia University and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates.

9.3. ~~Students enrolled in other eligible institutions, and who were awarded and used a PROMISE Scholarship prior to January 1, 2010, shall receive an award based upon the average resident undergraduate tuition and mandatory fees at comparable state institutions of higher education for the~~

~~previous year as determined by the Policy Commission.~~

9.42. Students awarded ~~and using~~ a PROMISE Scholarship ~~after January 1, 2010~~, shall receive an award equal to the lesser of \$4,750 or the actual tuition and mandatory fee charges for resident students at the institution.

9.53. Awards may be made for summer school. To be eligible for a summer award, a student must be academically eligible for scholarship continuation at the end of the spring semester preceding the summer that assistance is requested. Any summer award under this provision is dependent upon the availability of funds as determined by the ~~Policy~~ Commission.

9.53.1a. Priority for summer awards will be based on class rank with the highest priority given to students closest to graduation.

9.53.2b. Students, other than those graduating at the end of the summer term of enrollment, must be enrolled for at least 12 credit hours. Students graduating at the end of the summer term of enrollment are only required to enroll for a minimum of 6 credit hours.

9.53.3c. A summer award counts as a semester of utilization toward the maximum number of available semesters.

9.64. Only full-time, first-year students may receive initial awards. Students already enrolled at a higher education institution are not eligible to apply for a PROMISE award except as outlined in Section 2.1.7g.1.

9.75. If the ~~Policy~~ Commission determines that adequate funds are available it may make PROMISE awards greater than \$4,750, but not in excess of actual resident tuition and mandatory fees.

§133-7-10. Eligibility for Renewal of Awards.

10.1. For a student to retain or have the PROMISE award renewed each year the student must be continuously enrolled as a full-time undergraduate student; except during the last two semesters of scholarship eligibility the student may be less than full-time; and

10.2. Maintain at least a 2.75 grade point average on a 4.0 scale the first year and a 3.0 cumulative grade point average in subsequent years; and

10.3. Complete and earn a minimum of 30 credit hours in each 12 month period for a student who receives a two-semester award in an academic year. If a student receives a single-semester award, the student must complete and earn a minimum of 15 credit hours in the academic year.

10.3.1a. College-Level Examination Program (CLEP) credits may be used to meet the minimum credit hours requirement.

10.3.2b. Credit for a course taken again during the same award year, including the summer, to improve a grade, or for any other purpose, may only be counted once in meeting the credit hour requirement.

10.3.c. The 12 month period for calculating renewal begins with the fall semester and ends with the summer semester.

10.4. A student seeking an associate degree is eligible to receive a PROMISE award for no more than a total of four semesters of a two-year degree program.

10.4.1a. The student must ~~maintain the 3.0 cumulative grade point average~~ meet the renewal requirements to receive a PROMISE award for a baccalaureate program.

10.5. A student seeking a baccalaureate degree is eligible to receive a PROMISE award for no more than eight semesters of a four-year degree program.

10.6. If a student enrolls in summer school to attain the minimum ~~30~~ credit hours required by Section 10.3 or achieve the grade point average required by Section 10.2, he or she shall not receive a PROMISE award for that summer school enrollment. The summer school enrollment must be completed before the commencement of the regular semester of the PROMISE eligible institution the student is attending. Summer school credits may be obtained from an out-of-state institution with approval of the home institution.

10.6.1a. All college credit hours and corresponding grades ~~beginning with the first semester of regular (fall or spring) semester enrollment after high school graduation~~ must be counted in determining PROMISE Scholarship eligibility regardless of whether or not the college accepts these credits. Any college credit hours earned prior to the first semester of fall or spring enrollment ~~after high school graduation~~ may not be counted toward the credit hour requirement in determining eligibility for award renewal.

10.7. PROMISE Scholarship students are expected to maintain continuous enrollment in addition to the other renewal requirements set forth in this section. However, this requirement may be waived by an institution of higher education for a medical or family bereavement absence consistent with program policies. The institution may also grant a leave of absence for students entering or being called to military active duty, or enrolling in a study abroad program, internship, or co-op program.

10.8. Other requests for leaves of absence must be submitted in writing by the student to the Director of State Financial Aid Programs. Student leave of absence requests submitted to the director may include, but are not limited to, programs directly related to the student's educational program, study abroad, extreme financial hardships of the student or the student's immediate family, service or volunteerism or other extraordinary circumstances beyond the student's control when continued attendance would create a substantial hardship for the student.

10.9. A student granted a leave of absence under the provisions of Section 10.7 or 10.8 who resumes his or her education at an eligible institution, assuming he or she meets all other eligibility requirements at the time the leave of absence was granted, shall retain eligibility for a PROMISE Scholarship until the first of the following events:

10.9.1a. The student received four semesters of PROMISE Scholarship assistance while enrolled in an associate degree program or graduated from the associate degree program; or

10.9.2b. The student received eight semesters of PROMISE Scholarship assistance while enrolled in an associate and/or baccalaureate program or graduated from the baccalaureate degree program; or

10.9.3c. The sum of the number of academic years from the date of the student's selection as a PROMISE Scholarship recipient equals six years except for the military service provisions of Section 5.

§133-7-11. Duty of PROMISE Recipient Graduates.

11.1. By accepting a PROMISE award, the recipient agrees to provide the information the ~~Policy~~ Commission may request regarding the recipient's address after graduation, employment after graduation, whether and where the recipient is enrolled in post-graduate programs, and such other relevant information as the ~~Policy~~ Commission may deem necessary to assess the effectiveness of the PROMISE Scholarship Program.

§133-7-12. Community Service for Applicants.

12.1. Applicants for PROMISE awards are strongly urged to perform at least 20 hours of unpaid community service while in high school and college. The community service may include, but is not limited to, participation with non-profit, governmental, institutional or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents, or foster civic responsibility.

§133-7-13. Coordination with Other Financial Aid.

13.1. PROMISE Scholarship awards shall be coordinated with other financial aid/grant programs in the following manner:

13.1.1~~a~~. PROMISE awards must be utilized in a manner that maximizes federal scholarship/grant funding (e.g. Pell Grant) and should not be administered in a manner that would result in the loss of federal grant/scholarship funds to a student or to the State of West Virginia.

13.1.2~~b~~. PROMISE Scholarship awards must be used for tuition and fees.

13.1.3~~c~~. Institutions are strongly encouraged to allow maximum flexibility in the use of institution based financial aid awards so that they can be used in conjunction with the PROMISE award.

13.2. The amount of a PROMISE award in combination with aid from all other sources shall not exceed the cost of the attendance at the institution the recipient is attending. This restriction does not apply to members of the West Virginia National Guard, ~~recipients of an Underwood-Smith Teacher Scholarship, and recipients of a West Virginia Engineering, Science and Technology Scholarship.~~

13.3. For those students eligible for federal grant assistance, such as Federal Pell Grants, the federal assistance should be considered the first source of all scholarship/grant funding to the extent permissible under federal law. For students awarded both a PROMISE Scholarship and a need-based grant through the West Virginia Higher Education Grant Program, the PROMISE Scholarship awards shall be considered the first source for these two scholarship/grant programs. West Virginia Higher Education Grants may be combined with PROMISE awards as provided for annually by program policies.

13.4. Should the PROMISE Scholarship award plus the amount of other financial awards exceed the cost of attendance, the institution's financial aid administrator, in consultation with the recipient, will determine what aid is to be reduced. This adjustment should be to the best advantage of the recipient.

13.5. If a PROMISE recipient terminates enrollment for any reason during the academic year, the unused portion of the scholarship shall be returned to the Commission by the institution in accordance with the Commission's rule for issuing refunds pursuant to the provisions of West Virginia Code §18C-5-1 et seq. If the recipient also received federal financial aid, the institution must abide by the refund policy associated with Title IV funds. The institution is responsible for returning the unused portion of the

scholarship even if the student does not request a refund from the institution.

§133-7-14. Appeals.

14.1. An applicant for an initial PROMISE Scholarship award may appeal the denial of eligibility for the award with the Director of State Financial Aid Programs.

14.2. Any appeal must be filed within fifteen (15) days of the applicant receiving notice that he or she is not eligible for an initial award. The appeal must detail in writing, and with specificity, including the grounds supporting the appeal and a finding of eligibility. The director may require additional evidence or materials from the applicant or other parties.

14.3. If the appeal is denied by the director, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial.

14.4. An applicant may appeal the director's decision to a review committee appointed by the ~~Policy~~ Commission.

14.5. Any appeal to the review committee must be filed within fifteen (15) days of notification to the applicant that his or her initial appeal was denied. The appeal must be in writing and detail, with specificity, the grounds supporting the appeal. The review committee may require additional evidence or materials be submitted. If the review committee denies the appeal, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial. The decision of the review committee is final.

14.6. A student granted an initial PROMISE Scholarship may appeal a non-renewal of the award with the person designated at the institution of higher education where the student is enrolled. The appeal process at the institution shall be governed by an established procedure designated by the institution.

14.7. If the appeal of the non-renewal is denied by the institution, the student may appeal that decision to the Director of State Financial Aid Programs. The appeal must be filed within fifteen (15) days of notification to the student of denial of the institutional appeal and shall be heard in the same manner as appeals of denials of initial awards.

14.8. If a student with a PROMISE Scholarship is not eligible for renewal of the award because of failure to maintain academic progress, he or she may not utilize the procedure set out herein to challenge any grade assigned them. Challenges to grades must be brought under established institutional procedures for grade appeals. The process set out above may only be utilized to challenge the application of the eligibility requirements to the grade or grades assigned. If a student is successful on a grade or other appeal and the changing of the grade makes him or her eligible once again for renewal, he or she may petition the ~~Policy~~ Commission for a renewal of the award retroactively.

§133-7-15. Reports.

15.1. The ~~Policy~~ Commission shall report findings about recipients of the scholarships each year to the Legislative Oversight Commission on Education Accountability. Such reports will include the following:

15.1.4a. Information on the recipients' demographics including race, income and other variables gathered by the ~~Policy~~ Commission.

15.1.2b. Information on students who graduate from college in West Virginia having utilized the PROMISE Scholarship as indicated in Section 11.1 of this rule.

§133-7-16. Accounting, Reporting, and Auditing Requirements.

16.1. Before the end of each fiscal year, each institution's financial aid office must reconcile its PROMISE Scholarship records with:

16.1.a. The Commission's records of PROMISE Scholarship awards and disbursements; and

16.1.b. The institution's business office records of PROMISE Scholarship disbursements.

16.2. All participating institutions may be subject to financial aid audits.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Revisions to Series 42, Legislative Rule, West Virginia Higher Education Grant Program

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 42, Legislative Rule, West Virginia Higher Education Grant Program, to be filed with the Secretary of State for the 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.

STAFF MEMBER: Brian Weingart

BACKGROUND:

Based upon recommendations from the Higher Education Student Financial Aid Advisory Board, staff recommends the following revisions to Series 42, Legislative Rule, West Virginia Higher Education Grant Program.

Section 6.1 is revised to clarify proof of legal residency for dependent students, and to allow students to appeal in unusual circumstances.

West Virginia replaced the GED test with the TASC as the state's high school equivalency test. All references to GED have been replaced with general terminology of high school equivalency in case of any future changes to the test.

Revisions to the new Section 6.3 provide flexibility in the rule regarding the number of credit hours needed to renew the grant so that if funding is available, a bonus can be given to students who complete a higher number of credit hours.

Section 6.4.d. relates to verification by the U.S. Department of Education. Verification is when an applicant's Free Application for Federal Student Aid (FAFSA) is selected for review by the institution to make sure the information on the FAFSA is correct. Because

eligibility for the Higher Education Grant is based upon the FAFSA, it is important that a FAFSA selected for verification is verified as correct before state grant funds are disbursed.

It is recommended that the appeal process for the Higher Education Grant Program match the appeal process for the PROMISE Scholarship. This will streamline communications to students to only have one appeal process to explain no matter which award they receive.

Staff further recommends approval of the proposed revisions to Series 42, Legislative Rule, West Virginia Higher Education Grant Program, for submission to the Secretary of State for a thirty-day public comment period. If no substantive comments are received at the conclusion of the comment period, staff will file the rule with the Legislative Oversight Commission on Education Accountability and with the Secretary of State for final filing.

**TITLE 133
LEGISLATIVE RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 42
WEST VIRGINIA HIGHER EDUCATION GRANT PROGRAM**

§133-42-1. General.

1.1. Scope: This rule establishes guidelines and procedures that will direct the operation of the West Virginia higher education grant program, hereinafter referred to as the higher education grant program or grant program.

1.2. Authority: West Virginia Code §18B-1-6, §18C-5-1.

1.3. Filing Date: ~~April 14, 2009~~

1.4. Effective Date: ~~May 14, 2009~~

1.5. Repeals and replaces previous Series 42 dated ~~April 2, 2007~~ May 14, 2009.

§133-42-2. Purpose and Effect.

2.1. The intent of the legislation creating the higher education grant program is to establish a broad-scale state grant program designed to guarantee that the most able and needy students from all sectors of the state are given the opportunity to continue their programs of self-improvement in approved institutions of higher education.

2.2. The provisions of this rule that are inconsistent with or different from current administrative procedures and practices will take effect for higher education grant awards ~~for the 2009-2010 academic year~~ upon the effective date of this rule.

§133-42-3. Definitions.

3.1. Academic Year. A period of time in which a full-time student is expected to complete the equivalent of at least two semesters or other approved academic term.

3.2. Commission. West Virginia Higher Education Policy Commission.

3.3. Cost of Attendance. The estimated total amount it will cost a student to attend college during an academic year, including tuition and fees; housing and food for the period of enrollment; books and supplies for education; travel costs directly related to attendance; child care expenses; costs related to a disability; and other costs determined by the educational institution to be educationally related.

3.4. Council. West Virginia Council for Community and Technical College Education.

3.5. Dependent Student. A student who is required to provide parental information on the free application for federal student aid because the student does not meet the criteria to be classified an independent student contained in the Higher Education Act of 1965 as amended and implementing regulations.

3.6. Expected Family Contribution (EFC). The amount that a family is expected to contribute toward a student's education costs under the federal need analysis. For an independent student, EFC is the same as student contribution. For a dependent student, EFC is the same as the total of student and parent contributions.

3.7. Financial Aid Package. The total amount of financial aid a student receives during an academic year.

3.8. Financial Need. The demonstrated need of an applicant for financial assistance to meet the actual costs of attending the eligible institution of choice. It is the calculated difference between a student's cost of attendance and his or her EFC.

3.9. Fiscal Year. A state fiscal year begins on July 1 and ends on June 30.

3.10. Free Application for Federal Student Aid (FAFSA). An application that students must complete in order to apply for most forms of financial aid, including the West Virginia higher education grant. The filing of a FAFSA by an individual who indicates West Virginia as his or her state of legal residence will be treated as an application for the West Virginia higher education grant.

3.11. Full-time Student. A student enrolled in a minimum of twelve undergraduate credit hours per semester or other comparable period at an institution with a non-traditional calendar.

3.12. Grant. Financial aid awarded to students that does not have to be paid back. For purposes of this rule, scholarships are included within the definition.

3.13. Higher Education Grant Program/Grant Program. Financial aid program described in ~~W. Va.~~ West Virginia Code § 18C-5-1 et al. that provides grants to needy West Virginia residents.

3.14. Independent Student. A student who is not required to provide parental information on the free application for federal student aid because the student meets the criteria to be classified an independent student contained in the Higher Education Act of 1965 as amended and implementing regulations.

3.15. Participating Institution. An institution that is eligible to participate in the West Virginia higher education grant program and for which a participation agreement is in place.

3.16. Participation Agreement. A document signed by the appropriate institution and Commission officials that specifies the rights and responsibilities of the institution and the Commission as they relate to participation in specific financial aid programs covered by that agreement.

3.17. Title IV. The section of the Higher Education Act of 1965, as amended, that pertains to federal student financial aid programs.

3.18. Undergraduate Student. A student who has not yet received a bachelor's degree and who is deemed an undergraduate student by the institution.

3.18.4.a. A student who is enrolled in a program that results in the awarding of a bachelor's and master's degree simultaneously and continues to meet the eligibility guidelines for the federal Pell grant program shall be considered an undergraduate student if he or she is in his or her first four years of full-time post-secondary education and has not previously received a bachelor's degree.

3.18.2.b. A student who is enrolled in a doctor of pharmacy program shall be considered an undergraduate student if he or she has not previously received a bachelor's degree and is deemed an undergraduate student by the institution.

3.19. Unmet Financial Need. When the combination of a student's financial aid package and expected family contribution do not cover the cost of attendance.

3.20. Vice Chancellor for Administration. Commission employee statutorily charged with overseeing the West Virginia higher education grant program or his or her designee. Formerly known as the Senior Administrator.

§133-42-4. Administration.

4.1. The Vice Chancellor for Administration shall administer the higher education grant program under the general direction of the Chancellor for Higher Education and the Commission and in consultation with the Chancellor for Community and Technical College Education and the Council.

4.2. The Higher Education Student Financial Aid Advisory Board shall provide financial aid expertise and policy guidance to the Vice Chancellor for Administration.

4.3. The Vice Chancellor for Administration may use no more than three (3) percent of the amount appropriated each year for the higher education grant program for financial aid administration, award processing, and information dissemination.

§133-42-5. Institution Eligibility.

5.1. Students who attend the following types of institutions are eligible to receive a higher education grant:

5.1.4.a. Any public higher education institution identified in West Virginia Code §18B-1-2 and §18C-5-2; and

5.1.2.b. The following not-for-profit private higher education institutions in West Virginia: Alderson-Broadus College University, Appalachian Bible College, Bethany College, ~~Mountain State University~~, Davis & Elkins College, Ohio Valley University, the University of Charleston, West Virginia Wesleyan College and Wheeling Jesuit University; and

5.1.3.c. Any other regionally or nationally accredited degree-granting institution of higher education in West Virginia, public or private, approved by the Vice Chancellor for Administration that has been licensed by the Commission or Council for a minimum of fifteen (15) years; under the provisions of West Virginia Code §§18B-2B-6 and 18B-2B-9; and

5.1.3.c.1. Salem International University shall be considered as an accredited institution that has been licensed by the Commission or Council for a minimum of fifteen (15) years.

5.1.4.d. Any non-West Virginia institution of higher education that is included within a reciprocal agreement with another state's grant program agency.

5.2. An institution otherwise eligible to participate in the higher education grant program under ~~§~~Section 5.1 of this rule shall be excluded from participating by the Vice Chancellor for Administration if:

5.2.1.a. The institution does not have a signed participation agreement in place; or

5.2.2.b. The institution has been deemed ineligible to participate in federal student financial aid programs by the United States Department of Education; or

5.2.3.c. The Commission determines, 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.

5.2.3.c.1. Any institution deemed ineligible to participate in the higher education grant program may appeal the decision in writing within fifteen (15) days of receiving notification to the Vice Chancellor for Administration. The Vice Chancellor for Administration, whose decision is final, shall issue a written decision upholding or reversing the initial decision within twenty (20) days of receipt of the appeal.

§133-42-6. Student Eligibility.

6.1. To be eligible for a higher education grant award, an applicant must:

6.1.1.a. Be a citizen of the United States; and

6.1.2.b. Have been a resident of West Virginia for one year immediately preceding the date of application for a grant or renewal of a grant; and

6.1.b.1. For dependent students, the legal residence of the parent(s) on the FAFSA shall be prima facie evidence of the student's legal residence.

6.1.b.2. Students may provide documentation that is approved by the Higher Education Student Financial Aid Advisory Board to determine a student's eligibility as a resident of West Virginia.

6.1.3.c. Have earned a high school diploma or ~~general educational development (GED) diploma~~ passed a state approved high school equivalency exam; and

6.1.4.d. Plan to enroll at a participating Title IV-eligible institution as a full-time undergraduate student in a degree or certificate-producing program; and

6.1.5.e. Demonstrate academic promise (for new awards) or achievement (for renewal awards); and

6.1.6.f. Demonstrate financial need.

~~6.2. Until June 30, 2010, an applicant who attended a public or private high school outside the state is eligible for a grant, even if he or she does not meet the requirement contained in section 6.1.2, if the applicant meets all other eligibility requirements for the grant and:~~

~~6.2.1. Resided in West Virginia while attending high school in another state; and~~

~~6.2.2. Resided with his or her parent or legal guardian who was a resident of West Virginia for at least two years immediately preceding the student's attendance at the school; and~~

~~6.2.3. Commuted during the school term on a daily basis from this state to the school; and~~

~~6.2.4. Is a dependent of the parent or legal guardian upon which eligibility is based and has not established domicile outside the state; and~~

~~6.2.5. The school is fully accredited in that state to the degree acceptable to the State Superintendent of Schools and the school's curriculum requirements for graduation are equivalent to the curriculum requirements for graduation in this state, or sufficiently similar to those requirements, as determined by the State Superintendent of Schools.~~

~~6.3. Until June 30, 2010, an applicant who resided and attended high school in another state or a United States territory, United States possession or foreign country is eligible for a grant, even if he or she does not meet the requirement contained in section 6.1.2, if the applicant meets all other eligibility requirements for the grant and:~~

~~6.3.1. The applicant resided with his or her parent or legal guardian who served in the United States armed forces while the applicant attended high school in such state, territory, possession or country; and~~

~~6.3.2. The parent or legal guardian was stationed for military purposes in such state, territory, possession or country; and~~

~~6.3.3. The parent or legal guardian maintained legal residence in West Virginia while the applicant attended high school in such state, territory, possession or country.~~

6.4.2. A new higher education grant applicant may satisfy the academic promise requirement in one of the following ways:

~~6.3.4. 6.2.a.~~ An applicant who has earned college credit after high school graduation or since passing the ~~general educational development (GED) test~~ high school equivalency exam demonstrates academic promise if he or she has earned a cumulative college grade point average (GPA) of 2.0 or higher on a 4.0 scale as determined by the participating institution. The applicant must meet the institution's satisfactory academic progress standards.

~~6.3.5. 6.2.b.~~ An applicant who graduated from high school or ~~received a GED diploma~~ passed the high school equivalency exam more than five years before enrollment or who has completed active military service and has not earned college credits after high school graduation or ~~receipt of the GED diploma~~ the high school equivalent before the date of enrollment demonstrates academic promise if he or she meets the admission requirements of the participating institution.

~~6.3.6. 6.2.c.~~ An applicant who has earned ~~a GED diploma~~ the high school equivalent within the last five years prior to enrollment and has not earned college credits after ~~receipt of the GED diploma~~ passing the high school equivalent exam demonstrates academic promise if his or her score ~~on the GED test was at least 2250~~ meets the minimum score approved by the Higher Education Student Financial Aid Advisory Board.

~~6.3.7. 6.2.d.~~ An applicant who does not fall within the categories described in sections ~~6.4.1, 6.4.2, or 6.4.3~~ 6.2.a., 6.2.b., or 6.2.c., demonstrates academic promise if he or she meets the admission requirements for a degree or certificate program of the participating institution and has a cumulative high school GPA of 2.0 or higher.

~~6.5.~~ 6.3. A renewal higher education grant applicant satisfies the academic achievement requirement if the student has maintained a minimum overall grade point average of 2.0, is meeting institution's academic progress requirement, and

~~6.5.1.~~ 6.3.a. If the student received a two-semester award, the student must have earned ~~twenty-four or more hours of academic credit in advance of a future award (excluding summer school for immediate prior year recipients)~~ at least the minimum number of credit hours within the academic year as defined by the Higher Education Student Financial Aid Advisory Board for renewal; or

~~6.5.2.~~ 6.3.b. If the student received a single-semester award, the student must have earned ~~twelve or more hours of academic credit in advance of a future award (excluding summer school for immediate prior year recipients)~~ at least the minimum number of credit hours within the academic year as defined by the Higher Education Student Financial Aid Advisory Board.

Institutions shall be responsible for determining whether renewal students have satisfied academic achievement requirements.

~~6.6.~~ 6.4. An applicant demonstrates financial need if:

~~6.6.1.~~ 6.4.a. He or she has a completed FAFSA on file with the United States Department of Education by a date to be determined by the Vice Chancellor for Administration in consultation with the Commission and Council; and

~~6.6.2.~~ 6.4.b. His or her cost of attendance is greater than the total of his or her EFC, as calculated from the FAFSA, and other financial aid; and

~~6.6.3.~~ 6.4.c. His or her expected family contribution does not exceed an amount set by the Commission and Council; and

6.4.d. He or she has completed verification if selected by the Central Processing System (CPS) or the institution.

~~6.7.~~ 6.5. A student is not eligible to receive a higher education grant award if he or she:

~~6.7.1.~~ 6.5.a. Previously has earned a bachelor's degree; or

~~6.7.2.~~ 6.5.b. Previously has received eight semesters of higher education grant awards; or

~~6.7.3.~~ 6.5.c. Is not deemed to be an undergraduate student by the institution; or

~~6.7.4.~~ 6.5.d. Owes the institution or the Commission for a higher education grant or other state financial aid overpayment unless the student has a written reimbursement plan in place.

~~6.8.~~ 6.6. Higher education grant awards shall be made without regard to the applicant's race, color, gender, religion, national origin, veteran's status, age or disability.

§133-42-7. Awards.

7.1. Maximum Award.

~~7.1.1.~~ 7.1.a. No higher education grant award may exceed the amount of tuition and required fees at the institution.

~~7.1.1.1.~~ 7.1.a.1. For purposes of this rule, West Virginia University's undergraduate health sciences students shall be treated as paying the same amount of tuition and required fees as all other West Virginia University undergraduate students.

~~7.1.2.~~ 7.1.b. For a student attending an institution identified in section 5.1.4 of this rule, no higher education grant award may exceed the maximum grant award provided for in the reciprocity agreement.

7.2. Award Cycles.

~~7.2.1.~~ 7.2.a. The initial award cycle will occur preferably in April preceding the beginning of each academic year.

~~7.2.2.~~ 7.2.b. Additional award cycles may be made throughout the year as funds become available.

~~7.2.3.~~ 7.3.c. Any award cycle made after November 1 will be for second semester awards only.

7.3. Award Selection.

~~7.3.1.~~ 7.3.a. The Commission and the Council shall establish criteria to be used in award selection each year based on the amount of funding expected to be available to use for awards. In determining to whom to award and the size of awards, the Commission, Council and Vice Chancellor for Administration may consider applicants' relative levels of financial need, application filing dates, relative differences in tuition rates across institutions, and/or state policy priorities.

7.4. Award Use.

~~7.4.1.~~ 7.4.a. A student may use a higher education grant award to cover any part of his or her cost of attendance at an eligible higher education institution.

§133-42-8. Coordination of Higher Education Grant Program and Other Aid Programs.

8.1. All students seeking assistance through the higher education grant program must apply for assistance through the federal Pell grant program.

8.2. In no instance may a combination of the higher education grant and any other grants, including tuition and fee waivers, exceed demonstrated financial need as determined by the institution.

8.3. Funding Priorities.

~~8.3.1.~~ 8.3.a. To the extent permissible under federal law, grant resources available through federal student financial aid programs shall be utilized before a higher education grant award.

~~8.3.2.~~ 8.3.b. Grant resources available through other state student financial aid programs shall be utilized before a higher education grant award.

8.4. Students may not receive funding from both the higher education grant program and any component of the higher education adult part-time student (HEAPS) grant program during the same payment period.

§133-42-9. Post-Award Changes.

9.1. If a higher education grant recipient transfers from one participating institution to another participating institution, the grant is transferable with the approval of the Vice Chancellor for Administration or his or her designee.

9.2. If a higher education grant recipient's EFC increases after an award has been made, the award shall be withdrawn if the new EFC exceeds the maximum EFC set by the Commission and Council in any given year.

9.3. If a higher education grant recipient terminates enrollment during the fall semester, the scheduled spring award will be reserved for the student by the grant program staff unless notified otherwise by the institution.

9.4. If a higher education grant recipient terminates enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the Commission by the institution in accordance with the Commission's rule for issuing refunds pursuant to the provisions of W.Va. Code § 18C-5-1 et seq. If the recipient also received federal financial aid, the institution must abide by the refund policy associated with Title IV funds. The institution is responsible for returning the unused portion of the grant even if the student does not request a refund from the institution.

§133-42-10. Payments.

10.1. Payment of higher education grant awards shall be made directly to the institution.

10.2. An institution may not receive a payment unless the institution has completed the previous year's reconciliation process and returned any prior-year balance payable to the Commission.

§133-42-11. Waivers.

11.1. A recipient may request a waiver of academic progression if the recipient withdrew from all courses during the semester as a result of:

~~11.1.1.~~ 11.1.a. Serious illness or major injury involving the student or an immediate family member; or

~~11.1.2.~~ 11.1.b. Death of an immediate family member; or

~~11.1.3.~~ 11.1.c. Other comparable extenuating circumstance.

11.2. All waiver requests must be submitted to the Director of State Financial Aid Programs for approval.

§133-42-12. Appeals.

12.1. An applicant or institution may appeal in writing the decline of an initial award or renewal award or any other decision within fifteen (15) days of receiving notification to the Director of State

Financial Aid Programs. The Director may consult with the appeals committee comprised of financial aid staff, and the Director shall issue a written decision upholding or reversing the initial decision within fifteen (15) days of receipt of the appeal.

12.2. The applicant may appeal the director's decision to a review committee appointed by the Commission.

12.3. ~~An applicant or institution may further appeal in writing the decision of the Director of State Financial Aid Programs within fifteen (15) days of receipt of notification of the decision to the Vice Chancellor for Administration~~ Any appeal to the review committee must be filed within fifteen (15) days of notification to the applicant that his or her initial appeal was denied. The review committee may require additional evidence or materials be submitted. The Vice Chancellor for Administration review committee shall issue a written decision upholding or reversing the Director's decision within twenty (20) days of receipt of the appeal. The decision of the review committee is final.

12.4. Any applicant appeal of a decision concerning satisfactory academic progress that relates to credit hour completion shall be referred to the institution for resolution consistent with institution procedures established for this purpose.

12.5. Any appeal made should set forth in detail the grounds for the appeal. The decision rendered at each level shall address in writing each ground raised.

§133-42-13. Accounting, Reporting, and Auditing Requirements.

13.1. Before the end of each fiscal year, each institution's financial aid office must reconcile its higher education grant records with:

~~13.1.1.~~ 13.1.a. The Commission's records of higher education grant awards and disbursements; and

~~13.1.2.~~ 13.1.b. The institution's business office records of state grant disbursements.

13.2. All participating institutions may be required to provide reports, which may include student level data, to the Commission from time to time, including the United States Department of Education's Fiscal Operations Report and Application to Participate (FISAP) and the West Virginia Higher Education Policy Commission's Annual Student Financial Aid Survey Report.

13.3. Participating institutions under sections 5.1.2, 5.1.3, and 5.1.4 of this rule shall provide the Vice Chancellor for Administration with an audited financial statement annually. These statements shall be treated as confidential trade secrets and shall not be subject to Freedom of Information Act requests.

13.4. All participating institutions may be subject to financial aid audits.

§133-42-14. Authority of Vice Chancellor for Administration to Enter into Reciprocal Agreements with Other States Concerning Grants.

14.1. The Vice Chancellor for Administration may enter into reciprocal agreements with state grant and grant program agencies in other states that provide financial assistance to their residents attending institutions of higher education located in West Virginia.

14.2. The Vice Chancellor for Administration may permit West Virginia residents to use the higher education grant under section 14.1 of this rule to attend institutions of higher education in such other states.

14.3. Residents of West Virginia requesting financial assistance to attend institutions of higher education located in any such states must meet all of the eligibility standards set forth in section 6 of this rule.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Series 11, Procedural Rule, Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved, That the West Virginia Higher Education Policy Commission approves Series 11, Procedural Rule, Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs for final filing with the Secretary of State.*

STAFF MEMBER: Corley Dennison

BACKGROUND:

At its meeting of June 24, 2016, the Commission approved revisions to Series 11. During the thirty-day comment period, two substantive comments were received, from the same individual.

Comment: The first comment refers to section 4.9 which reads as follows:

“Unless exempted by the Commission, duplication of academic program delivery at the same location by different institutions including Marshall University and West Virginia University is not permitted. Any exemption will require Commission approval based upon written justification and documentation of need submitted to the Commission.”

The concern expressed is that Marshall University and West Virginia University have no limitations on where to offer programs and that the regional institutions may be prevented from offering academic programs in their own location if in conflict with Marshall University or West Virginia University.

Response: The new language was added to clarify that West Virginia University and Marshall University are, in fact, subject to section 4.9 of Series 11. There is no change in current rules, rather the underlined section was added to protect the regional institutions from unnecessary program duplication. Section 4.9 was invoked during the recent relocation of West Virginia University Institute of

Technology to Beckley and the Commission only granted the move after extensive negotiations between the four-year institutions in southern West Virginia. Section 4.9 is left as currently revised.

Comment: The second comment concerns section 5.1 regarding Chancellor approval of the intent to plan. The commenter expresses reservation that there is no appeal process in the intent to plan procedures. The commenter writes: *“the decision to bring an academic program before the Commission rests solely with the Chancellor with no right or ability for a regional institution to defend its reasons for submitting an intent to plan....Section 5 of Series 11 could be deleted in its entirety with no adverse effect to the overall intent of the policy”*

Response: Relevant portions of section 5.1 include the following statements:

“Early consultation allows exploration of such fundamental concerns as needs analyses, consistency with institutional mission, resource requirements and other issues prior to engaging in extensive and detailed planning.”

“The Chancellor and staff will review the statement of intent to plan. Consultants may be used when necessary.”

“The authorization indicates the program is consistent with the mission of the institution.”

The Chancellor and staff engage in discussion and review of the proposed program during the intent to plan process. Consultants, both out-of-state and in-state, have been used on numerous occasions. The Chancellor may discuss a proposed academic program with the Executive Committee of the Commission.

The Chancellor does receive feedback from a number of sources prior to making a decision regarding intent to plan. Ultimately, the decision process considers the mission of the institution, the well-being of the regional system, and the impact on the individual institution. Therefore, it is recommended that Section 5 remain part of the rule.

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 11
SUBMISSION OF PROPOSALS FOR ACADEMIC PROGRAMS AT PUBLIC REGIONAL
INSTITUTIONS AND THE MONITORING AND DISCONTINUANCE OF EXISTING
PROGRAMS**

§133-11-1. General.

1.1. Scope. -- This rule delineates the responsibilities of the West Virginia Higher Education Policy Commission (Commission) in the approval and discontinuance of academic programs and establishes processes for institutions in seeking Commission approval of new academic programs.

1.2. Authority. -- ~~W. Va.~~ West Virginia Code §§18B-1-6 and 18B-1B-4.

1.3. Filing Date. -- ~~June 24, 2011~~

1.4. Effective Date. -- ~~July 24, 2011~~

1.5. Modification of Existing Rule. Title 133, Series 11, Procedural Rule of the West Virginia Higher Education Policy Commission dated July 24, 2011.

§133-11-2. Background.

2.1. The ~~West Virginia Higher Education Policy~~ Commission is charged by statute with general authority for academic program approval for West Virginia regional public colleges and universities. The Commission is further required to use institutional missions as a template in assessing the appropriateness of new programs and to avoid unnecessary duplication in program approvals.

To facilitate the discharge of these responsibilities, the following procedures and format shall be followed by each institution in submitting to the chancellor for consideration by the Commission proposals to establish academic programs.

§133-11-3. Definitions.

3.1. Area of emphasis: An area of emphasis is a specific subject area of study which has defined course offerings within an approved degree program and major. Normally, a minimum of twelve (12) and no more than eighteen (18) hours would be expected for an area of emphasis within a baccalaureate degree program and a minimum of six (6) and no more than twelve (12) credit hours would be expected for an area of emphasis within a graduate degree. Typically, a minimum of six (6) and no more than nine (9) credit hours would be expected for an area of emphasis within an associate degree program. Areas of emphasis completed would appear on the student's transcript.

3.2. Certificate Programs: A certificate program (as distinguished from the one-year Certificate Degree Program offered by the community and technical colleges) is a coherent, specialized curriculum designed for students in search of a specific body of knowledge for personal/career development or professional continuing education. The certificate program is not attached to a degree program, although credit hours earned in a certificate program may be applied to a degree if they are deemed appropriate by

the institution. The awarding of a certificate upon completion of the program is not contingent upon completion of a degree program. The certificate would appear on the student's transcript and an institution may issue an official certificate of completion.

Normally, a minimum of six (6) and no more than nine (9) credit hours would constitute a certificate program at the associate level, and a minimum of twelve (12) and no more than twenty-one (21) would constitute a certificate program at the baccalaureate or graduate level.

3.3. Collaborative Master's Degree Programs: Any proposal to establish a collaborative master's degree program should be submitted jointly by the partnering institutions in the collaborative.

3.4. Degree program: A degree program is an area of study approved as such by the institution and the Commission and listed on the official Commission inventory of degree programs, e.g. English, Social Work, Physical Education. The degree, which is an award signifying a rank or level of educational attainment and which is conferred on students who have successfully completed a degree program, is represented by the official degree designation, e.g. B.A. - Bachelor of Arts, B.S. - Bachelor of Science, A.S. - Associate of Science, etc. The degree program completed would be listed on the student's diploma.

3.5. Majors: A major is a field of study within an approved degree program, having its own curriculum. A degree program may have more than one major. An institution may elect to include the major(s) on the student's diploma.

3.6. Minors: A baccalaureate minor is earned in a specific subject area of study and must be composed of at least twelve (12) credit hours of course work. A student may not earn a baccalaureate minor in a subject area in which he/she is earning a baccalaureate major.

3.7. Regional institutions are defined as those public four-year institutions not affiliated with or under the administrative umbrella of West Virginia University or Marshall University. Currently those institutions include, Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University, West Liberty University, West Virginia State University, and the West Virginia School of Osteopathic Medicine.

§133-11-4. Submission Guidelines and Timelines.

4.1. Proposals for approval of new academic degree programs and new teaching specializations for regional institutions require Commission approval.

4.1.a. West Virginia University at Beckley and West Virginia University Institute of Technology, both campuses under the administrative umbrella of West Virginia University, are required by statute, to seek Commission approval for new degree programs until 2026.

4.2. Proposals to add new degree programs shall be submitted to the chancellor ~~at least six (6) months~~ a minimum of ninety (90) days prior to the intended date of implementation for baccalaureate or graduate/professional programs, ~~and at least sixty (60) days prior to the date the Commission considers program approval for certificate or associate level programs.~~

4.3. Proposals to add majors within a degree program require approval of the appropriate Board of Governors. Newly approved majors should be reported to the Academic Affairs Division in the Commission office.

4.4. Decisions to establish areas of emphasis, certificate programs, or baccalaureate minors may be made at the institutional Board of Governors level or may be delegated to the institutional president and do not require external approvals.

4.5. If the proposal is to add a new teaching specialization, such proposal shall be submitted to the chancellor ~~not less than three (3) months~~ a minimum of ninety (90) days prior to the date intended for implementation.

4.6. Filing of notices of intent to offer existing bachelor's or master's degree programs at new locations shall be submitted to the chancellor at least ~~three (3) months~~ ninety (90) days prior to the date of implementation. The chancellor shall render a decision prior to the intended date of implementation of any program change. Exceptions to the requirements on lead times may be approved by the chancellor.

4.7. Proposals to offer existing associate level degree programs at new locations must be submitted to the chancellor not less than ~~sixty (60)~~ forty-five (45) days prior to the date for intended implementation. The chancellor shall render a decision prior to the intended date of implementation of any program change. Exceptions to the requirements on lead times may be approved by the chancellor.

4.8. An institution planning to offer existing academic programs at sites outside West Virginia must have the approval of the appropriate out-of-state agency which regulates such offerings, as well as the approval of the Commission. Any program, once approved, may continue, as long as the institution has the continuing approval of the appropriate out-of-state agency.

4.9. Unless exempted by the Commission, duplication of academic program delivery at the same location by different institutions including Marshall University and West Virginia University is not permitted. Any exemption will require Commission approval based upon written justification and documentation of need submitted to the Commission.

4.10. The Commission reserves the right to modify any program action which affects the mission of the institution or otherwise has statewide impact.

§133-11-5. Intent to Plan.

5.1. Intent to Plan: An institution must express to the chancellor by a statement of intent to plan a new baccalaureate or graduate/professional degree program ~~at least six (6) months~~ ninety (90) days before submission of a full proposal (i.e., ~~one (1) year~~ six (6) months prior to the intended date of implementation). ~~For certificate and associate level programs, an institution is to submit a statement of intent to plan 120 days prior to the date when the Commission considers approval of the new program.~~ Early consultation allows exploration of such fundamental concerns as needs analyses, consistency with institutional mission, resource requirements, and other issues prior to engaging in extensive and detailed planning.

The chancellor and staff will review the statement of intent to plan. Consultants may be used when deemed necessary. Approval of requests to plan shall be made by the chancellor.

Authorization to plan a new academic program does not, however, in any way constitute a commitment on the part of the Commission to approve the program at such time as the planning is completed and the program approval request is submitted. The authorization indicates that the program is consistent with the mission of the institution. Planning authorization allows the institution to formulate a proposal for establishment of the new program.

5.2. A request to develop a plan should indicate the projected date of submission of the full proposal and the projected date of implementation. It should also include the following:

5.2.a. A statement describing the educational objectives, the relationship of the objectives to the mission of the institution, and any special features or conditions that make the institution a desirable or unique place to initiate such a program.

5.2.b. A brief description of the program.

5.2.c. A statement describing how the institution will assure high quality standards for the program and maintain a continuing assessment of quality.

5.2.d. A statement listing other institutions in West Virginia that offer similar programs.

5.2.e. A statement on what societal, occupational, research, or public service needs will be met, as well as anticipated student demand for the program.

5.2.f. A statement on what additional resources will be needed to offer the program.

5.2.g. A statement describing the instructional delivery methodologies to be employed to deliver the program, i.e. on-site or by technology-based delivery.

§133-11-6. Submission Requirements for New Program Proposals.

6.1. Once the institution has received notification that the Intent to Plan has been approved, an institution may develop the program proposal. The format of the proposal should follow the sequence of items as they appear on the following pages. Please respond to each item if only to indicate that it is not applicable. Information may be presented in narrative or in outline form or in a combination of the two. Supporting materials such as charts and tables may be included or attached.

The cover page should include the following:

Name of Institution

Date

Category of Action Required

Title of Degree or Certificate

Location

Effective Date of Proposed Action

Brief Summary Statement

6.2. Program Description

6.2.a. Program Objectives: State the program objectives so that they can be related to the criteria in the evaluation plans (See Section 7). A table should be included in the proposal that defines each program objective and where that objective is taught and assessed within the program.

6.2.b. Program Identification: Each proposal shall include appropriate program identification as provided in the Classification of Instructional Programs (CIP) developed and published by the U.S. Department of Education Center for Education Statistics.

6.2.c. Program Features: Summarize the important features of the program and include a full catalog description. This section should contain:

6.2.c.1. Admissions and Performance Standards: Describe admissions and performance standards and their relationship to the program objective.

6.2.c.2. Program Requirements: Describe course requirements (indicating new courses with asterisks), majors and specializations, credit-hour requirements, research-tool requirements, examination procedures and requirements for a research paper, thesis, or dissertation. Also include field work or similar requirements and any other information that helps to describe the program of study.

6.2.d. Program Outcomes: Indicate the expected results of the program and, if this is a proposal for an expanded or modified program, specify how the proposed change may achieve results different from those produced by the current program.

6.2.e. Program Content. The proposed educational programs shall be compatible with the institutional mission. The relationship shall be described in documents provided to the Commission.

6.2.e.1. The content and length of the proposed academic program shall follow practices common to institutions of higher education. The commonly accepted 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.

6.2.e.2. All proposed undergraduate degree programs 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.

6.2.e.3. 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.

6.3. Program Need and Justification

6.3.a. Relationship to Institutional Goals/Objectives: Relate this program to the institution's goals and objectives and the statewide master plan.

6.3.b. Existing Programs: List similar programs (and their locations) offered by other institutions (public or private) in West Virginia. State why additional programs or locations are desirable.

6.3.c. Program Planning and Development: Indicate the history to date of the development and submission of this program proposal. What resources (e.g., personnel, financial, equipment) have already been invested in this program? What planning activities have supported this proposal?

6.3.d. Clientele and Need: Describe the clientele to be served and state which of their specific needs will be met by the program. Indicate any special characteristics, such as age, vocation, or academic background. Indicate manpower needs, interest on the part of industry, research and other institutions, governmental agencies, or other indicators justifying the need for the program.

6.3.e. Employment Opportunities: Present a factual assessment of the employment opportunities that are likely to be available to program graduates. Include data and references supporting this assessment. Indicate the types and number of jobs for which such a curriculum is appropriate.

6.3.f. Program Impact: Describe the impact of this program on other programs that it will support or that will be supported by it.

6.3.g. Cooperative Arrangements: Describe any cooperative arrangements (including clinical affiliations, internship opportunities, personnel exchanges, and equipment sharing) that have been explored.

6.3.h. Alternatives to Program Development: Describe any alternatives to the development of this program that have been considered and why they were rejected.

6.4. Program Implementation and Projected Resource Requirements

6.4.a. Program Administration: Describe the administrative organization for the program and explain what changes, if any, will be required in the institutional administrative organization.

6.4.b. Program Projections: Indicate the planned enrollment growth and development of the new program during the first five (5) years (FORM 1). If the program will not be fully developed within five (5) years, indicate the planned size of the program in terms of degrees and majors or clients served over the years to reach full development of the program. Include a plan for sustainability of the program after the initial five (5) year start-up.

6.4.c. Faculty Instructional Requirements: Indicate the number, probable rank, experience, and cost of faculty required over the five (5) year period.

6.4.d. Library Resources and Instructional Materials: Evaluate the adequacy of existing library resources and instructional materials for the proposed program. Estimate the nature and probable cost of additional resources necessary to bring the proposed program to an accreditable level.

6.4.e. Support Service Requirements: Indicate the nature of any additional support services (e.g., laboratories, computer facilities, equipment, etc.) likely to be required by the proposed program. Include the expected costs, and describe how such expansions will be incorporated into the institutional budget. Describe any student support services that will be put into place to enhance student retention and successful program completion for this new program.

6.4.f. Facilities Requirements: Indicate whether the program will require the addition of new space or facilities or the remodeling or renovation of existing space. If so, provide a statement detailing such plans and space needs and their estimated funding requirements. Describe the impact of this new program on space utilization requirements.

6.4.g. Operating Resource Requirements: Using FORM 2, provide a summary of operating resource requirements by object of expenditure.

6.4.h. Source of Operating Resources: Indicate the source of operating resource requirements if the service levels are to reach those projected in FORM 1. Describe any institutional plans to reallocate resources to the program in each year of the five (5) year period. Describe the supplementary resource needs that are beyond the usual or expected institutional allocations that are derived through the regular budget request process.

6.5. Program Evaluation

6.5.a. Evaluation Procedures: Indicate the evaluation or review guidelines, procedures, schedule, and assessment measures that will be used for this program. Criteria and standards for program

evaluation will vary according to the level and purpose of the program. The evaluation should address the viability, adequacy, and necessity of the program in relation to the mission of the institution. Both qualitative and quantitative indicators are important. Among the measures may also be the value of the program to the State and its people, its roles in contributing to human development, and its social utility in contributing to the further development of West Virginia.

6.5.b. Accreditation Status: Indicate the accrediting agency for the proposed program, the schedule for initiating and receiving accreditation, and the costs of each stage of the process. Attach to the proposal the statement of standards used by the accrediting agency for such a program and how each accreditation standard will be addressed within the proposed program.

§133-11-7. Commission Review of New Program Proposals.

7.1. Review of New Program Proposals: The chancellor's staff will review the proposal and contact the institution if additional information or consultation is required. Consultants may be used to assist the staff when deemed necessary. At the submission of the intent to plan, ~~the~~ proposal will also be shared with the chief academic officers of all West Virginia regional public higher education institutions for information and comment, if any.

7.2. Following the review of submitted documentation, Commission staff will develop a recommendation for the Commission regarding the new program proposal. Only those programs which meet state standards of quality will be recommended for approval. The Commission will make the decision as to whether or not to approve the new program.

7.3. All proposals approved by the ~~Higher Education Policy~~ Commission shall be reviewed via a post-approval audit three (3) years after the initial approval was received. The structure of the audit will be determined by Commission staff and will include review of such issues as enrollment, retention, adequacy, necessity, viability and consistency with mission,

7.4. Once implemented, per ~~Higher Education Policy~~ Commission policy, Series 10, Policy Regarding Program Review, the new program must be reviewed at least every five (5) years at the institution(s) of higher education where implemented. In the review process, the following must be addressed: the viability, adequacy, necessity, and consistency with mission of the program to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district. Additionally, periodic studies of graduates and their employers to determine placement practices and the effectiveness of the education experience should be conducted.

7.5. Academic programs approved prior to the effective date of this policy will be reviewed for compliance to the program requirements found in Section 6.2.e. of this policy as a component of the program's first regularly scheduled post-approval audit or five-year program review, whichever is applicable.

§133-11-8. Termination of a Program.

8.1. An institution with the approval of its Board of Governors may discontinue a degree or certificate program. In seeking the Board of Governors approval the president should explain the reason for the proposed action (e.g. lack of enrollment, high cost) and indicate the institution's plan for assigning the positions and workload of faculty who are involved in the program and the impact on students who are already enrolled. The request to the Board of Governors should describe any plans that may have been made to transfer students, library holdings, equipment, etc. to another institution and indicate any financial savings that would accrue to the institution as a result of the termination. The institution shall also report to the chancellor any termination that is approved by the Board of Governors.

8.2. The ~~West Virginia Higher Education Policy~~ Commission through the program review process also has the authority to recommend that an academic program be terminated. Per Series 10, Policy Regarding Program Review, every institution is to review all academic programs at least every five (5) years that are offered by the institution. At the conclusion of the program reviews, which examine such things as the viability, adequacy, necessity and consistency of the program with the institutional mission, the Board of Governors will report to the Chancellor, by May 31, the results of the program reviews conducted each academic year. The ~~Higher Education Policy~~ Commission, through its staff or other appropriate entities, shall review annually the program review actions reported by each institution. The ~~Higher Education Policy~~ Commission has the responsibility for review of academic programs including the use of institutional missions as a template to assess the appropriateness of existing programs and the authority to implement needed changes. The Commission may modify any institutional action consistent with its authority for review of academic programs. Accredited programs that meet productivity guidelines will not be subject to further review by the Commission.

8.3. On a biennial basis, the Commission conducts a productivity review of academic programs that have been in operation for at least five (5) years. Unless exempted by the Commission, academic programs that fail to meet both productivity standards detailed in Series 10, Policy Regarding Program Review, shall be recommended for placement on probationary status by the institutional governing board for a four (4) year period. At the end of the probationary period, the Commission may recommend continuing approval status for programs meeting productivity standards and termination of programs that again fail to meet the standards. The recommendation of the Commission will be forwarded to the appropriate institutional governing board for final action.

§133-11-9. Guidelines for Cooperative Doctoral Programs.

9.1. Either of the ~~two~~ doctoral degree-granting research institutions may initiate a proposal for a cooperative doctoral program. The president of the initiating institution should send a proposal to the other president, with a copy to the chancellor.

9.2. Within 45 calendar days, the president of the receiving institution should send to the president of the initiating institution a response to the proposal, with a copy to the chancellor.

9.3. Following receipt of the response, the chancellor (or his/her designee) shall convene a meeting of the presidents or other representatives of the ~~two~~ graduate research degree-granting institutions to review the proposal and responses. The purpose of the meeting will be to determine whether the proposal is consistent with the approved mission statements of the institution and to resolve any concerns expressed in the response. In the event of disagreement, the chancellor will attempt to resolve the differences and make a determination about the proposal, subject to the institutions' right to appeal to the Commission.

9.4. When agreement is reached on the appropriateness of the proposal to the missions of the two research institutions, and when any concerns expressed in the responses have been resolved, the chancellor, with advice from the presidents of the cooperating institutions, will appoint an ad hoc committee composed of representatives of the cooperating institutions to conduct a needs assessment. The ad hoc committee will submit to the Chancellor the results of the needs assessment, together with a recommendation concerning implementation of a cooperative doctoral program.

9.5. Based upon a review and positive recommendation by the chancellor, the ad hoc committee will draft a formal proposal for a cooperative doctoral program,

9.6. The lead institution will consider the proposal in accordance with its internal committee structure, and (as appropriate) the cooperating institutions also may do so. The participating institutions will then make a joint presentation of the proposal to the chancellor, who will make a recommendation to the ~~Academic Programs Committee of the~~ Commission. As appropriate, representatives of the participating institutions will be invited to be present.

9.7. The Chancellor will monitor the progress of the program from the time of initiation of the proposal to ensure that satisfactory progress is made toward action on the proposal.

FIVE-YEAR PROJECTION OF PROGRAM SIZE

	First Year (20__)	Second Year (20__)	Third Year (20__)	Fourth Year (20__)	Fifth Year (20__)
Number of Students Served through Course Offerings of the Program:					
Headcount:	_____	_____	_____	_____	_____
FTE:	_____	_____	_____	_____	_____
Number of student credit hours generated by courses within the program (entire academic year):	_____	_____	_____	_____	_____
Number of Majors:					
Headcount:	_____	_____	_____	_____	_____
FTE majors:	_____	_____	_____	_____	_____
Number of student credit hours generated by majors in the program (entire academic year):	_____	_____	_____	_____	_____
Number of degrees to be granted (annual total):	_____	_____	_____	_____	_____

FIVE-YEAR PROJECTION OF TOTAL OPERATING RESOURCES REQUIREMENTS*

	First Year (20__)	Second Year (20__)	Third Year (20__)	Fourth Year (20__)	Fifth Year (20__)
A. FTE POSITIONS					
1. Administrators	_____	_____	_____	_____	_____
2. Full-time Faculty	_____	_____	_____	_____	_____
3. Adjunct Faculty	_____	_____	_____	_____	_____
4. Graduate Assistants	_____	_____	_____	_____	_____
5. Other Personnel:					
a. Clerical Workers	_____	_____	_____	_____	_____
b. Professionals	_____	_____	_____	_____	_____
Note: Include percentage of time of current personnel					
B. OPERATING COSTS (Appropriated Funds Only)					
1. Personal Services:					
a. Administrators	_____	_____	_____	_____	_____
b. Full-time Faculty	_____	_____	_____	_____	_____
c. Adjunct Faculty	_____	_____	_____	_____	_____
d. Graduate Assistants	_____	_____	_____	_____	_____
e. Non-Academic Personnel:					
Clerical Workers	_____	_____	_____	_____	_____
Professionals	_____	_____	_____	_____	_____
Total Salaries	_____	_____	_____	_____	_____

FIVE-YEAR PROJECTION OF TOTAL OPERATING RESOURCES REQUIREMENTS*

	First Year (20__)	Second Year (20__)	Third Year (20__)	Fourth Year (20__)	Fifth Year (20__)
2. Current Expenses	_____	_____	_____	_____	_____
3. Repairs and Alterations	_____	_____	_____	_____	_____
4. Equipment:					
Educational Equipment	_____	_____	_____	_____	_____
Library Books	_____	_____	_____	_____	_____
5. Nonrecurring Expense (specify)	_____	_____	_____	_____	_____
Total Costs	_____	_____	_____	_____	_____
C. SOURCES					
1. General Fund Appropriations					
(Appropriated Funds Only)	_____	_____	_____	_____	_____
☐ Reallocation ☐ New funds					
(check one)					
2. Federal Government					
(Non-appropriated Funds Only)	_____	_____	_____	_____	_____
3. Private and Other					
(specify)	_____	_____	_____	_____	_____
Total All Sources	_____	_____	_____	_____	_____

Note: Total costs should be equal to total sources of funding

*Explain your Method for Predicting the Numbers (use additional sheet if necessary)

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Revisions to Series 13, Procedural Rule, Change in the Organization of Colleges or Schools

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 13, Procedural Rule, Change in the Organization of Colleges or Schools, to be filed with the Secretary of State for the thirty-day public comment period and if no substantive comments are received, that the Commission extends its final approval.

STAFF MEMBER: Bruce Walker

BACKGROUND:

Series 13, Procedural Rule, Change in the Organization of Colleges or Schools, establishes a process to change administrative organization within an institution. The proposed revisions to Series 13 clarify that this rule does not govern program changes. Another rule addresses those.

Staff recommends approval of the proposed revisions to Series 13, for submission to the Secretary of State for a thirty-day public comment period. If no substantive comments are received at the conclusion of the comment period, staff will file the rule with the Legislative Oversight Commission on Education Accountability and with the Secretary of State for final filing.

**TITLE 133
PROCEDURAL RULE**

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 13

~~TITLE:~~ CHANGE IN THE ORGANIZATION OF COLLEGES OR SCHOOLS

§133-13-1. ~~SECTION 1.~~ General.

1.1. Scope. – This rule establishes a process to change administrative organization within an institution.

1.2. Authority – West Virginia Code § 18B-1-6.

1.3. Filing Date – ~~March 19, 2002~~

1.4. Effective Date – ~~April 19, 2002~~

1.5. Repeals and replaces Title ~~128, Series 2~~ and Title ~~131, Series 2~~ 133, Series 13, dated April 19, 2002.

§133-13-2. ~~SECTION 2.~~ Policy.

2.1. The governing board of an institution may implement changes, without approval of the West Virginia Higher Education Policy Commission (Commission), in the organization of colleges, or schools, within the institution, for organizational efficiency or administrative purposes ~~but not to implement a major new program, service or structure.~~ The president of the institution shall inform the Chancellor of any such change at least thirty (30) days prior to its implementation. The ~~Policy~~ Commission reserves the right to consider and take action, up to and including disapproval, on any change which changes the mission of the institution or affects the statewide master plan.

2.2. The president's written notification to the Chancellor shall confirm that appropriately elected faculty, classified employees, student representatives and/or organizations were consulted prior to implementing any organizational change to which this provision applies.

2.3. The organizational changes to which this provision applies do not include staff changes for existing positions within the institution or organizational changes below the college or school level.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Revisions to Series 25, Procedural Rule, Residency Classification for Admission and Fee Purposes

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 25, Procedural Rule, Residency Classification for Admission and Fee Purposes, to be filed with the Secretary of State for the thirty-day public comment period and if no substantive comments are received, that the Commission extends its final approval.

STAFF MEMBER: Corley Dennison

BACKGROUND:

It has become necessary to outline/define the criteria acceptable for granting in-state residency for admission and fee purposes to foreign nationals living in the United States with a visa status.

Series 25, Procedural Rule, Residency Classification for Admission and Fee Purposes currently states that:

“7.1. An alien who is in the United States on a resident visa or who has filed a petition for naturalization in the naturalization court, and who has established a bona fide domicile in West Virginia as defined in §133-25-3 of these rules, may be eligible for in-state residency classification: Provided, That person is in the state for purposes other than to attempt to qualify for residency status as a student. Political refugees admitted into the United States for an indefinite period of time and without restriction on the maintenance of a foreign domicile may be eligible for an in-state classification as defined in §133-25-3 of these rules. Any person holding a student or other temporary visa cannot be classified as an instate student.”

The current section as written is too vague and allows individual interpretation in determining residency for foreign nationals.

After consulting with U.S. State Department personnel, immigration attorneys and colleagues, new language has been identified that specifies conditions for determining residency for foreign nationals.

Proposed revisions to Section 7:

7.1. Students who meet the domiciliary requirements noted in Sections 3, 4, and 5 of this policy, and who are U.S. Permanent Resident Aliens, Political Asylees or Political Refugees, or who hold an A, E, G, H, I, L, O, P, R, TD, TN, U, or V visa, may apply to be reviewed for in-state residency for tuition purposes.

7.2. Students who hold B, C, D, F, J, K, M, or Q visas are not eligible for establishing in-state residency for tuition purposes.

7.3 Students who meet the domiciliary requirements and who are the beneficiary of a pending I-485 application to adjust status to permanent resident may apply to be reviewed for in-state residency for tuition purposes.

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 25
RESIDENCY CLASSIFICATION FOR ADMISSION AND FEE PURPOSES**

§133-25-1. General.

1.1. Scope. -- Rule regarding residency classification of students for admission and fee purposes.

1.2. Authority. -- West Virginia Code §§18B-10 and 18B-2B-6.

1.3. Filing Date. – ~~April 21, 2015.~~

1.4. Effective Date. – ~~May 21, 2015.~~

1.5. Repeal of Former Rule. – Repeals and replaces Title 133, Series 25 which had an effective date of ~~September 30, 2005~~ May 21, 2015.

§133-25-2. Classification for Admission and Fee Purposes.

2.1. Students enrolling in a West Virginia public institution of higher education shall be assigned a residency status for admission, tuition, and fee purposes by the institutional officer designated by the President. In determining residency classification, the issue is essentially one of domicile. In general, the domicile of a person is that person's true, fixed, permanent home and place of habitation. The decision shall be based upon information furnished by the student and all other relevant information. The designated officer is authorized to require such written documents, affidavits, verifications, or other evidence as is deemed necessary to establish the domicile of a student. The burden of establishing domicile for admission, tuition, and fee purposes is upon the student.

2.2. If there is a question as to domicile, the matter must be brought to the attention of the designated officer at least two (2) weeks prior to the deadline for the payment of tuition and fees. Any student found to have made a false or misleading statement concerning domicile shall be subject to institutional disciplinary action and will be charged the nonresident fees for each academic term theretofore attended.

2.3. The previous determination of a student's domiciliary status by one institution is not conclusive or binding when subsequently considered by another institution; however, assuming no change of facts, the prior judgment should be given strong consideration in the interest of consistency. Out-of-state students being assessed resident tuition and fees as a result of a reciprocity agreement may not transfer said reciprocity status to another public institution in West Virginia.

§133-25-3. Residence Determined by Domicile.

3.1. Domicile within the state means adoption of the state as the fixed permanent home and involves personal presence within the state with no intent on the part of the applicant or, in the case of a dependent student, the applicant's parent(s) to return to another state or country. Residing with relatives (other than parent(s)/legal guardian) does not, in and of itself, cause the student to attain domicile in this State for admission or fee payment purposes. West Virginia domicile may be established upon the completion of at

least twelve (12) months of continued presence within the state prior to the date of registration: Provided, That such twelve (12) months' presence is not primarily for the purpose of attendance at any institution of higher education in West Virginia. Establishment of West Virginia domicile with less than twelve (12) months' presence prior to the date of registration must be supported by evidence of positive and unequivocal action. In determining domicile, institutional officials should give consideration to such factors as the ownership or lease of a permanently occupied home in West Virginia, full-time employment within the state, paying West Virginia property tax, filing West Virginia income tax returns, registering of motor vehicles in West Virginia, possessing a valid West Virginia driver's license, and marriage to a person already domiciled in West Virginia. Proof of a number of these actions shall be considered only as evidence which may be used in determining whether or not a domicile has been established. Factors militating against the establishment of West Virginia domicile might include such considerations as the student not being self-supporting, being claimed as a dependent on federal or state income tax returns or on the parents' health insurance policy if the parents reside out of state, receiving financial assistance from state student aid programs in other states, and leaving the state when school is not in session.

§133-25-4. Dependency Status.

4.1. A dependent student is one (1) who is listed as a dependent on the federal or state income tax return of his/her parent(s) or legal guardian or who receives major financial support from that person. Such a student maintains the same domicile as that of the parent(s) or legal guardian. In the event the parents are divorced or legally separated, the dependent student takes the domicile of the parent with whom he/she lives or to whom he/she has been assigned by court order. However, a dependent student who enrolls and is properly classified as an in-state student maintains that classification as long as the enrollment is continuous and that student does not attain independence and establish domicile in another state.

4.2. A nonresident student who becomes independent while a student at an institution of higher education in West Virginia does not, by reason of such independence alone, attain domicile in this state for admission or fee payment purposes.

§133-25-5. Change of Residence.

5.1. A person who has been classified as an out-of-state student and who seeks resident status in West Virginia must assume the burden of providing conclusive evidence that he/she has established domicile in West Virginia with the intention of making the permanent home in this State. The intent to remain indefinitely in West Virginia is evidenced not only by a person's statements, but also by that person's actions. In making a determination regarding a request for change in residency status, the designated institutional officer shall consider those actions referenced in §133-25-3 of these rules. The change in classification, if deemed to be warranted, shall be effective for the academic term or semester next following the date of the application for reclassification.

§133-25-6. Military

6.1. An individual who is on full-time active military service in another state or a foreign country or an employee of the federal government shall be classified as an in-state student for the purpose of payment of tuition and fees: Provided, That the person established a domicile in West Virginia prior to entrance into federal service, entered the federal service from West Virginia, and has at no time while in federal service claimed or established a domicile in another state. Sworn statements attesting to these conditions may be required. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

6.2. Persons assigned to full-time active military service in West Virginia and residing in the state shall be classified as in-state students for tuition and fee purposes. The spouse and dependent children of such individuals shall also be classified as in-state students for tuition and fee purposes.

6.3. Any student living in West Virginia and receiving education benefits provided under Chapter 30 or Chapter 33 of the U.S. Department of Veterans Affairs shall be charged in-state tuition and fees to attend a West Virginia public institution of higher education. The student must be within the limits of the three (3) year eligibility period of discharge from a service period of at least 90 days at the time of enrollment. The student will be considered an in-state student for residency purposes as long as they remain continuously enrolled at the institution. In the event the student ceases enrollment, in-state residency will only be re-assigned if the student re-enrolls at another West Virginia public institution of higher education within the eligibility period described above.

§133-25-7. Aliens.

~~7.1. An alien who is in the United States on a resident visa or who has filed a petition for naturalization in the naturalization court, and who has established a bona fide domicile in West Virginia as defined in §133-25-3 of these rules, may be eligible for in-state residency classification: Provided, That person is in the state for purposes other than to attempt to qualify for residency status as a student. Political refugees admitted into the United States for an indefinite period of time and without restriction on the maintenance of a foreign domicile may be eligible for an in-state classification as defined in §133-25-3 of these rules. Any person holding a student or other temporary visa cannot be classified as an in-state student. Students who meet the domiciliary requirements noted in Sections 3, 4, and 5 of this policy, and who are U.S. Permanent Resident Aliens, Political Asylees or Political Refugees, or who hold an A, E, G, H, I, L, O, P, R, TD, TN, U, or V visa, may apply to be reviewed for in-state residency for tuition purposes.~~

7.2. Students who hold B, C, D, F, J, K, M, or Q visas are not eligible for establishing in-state residency for tuition purposes.

7.3. Students who meet the domiciliary requirements and who are the beneficiary of a pending I-485 application to adjust status to permanent resident may apply to be reviewed for in-state residency for tuition purposes.

§133-25-8. Former Domicile.

8.1. A person who was formerly domiciled in the State of West Virginia and who would have been eligible for an in-state residency classification at the time of his/her departure from the state may be immediately eligible for classification as a West Virginia resident provided such person returns to West Virginia within a one (1) year period of time and satisfies the conditions of §133-25-3 of these rules, regarding proof of domicile and intent to remain permanently in West Virginia.

§133-25-9. Appeal Process.

9.1. Each institution shall establish procedures which provide opportunities for students to appeal residency classification decisions with which they disagree. The decisions of the designated institutional official charged with the determination of residency classification may be appealed in accordance with appropriate procedures established by the president of the institution. At a minimum, such procedures shall provide that:

9.1.a. An institutional committee on residency appeals will be established to receive and act on appeals of residency decisions made by the designated institutional official charged with making residency determinations.

9.1.a.1. The institutional committee on residency shall be comprised of members of the institutional community, including faculty and at least three, in any event, an odd number. The student representative(s) shall be appointed by the president of the institutional student government association while the faculty representative(s) shall be selected by the campus-wide representative faculty organization.

9.1.a.2. The student contesting a residency decision shall be given the opportunity to appear before the institutional committee on residency appeals. If the appellant cannot appear when the committee convenes a meeting, the appellant has the option of allowing committee members to make a decision on the basis of the written materials pertaining to the appeal or waiting until the next committee meeting.

9.1.b. The residency appeal procedures will include provisions for appeal of the decision of the institutional committee on residency appeals to the president of the institution.

9.1.c. Residency appeals shall end at the institutional level.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Master of Science in Dental Hygiene Program

INSTITUTION: West Liberty University

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the Master of Science in Dental Hygiene program at West Liberty University, effective fall 2017. This approval expires in two years from the date of Commission approval if the program is not fully implemented at that time.

STAFF MEMBER: Corley Dennison

BACKGROUND:

The West Liberty University online Master of Science in Dental Hygiene (MSDH) program will admit students on a competitive basis and preference will be given to applicants with prior clinical experience. Admission requirements include: an Associate of Science in Dental Hygiene and a Bachelor of Science in Dental Hygiene or related field, a minimum GPA of 3.0 cumulatively and in science courses, one employer letter of recommendation, and scores from the Graduate Record Exam.

Students admitted to the program will complete 30 credit hours online including 45 hours of approved field experience in either public health or dental hygiene education. The two-year program will culminate in a capstone experience and run two fall and two spring terms with one summer term following the first spring semester.

The five-year projections have the program recruiting five students in the first fall semester. The program will admit students once per year during the fall term. Evaluation of an increase in enrollment will be investigated after the graduation of two classes. The financial costs for implementing the program include a stipend for a current faculty member to serve as Program Director and salaries for adjunct faculty.

The following is recommended:

- The Master of Science in Dental Hygiene be approved for implementation in fall of 2017.
- If the program is not fully implemented by November 2019, the program will no longer be considered approved by the Commission and must be resubmitted for

review and approval.

- In the 2020-2021 academic year, the Commission will conduct a post-audit review of the program to assess progress toward successful implementation.

West Liberty University

October 20, 2016

Submission of New Program

Master of Science in Dental Hygiene

West Liberty University, West Liberty, WV 26074



West Liberty University seeks approval for the Master of Science Degree in Dental Hygiene (MSDH). The MSDH enables Bachelor's degree prepared dental hygienists to advance their knowledge to address the complex oral health needs of a diverse population. Courses of study will include public health and education, and will incorporate an active research component leading to a culminating thesis. It is the intent that the proposed program would be web based with limited campus visits to enable licensed professionals from all geographic locations to pursue the Master of Science Degree in Dental Hygiene.

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6.2 Program Description

Healthy People 2020 is an initiative published by the Department of Health and Human Services that outlines objectives to address current threats to health and goals to reduce such threats. The following three objectives support the improvement of oral health:

- Increase awareness of the importance of oral health to overall health and well-being.
- Increase acceptance and adoption of effective preventive interventions.
- Reduce disparities in access to effective preventive and dental treatment services.

The Master of Science Degree in Dental Hygiene is designed to prepare graduates for leadership roles in Dental Education and Public Health to meet their career goals. This online program will consist of 30 hours of coursework in public health and dental hygiene education, over the course of two academic years with one summer semester between. An internship and approved thesis will be the capstone of the program.

6.2.a. Program Objectives: Master of Science Degree in Dental Hygiene

Mission: To provide the Dental Hygiene Bachelor of Science degree student the opportunity for a high quality graduate education in the field of dental hygiene.

Program Goals:

1. To prepare graduates with leadership skills and education pedagogy to assume faculty positions in all levels of dental hygiene education.
2. Through research and scholarly activity, graduates will contribute to the body of knowledge in the field of dental hygiene through presentation and publication.
3. To provide the educational foundation and skill sets necessary for leadership opportunities in the dental public health environment.

Student Learning Outcomes

Upon completion of the MSDH program, the graduate will be able to:

1. Discuss and demonstrate current technologies available in the field of dental hygiene.
2. Describe current research strategies and evaluate scientific evidence that directs the standard of health care.
3. Evaluate risk and develop strategies to address the specific oral health needs of individuals and populations of diversity.
4. Demonstrate an understanding of epidemiology through the assessment and communication of current data representing the health of individuals and/or populations.
5. Create a thesis demonstrating research skills while contributing to the body of knowledge within the discipline of dentistry and/or public health.
6. Demonstrate theories to develop strategies for health promotion and disease prevention.
7. Discuss and demonstrate organizational leadership skills and inter-professional collaborative efforts available to address current healthcare issues.
8. Develop an individual teaching philosophy and investigate effective teaching methods for all learning.

6.2.b. Program Identification

CIP 51.0504

Dental Public Health and Education. A program that focuses on the scientific study of **dental** disease prevention and control, community **dental** health promotion, and prepares dentists and public health professionals to function as **dental** health specialists. Includes instruction in preventive dentistry, the relationship of oral disease to health and quality of life, patient and practitioner behavior, **dental** epidemiology, nutrition and **dental** health, **dental** care policy and delivery, oral health program planning and administration, biostatistics, and research methods.

6.2.c. Program Features:

The Master of Science in Dental Hygiene enables Bachelor's degree prepared dental hygienists to advance their knowledge to address the complex oral health needs of a diverse population. Areas of study will include public health and dental hygiene education, and will include a research component. It is the intent that the proposed program would be web based with limited campus visits to enable licensed professionals from all geographic locations to pursue the Master of Science in Dental Hygiene. All current teaching faculty possess the Master of Science in Dental Hygiene and will contribute valuable clinical and educational experience to the students at the graduate level. Currently, the health science programs at West Liberty University are strong and a variety of professors from various clinical professions can support the education of graduate students. Additionally, students from the local area will benefit from the current operating dental hygiene clinic through teaching assistant opportunities. Graduates of this program will be prepared for employment opportunities in academia, dental public health and research.

6.2.c.1. Admission and Performance Standards:

Catalog Description:

The Sarah Whitaker Glass School of Dental Hygiene offers a graduate degree in dental hygiene. The online program of study requires 30 credit hours and confers a Master's of Science in Dental Hygiene (MSDH) degree. Courses in education and public health will culminate in the production of a researched thesis suitable for publication. Those holding a Master's of Science degree in Dental Hygiene advance their knowledge and expand their career choices in areas such as academic instruction, academic administration, public health, public health administration, and research.

Admission Requirements:

The institution is compliant with requirements outlined for inter-state authorization (SARA). Students who desire admission to the MSDH program will submit evidence of the following criteria:

1. An Associate of Science Degree in Dental Hygiene from a U.S. or Canadian Accredited Institution **and** a Bachelor of Science Degree in Dental Hygiene or

- a related field.
- 2. A minimum 3.0 overall and science grade point average.
- 3. A current dental hygiene license in at least one state.
- 4. One letter of recommendation from a previous or current employer.
- 5. Results from the Graduate Record Exam
- 6. Preference will be given to applicants with prior clinical experience.

6.2.c.2. Program Requirements:

The MSDH program of study includes thirty semester credit hours. In addition, forty-five hours of approved field work experience are required. This field work will be in either an accredited dental hygiene program or a public health agency with a dental focus. This requirement will be fulfilled in DH 506. An approved thesis will be a graduation requirement. Students must maintain a 2.8 grade point average and a letter grade of C or better in each course to remain in the program.

Master of Science Degree in Dental Hygiene

Core Curriculum.....	30 credit hours
*BIO 500 Biostatistic Applications.....	3 credit hours
*BIO 575 Grant Proposals in Science.....	3 credit hours
*DH 500 Organizational Leadership in the Healthcare Setting.....	3 credit hours
*DH 501 Current Epidemiologic Dental & Public Health Issues.....	3 credit hours
*DH 502 Evidence Based Research in Oral Health.....	3 credit hours
*DH 503 Dental Program Planning, Development & Implementation.....	3 credit hours
*DH 504 Contemporary Applications of Educational Technology.....	3 credit hours
*DH 505 Dental Hygiene Curriculum Design and Teaching Methods.....	3 credit hours
*DH 506 Internship in Dental Hygiene Education.....	1 credit hour
*DH 507 Thesis.....	5 credit hours

Course Descriptions and Timeline:

Course Descriptions are listed below. It will be possible to complete the MSDH program in five semesters if six credit hours are taken each semester. If students choose to take less than six hours per semester, the program will be extended.

Fall I Core Curriculum

***DH 500 Organizational Leadership in the Healthcare Setting3 credit hours**

This course presents an overview of leadership theories, and principles related to communication, personal behavior, organizational and leadership styles prevalent in dental and healthcare fields.

***DH 502 Evidence Based Research in Oral Health.....3 credit hours**

Current literature in the fields of dentistry and dental hygiene will be explored and evaluated. Research methodology will be discussed. Students will identify areas of research interest and submit project proposals for thesis consideration.

Spring I Core Curriculum

BIO 500 Biostatistic Applications.....3 credit hours

Analysis and application of parametric and non-parametric biostatistics through survey of primary literature and research design.

***DH 501 Current Epidemiologic Dental & Public Health Issues.....3 credit hours**

Emphasis on broad spectrum public health topics, epidemiology and their impact in oral health, including findings and recommendations from outbreaks, updates on emergent situations, findings from public health surveillance systems, guidelines from prevention services, review of acute and chronic, infectious and non- infectious public health problems.

Summer I Core Curriculum

***DH 504 Contemporary Applications of Educational Technology3 credit hours**

In-depth examination of instructional applications incorporating visual design, multimedia including digital imagery, audio, and video for face-to-face and online teaching and learning for the 21st Century student and classroom.

***DH 505 Dental Hygiene Curriculum Design and Teaching Methods....3 credit hours**

Provides graduate students with the opportunity to explore the methods and issues of clinical based teaching currently utilized in entry level dental hygiene education. Evaluation, assessment, competency based education. Clinical calibration and

accreditation standards will be introduced.

Fall II Core Curriculum

BIO 575 Grant Proposals in Science.....3 credit hours

Application of the fundamental conventions of science writing in grant proposals.

Course is writing intensive and requires development of a proposal from concept to submission.

***DH 503 Dental Program Planning, Development & Implementation.....3 credit hours**

Students will focus on the skills to effectively plan, design and implement dental health programs that address public health problems for defined populations in a variety of settings.

Spring II Core Curriculum

***DH 506 Internship in Dental Hygiene Education.....1 credit hour**

Students will complete forty-five hours of approved field work experience in either a public health setting or dental hygiene education in an accredited program.

***DH 507 Dental Hygiene Thesis.....5 credit hours**

This capstone activity should demonstrate the writing, organizational and communication skills associated with the MSDH degree. The graduate student will conduct an extensive research project. Oral and written reports will be required, including oral defense of the project and submission of the project for a poster presentation at a regional or national meeting and/or submission for publication in a peer review journal.

6.2.d. Program Outcomes: Indicate the expected results of the program and, if this is a proposal for an expanded or modified program, specify how the proposed change may achieve results differed from those produced by the current program.

The WLU MSDH program will prepare professionals in the field of dental hygiene to assume leadership roles in healthcare and education.

- Graduates will be prepared to contribute to the body of knowledge in the field of dental hygiene through publication.
- Graduates will be prepared to lead programs to improve the oral health of populations at the local, state, and national levels.
- Dental Hygienists educated at the MSDH level will assure schools of dentistry and dental hygiene the ability to recruit and retain faculty to provide state of the art teaching and research opportunities.
- Dental Hygienists educated at the MSDH level will ensure a sufficient workforce pool to meet oral health care needs.

6.2.e. Program Content: The proposed educational program shall be compatible with the institutional mission. The relationship shall be described in document provided to the Commission.

This intended outcome previously listed under 6.2.d. supports the mission of the University to “provide our students the opportunity for a high quality undergraduate, graduate, and professional education”. Additionally, this program will support several of the following institution vision statements:

- **Providing extensive opportunity and a positive environment for a high quality undergraduate, graduate, and professional education;**
- **Providing its students the academic offerings necessary to meet the professional and career needs of an evolving, contemporary society;**
- **Achieving excellence in all facets of university life including academics, student experiences, athletics, visual and performing arts;**
- **Standing as a vigorous and vibrant source for the creation of knowledge through innovative and creative research and scholarly activity;**
- **Standing as an active member and contributor to the community through social, civic, and economic engagement activities that will include productive partnerships with K-12 schools, businesses, and nonprofit organizations.**

6.2 .e. 1. Content and Length:

The Master of Science Degree in Dental Hygiene consists of thirty semester credit hours. Additionally students will be required to complete forty-five hours of approved field work experience in either public health or dental hygiene education. Students will complete the degree program in two years encompassing two fall and spring terms and one summer term following the first spring semester.

6.2. e .2. General Education Component:

All proposed undergraduate degree programs 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 documents. N/A

6.2. e. 3. Minimum Requirement for General Education: N/A

6.3. Program Need and Justification

The Master of Science degree in Dental Hygiene will address the needs identified in the West Virginia Oral Health Plan 2010-2015. Dental professionals with advanced degrees are required to lead programs and initiatives designed to improve the oral health of constituents at the local, state and national levels. The existing infrastructure that currently supports a successful undergraduate program in dental hygiene will contribute to the implementation and success of a graduate degree program in the discipline of Dental Hygiene. Survey data collected during the needs assessment phase has demonstrated a need for this program from licensed professionals, alumni and current students. See Exhibit C

6.3.a. Relationship to Institutional Goals/Objectives: Relate this program to the institution’s goals and objectives and the statewide master plan.

The Master of Science Degree in Dental Hygiene will support several strategic goals of the University to include the following:

- Expand curricular opportunities to include high demand fields, the global economy, and professional development.
- Foster a robust environment that stimulates scholars and students toward creativity, research and innovation.
- Engage increasing numbers of students in higher education through expanding access and promoting opportunities available to traditional and nontraditional students and to adults.

This MSDH program will also support the West Virginia Oral Health Plan 2010-2015.

The mission of the plan is to improve the oral health status of West Virginia by providing a structured approach to meeting the oral needs of everyone in the state. The West Virginia Oral Health Plan identified the need for dental professionals to lead this initiative. The plan objectives address the societal, occupational, research and public health service needs related to oral health that would benefit from having professionals who are educationally prepared to address the needs of the state. Of the seven objectives listed in the plan, objective number four addresses a condition that makes West Liberty a desirable and unique place for the initiation of the Master of Science Degree in Dental Hygiene. The highlighted areas of each strategy specifically address the benefit that the MSDH would provide in meeting the stated objective. Objective Four: The West Virginia Oral Health Program will strengthen and improve the dental health workforce.

Strategy 4:1 The West Virginia Oral Health Program will form a task force to study the following:

- The existing capacity and distribution of the oral health workforce to ensure oral health needs are met.
- How to extend or expand workforce capacity and productivity to address oral health in health care shortage areas.
- Ensure a sufficient workforce pool to meet oral health care needs.

Strategy 4:2 The West Virginia Oral Health program will develop a plan to address unequal distribution and shortage of dentists in rural areas including the following:

- Establish a uniform system for assessing oral health workforce capacity as one component of the oral health surveillance system.
- Assure capacity for schools of dentistry and dental hygiene to recruit and retain faculty to provide state of the art teaching and research opportunities.
- Recruitment and retention of dentists and dental hygienists.
- Need for continuing health education training programs for health care providers, school educators, and extension specialists.

The West Virginia master plan for higher education 2013-2018, *Leading the Way: Access, Success, Impact.*, defines a system that fosters “a state culture that values higher education as a means to individual, community, and economic development” while offering quality academic programs that prepare “productive and contributing members of society.” The proposed Master of Science in Dental Hygiene will offer a quality, rigorous program in the tradition of the long-standing Associate of Science and Bachelor of Science in Dental Hygiene degree programs currently offered at West Liberty University that supports the state master plan. The proposed

program will help meet the “pressing need for highly skilled graduates in the health sciences field” identified for the state. Additionally, the research component of the program will help “expand understanding of the world and [lead] to new solutions for society’s challenges” specifically in oral health fields. Overall the proposed Master of Science in Dental Hygiene degree program will increase the number of degrees awarded in the health fields at a reasonable cost for graduate education and with attention to accessibility of the program for working professionals by utilizing a web based format for program delivery.

6.3.b. Existing Programs: List similar programs in West Virginia.

West Virginia University currently offers the MSDH program. Adjoining states of Pennsylvania and Kentucky do not offer the MSDH program. Maryland, Ohio, and Virginia each currently have one MSDH program. The location of West Liberty University in the northern panhandle of the state coupled with the intended web based format will afford prospective students from adjoining states the opportunity for an advanced dental hygiene degree. See Exhibit A [National MSDH Programs](#)

6.3.c. Program Planning and Development: Indicate the history to date of the development and submission of the program proposal. What resources have already been invested in this program? What planning activities have supported this proposal?

The intent to plan was accepted in May 2013. There have been no resources invested in the planning of this program other than manpower hours through meetings with faculty and administrators of the University. See Exhibit B

6.3.d. Clientele and Need: Describe the clientele to be served and state which of their specific needs will be met by the program. Indicate any special characteristics, such as vocation, or academic background. Indicate manpower needs, interest on the part of the industry, research and other institutions, governmental agencies, or other indicators justifying the need for the program.

The needs of several populations will be met by this academic program. The community of dental patients served by the profession of dental hygiene will benefit from the MSDH program. The advanced knowledge of a MSDH prepared dental hygienist with expertise in the areas of education will assist in providing qualified educators to support current and future dental hygiene programs. The MSDH prepared dental hygienist with expertise in public health will assist in meeting the underserved oral health needs of our state and nation through needs assessment, program planning and development with emphasis on health care policies and the management of such programs.

The report published by the US Surgeon General in 2000, Oral Health in America highlighted the poor condition of oral health of Americans. The report noted a lack of public health trained practitioners with oral health knowledge. In December of 2010, Healthy People 2020 was an initiative published by the Department of Health and Human Services that outlines objectives to address current threats to health and goals to reduce such threats. The following three objectives support the improvement of oral health:

- Increase awareness of the importance of oral health to overall health and well-being.
- Increase acceptance and adoption of effective preventive interventions.
- Reduce disparities in access to effective preventive and dental treatment services.

All three objectives could be addressed by preparing dental hygienists to participate in leadership

roles in public policy, oral health care program planning and education.

Two reports published by the Institute of Medicine support the need for educated dental hygiene professionals. *Advancing Oral Health in America* and *Improving Access to Oral Health Care for Vulnerable and Underserved Populations* reference the importance of oral health education and public health action to address the current condition of oral health in America.

6.3.e. Employment Opportunities: Present a factual assessment of the employment opportunities that are likely to be available to program graduates. Include data and references supporting this assessment. Indicate the types and number of jobs for which such a curriculum is appropriate.

The ASTDD, Association of State and Territorial Dental Directors, in the July 2014 2012-2013 summary, provided a synopsis of demographics, infrastructure, workforce, administration, and oral health programs. ASTDD reports that the age and income groups that have unique oral health needs are the elderly (65 years and older), the young (5-17 years), and the low income. Forty-four states provide oral health services for 100,000 or greater children. Elderly populations make up ten to twenty percent of 49 States. The percent of children under 18 in families at 125% below federal poverty level range from 20->30 % in 35 states. Even with these large numbers 39 states have less than 100 dental clinics providing service for low income families, with 26 having less than 50 clinics. Twenty-six states have 25% or greater local and state agencies managed by dental public health. The ratio of hygienists to population is 1/1500 or greater in 28 states. With these staggering numbers it is obvious there is a critical need for public dental health.¹ In conjunction with these staggering statistics, the U.S. Bureau of Labor Statistics projects the employment of dental hygienists to grow 33 percent from 2012 to 2022.² Currently there are job opportunities found through the American Dental Hygienists' Association (ADHA) and USAJOBS (The Federal Government's Official Jobs Site) that are not limited to: Program Manager-Clinical Programs, State Dental Director-Hawaii, Oral Health Director for the State of Vermont, Adjunct Instructor of Public Health, Department of Public Health-A.T Still University (ATSU), Clinical/Community Health Dental Hygienist, Dental Hygienist for the Indian Health Service, Federal Prisons Systems, and the U.S. Army Medical Command. There are a variety of positions for dental hygienists with advanced degrees nationally and the projection is that these opportunities will continue to increase over the next decade.

¹Association of State and Territorial Directors. Summary Report Synopses of State Dental Public Health Programs Data for FY 2012-2013. July 2014

²Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, 2014-15 Edition, Dental Hygienists, on the Internet at <http://www.bls.gov/ooh/healthcare/dental-hygienists/htm> (visited November 05, 2014).

6.3.f. Program Impact: Describe the impact of this program on other programs that it will support or that will be supported by it.

The current AS and BS degree programs in dental hygiene will support the MSDH program in various ways. Current faculty may provide instructional support for the proposed MSDH

program. Graduates of the current BS degree program will be prepared academically to enter into the advanced degree program. Past survey data have demonstrated the interest of local graduates to attain an advanced degree in dental hygiene. Local students who enroll in the program will benefit from the operational clinical facilities and the ability to actively participate in the undergraduate education process. Teaching assistantships may provide students an opportunity for income and valuable educational experiences. Exhibit C Survey Data

6.3.g. Cooperative Arrangements: Describe any cooperative arrangements (including clinical affiliations, internship opportunities, personnel exchanges, and equipment sharing) that have been explored.

Because the curriculum will be web based, additional clinical affiliations and internships may be required for students who live outside of the local area. There are currently 335 entry level dental hygiene programs within the United States. Affiliation agreements will be required from accredited institutions that may provide learning experiences for students during DH 506. Affiliation agreements will be developed in cooperation with students dependent on their geographical location.

http://www.adha.org/resources-docs/72611_Dental_Hygiene_Education_Fact_Sheet.pdf

6.3.h. Alternatives to Program Development

No alternatives to the development of this program have been considered or rejected.

6.4. Program implementation and Projected Resource Requirements

Program Implementation will begin the first fall following approval by all necessary entities. The curriculum is designed to be completed in two academic years. Resource requirements will include personnel, office space, and computer equipment.

6.4.a Program Administration: Describe the administrative organization for the program and explain what changes if any, will be required in the institutional administrative organization.

The administration for the MSDH program will consist of a Program Director who will assume teaching responsibilities. The program director will report to the Dean of the College of Sciences.

6.4.b Program Projections: Indicate the planned enrollment growth and development of the new program during the first five years. (Form 1) Include a plan for sustainability of the program after the initial five (5) year start-up.

Initial plan for enrollment of the inaugural class is for five students. Admission will occur one time each year during the fall term. Evaluation of an increase in enrollment will be investigated after the graduation of two classes.

6.4.c Faculty Instructional Requirements: Indicate the number, probable rank, experience and cost of faculty required over the five (5) year period.

The faculty member holding the title of Program Director of the MSDH program will be awarded an \$8000.00 stipend. Faculty will hold a Master of Science Degree in Dental Hygiene.

Rank and salary will be determined based on previous teaching experience. It is anticipated that current dental hygiene faculty and other appropriate University disciplines will be given the opportunity to participate in the delivery of graduate degree courses. If and when current faculty teaching loads exceed the maximum hours, overload compensation will be required. Adjunct professors will be hired as necessary at \$1000.00 per credit hour. It is important that current faculty to student ratios required by the ADA Commission on Dental Accreditation not be affected in the current undergraduate degree program by faculty assuming additional responsibilities for the MSDH program.

6.4 d Library Resources and Instructional Materials: Evaluate the adequacy of existing library resources and instructional materials for the proposed program. Estimate the nature and probable cost of additional resources necessary to bring the proposed program to an accreditable level.

The current library resources and instructional materials required for the AS and BS degree programs in dental hygiene program are adequate for the MSDH program and are freely accessible online/electronically. Currently, the Master of Science Degree in Dental Hygiene is not a program requiring accreditation by the ADA Commission on Dental Accreditation. See Exhibit D Library Resources

6.4.e. Support Service Requirements; Indicate the nature of any additional support services (e.g., laboratories, computer facilities, equipment, etc.) likely to be required by the proposed program. Include the expected costs, and describe how such expansions will be incorporated into the institutional budget.

The proposed program will be delivered in an asynchronous manner. Therefore, the addition of computer hardware or equipment may be needed for teaching faculty.

Describe any student support services that will be put into place to enhance student retention and successful program completion for this new program.

Each student will be assigned an advisor who will mentor the graduate student throughout the program. The office of E-Learning at the University will provide assistance to students as needed. All newly developed courses for the proposed MSDH will have a standard, web-based format using the institutional learning management platform, Sakai, to facilitate student learning and retention. This formatting and additional course review ensures that each course conforms to Quality Matters standards and provides consistent formatting that can be thoroughly introduced via an online orientation to the program.

The West Liberty University IT Helpdesk provides a wide variety of services to the students, faculty, and staff of West Liberty University. The Help Desk is the first point of contact for faculty, staff and students who need computer or telephone assistance. E-mails (helpdesk@westliberty.edu), phone calls (304-336-8886) and walk-ins (Main Hall, MB39) are all welcome. The Helpdesk currently provides technical support for platforms including, but not limited to, Windows and Macintosh. Software support is also provided for the Microsoft Office Suite.

The Learning and Student Development Center is committed to motivating students to be successful, providing avenues for academic and cultural support, and developing opportunities for connecting students to the West Liberty University community. In this developmental

process, students are encouraged to engage in programs and services that will help them realize their potential. The Learning and Student Development Center blends the following offices and services to address student's needs and assist in a positive college experience.

Accessibility Services

Career Services

Counseling Services

Miller Analogies Test (MAT)

Parent Information

Tutoring Services

6.4.f. Facilities Requirements: Indicate whether the program will require addition of new space or facilities of the remodeling or renovation of existing space. If so provide a statement detailing such plans and space needs and their estimated funding requirements. Describe the impact of this new program on space utilization requirements.

The program will be delivered exclusively online, therefore, additional space for instruction will not be required. The program may require office space for adjunct faculty. Currently, campus office space is available to meet the proposed needs.

6.4.g. Operating Resource Requirements: using Form 2, provide a summary of operating resource requirements by object of expenditure. See Exhibit E

The MSDH program will require the appointment of a current dental hygiene faculty member who will act as the Program Director and assume teaching responsibilities. The Dean of the College of Sciences shall appoint the faculty member who will serve in this position. The Program Director will receive a stipend of \$8000. Additional teaching duties will be assumed by current West Liberty University faculty members and adjuncts. Faculty members and adjuncts will receive \$1000 per credit hour with a projected 1.5% increase in years three through five. Additional support will come from current West Liberty University staff members in the Office of Graduate Admissions, Help Desk, and the Office of E-learning for technical support. There are no Graduate Assistant positions at this time, however, that could change as the program is implemented. Current expenses will include costs associated with marketing, office supplies, and postage. Educational equipment will include additional computer hardware and equipment, textbooks, and additional resources needed to provide online instruction. The existing electronic databases through the University's library will be sufficient for MSDH studies and thesis preparation. Sources of funding will be generated through tuition rates of \$500 per credit hour for in-state tuition and \$800 per credit hour for out-of-state tuition with a 5% tuition increase years three and five. Assumptions for calculations include three in-state students and two out-of-state students with an attrition rate of one out-of-state student per year. The program is projected to be self-sustaining through the generation of program tuition.

6.4.h. Source of Operating Resources: Indicate the source of operating resource requirements if the service levels are to reach those projected in Form 1. Describe any institutional plans to reallocate resources to the program in each year of the five (5) year period. Describe the supplementary resource needs that are beyond the usual or expected institutional allocations that are derived through the regular budget request process. See Exhibit E

At the inception of the MSDH program five FTE students will be accepted for a total of 90

student credit hours. During the second year, assuming an attrition rate of one student, four students will continue in the program for their second year with an additional five new students beginning the program for a total of 138 student credit hours years two through five. Four degrees are to be granted beginning year two and continuing through the program.

6.5 Program Evaluation: A meeting to assess program effectiveness will be held annually and adjustments to the program will be made as needed. Assessment will include review of goals, curriculum, and student learning outcomes. Direct and indirect assessment measures will be utilized.

6.5a. Evaluation Procedures: Indicate the evaluation or review guidelines, procedures, schedule and assessment measures that will be used for this program. Criteria and standards for program evaluation will vary according to the level and purpose of the program. The evaluation should address the viability, adequacy, and necessity of the program in relation to the mission of the institution. Both qualitative and quantitative indicators are important. Among the measures may also be the value of the program to the State and its people, its roles in contributing to human development, and its social utility in contributing to further development of West Virginia.

The evaluation of the MSDH Program will be evaluated by the guidelines demonstrated in the Assessment Plan Matrix. The Assessment Plan Matrix aligns student learning outcomes with courses, timelines and evaluation methods. Results and planned program improvements will be added to the matrix as a result of data analysis. **See Exhibit F**

Courses with Assessment

BIO 500 Biostatistic Applications 3 credit hours

Analysis and application of parametric and non-parametric biostatistics through survey of primary literature and research design.

Learning Objectives:

Through successful completion of the course, students will

1. Differentiate parametric and non-parametric statistical analyses.
2. Analyze the statistical methodologies used in primary research publications for applicability.
3. Identify statistical methods and support the appropriateness of these methods to assess the validity of a proposed research design.

Assessment: Analysis of primary literature statistical application. Students will determine rationale underlying statistics in a peer-reviewed research article.

Assessment: Research design. Students will identify and evaluate a potential research problem, design an approach to address the research problem, and identify and explain the appropriate statistics required to assess validity of results.

BIO 575 Grant Proposals in Science 3 credit hours

Application of the fundamental conventions of science writing in grant proposals. Course is writing intensive and requires development of a proposal from concept to submission.

Learning Objectives:

Through successful completion of the course, students will

1. Identify funding sources/grant databases relevant to their field of study.
2. Prepare a grant proposal following appropriate guidelines in an area relevant to their field of study.
3. Evaluate feedback and reflect on potential improvements to proposal.

Assessment: Grant proposal. Students will identify, evaluate, and prepare a grant proposal relevant to the field of study. Proposal will follow guidelines established by the funding agency. Prepared proposals will be evaluated by reviewers similar to actual grant funding processes; students will receive a rating indicative of funding potential and feedback from proposal review.

DH 500 Organizational Leadership in the Healthcare Setting 3 credit hours

This course presents an overview of leadership theories, and principles related to communication, personal behavior, organizational and leadership styles prevalent in dental and healthcare fields.

Learning Outcomes:

As a result of this course students will be able to:

1. Discuss the perception of those who lead and those who follow.
2. Define leadership.
3. The student will identify individual leadership skills he/she possesses.
4. Define the importance of the changing context related to healthcare.
5. Compare leadership and management.
6. Debate the art and science of leadership.

Assessment:

1. Present debate topics on the perceived roles of leaders and followers
2. Create a paper summarizing the value of leadership within the healthcare system.
3. Given a dilemma in need of leadership skills write a paper on the steps involved in resolving the said problem including specific skills utilized by the student.

DH 501 Current Epidemiologic Dental & Public Health Issues 3 credit hours.

Emphasis on broad spectrum public health topics and their impact in oral health, including findings and recommendations from outbreaks, epidemiology, updates on emergent situations,

findings from public health surveillance systems, guidelines from prevention services, review of acute and chronic, infectious and non- infectious public health problems.

Learning Outcomes:

As a result of this course students will be able to:

1. Evaluate programs to reduce risks and promote health that are appropriate to health status and ability, age, gender, ethnicity, social, economic, cultural factors, and available resources.
2. Use epidemiological, social and environmental data to evaluate the oral health status of individuals, families, groups, and communities.
3. Incorporate health promotion theories and translational research in developing teaching and oral health counseling strategies that preserve and promote health and healthy lifestyles.
4. Foster inter-professional collaborations to optimize health for individuals and/or communities.
5. Evaluate the impact of oral disease on overall health to determine patient or community risk and in the development of intervention and prevention strategies to optimize positive health outcomes.

Assessments:

1. Critique two health promotion theories that promote healthy lifestyles. One should specifically focus on healthy oral health promotion. Evaluate these programs effectiveness in reducing risks and their appropriateness to various ages, genders, cultures, social and economic status.
2. Present a paper on oral health status of individuals, families, groups and communities using epidemiological, social and environmental data.
3. Create and customize a dental health promotion program for a specific community, group, or population.

DH 502 Evidence-Based Research in Oral Health 3 credit hours

Current literature in the fields of dentistry and dental hygiene will be explored and evaluated. Research methodology and evidence based decision making will be discussed. Students will identify areas of research interest and submit project proposals for thesis consideration.

Learning Outcomes:

As a result of this course, students will be able to:

1. Discuss the evidence-based process in relation to dental hygiene research literature.
2. Analyze a variety of dental hygiene research articles including those in the area of research interest.

3. Employ evidence-based critical appraisal methods to evaluate a variety of dental hygiene research articles for research design, methodology, and risk of bias (formerly validity & quality of study).
4. Develop a dental hygiene research proposal for thesis consideration.

Assessments:

1. Compose a written one-page paper that explores dental hygiene research from the evidence-based perspective.
2. Summarize and evaluate 3-5 research articles in the dental/dental hygiene field.
3. Discuss and critique selected research (3-4 articles) in your area of focus on the course forum site. Respond to two other students using critique and evaluation.
4. Write critiques of dental hygiene research articles using evidence-based critical appraisal techniques in the area of research focus research design and methodology.
5. Summative: Develop and present to the class a research proposal for thesis consideration.

DH 503 Dental Program Planning & Implementation 3 credit hours

Students will focus on the skills to effectively plan, design and implement dental health programs that address public health problems for defined populations in a variety of settings.

Learning Outcomes:

After completing this course, the student will be able to:

1. Statistically compare and contrast dental public health trends at the local, state and national levels.
2. Survey local and state community resources to identify agencies and constituents that would support a community dental public health program.
3. Statistically analyze community dental health programs' effectiveness and utilization.

Assessment:

1. Write a two page paper comparing and contrasting national and statewide oral health disparities. Post one proposed intervention to a national or statewide oral health disparity and respond to two classmates posts.
2. Develop a community dental health program that will addresses local disparities based on state and national trends.
3. Collaborate with local and state constituencies and allocate resources to be utilized for your proposed community dental health program.
4. Create and post a cost-benefit and cost-effectiveness table supporting your utilization of secured resources. Respond to two other posts, one defending and one arguing the financial structure provided by a classmate.

5. Post a comprehensive assessment of the community dental health program implemented and evaluate its strengths and weaknesses. Post responses to two classmate's assessment making recommendations for future programs.

DH 504 Contemporary Applications of Educational Technology 3 credit hours

In-depth examination of instructional applications incorporating visual design, multimedia platforms to include digital imagery, audio, and video for face-to-face and online instruction and learning.

Learning Outcomes:

As a result of this course, students will be able to:

1. Effectively use a variety of current and emerging educational software technology applications (Including, but not limited to: MS Office style tools, Google office tools, multimedia, a variety of Web 2.0 elements, safe copyright use, and the WLU learning platform) to support dental hygiene teaching and learning in face-to-face and online teaching environments.
2. Use online collaborative tools to clarify student understanding of dental hygiene concepts, enhance student reflection and encourage critical thinking.
3. Design and evaluate dental hygiene learning activities using digital tools and resources that utilize students' diverse learning styles and abilities.
4. Develop and evaluate assessments and authentic learning experiences that incorporate current and emerging educational technologies to maximize dental hygiene content learning in context.

Assessments:

1. Create one lesson plan and accompanying rubric with a rubric generator site for a student centered Forum assignment and upload to Scribd: embed on to website.
2. Develop a presentation using multimedia and digital images in your specific dental hygiene unit of study and share with classmates via the course Forum and post on SlideShare. (or similar Web 2.0 site.)
3. Record a 3-5 minute video tutorial on how to use an educational technology web tool of your choice. Upload to YouTube and then embed on to website.
4. Create a test or survey in Google docs for dental hygiene student use: embed on to website and also input into Sample Sakai site (or current learning platform).
5. Summative assessment: Create a website for a dental hygiene educational course that will showcase your use of emerging technologies and Web 2.0 work for application in dental hygiene education: plan for a specific dental hygiene unit of study.

DH 505 Dental Hygiene Curriculum Design and Teaching Methods 3 credit hours

Provides graduate students with the opportunity to explore the methods and issues of clinical based teaching currently utilized in entry level dental hygiene education. Evaluation, assessment,

competency based education. Clinical calibration and accreditation standards will be introduced.

Learning Outcomes

As a result of this course, students will be able to:

1. Identify accreditation standards and methods of demonstrating compliance.
2. Examine and discuss clinical assessment methods.
3. Discuss competency based Dental Hygiene education.
4. Define clinical remediation and discuss options for implementation.
5. Define clinical calibration and discuss methods appropriate for teaching dental hygiene clinical skills.

Assessments:

1. Students will review the ADA Commission on Dental Accreditation. Students will be assigned an accreditation standard and write an appropriate response to demonstrate compliance.
2. Student will review the literature and investigate clinical assessment methods utilized in Clinical dental hygiene education.
3. Students will develop an Objective Structured Clinical Exam that could evaluate a dental hygiene clinical process.
4. Students will review current dental literature on a dental hygiene competency based curriculum.
5. Students will identify the Five Competency Domains as defined by the American Dental Educator's Association.
6. Students will develop competency statements for each of the five domains.
7. Students will define remediation and identify areas of clinical dental hygiene education that may require prescriptive remediation. Students will identify appropriate components of a remediation policy. When given a case history, students will develop a remediation plan for a dental hygiene student.
8. Students will review the current dental literature on the faculty calibration of clinical dental hygiene skills. Students will evaluate sample clinical calibration exercises and discuss challenges of implementation. Students will develop and present a calibration exercise that could be utilized in dental hygiene education.

DH 506 Internship in Dental Hygiene Education 1 credit hours

Students will complete forty-five hours of approved field work experience in either public health or dental hygiene education in an accredited dental hygiene program. Prior approval must be granted on site location and an agreement made between the internship location and the course instructor.

Learning Outcomes:

As a result of this course, students will be able to:

Dental Hygiene Education Internship

1. Summarize the qualities of an effective clinical instructor.
2. Describe methods of clinical instructions.
3. Summarize the role student/teacher conflict plays in clinical education.
4. Demonstrate the role of appropriate clinical instruction through the preparation of student learning outcomes, the presentation of lectures, demonstration of clinical skills and the development of rubrics for measurement.
5. Demonstrate leadership skills and interprofessional collaboration with administration, faculty and students in the chosen internship organization.

Public Health Internship

1. Summarize the qualities of an effective dental public health coordinator.
2. Describe obstacles to implementing a public health program.
3. Explain the role of a dental hygienist in the public health setting.
4. Understand the policies associated with dental public health.
5. Compare and contrast dental public health with private practice.
6. Demonstrate leadership skills and interprofessional collaboration with administration, employees and clients in the chosen internship organization.

Assessment:

1. The student will complete a daily journal documenting hours worked and daily activities completed.
2. The student will write a five page paper reflecting on the internship. The paper will include a description of the field work experience, positive and negative experiences, obstacles encountered, specific examples of duties assigned from the supervisor, and a reflection of the learning experience.
3. The supervisor at the approved facility will complete a provided evaluation of the student at the completion of the required forty five hours.

DH 507 Thesis 5 credit hours

This capstone activity should demonstrate the writing, organizational and communication skills associated with the MSDH degree. The graduate student will conduct an extensive research project. Oral and written reports will be required, including oral defense of the project and submission of the project for a poster presentation at a regional or national meeting and/or submission for publication in a peer review journal.

Student Learning Outcomes

As a result of this course, students will be able to:

1. Construct a thorough review of Dental Hygiene literature using evidence-based appraisal techniques in the selection, analysis, and evaluation of the literature evidence to apply to your selected thesis topic in community health, education, or to the clinical practice of dental hygiene.

2. Develop and perform independent research on your selected thesis project topic that advances a new point of view in dental hygiene and demonstrates graduate level performance.
3. Create an analytical introduction and abstract for the thesis research paper that briefly summarizes your approved thesis topic, concepts, methodology and materials, and the results of your research.
4. Write a scholarly thesis for publication on your master's thesis research project that demonstrates graduate level writing and evaluation skills in proposal development and writing.

Assessments:

Assessments are designed to guide students through the development of their thesis document and performance of thesis research.

1. Write a focused Review of Literature section of your thesis document with emphasis on analysis of the evidence literature and graduate level writing skills. (Again, this may have been done in DH 501)
2. Create an outline that gives an overview of the main points of your thesis. Through supervision sessions with your thesis advisor this may require revision as you conduct your research.
3. Submit your thesis research proposal to the University Institution Review Board.
4. Write a thesis research journal on a weekly or biweekly basis that reflects on the implementation of your thesis research, data management, and analysis for review with your thesis advisor at regular meeting intervals. Your journal must show how your choice of design and research method is suited to answering your research question(s), and demonstrate that you have given due consideration to the validity and reliability of your chosen method(s).
5. Write the analytical Introduction, and Abstract section of your thesis document with a focus on graduate level writing skills and publication format.
6. Summative Assessment: Present your completed written thesis document as prepared for publication to your candidate's Thesis Committee and orally defend your research methods and findings.

6.5. b. Accreditation Status: Indicate the accrediting agency for the proposed program, the schedule for initiating and receiving accreditation, and the costs of each stage of the process. Attach to the proposal the statement of standards used by the accrediting agency for such a program and how each accreditation standard will be addressed within the proposed program.

There is currently no accreditation for the Master of Science Degree in Dental Hygiene.

EXHIBIT E

Operating Resource Requirements Form 2

A. FTE Positions	First Year 2018	Second Year 2019/20	Third Year 2020/21	Fourth Year 2021/22	Fifth Year 2022/23
1. Administrators	.25	.25	.25	.25	.25
2. Full-time Faculty #	0	0	0	0	0
3. Adjunct Faculty	.40	.40	.40	.40	.40
4. Graduate Assistants	0	0	0	0	0
5. Other Personnel					
a. Clerical workers	.063	.063	.063	.063	.063
b. Professionals	0	0	0	0	0

Current WLU Faculty Members will assume .60 teaching responsibilities and will receive a \$1000 stipend per credit hour. Additional Adjunct Faculty will be hired to teach .40 of the responsibilities.

B. Operating Costs	First Year 2018	Second Year 2019/20	Third Year 2020/21	Fourth Year 2021/22	Fifth Year 2022/23
1. Personal Services					
a. administrators	8,000	8,000	8,240	8,487.20	8,741.82
b. Full-time Faculty #	0	0	0	0	0
c. Adjunct Faculty	24,500	39,500	40,122.30	40,755.24	41,398.39
d. Graduate Assistants	0	0	0	0	0
e. Non-Academic Personnel					
Clerical Workers	0	0	0	0	0
Professionals	0	0	0	0	0
Total Salaries	32,500	47,500	48,362.50	49,242.44	50,140.21

#Adjunct faculty will cover current Faculty Member's stipends and additional costs for benefits

2. Current Expenses	4,000	4,000	4,000	4,000	4,000
3. Repairs and Alterations	0	0	0	0	0
4. Equipment					
a. Educational Equipment	3,000	1,500	1,500	1,500	1,500
b. Library Books	0	0	0	0	0
5. Nonrecurring Expense	0	0	0	0	0
Total Costs	39,500	53,000	53,862.50	54,742.44	55,640.21

C. Sources	First Year 2018	Second Year 2019/20	Third Year 2020/21	Fourth Year 2021/22	Fifth Year 2022/23
1. General Fund Appropriations	0	0	0	0	0
2. Federal Government	0	0	0	0	0
3. Private and Other	55,800	83,400	87,570	87,570	91,948.50
Total All Sources	55,800	83,400	87,570	87,570	91,948.50

**Source of Operating Resources
Form 1**

	First Year 2018	Second Year 2019/20	Third Year 2020/21	Fourth Year 2021/22	Fifth Year 2022/23
Number of Students Served through Course Offerings of the Program					
Head Count	5	9	9	9	9
FTE	5	9	9	9	9
Student Credit Hours	90	138	138	138	138
Number of Majors					
Head Count	5	9	9	9	9
FTE	5	9	9	9	9
Student Credit Hours	90	138	138	138	138
Number of degrees to be granted (annual total)	0	4	4	4	4

West Virginia Higher Education Policy Commission
Meeting of November, 18, 2016

ITEM: Approval of Revisions to Series 52, Legislative Rule, Annual Reauthorization of Degree Granting Institutions

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 52, Legislative Rule, Annual Reauthorization of Degree Granting Institutions, to be filed with the Secretary of State for the 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.

STAFF MEMBER: Corley Dennison

BACKGROUND:

With the collapse of ITT Technical Institute and the U.S. Department of Education's decertification of the Accrediting Council for Independent Colleges and Schools (ACICS); an accrediting agency that accredits institutions that offer programs in professional, technical, and occupational fields, annual reauthorization of degree-granting institutions has taken on a more prominent role with both the Commission and the West Virginia Council for Community and Technical College Education. In order to better serve the students of higher education in West Virginia, it has become necessary to make revisions to Series 52, Legislative Rule, Annual Reauthorization of Degree Granting Institutions, with the aim of clarifying the intent of Commission reauthorization and to close specific loopholes in the current policy.

The primary revision to Series 52 comes in Section 4, Exemptions. Initial authorization for institutions in West Virginia fall under Series 20, Initial Authorization of Degree-Granting Institutions, or under Series 35, Correspondence, Business or Trade Schools. Series 20 is for institutions intending to offer associate degrees and above while Series 35 is intended for business or trade schools such as barber academies. Series 20 has an

involved vetting process to approve degrees to be offered by the institution while Series 35 has a pro-forma template process to secure a permit to operate in the state.

Once an institution is approved under Series 35, as currently written, no additional approval or review is required for that institution to begin offering new degrees at the associate or bachelor's level as those institutions "shall be considered exempt from reauthorization."

Revisions to the Commission's Series 52 include the following:

- Delete Section 2.9 that exempts non Series 20 institutions from this rule.
- Delete Section 4.1 which also exempts non Series 20 institutions from this rule.
- Other revisions are correcting language to conform to the deletion of sections 2.9 and 4.1 or are technical edits.

Revisions to the West Virginia Council for Community and Technical College Education rules, Series 35, Correspondence, Business or Trade Schools, and Series 52, Annual Reauthorization of Degree Granting Institutions will be on its agenda next month.

Revisions in the Commission's Series 52 will align policy with intended revisions for the Council's rules, Series 52 and Series 35. The intent is to clarify and require any institution offering an associate degree or higher in West Virginia to be subject to annual reauthorization.

**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. -- ~~May 2, 2013.~~

1.4. Effective Date. -- ~~May 2, 2013.~~

1.5. Sunset Date. --This rule will sunset five years from the 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 except for those institutions exempted by the Commission under Section 4 of this rule. 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 services; 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 requirements.

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.~~

4.21. Any institution fully authorized by the Commission to operate in West Virginia prior to the effective date of this rule is subject to the provisions of this rule pertaining to reauthorization except as provided in 4.2.

4.32. The following institutions shall be exempt from the provisions of this rule:

4.3.2.a. Correspondence, business, occupational and trade schools which

~~4.3.2.a.1. offer nothing higher than a specialized associate degree; and~~

4.3.2.a.2. are regulated under West Virginia Code provisions §18B-2B-9, and West Virginia Council for Community and Technical College Education, Title 135, Legislative Rule, Series 35 on correspondence, business, occupational and trade schools.

4.3.2.b. Out-of-state institutions:

4.3.2.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;

4.3.2.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;

4.3.2.b.3. offering courses or programs on a military installation solely for military personnel or civilians employed on such installation;

4.3.2.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

4.3.2.b.5. offering online courses or programs with Commission approval for a specified period of time.

4.3.2.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.

4.3.2.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.

4.2.e. Those institutions subject to annual reauthorization by the West Virginia Council for Community and Technical College Education, under its Title 135, Series 52.

§133-52-5. Annual Reauthorization.

5.1. All authorized institutions, except those previously exempted in section 4.32 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 into 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 default 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.

5.4.n. Any additional information or data as deemed necessary.

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 are 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, *Initial 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, *Initial 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 submits 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.

10.3.a. 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 November 18, 2016**

ITEM: Report on Program Review

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Corley Dennison

BACKGROUND:

In accordance with West Virginia Code §18B-1B-4 and §18B-2A-4 and Series 10, Procedural Rule, Policy Regarding Program Review, the institutions through their respective governing boards conducted reviews of academic programs for the 2015-2016 academic year and submitted summary reports that indicated actions taken. A total of 98 programs were reviewed during this program review cycle. The actions are summarized below.

- **Continue with no specific action or follow-up:** 56 programs
- **Continue with corrective action or follow-up:** 36 programs
- **Identification of program for further development:** 1 program
- **Discontinuation:** 5 programs
 - B.S. Mining Engineering Technology – Bluefield State College
 - B.S. Spanish – Concord University (pending)
 - B.S.Agr. Agronomy – West Virginia University
 - B.S. Soil Science – West Virginia University
 - Ed.D. – Education (Educational Leadership/Public School Administration) – West Virginia University

A summary of the 2015-2016 program actions is provided in the table that follows. The table indicates the recommendation of the respective governing board for each program. In most cases, the boards were aided by the use of external reviewers. The policy requires that reviewers external to the unit be utilized. In instances where a governing board has recommended follow-up action, the rationale for the action is provided.

Series 11, Procedural Rule, Submission of Proposals for Academic Programs and the Monitoring and Discontinuance of Existing Programs, stipulates that the commonly accepted program length is 60 hours for associate degree programs and 120 hours for bachelor's degree programs. The program review process is being utilized as the vehicle

for monitoring compliance with this provision.

Many institutions have successfully met the Commission's goal to reduce the number of hours required for graduation to 60/120 hours. Five programs on this review exceed that goal, which is down significantly from the past year. Institutions with programs that exceed these standards will be asked to submit a follow-up report by August 1, 2017 on how they will address this issue.

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
Bluefield State College	B.S. Elementary Education <i>The program has received continuing national accreditation until Spring 2019. Assessment, which was identified as a weakness in the previous review, has been enhanced and meets accreditation standards.</i>	Continue at the current level of activity	118	120
	B.S. Accountancy <i>The program is nationally accredited. Graduates will have taken all accounting related courses required to sit for the West Virginia CPA examination, though a minimum of 150 hours of college study is required to sit for the exam. The School of Business has developed 14 articulation agreements with various two-year institutions to expedite transfer.</i>	Continue at the current level of activity	25	120
	B.S. Business Administration <i>The program is nationally accredited. Maintaining an appropriate level of faculty is a challenge in retaining accreditation. There is a desire to add additional majors (e.g. Finance); however, the current level of faculty will not support this effort.</i>	Continue at the current level of activity		
	B.S. Computer Science <i>The department is reviewing options to become ABET accredited through the Computer Accreditation Commission. Because of concerns about meeting faculty requirements, other accreditation options may be explored. The curriculum was revised in 2014 to meet the 120 hour goal.</i>	Continue with corrective action or follow-up	37	120
	B.S. Mining Engineering Technology <i>Enrollment has dropped severely. After May 2016 graduation, only three students will be left in the program. They will be given an opportunity to complete the program.</i>	Terminate		
Concord University	B.S. Athletic Training <i>The program is nationally accredited. Due to concerns about retention, the program analyzed when students dropped out and implemented curricular revisions for 2016-17. Admission into the program will now occur in the junior year rather than sophomore year.</i>	Continue at the current level of activity	23	120
	B.S. Spanish <i>The program has not yet achieved the level of stability which was anticipated. This is due in part to high faculty turnover. The program is served by one faculty member and that position was held by four individuals during the review period. The program also serves education majors and supports various other programs on campus. A Business Spanish minor has been developed and is awaiting approval. NOTE: Since the review was completed, Concord officials have indicated their intent to recommend termination of the program at the November meeting of their Board.</i>	Continue (see note below)	4	120
Fairmont State University	B.A. Communication Arts <i>Numerous program revisions were implemented during the review period to address concerns and deficiencies from the last review. The curriculum now includes a research course and a capstone course. A current emphasis is the integration of technology. A report is requested in one year on an assessment and recruitment plan.</i>	Continue with corrective action or follow-up	29	120
	B.A. Spanish	Continue with corrective action or follow-up	9	120

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
Fairmont State University (cont'd)	A report is requested in one year on enrollment and graduation rates. The number of applicants is at least double and sometimes as much as five times those enrolled. Faculty stability has been a recurring problem.			
	B.A. Theatre Arts	Continue with corrective action or follow-up	26	120
	A report is requested in one year on enrollment and graduation rates. The number of graduates and enrollment increased relative to the previous review period. Additional faculty are needed but will be difficult to justify at current enrollment levels.			
	B.S. Allied Health Administration	Continue – Identify areas of opportunity for further development	66	120
	There are no full-time faculty assigned to the program which does not allow for the recruiting and assessment efforts needed to make this a quality and productive program. Resources are needed in order to: 1) revise the curriculum to ensure currency and 2) marketing of the program. Two entry options are needed: 1) a straight 4-year degree and 2) a 2+2 track.			
	B.S. Community Health Education	Continue at the current level of activity	28	120
	The external reviewer stated the program curriculum is strong. Courses are aligned directly with national vetted standards. Graduates are able to take the Certified Health Education Specialist exam with the National Commission on Health Education Credentialing.			
	B.S. Exercise Science	Continue at the current level of activity	133	120
Glenville State College	The program curriculum was revised in 2015 and additional courses are being considered upon the advice of the external reviewer. Students must now make a “C” or higher on all upper division major courses.			
	B.S. Psychology	Continue at the current level of activity	211	120
	Enrollment increased over the previous review period. The program serves nearly 250 majors and 60 minors. Program requirements have been modified to meet national standards of the American Psychological Association. A Behavioral Science research laboratory has been established.			
	M.Ed. Education	Continue at the current level of activity	286	
	The program is considering a number of revisions suggested by the external reviewer and on-campus reviewers including: 1) clarifying expectations for faculty scholarship, 2) clarifying that applications must be accompanied by transcripts from all previously attended institutions, and 3) clarifying graduate course grading.			
	B.A. Special Education	Continue at the current level of activity	7	Varies between 120-125
	B.A. Elementary Education	Continue at the current level of activity	48	
	B.A. Secondary Education	Continue at the current level of activity	108	
B.A. Early Childhood Education	Continue at the current level of activity	47		
The Education programs were submitted as one review. Accreditation visits are scheduled for Spring 2019. Spanish has been added as a certification since the last review, but has produced only one completer. The Department of Language and Literature has been asked to address the lack of enrollment. Nearly 90 percent of graduates have found employment in West Virginia. Graduation hours vary according to the program and certification areas chosen.				

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
Glenville State College (cont'd)	A.S. Forest Technology <i>The program is accredited by the Society of American Foresters. The program's location adjacent to the college forest is ideal for hands-on laboratory exercises. Articulation agreement are being explored with area high schools and with the B.S. Forestry program at West Virginia University.</i>	Continue at the current level of activity	42	60
Marshall University	B.S. Athletic Training <i>The program is encouraged to pursue resource development focused on recruitment of additional tenure-track faculty. The program is transitioning to an entry-level master's degree.</i>	Continue with corrective action or follow-up	71	NA
	B.S. Computer Science <i>The program is encouraged to pursue resource development focused on recruitment of additional tenure-track faculty. Plans to pursue ABET accreditation are on hold while a search for a new chair is conducted. Some deficiencies identified in the previous review continue to persist: a) lack of advisory board and b) low graduation rate.</i>	Continue with corrective action or follow-up	89	120
	B.A. Criminal Justice <i>The program is encouraged to pursue resource development focusing on recruitment of additional tenure-track faculty. Previous concerns regarding faculty resources and facility space have not been addressed. The program focuses on the study of crime and criminal behavior.</i>	Continue with corrective action or follow-up	320	120
	B.S.E. Engineering <i>The program is encouraged to pursue resource development focusing on recruitment of additional tenure-track faculty. The program is accredited and is one of the fastest growing programs in the university. Enrollment hit 200 students in 2014-15.</i>	Continue with corrective action or follow-up	97	128
	B.S. Environmental Science <i>A new assessment model was implemented in 2014-15. The College of Science is undergoing a reorganization that will include the merger of Environmental Sciences and Network Resources and Recreation Management into one degree program in a new School of Biological Sciences and Resources.</i>	Continue at the current level of activity	34	120
	B.S. Exercise Science <i>This is the first review of the program which was approved in 2009. The program has used assessment results as a means to make curricular revisions.</i>	Continue at the current level of activity	146	120
	B.S. Integrated Science and Technology <i>In addition to Integrated Science and Technology, students may also choose majors in Computer and Information Technology (CIT) and Biotechnology. A game development area of emphasis under CIT has been named one of the top 50 game development programs in the country.</i>	Continue at the current level of activity	85	120
	B. A. Journalism and Mass Communications <i>Following the last accreditation visit, the report cited a number of program strengths, including a strong reputation and visibility in the tri-state region. The report did express concerns over the currency in the curriculum and the use of assessment results for program improvement. The program has indicated plans to address these concerns.</i>	Continue at the current level of activity	253	120

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
Marshall University (Cont'd)	B.S. Natural Resources and Recreation Management <i>Plans are underway to merge with Environmental Science. Advisory boards will be involved in any curricular revisions.</i>	Continue at the current level of activity	35	120
	B.A. Physical Education <i>The program prepare most students to work in the area of sports management. It does not prepare students for teaching careers. The Marshall Board of Governors recently approved a new sports management program. The current B.A. in Physical Education will be discontinued after all current students have graduated.</i>	Continue at the current level of activity	129	120
	B.S. Safety Technology <i>The program is encouraged to pursue resource development with a focus on the recruitment of additional tenure-track faculty. The program is ABET accredited.</i>	Continue with corrective action or follow-up	73	120
	M.S. Athletic Training <i>With the implementation of a new entry level Master's Program in Athletic Training, the current program is scheduled to be phased out by 2020. The current program was initiated in fall 2012.</i>	Continue at the current level of activity	3	
	M.S. Criminal Justice <i>The program is encouraged to pursue resource development focused on the recruitment of additional tenure-track faculty. External reviewers encouraged the program to develop an online option.</i>	Continue with corrective action or follow-up	29	
	M.S.E. Engineering <i>The program is encouraged to pursue resource development focused on the recruitment of additional tenure-track faculty. Enrollment has grown primarily because of the influx of international students through the INTO program. Majors are available in Engineering Management, Environmental Engineering and Transportation and Infrastructure Engineering.</i>	Continue with corrective action or follow-up	57	
	M.S. Environmental Science <i>The program is housed within the College of Information Technology and Engineering and is served by one full-time faculty member. There is collaboration with the baccalaureate program housed in the College of Science. There are ongoing discussions on how to best meet the needs of Environmental Science education across the university.</i>	Continue at the current level of activity	54	
	M.S. Exercise Science <i>While enrollment has declined there is belief that the trend will be reversed as there has been a shift toward preventative medicine and exercise science as playing large roles in the prevention of disease.</i>	Continue at the current level of activity	65	
	M.S. Health Informatics <i>This is a new program (2010) that has achieved accreditation. In a recent publication entitled, "Top 25 Master's in Healthcare Informatics Degrees ranked by Affordability in 2014," Marshall's program ranked number one.</i>	Continue at the current level of activity	17	
	M.S. Information Systems <i>Prior to 2014, the program primarily functioned as an evening program for working professionals; however, the program now attracts an increasing number of international students recruited through INTO. Enrollment has increased 100 percent.</i>	Continue at the current level of activity	39	
	M.A. Journalism and Mass Communications	Continue at the current level of activity	40	

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
Marshall University (cont'd)	<i>The program continues to address concerns regarding the lack of doctoral faculty and faculty workloads that were identified in the previous review. In addition to the degree program, the school offers three graduate certificates: Digital Communications, Media Management, and Integrated Strategic Communications. Enrollment declined during early years of the review period.</i>			
	M.S. Safety Technology	Continue at the current level of activity	52	
	<i>Students may choose between two areas of emphasis: Occupational Safety and Health and Mine Safety. Many students are currently employed in the field. A safety conference has been held in 2015 and 2016 to highlight safety programs.</i>			
	M.S. Sports Management	Continue at the current level of activity	79	
	<i>Students may chose an area of emphasis in Sports Management or Recreation and Physical Activity. There has been significant faculty turnover in the past two years. The program is under a combined budget with four academic units in the School of Kinesiology. This was identified as a deficiency in the previous review.</i>			
Shepherd University	M.S. Technology Management	Continue with corrective action or follow-up	75	
	<i>The program is encouraged to pursue resource development focused on the recruitment of additional tenure-track faculty. The program serves students who are working professionals in a diverse group of technology related disciplines and careers. Enrollment is increasing due to international student recruitment through INTO. The program is served by one faculty member.</i>			
	B.F.A. Arts	Continue at the current level of activity	219	120
	<i>Initial accreditation was received from the National Association of Schools of Art and Design in Fall 2015. The BFA degree provides concentrations in Graphic Design, Computer Digital Imagery, Painting, Printmaking and Sculpture. The Department also offers a BA in Art Education. The Department is recognized as an outstanding leader in the area of assessment at Shepherd. The Department is encouraged to explore a theater major.</i>			
	B.A. English	Continue at the current level of activity	98	120
	<i>Concentrations are available in Creative Writing and English Literature. Since the last review, the curriculum has undergone a major revision. Graduation rates have been above average in most years.</i>			
	B.A. Spanish	Continue with corrective action or follow-up	17	120
Shepherd University	<i>A report in two-years is requested on curriculum, enrollment, and assessment. Curriculum revisions should focus on modernizing offerings beyond literature. With enrollment declines, the program is encouraged to explore ways of encouraging students enrolled in introductory courses to consider a double major or minor. It was unclear how assessment data was being used for program improvement.</i>			
	B.A. Music	Continue at the current level of activity	39	120
	B.M.E. Music Education	Continue at the current level of activity	NA	120
	B.M. Music	Continue at the current level of activity	NA	120
	<i>One review was performed for the three degree options offered by the Department of Music. The BM degree which is the professional undergraduate performance degree was approved by the Commission in June 2014. The BA degree offers concentrations in music theater performance, composition and piano pedagogy. The program curricula adhere to competencies</i>			

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
	<i>required by the National Association of Schools of Music. The BA degree program is recommended to continue the process of revising the curriculum to better align programs and concentrations with department resources and student demand.</i>			
Shepherd University (cont'd)	M.A.T. Teaching <i>This is one of Shepherd's first graduate offerings. Enrollment increased significantly during the review period going from 16 students in 2010 to 41 students in 2014. The program provides a clear pathway to alternative career choices for Shepherd graduates.</i>	Continue at the current level of activity	40	
West Liberty University	B.S. Chemistry <i>The curriculum is well aligned with the American Chemical Society. Faculty agree with external reviewer concerns about the absence of a calculus based physics course. There has been 100 percent faculty turnover since the last review which has led to revisions in the assessment program and the curriculum.</i>	Continue at the current level of activity	21	120
	B.A. Elementary Education <i>The program was commended for implementing technology across all courses. In addition, teacher candidates spend more than 85 hours in public school classroom prior to student teaching. The program maintains accreditation but is required to submit yearly progress reports regarding the collection of candidate assessment data and enhancement of candidates and faculty from diverse ethnic/racial background</i>	Continue at the current level of activity	206	120
	B.A. Secondary Education <i>The Center for Arts and Education provide professional development opportunities for teachers, faculty and candidates. The assessment plan is comprehensive and there is evidence that results are being used for program improvement.</i>	Continue at the current level of activity	187	120
	B.S./B.A. Psychology <i>Since the last review, an additional faculty member has been added with a specialization in translational research. Students receive significantly more instruction in research. The external reviewer commended the programs assessment measurers. One challenge that is recurring is the revamping of the capstone course so that it is divided into a junior and senior seminar.</i>	Continue at the current level of activity	89	120
WV State University	B.S. Elementary Education	Continue at the current level of activity	141	120
	B.S. Secondary Education <i>The programs have retained accreditation since 1963. Adequate resources is a challenge because of new accountability resources emanating from federal, state, and national accrediting bodies and budget cuts by the legislature. Faculty losses has placed additional burden on existing faculty.</i>	Continue at the current level of activity	158	120
	B.A. Psychology <i>While enrollment has declined since the previous review period, the program is healthy and had a average enrollment of 129 students. Approximately 25 percent of the courses are available online and there are plans to expand the availability of online courses.</i>	Continue at the current level of activity	134	120

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
West Virginia University	B.S. Agriculture and Extension Education <i>The accredited program is the only program in WV that prepares students to pursue a career as a high school agricultural teacher. The program was encouraged to seek program of excellence in the next review cycle.</i>	Continue at the current level of activity	92	120
	B.S. Forest Resources Management <i>Program enrollment is steady. Placement data indicate that 72 percent of graduates have secured in-field employment. The program is accredited by the Society of American Foresters.</i>	Continue at the current level of activity	124	120
	B.S. Wood Science and Technology <i>Demand for program graduates has outpaced supply. Employment rate approaches 95 percent. Five other states have selected the program for its residents through the Academic Common Market. The program is accredited by the Society of American Foresters.</i>	Continue at the current level of activity	27	120
	B. S. Child Development and Family Studies <i>Full accreditation was received in 2013 following submission for response to conditions identified by the National Association of Early Childhood in 2013. A follow-up report is requested to clarify: a) overall program hours, b) curricula differentiation of areas of emphasis, c) job placement data, and d) criteria for adjuncts.</i>	Continue with corrective action or follow-up	287	120
	B.S. Human Nutrition and Foods <i>The program is a major under Animal and Nutritional Sciences. A review as not submitted for a second major – B.S.Agr. in Animal and Nutritional Science. An accreditation visit occurred in January 2015 which resulted in reaccreditation for only two years and an interim report due in January 2016. A follow-up report regarding the current status of accreditation is required.</i>	Continue with corrective action or follow-up	NA	120
	B.MdS. Multidisciplinary Studies <i>The Multi-disciplinary program is a broad umbrella program offered through the College of Arts and Sciences and the College of Education. In the College of Education, the majors in Elementary Education and Secondary Education support students pursuing the five year teacher education degree that culminates with the awarding of the master's degree. Program reviews were executed for each of the majors.</i>			
	Elementary Education <i>While enrollment is healthy, there is a small flux due to the implementation of a new B.A. in Elementary Education program (4-year).</i>	Continue at the current level of activity	NA	130
	Secondary Education <i>There are concerns about viability, particularly for the science major. The college is recommended to review the program in regards to viability of the science programs, with a report in 2018 to identify plans to demonstrate program viability, including student enrollment, retention and program completion, and including data about faculty resources required for program continuation.</i>	Further Study	NA	126
	B.S. Resource Management <i>Majors are offered in Agribusiness Management and Rural Development and Environmental and Natural Resource Economics. A new major in Environmental and Energy Resources Management may impact enrollment in the existing Environmental major.</i>	Continue at the current level of activity	192	120

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
West Virginia University (cont'd)	B.S. Wildlife and Fisheries <i>The program was encouraged to seek recognition as a program of excellence in the next review cycle. The program has a high graduation rate and serves a major industry in the state.</i>	Continue at the current level of activity	237	120
	B.S. Agr. Environmental Protection <i>The program is a major under the B.S. in Plant and Soil Sciences. The division has plans to rename the program to Environmental Management in order to strengthen connections to careers that go beyond environmental protection. New areas of emphasis will be Soil and Water Science and Environmental Remediation. A follow-up report is requested that 1) provides data on graduate's oral communication skills and 2) aligns the number of credits in the AOE with university definitions.</i>	Continue with corrective action or follow-up	NA	120
	B.S. Agr. Agronomy <i>The program has been a major under the B.S. in Plant and Soil Sciences. The program will be merged with another major under the same umbrella program – B.S. Agr. Agroecology. The terminated major was averaging 7 to 8 students per year.</i>	Termination		
	B.S. Agr. Horticulture <i>The program is a major under the B.S. in Plant and Soil Sciences. The division has plans to eliminate AOE's and provide students with more flexible course options tailored to their academic and career interests. The recommendation notes that this action will require an internal college review and that the program will need to determine how students will be effectively advised. Metrics for retention and program to degree are required.</i>	Continue with corrective action or follow-up	NA	120
	B.S. Agr. Agroecology <i>The program is a major under the B.S. in Plant and Soil Science. The program has been asked to submit plans for enrollment growth via enhanced recruitment as well as including an enhanced job placement strategy. The report should also address curricular goals and appropriate plans of study for this merged program.</i>	Continue with corrective action of follow-up		120
	B.S. Applied and Environmental Microbiology <i>The program is a major under the B.S. in Plant and Soil Sciences. The program is experiencing low enrollment and has been asked to submit an interim report showing growth and viability in three years and recommend increased outreach to undeclared students and interested high school students. It was noted that critical program faculty had recently retired.</i>	Continue at reduced level of activity	NA	120
	B.S. Soil Science <i>The program was enrolling 0.2 students per year. It was noted that many programs within the division are struggling with respect to enrollment.</i>	Termination		
	B.S. Biochemistry <i>Biochemistry has been an offering in two colleges – Agriculture and Arts and Sciences. The program within Agriculture will terminate after the graduation of currently enrolled students. A new Intercollegiate Undergraduate Program in Biochemistry began in fall 2013 with two tracks. One track meets American Chemical Society requirements while the other meets recommendations of the American Society of Biochemistry and Molecular Biology (ASBMB). The program is encouraged to seek ASBMB accreditation.</i>	Continue in a revised form		120
	B.S. Design and Merchandising	Continue with corrective action or follow-up	286	120

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
West Virginia University (cont'd)	<i>The program offers three majors – Design Studies, Fashion, Dress and Merchandising, and Interior Design. The Interior Design major is requested to submit a plan for addressing serious concerns over facilities. Accreditation is encouraged but will not be possible until facilities have been improved.</i>			
	M.A. Educational Psychology <i>Enrollment increased 144 percent over the review period in response to the previous review's encouragement to increase enrollment.</i>	Continue at the current level of activity	27	
	M.A. Special Education <i>The program is accredited and highly viable with an enrollment of over 500 students.</i>	Continue at the current level of activity	416	
	Ed.D. Education (Special Education) <i>The program serves a high need area. Enrollment levels are consistent with other major universities.</i>	Continue at the current level of activity	8	
	M.A. Education (Elementary Education) <i>The program produces approximately 60 new elementary school teachers every year, most of whom remain in WV. Students have 100 percent passing rates for the PRAXIS II test. In addition, the college offers a major in Elementary Education/Advanced. This major is designed for students who currently hold an elementary teaching certification. The program is offered 100 percent online and does not lead to a teaching certification.</i>	Continue at the current level of activity	508	
	M.A. Educational Leadership <i>A steady decline in enrollment has raised concerns about program viability. Presently the program is not accepting new students. The program is asked to provide a report addressing future plans to the Associate Provost for Graduate Academic Affairs by December 2016.</i>	Continue with corrective action or follow-up	16	
	M.A. Education (Secondary Education) <i>The program is in the process of reducing the number of credit hours required for graduation. An advanced online program has suspended admissions.</i>	Continue at the current level of activity	449	
	M.A. Higher Education Administration Ed.D. Education (Higher Education Administration) <i>Both degree programs underwent revisions during the review period which has resulted in growing enrollment and increasing selectivity in admissions. The MA program is offered completely online and was named a "top 30" online program in U.S. News and World Report.</i>	Continue at the current level of activity	MA-25 EdD – 24	
	Ed.D. Education (Educational Leadership/Public School Administration) <i>Current enrollment does not make this a viable major. If the program is continued, the college is requested to establish a plan for program viability.</i>	Terminate	6	
	Ed.D. Education (Curriculum and Instruction)	Continue with corrective action or follow-up	36	

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
West Virginia University (cont'd)	<i>A follow-up report should address proposed solutions to the unusually high average time to degree completion and to faculty turnover issues. Clearly defined learning outcomes and the assessment of these outcomes should also be addressed.</i>			
	Ph.D. Nursing <i>The program is highly viable and attracts highly qualified students.</i>	Continue at the current level of activity	16	
	M.S. Animal and Nutritional Sciences <i>Graduate are either employed in careers that require the MS degree or successfully entered into RD or PHD programs.</i>	Continue at the current level of activity	69	
	M.S. Agricultural and Resource Economics <i>The program is asked to provide a report describing a comprehensive assessment plan. Students receive advanced training in the areas of natural resources and environmental, agricultural, mineral, energy, and agribusiness.</i>	Continue with corrective action or follow-up	30	
	M.S. Agricultural and Extension Education <i>The program is asked to provide a report describing a comprehensive assessment plan. The program graduates are prepared to teach agriculture in public schools, provide communication and leadership or work in extension education.</i>	Continue with corrective action or follow-up	16	
	M.L.A. Landscape Architecture <i>The program was initiated in 2011 and enhances the rigor of the existing accredited undergraduate program.</i>	Continue at the current level of activity	8	
	M.S. Plant and Soil Sciences <i>The program is asked to provide a report describing a comprehensive assessment plan. During the review period, faculty authored over 300 articles that appeared in scientific journals and refereed proceedings.</i>	Continue with corrective action or follow-up	3	
	M.S. Genetics and Developmental Biology <i>The program is asked to provide a report describing a comprehensive assessment plan. Enrollment had declined significantly upon the retirement of the chair in 2008 (a position that remained vacant until 2013). New leadership and the recent hiring of seven faculty provide an expectation of program growth.</i>	Continue with corrective action or follow-up	30	
	Ph.D. Genetics and Developmental Biology <i>The program is asked to provide a report describing a comprehensive assessment plan. The goal of the program is to train competitive post-doctoral candidates.</i>	Continue with corrective action or follow-up	4	
	M.S./Ph.D. Reproductive Physiology <i>The program is asked to provide a report describing a comprehensive assessment plan. The master's program is a prerequisite for the PhD program. The program has been reorganized both nationally and internationally as a program of excellence.</i>	Continue at the current level of activity	MS – 9 PhD – 5	
	M.S.F. Forestry <i>Six new faculty were hired during the review period. The self-study identified concern over the condition of facilities (Percival Hall)</i>	Continue at the current level of activity	31	
	Ph.D. Forest Resources Science <i>The program is asked to provide a report describing how the program uses assessment data to improve program performance. Enrollment increased 44 percent over the review period. The program has four emphasis areas: Forest Resource Management,</i>	Continue with corrective action or follow-up	34	

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
	<i>Recreational, Parks and Tourism Resources, Wildlife and Fisheries Resources and Wood Science Technology, concerns were raised about the condition at Percival Hall.</i>			
West Virginia University (cont'd)	Ph.D. Resource Management and Sustainable Development <i>The program is asked to provide a report describing how the program uses assessment data to improve program performance. Due to low enrollment in three of the four majors, admissions into some majors has been suspended. There is a tentative plan to change the programs focus to energy resources.</i>	Continue with corrective action or follow-up	25	
	Ph.D. Agricultural Sciences <i>The program is asked to provide a report describing how the program uses assessment data to improve performance. A new Agricultural Sciences building is expected to be a catalyst for program growth. Grant support is critical to the ongoing operation of this program.</i>	Continue with corrective action or follow-up	25	
	M.S. Wildlife and Fishers <i>Expectations are that students will continue to be attracted to the program because of the USFWS's National Conserving Training Center, the online graduate program and the Peace Corps Master International Program. Faculty research is disseminated to state and national governments. Concerns were expressed over the condition of Percival Hall.</i>	Continue at the current level of activity	37	
Potomac State College of WVU	A.A.S. Agriculture <i>The program is requested to submit a report in 2 years detailing: 1) curricular plan of study, 2) assessment implementation results and use, 3) faculty credentials and criteria for adjunct faculty, 4) program advising and overall student academic progress. Students can focus on Agricultural Technology or Equine Production and Management. There is hope that enrollment will increase as a result of the development of a gift of farm land and money from a private donor. This will bring laboratory facilities up to date with state of the art equipment and facilities.</i>	Continue with corrective action or follow-up	94	60
	A.A.S. Tourism and Hospitality (Culinary) <i>Enrollment declined significantly with the loss of a key faculty member in 2013. The Undergraduate Council believes the program has the potential to be viable and serve an important need. The program has been requested to provide a report by October 31, 2017 that addresses the following actions: 1) present a plan to invest in appropriate facilities, 2) submit a detailed assessment plan, and 3) submit a document to show investment into the program to previous funding levels and strategic recruitment plan.</i>	Continue with corrective action or follow-up	16	60
	BAS Bachelor of Applied Science <i>The BAS program was a "statewide" program approved by the Commission to serve students with an AAS degree. Potomac has developed two areas of emphasis: Business Management and Criminal Justice. An online component is helpful to nontraditional students. Allegany College of Maryland and Eastern WV Community and Technical College are primary feeder schools. Recommendations for specific action include: 1) change areas of emphases to major, 2) provide information on success of 2+2 articulation agreement, 3) develop recruitment plans, 4) develop program specific assessment data that include graduate and employee surveys.</i>	Continue with corrective action or follow-up	100	120

Institution	Program	Recommendation	Total Number of Graduates Last Five Years	Graduation Hours
WVU Institute of Technology	B.S. Career and Technical Education <i>The program serves in-service career and technical teachers in the classrooms and labs. Admission is restricted to newly hired beginning teachers who depend on the program for their eligibility for a 5-year CTE Teaching Certificate. Beginning CTE students must complete 18 hours of required coursework to maintain employment. Completion of the degree is not required, therefore there are few graduates. Many students will complete an RBA degree or pursue a MS degree in Adult and Technical Education at Marshall.</i>	Continue at the current level of activity	7	121-123

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of West Virginia State University Campus Development Plan

INSTITUTION: West Virginia State University

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves West Virginia State University's Ten-Year 2016 Campus Development Plan

STAFF MEMBER: Jim King

BACKGROUND:

ZMM Architects and Engineers was retained by West Virginia State University to provide a study of academic space planning. Additionally, using the fall 2015 base enrollment, a projected ten year enrollment space needs analysis was performed. This study responds to West Virginia Code §18B-19-4 and the Commission's requirement that all colleges and universities develop/update their campus development plan as a prerequisite for capital funding. The 2016 plan was submitted for consideration at the April 2016 Commission meeting, but was tabled to allow the University's new president time to review the plan.

The plan supports the University's strategic visions and goals and develops an inclusive ten-year plan for the Institute campus. The existing campus is comprised of 60 buildings and approximately 840,000 gross square feet. The major buildings were studied to assess their overall condition and funding required to alleviate the backlog of deferred maintenance issues.

As required, the campus master plan is intended to be used as a guide as the college moves forward with needed campus improvements supporting academic programs, campus life and stronger regional presence. It is intended to be the basis for both long-term as well as short-term planning that is clear, dynamic and responsive to changing needs and conditions.

The full plan can be viewed at the following link:

http://www.wvhepc.edu/wp-content/uploads/2016/11/FINAL_WVSU_MasterPlan-Document_ReducedFileSize.pdf

The major factors guiding included in the Campus Development Plan are:

- Continued growth when feasible of area forming the perimeter of the campus and addressing future capital improvement projects within those boundaries.
- Assessment of existing structures, determining deferred maintenance costs and distributing those costs over a ten-year period.
- Consideration of existing buildings that would be candidates for major renovations and associated costs vs. new construction for same, particularly a new dormitory.

The plan was focused on the overall building assessment mentioned above and addressing deferred maintenance issues. Additionally, there was some consideration given to construction and/or renovations to structures not necessarily immediate physical plant needs, including a natatorium (new construction) and research facility (renovated existing space).

In addition to the assessment of the existing buildings on the Institute campus, consideration was also given to the recent acquisition of the adjacent West Virginia Rehabilitation property, which West Virginia State University now owns. Most of the structures have been demolished, however the Facilities Division will relocate to a more appropriate location there (away from the current location next to the President's residence), and plans are being studied to also relocate the Research Division to the F. Ray Powers building after renovations.

The total reinvestment backlog per square foot calculated by Sightlines for the University was the second highest in the state at \$121. The Sightlines study indicated that the University's density statistic of about 300 users per 10,000 square feet is about 75 percent of the average for the West Virginia four-year public institutions. Unfortunately, the plan minimally addressed space utilization

Commission staff discussed the large deferred maintenance backlog and low user density rates with both the architects and institution officials. In those discussions, questions were raised specific to under or unused physical plant and high cost maintenance items. Specific items included in the plan and discussed: if the University addresses these issues, it could reduce its deferred maintenance backlog, generate funding for the further reduction of the backlog, and increase the value provided to students.

Sullivan Hall

The plan indicates that Sullivan Hall will remain in use, albeit minimally, with the intention of some undefined future use. The proposed \$950,000 renovation investment in this building that has no planned purpose would not provide value in return for students' tuition. Even though most of the building is vacant, it still must be heated and cooled at minimal levels. In addition, the University must expend funds for maintenance. Although

costs are associated with the demolition of the building, the institution could borrow funds for the demolition and repay the loan with the operating expense savings. After the loan is repaid, the savings would be available to reduce the deferred maintenance backlog.

Capitol Theater

The University owns the Capitol Theater in Charleston. It is used for some evening classes and local theater events although the West Virginia State University has adequate classroom and event space on its campus. The University plans to expend about \$400,000 to renovate the structure. Although the space is historically significant and it may have some value to residents of Charleston, the value to tuition paying students is not apparent.

Natatorium

The University has discussed the construction of a natatorium with local interested parties. During those discussions, the University has indicated that the construction, operating, and future maintenance and renovation costs for such a project would need to be paid for by private funds. Should discussion of a new natatorium reach a stage that would bring it closer to reality, the University was assured that private funding would support the construction. Rather than assign campus space for a project at this very early stage of development, it would be better to amend the plan at a later date when the funding would be more certain.

Project Priorities

The University should consider financing major infrastructure upgrades, including water, gas and electrical utilities by repaying loans from operating costs savings realized from the upgrade investments. After the loans are repaid, the operating costs savings can be used to address other deferred maintenance needs.

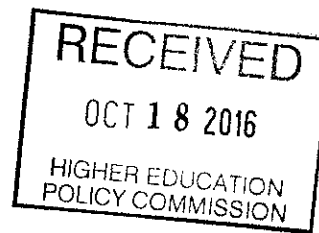
Potential funding sources for implementing the phases of the Master Plan are bonds, state appropriations, auxiliary revenues, private donations and partnerships, grants and other. Additionally, savings as a result of removal of unused buildings and upgrades to outdated mechanical systems in several buildings could be applied as well.

The University responded to the concerns raised by Commission staff in the letter included in this agenda item.



WEST VIRGINIA STATE

UNIVERSITY



Office of the President

Phone: (304) 766-3111

Fax: (304) 720-2075

October 18, 2016

Dr. Paul L. Hill, Chancellor
West Virginia Higher Education Policy Commission
1018 Kanawha Boulevard, East
Suite 700
Charleston, WV 25301

Dear Chancellor Hill:

On behalf of West Virginia State University (WVSU), please accept this letter and attached flash drive as formal submission of WVSU's master plan. I have made no changes to the original submission to the HEPC prior to my arrival.

Also, as the Commission tabled action on the University's master plan during its March 18, 2016 meeting until my arrival, please accept this as a formal request to place the approval of WVSU's master plan on the West Virginia Higher Education Policy Commission's (HEPC) agenda for the Friday, November 18, 2016 meeting.

Even though there was no action as to the approval of WVSU's master plan, the University would like to respond to the various concerns discussed in the HEPC's staff review of the master plan.

Sullivan Hall – This residence hall has been designated as the University's overflow housing facility. However, as of October 2016, the University has approximately 31 students residing in Sullivan Hall. As we continue to recruit additional in-state, foreign and out-of-state students, this space has proven to be invaluable. These students may very well have chosen another university if not for the accommodations available in Sullivan Hall. Borrowing funds for demolition of this building in the current atmosphere of reducing state appropriations does not seem to be an advisable course of action.

Capitol Theater – The Capitol Theater is owned by the West Virginia State University Foundation. The amount the University expects to spend is \$150,000 on an upgrade to the existing sprinkler system and \$250,000 to make the elevator ADA compliant. There is no timeframe to make this investment. However, the impact this facility has on its students is shown through the various art programs that are presented at this location along with the various artist showings in the art gallery located inside. Additionally, there is classroom space located on the second floor of which this entire facility is utilized to provide students with a true artists experience as part of the University's College of Arts and Humanities.

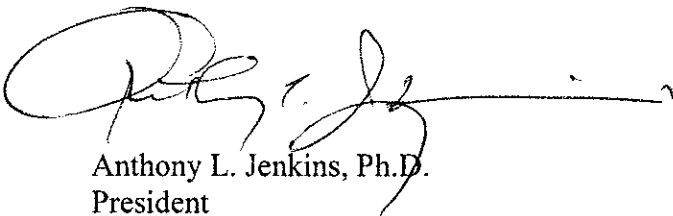
Natatorium – The placement of the Natatorium on the University's main campus is only conceptual. The space is currently being used by the athletic department (specifically the tennis courts), and the use will not change until/unless the community partners present funds to build and operate the facility. The Natatorium has been on our long-range site plan for many years because our previous Natatorium was lost with the renovations of Fleming Hall.

West Virginia State University's master plan submission is a detailed and forward thinking report that supports the University's strategic vision and mission and provides for a comprehensive ten-year plan for our main campus. This plan was developed by the participation from the various stakeholders, including students, faculty, staff, alumni and the community.

I am pleased to submit this document and information as we look to the future and work together in moving West Virginia State University forward.

As you review WVSU's master plan, please do not hesitate to contact me should you have questions or require any further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony L. Jenkins', followed by a long horizontal line extending to the right.

Anthony L. Jenkins, Ph.D.
President

Cc: Mr. Jim King, Director of Design and Planning

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Report on Fall 2016 Enrollment

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Neal Holly

BACKGROUND:

The presentation will consist of trend enrollment data through fall 2016 for the state's public four-year institutions. The data for this presentation is still in the process of being collected from the institutions and reviewed for accuracy. A report summary will be made available to the Commissioners as soon as it becomes available.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Master Plan and Compact Update

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Neal Holly

BACKGROUND:

The presentation will consist of a progress update on the system's master plan *Leading the Way: Access. Success. Impact*. The master plan is in its third year of implementation and has reached an important phase, as institutions will report progress concerning their ongoing strategies and plans this fall. The presentation will lay the groundwork for what the Commissioners should expect from the upcoming Compact review and approval process. The presentation will also discuss the recent *Compact Con* event hosted in Charleston that focused on increasing student success among adult learners.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval to Repeal Legislative and Procedural Rules

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the repeal of Title 133, Legislative Rules, Series 1 and Series 35.

Further Resolved, That the West Virginia Higher Education Policy Commission approves the repeal of Title 133, Procedural Rules, Series 24, Series 36, Series 37, Series 44, and Series 45.

STAFF MEMBER: Paul Hill

BACKGROUND:

In an effort to reduce the regulatory requirements of the institutions, an extensive review of all existing Legislative and Procedural Rules of the West Virginia Higher Education Policy Commission has been conducted by Commission staff. It is the recommendation of staff that the rules listed below be repealed as they are obsolete or no longer applicable to the Commission or the four-year public institutions. Copies of the rules are attached to the agenda item.

Title 133, Series 1, Legislative Rule, Performance Indicators

Effective April 9, 2002

This rule sets forth institutional performance indicators that are recommended for use in measuring the degree to which the strategic issues, goals, and objectives in the institutional compacts and masterplans are being met.

Title 133, Series 24, Procedural Rule, Preparation of Students for College

Effective August 10, 2002

This rule sets forth minimum levels of knowledge, skill and competency a student needs to possess to be prepared for college and establishes processes for communicating this information and procedures for assuring that teacher education programs prepare educators in getting K-12 students ready for college.

Title 133, Series 35, Legislative Rule, Correspondence, Business, Occupational, and Trade Schools

Effective April 3, 1995

This rule relates to the issuance, renewal, and revocation of permits to correspondence, business, occupational, and trade schools.

Title 133, Series 36, Procedural Rule, Sports Programs at Community and Technical Colleges

Effective January 8, 1980

This rule governs sports at community and technical colleges.

Title 133, Series 37, Procedural Rule, Increased Flexibility for Community and Technical Colleges

Effective June 12, 2000

This rule relates to the approval of new occupational programs for community and technical colleges, mode of delivery of such programs, and employment of faculty.

Title 133, Series 44, Procedural Rule, Policy Regarding Action to be Taken on Audit Reports

Effective September 12, 1972

This rule establishes the procedure for discovery of illegal use or shortage of funds.

Title 133, Series 45, Procedural Rule, Community and Technical College Faculty Instructional Load

Effective April 5, 2004

This rule establishes guidelines for community and technical colleges to utilize in developing a policy on faculty instructional loads.

In accordance with the rule promulgation process, the Legislative Rules must be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) to be repealed. Therefore, Title 133, Series 1 and Title 133, Series 35 will be submitted to LOCEA with a formal request to repeal the rules.

TITLE 133

LEGISLATIVE RULE

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 1

PERFORMANCE INDICATORS

1. General

1.1 Scope: The West Virginia Higher Education Policy Commission, (hereinafter referred to as the Commission) consistent with the provisions of W. Va. Code §18B-1A-2, hereby adopts the following performance indicators that are recommended for use in measuring the degree to which the strategic issues, goals, and objectives (benchmarks) in the institutional compacts and masterplans are being met.

1.2 Authority: W. Va. Code §18B-1A-2

1.3 Filing Date: April 9, 2002

1.4 Effective Date: April 9, 2002

2. Purpose

2.1 It is the purpose of this rule to set forth the performance indicators that are recommended for use in measuring the degree to which the strategic issues, identified in the higher education statewide plan are being met.

3. Performance Indicators

3.1 Use of Performance Indicators

3.1.1 The performance indicators should provide a clear documentation of progress toward the goals established in the statewide plan.

3.2 Performance Indicators for Strategic Issue I: Preparation

3.2.1 ACT core or revised high school requirements. The preparation of all recent high school graduates who enroll in public four-year higher education institutions will be measured. Revised admission standards are being considered for implementation with the class of 2007. This measure will be tracked for two-year institutions as well as, keeping in mind that two-year institutions would provide higher education access to all citizens, especially adults.

3.2.2 Developmental course enrollment. The percentage of recent high school graduates and adults who enroll in developmental math, reading, English or writing in their first fall semester in higher education will be measured.

3.3 Performance Indicators for Strategic Issue II: Participation

3.3.1 Participation rates for recent high school graduates and the adult population will be measured. Their performance in developmental and subsequent degree credit courses will be monitored and reported.

3.3.2 Transfer rates will be measured to track the mobility of students within the West Virginia higher education system.

3.3.3 Student retention and progress will be tracked and measure the retention and progression toward degree objectives for first-time freshmen and all other students.

3.3.4 Non-credit enrollment measures will document the volume and relationship of short courses, certificates, and other forms of non-credit instruction to workforce development and adult literacy.

3.4 Performance Indicators for Strategic Issue III: Affordability

3.4.1 This measure will track institutional compliance and progress in implementing the tuition and fee policy established by the Higher Education Policy Commission.

3.4.2 Net cost to students will measure the cost of education for students and parents after federal, state, and institutional aid has been subtracted.

3.5 Performance Indicators for Strategic Issue IV: Efficiency and Productivity

3.5.1 The cost of instructional programs will measure the cost of instructional offerings and courses. Cost will be measured as the direct instructional cost per credit hour or FTE student.

3.5.2 Facilities inventory, condition, and utilization will be a measurement relative to the amount of space for each major program (instruction, research, public service, and auxiliary enterprises), the quality of the space with regard to deferred maintenance and ability to support educational programs.

3.5.3 Management standards will be used as a measure of minimal administrative performance. These measures will include such things as an unqualified financial audit, no significant management comments in the

financial audit, all bills paid on time, all bills collected on time, effective management of student loan default rates and maintenance of commonly accepted cash reserves for enterprise activities.

3.6 Performance Indicators for Strategic Issue V: Outcomes

3.6.1 Graduation rates will report the number and percent of degree-seeking students who earn a degree within 150 percent of the normal time for degree completion.

3.6.2 Job placement and salary will be the measure of the number and percent of graduates working in the state, by institution graduated from, and the average earnings by occupation and field of employment.

3.6.3 Training completions will measure the number of credit and non-credit postsecondary training and education completions of all in-state high school graduates.

3.6.4 Job creation or improvement will measure the jobs created and individuals attaining employment as the direct result of training, education or research activities of the colleges and universities.

3.6.5 Research products will measure the number and value of patents, royalties, and other economic contributions attributable to research efforts of West Virginia public institutions.

3.6.6 Performance of graduates will monitor the results of degree programs by reporting the scores of graduates on licensure, certification or graduate admission examinations.

3.6.7 Student and employer satisfaction will be measured.

3.6.8 Progress towards separation and independent accreditation of community college components of four-year institutions will be reported.

3.6.9 In addition to progress toward independent accreditation, progress toward attaining the “essential conditions” for community college status as described in SB 653 will be monitored and reported.

4. Clarification and Definitions of New Measures

4.1 During calendar year 2002, the Higher Education Policy Commission in cooperation with the institutions, will develop detailed definitions and reporting procedures for data elements not currently attainable.

4.2 The Higher Education Policy Commission will report to LOCEA prior to the 2003 legislative session on the results of the activities in 4.1

5. Guidelines for Collection and Reporting of Data

5.1 When possible, performance indicators for West Virginia institutions shall be generated from the unit record student, registration, course, and personnel files collected by the Commission. When possible, peer institution data should be obtained from IPEDS electronic files maintained by the National Center for Education Statistics (NCES) or from audited financial statements in the case of financial statistics.

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 24
PREPARATION OF STUDENTS FOR COLLEGE**

SECTION 1. GENERAL

- 1.1 Scope - This rule sets forth minimum levels of knowledge, skill and competency a student needs to possess to be prepared for college and establishes processes for communicating this information and procedures for assuring that teacher education programs prepare educators in getting K-12 students ready for college.
- 1.2 Authority - W. Va. Code '18B-1-1e
- 1.3 Filing Date – July 11, 2002
- 1.4 Effective Date – August 10, 2002
- 1.5 Repeal of Former Rule: Repeals and replaces Series 51 of Title 128 and Title 131, dated August 31, 1997

SECTION 2. PURPOSE

- 2.1 The purpose of this rule is to implement the provisions of W. Va. Code '18B-1-1e which call for the West Virginia Higher Education Policy Commission to develop a rule on preparation of students for college. The goals are for public higher education to collaborate with public education to achieve the following:
 - 2.1.1 To assist students in the planning and preparation for success in college and other post-secondary education if their education major interests require such formal education after high school;
 - 2.1.2 To establish the minimum expected level of knowledge, skill and competency a student must possess to be prepared fully for college or other post-secondary education at state institutions of higher education;
 - 2.1.3 To implement a method for communicating the minimum level of knowledge, skill and competency to students, parents, educators and counselors in the public schools, and admission officers, advisers and faculty in the higher education institutions; and
 - 2.1.4 To assure that the teacher preparation programs in state institutions of higher education prepare educators to, at a minimum, deliver instruction necessary to prepare students fully for college and other post-secondary education or gainful employment.

SECTION 3. ASSISTING STUDENTS IN PREPARING FOR COLLEGE

- 3.1 The state colleges and universities shall work collaboratively with schools to increase educational opportunities and standards for potential college students and to increase the number of students who complete the core curriculum. Among these efforts will be institutional initiatives to:
 - 3.1.1 Improve ACT/SAT scores of high school students;
 - 3.1.2 Increase the percentage of high school students going to college;
 - 3.1.3 Provide more opportunities for high school students to complete college courses while still in high school; and
 - 3.1.4 Increase retention of students after they enter college.
- 3.2 The state colleges and universities in collaboration with the K-12 schools shall conduct college awareness programs that reach students from the elementary grades through high school. These programs shall provide opportunities to visit the college, to meet faculty, and to learn the importance of motivation and achieving academic excellence. Students in the eighth grade should be encouraged to take the academic core courses during their high school years. It is important that the institutions work with school officials, counselors, parents and teachers to disseminate information effectively on preparing for success in college.

SECTION 4. MINIMUM LEVELS OF KNOWLEDGE, SKILL AND COMPETENCY NEEDED FOR COLLEGE

- 4.1 Though levels of preparation, knowledge and skills needed for success in a particular academic program may vary, there are certain minimal knowledge and skill levels students should possess on entering a higher education institution. In order to attain these levels, students should be encouraged to take rigorous coursework in high school and to complete a preparatory curriculum.

While the specific levels of knowledge, skill and competency needed to be successful in post-secondary education may vary among types of institutions and within academic programs, mastery of the following essential skill areas and minimum levels of attainment should assure success in a community and technical college, baccalaureate institution or other initial post-secondary education setting.

- 4.2 Essential skill areas and minimum levels of attainment needed on entering college are:

4.2.1 English

A student will be able to:

- Demonstrate proficient use of English punctuation and spelling;
- Demonstrate proficiency in grammar and usage, including the ability to write complete, grammatical sentences with some variety in syntax; and

- Write an essay with a central idea or thesis, an introduction, body, and conclusion; paragraphs with topic sentences and supporting details; appropriate word choice; and clear flow of ideas from one part to another.

4.2.2 Reading/Study Skills

Proficient reading skills are essential for success in every academic field, particularly humanities, social sciences, and natural sciences. Similarly, effective study skills are essential for all academic areas. A successful college student must be able to:

- Use word analysis to determine the meaning of unfamiliar words;
- Use context clues to determine the meaning of unfamiliar words;
- Read for the main idea;
- Read for information;
- Make inferences;
- Understand figurative language;
- Draw conclusions and predict outcomes;
- Recognize organizational patterns;
- Generalize;
- Evaluate ideas;
- Manage time effectively;
- Develop good notetaking and outlining skills for both in-class and out-of-class activities; and
- Develop good test-taking skills

4.2.3 Mathematics

Algebra and geometry serve as gatekeepers to successful college work. Students who successfully complete algebra and geometry in high school are more likely to enter college and complete college than other students. An entering college student must be able to:

- Simplify numerical expressions and evaluate algebraic expressions;
- Represent problems and solve linear algebraic equations, systems of equations, and inequalities;

- Use the laws of exponents and simplify square roots;
- Factor polynomials by applying various methods;
- Graph linear equations by the slope-intercept, point-slope, and x and y intercept methods;
- Add, subtract, multiply, and divide rational expressions;
- Solve quadratic equations with real roots by factoring, completing the square, and using the quadratic formula;
- Apply the Pythagorean Theorem in solving practical problems and in deriving the special right angle ratios;
- Develop basic concepts of analytical geometry such as formulas for distance, slope, and midpoint;
- Collect, organize, and interpret data using graphs, charts, and tables; and
- Demonstrate the ability to use logarithms.

4.2.4 Communication

Good skills in communication are important for success in college. A student must be able to:

- Demonstrate a knowledge and understanding of the fundamentals of effective communication;
- Demonstrate the ability to identify and use effective strategies for formal and informal speaking situations in public, group, work and personal settings;
- Demonstrate the ability to identify and use different listening skills appropriate for diverse types and purposes of listening;
- Demonstrate the ability to identify and use communication strategies to enhance relationships and resolve conflicts.

4.2.5 Critical thinking, analysis, reasoning

It is important that a beginning college student possess the ability to analyze, reason and think critically. These complex skills are essential to all academic areas, but are particularly crucial to success in the natural sciences and social studies. A student must have at least minimal skills to:

- Understand and interpret data;
- Evaluate conflicting viewpoints;

- Demonstrate creative thinking and problem solving;
- Solve problems rationally; and
- Demonstrate Acommon sense@

4.2.6 Science

Proficiency in science incorporates mathematics and social issues into the learning of basic scientific concepts. Students must be able to:

- Identify a problem, recognize relevant/necessary information for problem solving and inductively form a theory;
- Develop a hypothesis to test a given theory;
- Conduct a scientific inquiry and produce a written or oral report;
- Solve problems which integrate science and mathematics with technology;
- Apply scientific methods and knowledge to individual and social issues;
- Recognize the diversity and unity of our natural world;
- Recognize the basic components of matter, cells, and tissue;
- Recognize levels of organization for living and non-living systems.

4.2.7 Fine and Performing Arts

Recognizing the importance of the fine and performing arts is essential to the well-being of a society. Students should receive exposure in the fine and performing arts in the beginning stages of their education. This significant aspect of life should not be left to chance. Specifically, students must be provided opportunities to:

- Observe the fine and performing arts, namely art, music, theater, and dance;
- Actively participate in activities in the fine and performing arts.

4.2.8 Humanities

The basic humanities explore the worlds of language, literature, classics, philosophy and/or religious studies. Specifically, students must:

- Have the opportunity to participate in the humanities including the study of foreign languages, world literature, the classics, philosophy

and/or religious studies;

- Recognize how symbolic texts are valued and revalued over time as each generation examines them anew from its own current perspective;
- Recognize the ways in which cultural values define what an individual experiences as *reality*, and influence the channels available for human expression, and affect the perception of an interaction among all areas of experience.

4.2.9 Social Studies

The mastery of basic skills and understanding in the social studies is essential. A student must be able to:

- Gather, classify, interpret, analyze, summarize, synthesize, and evaluate the accuracy of information, i.e., credibility, validity; reliability; comprehensiveness; bias; accuracy; frame of reference; and currency;
- Interpret, critique, and design graphs, tables, timelines, pictures, maps, and cartoons;
- Demonstrate knowledge of the contributions of key men and women and the impact of major historical events;
- Demonstrate knowledge of the development of the United States Constitution, its importance, and the adaptability and applications of its principles in maintaining the political institutions that ensure the liberty and equality of United States citizens.

4.2.10 Technological literacy

The ability to use computers and other forms of telecommunication technology is no longer a luxury. It is a necessity. A student must be able to:

- Keyboard effectively;
- Use computers for word processing and other academic tasks;
- Use technology to communicate and to be an active participant in the information age; and
- Demonstrate the ability to identify and use skills necessary for competent participation in communication across various types of electronic audio and visual media.

4.2.11 Citizenship

It is vital that a beginning college student exhibit good citizenship behavior. While what constitutes good citizenship may be somewhat nebulous, it is clear that a basic understanding of the rights and responsibilities of living in a democratic society is an important part of the educational process. A successful student must be able to:

- Demonstrate an appreciation of democratic values and responsible participation in governing processes;
- Learn to work with others;
- Understand and appreciate diversities among people, groups, and nations; and
- Learn to be respectful of personal dignity.

4.3 Core Curriculum

There is strong evidence that students who complete a rigorous core curriculum in high school perform better in college than those who do not. Beginning with the seminal study on educational attainment of school and college student, *A Nation at Risk*, published in 1983 by the National Commission on Excellence in Education, numerous studies attest to the importance of students completing a rigorous high school curriculum as an essential condition to assure success in college. *A Nation at Risk* stated that all high school students should complete a core including at least four units of English, three units of mathematics, three units of social studies and three units of science. More recent studies, from organizations such as the Southern Regional Education Board and the American College Testing Service, underscore the need for a rigorous curriculum.

The West Virginia Board of Education and the West Virginia Higher Education Policy Commission, recognizing the need for students' completion of demanding coursework in core areas, have called for enhanced high school graduation requirements and more stringent baccalaureate admission standards. The new high school graduate standards, to be implemented in 2008, will have increased requirements in mathematics and science and first time requirements in foreign language for the college preparatory track. Similar to the new graduation requirements are more rigorous baccalaureate admission standards for the state colleges and universities. Beginning in 2008, entering baccalaureate students must have completed at least the following units at the secondary level:

4 English	(including courses in grammar, composition, and literature)
3 Social Studies	(including U.S. History)
4 Mathematics	(three units must be Algebra I and higher)
3 Science	(all courses to be laboratory science; CATS I & II combined count as one lab science unit)

1 Arts

2 Foreign Language (Two units of the same foreign language)

The new baccalaureate admission standards demonstrate the value of a strong core curriculum. The importance of completion of a solid academic core curriculum is assuring success in college cannot be underestimated. Data from the American College Testing Service (ACT) also indicate that students who have taken core courses score significantly higher on ACT exams in English, mathematics, and science reasoning than students who have not taken core courses.

Since data indicate that completion of the core curriculum in high school enhances the opportunities for success in college, prospective college students are encouraged to complete a core curriculum in advance of implementation of the 2007 standards.

SECTION 5. ACHIEVING MINIMUM LEVELS OF KNOWLEDGE, SKILL AND COMPETENCY NEEDED FOR COLLEGE

5.1 National standardized exams

Two important measures of the preparation of high school students for college are the national standardized examinations, the ACT and SAT tests. Under Higher Education Policy Commission policy, students are normally expected to have achieved at least a score of 17 on the ACT exam (830 on the SAT-1 exam) to be eligible for admission to baccalaureate programs. By 2008, the recommended minimum score for baccalaureate institutions is 19 on the ACT composite (910 on the SAT-1) exam. Several of the state colleges and universities have established higher standardized exam scores for admission. Additionally, certain academic degree programs also have a higher ACT score requirement for admission to a program.

Another important standardized assessment indicator for success in college, is the ACT Explore exam which is administered to all eighth grade students in West Virginia schools. Correlation studies prepared by ACT indicate that students who achieve a minimum of 17 on Explore should when preparing to enter college achieve a score of 17 or higher on the ACT test. Similarly, a student who achieves a score of 20 on Explore should achieve at least a 19 on the ACT exam.

Many West Virginia high school students take the ACT Plan assessment in the tenth grade. According to ACT correlation tables, students receiving a 17 on Plan should score at least a 17 on the ACT exam and students receiving a 19 on Plan should score at least 19 on the ACT test. The new assessment program being developed for the K-12 schools will include ACT Plan as a required instrument to be administered to tenth graders.

Although higher scores on standardized admission examinations such as the ACT or SAT-1 are indications of a greater chance for success in college, the possession

of the ACT 17 (SAT 830) minimum score is not essential for admission to college. The Community and Technical Colleges in West Virginia have an open admission policy and provide developmental course opportunities for students who have deficiencies in specific academic areas and who need additional help before enrolling in an academic program.

5.2 West Virginia Board of Education requirements for graduation

The proposed new requirements for high school graduates being considered by the West Virginia Board of Education will better prepare students for success in college. All students, effective with the 2008 graduating class, would be required to complete a 16-credit academic core. Additionally, students completing the Professional Pathway (college preparatory) track would be required to complete four credits in mathematics, four credits in science, and two credits in foreign language. These requirements, which parallel the new 2008 baccalaureate academic standards, will provide high school graduates a firmer academic foundation.

SECTION 6. COMMUNICATING KNOWLEDGE, SKILL AND COMPETENCY LEVELS

- 6.1 The state colleges and universities shall expand collaborative efforts with the K-12 schools in making available information on minimum levels of knowledge, skill, and competency that are necessary for successful preparation for college.
 - 6.1.1 Higher Education Policy Commission initiatives described in Section 3.1 of this rule will be effectively implemented with collaborating schools.
 - 6.1.2 System publications on minimum knowledge, skill and competency levels will be issued and disseminated to students, parents, educators and counselors, as well as to admission officers, advisers and faculty in the state colleges.

SECTION 7. TEACHER PREPARATION PROGRAMS

- 7.1 Teacher preparation programs in the state colleges and universities shall be designed so that educators completing the programs will be able to deliver instruction to K-12 students that will adequately prepare them fully for college or other post-secondary education or gainful employment.
- 7.2 It is important that the teacher education departments be cognizant of changing course unit requirements for high school graduates and prepare teacher education graduates who can effectively teach courses in the core curriculum and in applied academic areas.

SECTION 8. FUTURE POLICY DEVELOPMENT

- 8.1 It is the intent of the Higher Education Policy Commission to work closely with the K-12 school systems in West Virginia in enabling students to move readily from the

K-12 schools into the state colleges and universities. As the new K-12 learning standards of the West Virginia Board of Education are developed and implemented, the Higher Education Policy Commission will establish policies as necessary that address academic expectations for beginning college students, admission standards and assessment of student learning.

**TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 35
CORRESPONDENCE, BUSINESS, OCCUPATIONAL, and TRADE SCHOOLS**

SECTION 1. GENERAL

- 1.1 Scope - Rule regarding the issuance, renewal, and revocation of permits to correspondence, business, occupational, and trade schools.
- 1.2 Authority - West Virginia Code §18B-3-5
- 1.3 Filing Date - April 3, 1995
- 1.4 Effective Date - April 3, 1995

SECTION 2. DEFINITIONS

2.1 Accredited School

A school that is accredited by a regional or national accrediting agency that is recognized by the United States Department of Education.

2.2 Associate Degree

A degree that may be awarded by accredited schools pursuant to a program of not less than two (2) academic years as authorized by West Virginia Code 18B-3-5.

2.3 Commission

The Higher Education Policy Commission.

2.4 Campus

A permanent facility where instruction takes place, or a facility where courses are taught for more than ten (10) days per calendar year.

2.5 Chancellor

The Chancellor of the West Virginia Higher Education Policy Commission or his or her designee.

2.6 Correspondence School

- An educational organization which, for a consideration, profit, or tuition, teaches or instructs in any subject that prepares an individual for employment solely through the medium of correspondence between the student and the school, and by which the school transmits to or exchanges matter with the student via printed material, video tapes, cassette tapes, telecommunications, or other means.
- 2.7 Financially Sound
- Meeting two of the following: a current ratio of at least 1:1 regarding total current assets compared to total current liabilities, positive total equity, or current year profitability.
- 2.8 Immediate Family
- Spouse, parent, sibling, child, or grandchild.
- 2.9 Ownership Change
- When the change of ownership results in a change in control of the school outside the immediate family.
- 2.10 Person
- Any individual, group of individuals, partnership, association, organization, business, trust, corporation, or other business entity.
- 2.11 Business, Occupational, or Trade School
- An institution, organization, or entity no matter how titled, maintaining or conducting classes or instruction for a consideration, remuneration, or tuition, designed to prepare an individual for employment or enhance employment skills.
- 2.12 Representative
- Any person representing a school, whether such school is located within or outside of the State of West Virginia, or acting as an agent, solicitor, procurer, broker, or independent contractor to produce students or enrollees for any such school by solicitation in any form at any place in this state.
- 2.13 School
- Business, occupational, trade, or correspondence school.
- 2.14 Specialized Associate Degree
- Degree that may be awarded by accredited schools pursuant to a degree program of not less than two (2) academic years.
- 2.15 State
- The State of West Virginia.
- 2.16 Terms

Regularly established divisions of the academic school year, each with an established starting and ending date, which is normally referred to as modules, quarters, trimesters, or semesters.

SECTION 3. EXEMPTIONS

- 3.1 For the purpose of this rule, the following are not defined as a correspondence, business, occupational, or trade school:
- 3.1.1 Any school or person licensed or approved to offer education or training by any other statutory licensing or accrediting agency pursuant to statutes of the West Virginia Code other than 18B-3-5.
 - 3.1.2 Any school or organization whose courses of instruction offered are solely for the purpose of teaching preparation of tax returns.
 - 3.1.3 Any school conducted by any person, solely on a contractual basis with private or governmental organizations where obtaining a permit is not a condition of the contract and students are not charged tuition or other fees, and no advertisement of courses takes place.
 - 3.1.4 Any training or apprenticeship program conducted by a company, union, or other organization in which students, members, or employees enrolled in the training or educational programs are not charged tuition or other fees.
 - 3.1.5 Schools that offer courses which are conducted solely for personal development or information, do not prepare or represent themselves as preparing, an individual for a career or enhancing employment opportunities, are not offering sequential courses comprising an entire program and are not offering courses for more than twenty-four (24) weeks per calendar year.
 - 3.1.6 Tutorial instruction given in a private home or elsewhere as supplemental to regular classes for students enrolled in public or private schools.
 - 3.1.7 Non-profit independent colleges, universities, and other non-profit entities that are accredited by a regional accrediting agency recognized by the United States Department of Education.
 - 3.1.8 Public colleges, universities, and schools under the jurisdiction of the West Virginia Higher Education Policy Commission, or the West Virginia Board of Education.

SECTION 4. APPLICATION for PERMIT

- 4.1 Unless exempted as defined in Section 3 of this rule, no person or corporation shall solicit students or operate any correspondence, business, occupational, trade school, or branch campus in the state without first applying for or obtaining a permit issued by the Commission. A permit shall be issued authorizing the solicitation of students and/or authorizing the operation of a school if all conditions of the laws and regulations of this state pertaining to correspondence, business, occupational, and trade schools are met.

- 4.2 If a person as defined in Section 2 of this rule wishes to operate or continue to operate a school or branch campus or to solicit students in the state, that person shall submit an original application for a permit to do so on forms provided by the Commission.
- 4.3 As a condition of the issuance of a permit, a school shall submit with the application:
- 4.3.1 A copy of the curriculum and description of courses for each program being offered;
 - 4.3.2 A copy of the student enrollment contract;
 - 4.3.3 A copy of the school's tuition refund policy and schedule;
 - 4.3.4 A fully executed surety bond in the appropriate amount;
 - 4.3.5 The appropriate permit fee;
 - 4.3.6 A list of all representatives of the school who will be soliciting students; and
 - 4.3.7 If accredited, documentation from the accrediting agency regarding accreditation status.
- 4.4 Persons shall not be deemed to have submitted an initial application for a permit to operate a school or solicit students in this state unless a properly completed application, the application fee, the required surety bond, and all other information and documentation required by this rule has been submitted to the Commission and the following has been provided:
- 4.4.1 A listing of the individual's or organization's prior school operation history in this state, other states, or other countries.
 - 4.4.2 Information detailing the involvement in, or relationship to, any school that lost its accreditation, lost its authorization to operate because of violation of state or federal laws, was terminated from participation in the federal financial aid programs, closed without arranging a teach-out for students or arranging refunds, or other discharge of the school's contractual obligation to the student.
 - 4.4.3 Proof at the time of filing an initial application that adequate facilities are available and ready for occupancy and that all instructional equipment, books, supplies, and personnel are in place and ready for operation and verified by an on-site visit by a representative of the Commission .
- 4.5 As a condition of permit renewal, all schools shall make annual reports to the Commission on forms furnished by the Commission.
- 4.6 In addition to the requirements set forth above, all out-of-state schools shall annually provide evidence of authority to operate or accreditation by the regulatory agency of each state in which the school is located or conducts business.
- 4.7 A permit shall be valid for one year corresponding to the effective date of the surety bond as required herein.

- 4.8 Any information of a confidential or proprietary nature provided to the Commission by a school for the purpose of obtaining or renewing a permit, and exempted from public disclosure pursuant to the terms of West Virginia Code § 29B-1-4, shall not be disclosed for any purposes inconsistent with this rule or statute.

SECTION 5. PERMIT APPLICATION FEE

- 5.1 Any person applying for a permit to solicit students or operate a school, as defined by this rule, or branch campus in this state shall submit an initial application fee in the amount of two thousand dollars (\$2,000) with the application.
- 5.2 Any person applying for renewal of a permit shall submit an annual fee of five hundred dollars (\$500) with the renewal application for each campus operated by the school.
- 5.3 Any person submitting a permit renewal application and surety bond more than sixty (60) days after the last effective date of the applicant's previous surety bond shall be considered a new applicant for the purpose of paying the initial application fee.

SECTION 6. SURETY BOND REQUIREMENTS

- 6.1 A school located in the state shall submit with its initial or renewal application, the original fully executed continuous surety bond written by a company authorized to do business in this state in the sum of fifty thousand dollars (\$50,000) unless required otherwise by a provision of this section.
- 6.2 Any school which has its physical facilities located in this state and has operated in this state under the present ownership, or ownership control within the immediate family, for at least ten (10) years as of June 10, 1994, is required to submit with its renewal application the original copy of a fully executed continuous surety bond written by a company authorized to do business in this state in the sum of thirty-five thousand dollars (\$35,000).
- 6.3 Schools having branch campuses within this state shall provide one fully executed surety bond in the appropriate amount providing coverage for all campuses.
- 6.4 In the event of notice of cancellation of the surety bond by a bonding company, the school shall furnish a fully executed replacement to the Commission within sixty (60) days of the school's receipt of the notice of cancellation. But in no event may a school solicit or enroll new students until the appropriate surety bond is in effect.
- 6.5 The termination of a school's surety bond coverage shall be grounds for revocation of its permit if the school fails to replace the bond within the required time.
- 6.6 A school whose physical facilities are located outside this state, and which applies for a permit to solicit students in this state, shall submit a fully executed surety bond in the sum of fifty thousand dollars (\$50,000).
- 6.7 The Commission may increase the bond requirement of any school to one hundred fifty thousand dollars (\$150,000) if the school has its accreditation terminated or its institutional eligibility under the Higher Education Act of 1965, as amended, is terminated for cause.
- 6.8 If, in accordance with the standards of the American Institute of Certified Public Accountants, the school's audited financial statements are qualified because the school's continued financial viability as an ongoing concern is in doubt, and the school is not

financially sound as defined in Section 2 of this rule, the Commission may require the surety bond be increased up to an amount not to exceed four hundred thousand dollars (\$400,000) if the Commission determines an increased bond is reasonably necessary to protect the financial obligations legally due to the students then enrolled at the institution.

- 6.9 Confidentiality Statement - any financial information submitted to the Commission by a school covered under this rule shall be used by the Commission only for purposes of this rule.

SECTION 7. MAINTENANCE of RECORDS

- 7.1 A school shall maintain records at a central location and have them available for inspection by a representative of the Commission.
- 7.2 A school shall maintain academic records suitable for transcript purposes for each student for fifty (50) calendar years after the student has departed the school, or until the student becomes 65 years of age. The records shall include, as a minimum:
- 7.2.1 The name and address of the school;
 - 7.2.2 The full name and address of the student;
 - 7.2.3 The starting and completion or separation dates;
 - 7.2.4 The course of instruction or subject;
 - 7.2.5 The amount of credit, if any;
 - 7.2.6 The grade for each subject; and
 - 7.2.7 A statement indicating whether the student graduated or completed the course.
- 7.3 A school shall develop and enforce security measures to protect student records from damage or destruction for the required period of time.

SECTION 8. CHANGE of SCHOOL OWNERSHIP

- 8.1 A school must notify the Commission at least thirty (30) days in advance of the change of ownership control. Within thirty (30) days of such notification, the Commission will notify the school of permit status.
- 8.2 When a school is located in this state and has a change of ownership control and the new ownership control is outside of the immediate family of the previous owner, the school may continue to operate under the present permit. However, before the solicitation of students can continue, the school shall submit to the Commission the following:
- 8.2.1 A fully executed surety bond in the amount of fifty thousand dollars (\$50,000).
 - 8.2.2 The names, addresses, and corporate titles of all persons or other entities having a financial interest in the school, and the names and addresses of any other schools in which these persons or entities have or have had a financial interest.

- 8.2.3 A revised listing of all programs to be offered if changes were made with new ownership.
 - 8.2.4 An application for each representative of the school who will be soliciting students.
- 8.3 If the school is located outside this state, the school must show evidence of compliance with the laws and regulations in the state where the school is located. In addition, before the solicitation of students continues in this state, the school must submit the following:
 - 8.3.1 A fully executed surety bond in the amount of fifty thousand dollars (\$50,000);
 - 8.3.2 An application for each representative of the school that will be soliciting students in West Virginia;
 - 8.3.3 A revised listing of all programs to be offered if changes are made with new ownership; and
 - 8.3.4 The names, addresses, and corporate titles of all persons or other entities having a financial interest in the school.

SECTION 9. SCHOOL CLOSING

- 9.1 A school which is closing, either voluntarily or involuntarily, shall:
 - 9.1.1 Inform the Commission of this action immediately by certified mail;
 - 9.1.2 Supply the Commission with the name, address, and telephone number of the person responsible for closing arrangements;
 - 9.1.3 Supply the Commission with the name, address, telephone number, and the course of study for each student who has not completed his or her course of study;
 - 9.1.4 Supply the Commission with information on the dates of enrollment, the amount of class time left for each student to complete the course, and the amount of entitled refund, if any, for which each student is eligible;
 - 9.1.5 Inform currently enrolled students by written notice of the appropriate procedures they are to follow to secure refunds due if suitable teachouts have not been arranged, or to continue their education and supply the Commission with a copy of this notice; and
 - 9.1.6 Inform the Commission and currently enrolled students of plans to store the permanent student records and the procedure to obtain copies.

SECTION 10. STUDENT ENROLLMENT CONTRACT

- 10.1 Before the schooling begins, all students shall receive a completed, signed and dated enrollment contract specifying both the school's and student's legal rights and obligations.

The agreement may incorporate into the contract by reference information in the school's catalog, student handbook, or other school publication without printing such information or publication in the contract itself. The enrollment contract must contain, but is not limited to, the following:

- 10.1.1 The name and address of the school;
 - 10.1.2 The name of the course of study or program, including the number of credit or clock hours of classroom instruction, home study lessons, or other study units required;
 - 10.1.3 The total cost of the course, term or program for which the student is obligated under the contract including tuition, fees, books, and any other charges the student will incur shall be clearly stated;
 - 10.1.4 The school's cancellation and refund policy including an explanation of the procedures a student will follow to cancel the contract or enrollment agreement; and
 - 10.1.5 The signature of the student applicant, a parent or other sponsor if the student is under the age of eighteen (18), and the appropriate school officials, plus the date signed.
- 10.2 An application for admission is not to be construed as binding on the student, therefore limiting total student financial obligation to the payment of an application fee.
 - 10.3 The school shall provide the student with a copy of the completed enrollment agreement that is signed and dated.
 - 10.4 Those schools that are accredited by an national or regional accrediting agency recognized by the United States Department of Education may adhere to the accrediting agency's criteria regarding student enrollment contracts to satisfy the requirements of this section. However, in the event that enrollment contracts are not addressed by accrediting agency criteria, the provisions of this section must be followed.

SECTION 11. CANCELLATION and REFUND POLICIES

- 11.1 To obtain a permit a school shall have a cancellation and refund policy that incorporates the following provisions:
 - 11.1.1 A statement relative to the unused portion of tuition, fees, and other charges if the student does not begin classes, withdraws, or is dismissed.
 - 11.1.2 All fees and payments remitted to a school by a prospective student shall be refunded, minus any stated application fee not to exceed fifty dollars (\$50), if the student is not admitted due to ineligibility.
 - 11.1.3 An admitted student applicant may cancel, by written notice, his or her enrollment any time prior to the first class day of the session for which the application was made, and the school shall refund all tuition paid by the student minus an application fee not to exceed fifty dollars (\$50).

- 11.1.4 For the purposes of refund calculations, an individual's status as a student shall be considered terminated by the school not later than seven (7) calendar days after the last day on which the student actually attended the school. Termination may be effected earlier by proper notification. A home study program of instruction shall be terminated if a school does not receive a lesson or an appropriate response from the student within six months after receipt of the last lesson, and the date of withdrawal shall be the date of the last lesson received. The date of withdrawal initiated by a student shall be the date a letter is postmarked or proper notification is given. The school shall provide a receipt for the letter or withdrawal notice received.
- 11.1.5 Schools are required to submit refunds to individuals or the appropriate agency within twenty (20) days after receipt of a proper notification of termination from a student.
- 11.1.6 The student refund policy for withdrawals and terminations for schools not accredited by an accrediting agency recognized by the United States Department of Education must at a minimum comply with the following:
 - 11.1.6.1 A student who begins a term and withdraws after completing up to one (1) week or ten percent (10%) of the term is entitled to a refund of ninety percent (90%) of the charges less the application fee.
 - 11.1.6.2 A student who begins a term and withdraws after completing more than ten percent (10%) through twenty-five percent (25%) of the term is entitled to a refund of seventy-five percent (75%) of the charges less the application fee.
 - 11.1.6.3 A student who withdraws after completing more than twenty-five percent (25%) through fifty percent (50%) of the term is entitled to a refund of fifty percent (50%) of the charges less the application fee.
 - 11.1.6.4 A student who withdraws after completing more than fifty percent (50%) of the term is not entitled to a refund.
- 11.2 Refunds shall be calculated for a specific term as defined in Section 2 of this rule, or the total cost of programs not exceeding one year. In the event that students are financially obligated for a year-long program, the refund policy shall be on a weekly prorata basis through the first sixty percent (60%) of the program. The student's financial commitment shall not be for more than one year at any given time.
- 11.3 Those schools that are accredited by a national or regional accrediting agency recognized by the United States Department of Education, may use the accrediting agency's refund policy to meet the requirements of this section. However, student refunds must be made within twenty (20) days after receipt of a proper notification of termination.
- 11.4 Those schools having their physical facilities located outside this state must comply with the cancellation and refund policies of their home state. If there is no state cancellation and refund policy in their home state, Section 11 of this policy must be followed.

SECTION 12. ADVERTISING

- 12.1 Each school and its representatives shall not make or cause to be made any oral, written, or visual presentation in connection with the offering or publicizing of a subject or course of instruction which is false or misleading.
- 12.2 In its advertising, a school shall:
 - 12.2.1 Limit reference to its authority to operate to "Permit to Operate Issued by the West Virginia Higher Education Policy Commission;
 - 12.2.2 Disclose that it is a home study school if it provides such instruction;
 - 12.2.3 Advertise starting or average salaries of its former students only if these claims can be documented for the most recent twelve- (12) month period preceding the advertisement for more than fifty percent (50%) of the graduating class.
- 12.3 In its advertising, a school shall not:
 - 12.3.1 Advertise that it is "supervised," "recommended," "endorsed," "approved," or "accredited" by the Commission;
 - 12.3.2 Describe its courses of instruction and subjects in a misleading manner.
 - 12.3.3 Use photographs or other illustrations in ways which misrepresent the size and location of the school, its equipment and facilities for the career for which the student is being trained;
 - 12.3.4 Represent that it is endorsed by or affiliated with a college or university, unless such statements can be documented;
 - 12.3.5 Advertise or indicate in any manner the transferability, or possibility of transferability, of its credits to colleges and universities unless it has written evidence on file of current acceptability of such credits from said colleges or universities;
 - 12.3.6 Advertise that it is endorsed by manufacturers, business establishments, or organizations engaged in the line of work for which the school gives training unless written documentation regarding the endorsement is on file;
 - 12.3.7 Advertise accredited status unless such status has been received from an accrediting body currently listed as recognized by the United States Department of Education and such accrediting body must be named if used in any advertisement or promotional material;
 - 12.3.8 Advertise as an employment agency, or under the same or similar name as such an agency, or advertise training courses in the "Help Wanted" section of any newspaper;
 - 12.3.9 Advertise any tuition, fees, or other charges in amounts other than those currently on file in the chancellor's office or advertise them without showing the total costs;
 - 12.3.10 Falsely guarantee job placement or employment at a certain wage; or

- 12.3.11 Use endorsements, commendations, or recommendations by students without their written consent.
- 12.4 A school eligible to offer a course of instruction or program leading to an associate degree or specialized associate degree shall, in any advertisement, promotional material, or the school catalogue refer to this degree designation as an "Associate Degree" or a "Specialized Associate Degree."
- 12.5 Those schools that are accredited by a national or regional accrediting agency recognized by the United States Department of Education may adhere to the accrediting agency's criteria regarding advertising to satisfy the requirements of this section. However, in the event that advertising is not addressed by accrediting agency criteria, the provisions of this section must be followed.

SECTION 13. STUDENT COMPLAINTS

- 13.1 A school shall attempt to resolve student complaints promptly and fairly and shall not subject a student to punitive action as a result of a written complaint having been filed with the school or Commission.
- 13.2 The school shall have written procedures that describe in detail how a student may register a complaint with the school and Commission, and how the school will investigate and attempt to resolve the complaint.
- 13.3 The Commission will begin the investigation of a written complaint within thirty (30) days of the date of receipt of the complaint unless it is a complaint regarding a matter over which the Commission has no jurisdiction or it is intrinsically not credible. The initial investigation should be completed within sixty (60) days of the filing of the complaint.
- 13.4 The school shall provide all enrolled students with a written copy of the student complaint procedures and make prospective students aware that such procedures exist and provide copies upon request.
- 13.5 Each school that is being investigated, as a result of a written student complaint, will be notified by the Commission that such an investigation is being conducted, and a copy of the written complaint will be forwarded to the school. The name of the complainant may be withheld if so requested.
- 13.6 The school being investigated must respond to any inquiry by the Commission relating to the investigation within ten (10) work days of its receipt of the inquiry.
- 13.7 Any school refusing to cooperate with an investigation of a written student complaint by the Commission or any other governmental agency shall have its permit to operate or solicit students in West Virginia revoked in accordance with the due process provisions of Section 14 of these rules.
- 13.8 The Commission, upon completion of the investigation of a written student complaint, will supply the school by certified mail with a written report of the findings and any proposed corrective action. The school will have twenty (20) work days to reply to the Commission before any action may be taken.
- 13.9 The school has a right to request a hearing regarding any findings or action proposed by the Commission resulting from an investigation involving student complaints.

- 13.10 The Commission may forward any information pertaining to a written complaint found to have merit involving student financial aid to the United States Department of Education.

SECTION 14. WARNING, SUSPENSION, WITHDRAWAL, or REVOCATION of ACCREDITATION, LICENSE, and/or APPROVAL to OPERATE

- 14.1 A school shall provide the Commission with a copy of any notice of warning, suspension, revocation, or other adverse action received from any national, regional, or state accrediting and/or approval agency or the United States Department of Education within five (5) days of receipt of such notice. The school shall at the same time inform the Commission in writing of activities being taken to correct the deficiencies.

- 14.2 The Commission may for good cause, suspend, withdraw, or revoke the authorization of a school to operate within this state or to solicit students within the state. Good cause shall consist of:

14.2.1 Loss of accreditation by a nationally or regionally recognized accrediting agency;

14.2.2 Cancellation of the school's bond by the bonding company and failure to secure a replacement in accordance with this rule;

14.2.3 A final determination that the school has engaged in conduct prohibited by this rule, and the conduct warrants suspension, withdrawal, or revocation of the approval to operate a school or solicit students in this state, and corrective action has not been taken within the required time;

14.2.4 Closure of the school without adequately providing for the completion of students' classes or course work, without refunding students' unearned tuition or otherwise discharged the institutions contractual obligations to the students;

14.2.5 Conviction of the owner of a school for a felony or crime involving administration of the school or involving Federal Student Assistance programs; or

14.2.6 Refusal to cooperate with an investigation pursuant to Section 13 of this rule.

- 14.3 Upon receipt by the Commission of information constituting any of the above grounds for suspension, withdrawal, revocation, or other adverse action, the Commission shall notify the school and its owner in writing of its intent to recommend suspension, withdrawal, revocation, or other adverse action and the grounds for such recommendation.

14.3.1 The owner of the school 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.

14.3.2 The hearing shall be conducted by the Chancellor of the West Virginia Higher Education Policy Commission or the chancellor's designee, pursuant to the procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia.

14.3.3 The chancellor or the chancellor's designee may continue the hearing at the request of the school for good cause shown. Continuances shall not be granted as a matter of right.

- 14.3.4 If the owner or a representative of the school does not request a hearing within the requisite time period, the recommendation of the chancellor shall be deemed unchallenged by the school and reported to the Commission for final action.
- 14.4 At the hearing, the grounds for suspension, withdrawal, or revocation of authorization to operate the school or other adverse action must be established by clear and convincing evidence.
 - 14.4.1 The owner of the school or its designated representative may appear to defend the interests of the school, may present witnesses and evidence on behalf of the school, and may cross-examine witnesses against the school. The school may retain legal counsel to represent its interests at the hearing.
 - 14.4.2 The Commission does not have the power to issue subpoenas, but the chancellor or the school may request the appearance of witnesses at the hearing, who shall be notified of such request by the chancellor or the chancellor's designee with the date, time, and location of the hearing in writing.
 - 14.4.3 The rules of evidence shall not strictly apply, and evidence may be admitted if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Objections to evidence offered by either party shall be ruled upon by the chancellor or the chancellor's designee who conducts the hearing.
 - 14.4.4 The hearing shall be recorded by mechanical means or by a certified court reporter retained by the chancellor.
- 14.5 The chancellor shall make written findings of fact and conclusions of law as to whether or not the school or its representative has committed acts in violation of the law or these rules which would justify the suspension, withdrawal, or revocation of its authorization to operate. Such findings and conclusions shall be reported to the Commission, and a copy of same shall be provided to the school on the same date it is filed with the Commission and placed upon its agenda for action.
- 14.6 The Commission shall act upon the report at its next regularly scheduled business meeting to accept or reject the findings of the chancellor or the chancellor's designee, and to suspend, withdraw, or revoke the authority of the school or its representative to operate and/or solicit students within this state. Notification of the Commission's action shall be given to the school and/or its representative in writing within two (2) business days following such action of the Commission, by certified mail, or by personal delivery. For good cause shown in the minutes of the Commission, action upon the chancellor's report may be deferred to a date not later than the next regularly scheduled business meeting of the Commission.
- 14.7 A school or its representative may appeal an adverse action of the Commission to a court of competent jurisdiction within the time period specified by state law.

**TITLE 131
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 36
SPORTS PROGRAMS AT COMMUNITY AND TECHNICAL COLLEGES**

SECTION 1. GENERAL

- 1.1 Scope - This rule governs sports at community and technical colleges.
- 1.2 Authority - West Virginia Code § 18B-1-6, 18B-1-8.
- 1.3 Filing Date - November 8, 1979
- 1.4 Effective Date - January 8, 1980

SECTION 2. POLICY

- 2.1 The primary vehicle for student participation in sports activities at community and technical colleges will normally be the institutional intramural program and physical education classes. Any competitive activities beyond those provided through these programs shall be of a recreational or sports club nature. Should competition occur between public community and technical colleges located in the state or with other institutions of higher education, activities must be conducted so as to exclude the following:
 - 2.1.1 Tackle football;
 - 2.1.2 Intercollegiate conference affiliations;
 - 2.1.3 Scholarships awarded on the basis of athletic ability;
 - 2.1.4 State appropriations to defray operating or personnel costs; and
 - 2.1.5 Addition of physical facilities constructed for the primary purpose of supporting intercollegiate sports.

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 37
INCREASED FLEXIBILITY FOR COMMUNITY AND TECHNICAL COLLEGES**

SECTION 1. GENERAL

- 1.1 Scope - Rule regarding the approval of new occupational programs for community and technical colleges, mode of delivery of such programs, and employment of faculty.
- 1.2 Authority - West Virginia Code §18B-3-6
- 1.3 Filing Date - June 2, 2000
- 1.4 Effective Date - June 12, 2000

SECTION 2. DEFINITIONS

- 2.1 Commission:

West Virginia Higher Education Policy Commission
- 2.2 Chancellor:

West Virginia Higher Education Policy Commission Chancellor
- 2.3 Community and Technical College:

Eastern West Virginia Community and Technical College, Southern West Virginia Community and Technical College, West Virginia Northern Community College, Bluefield State College Community and Technical College, Marshall University Community and Technical College, Fairmont State College Community and Technical College, Glenville State College Community and Technical College, Shepherd College Community and Technical College, West Virginia State College Community and Technical College, West Virginia University Institute of Technology Community and Technical College and any other college so designated by the Legislature.
- 2.4 Occupational Program:

Certificate or associate degree programs delivered by a community and technical college with the primary intent of preparing the student to enter employment upon completion of the program.
- 2.5 Temporary Faculty:

Faculty who have not been appointed in a tenure-track or tenured status. Their appointment may be full-time or part-time.

2.6 Two-Plus-Two Program:

An academic program that is designed for the first two years to be delivered by a community and technical college culminating in an associate degree and articulated into a baccalaureate program without loss of credit.

2.7 Transfer Academic Program:

An associate degree program delivered by a community and technical college for the primary purpose of providing the first two years of a baccalaureate degree program.

2.8 Module:

A self-contained instructional component that is part of an overall course.

SECTION 3. TECHNOLOGY IN THE DELIVERY OF COURSES AND PROGRAMS

- 3.1 Community and technical colleges are encouraged to incorporate the most effective and efficient use of technology in the delivery of courses and programs in order to make the best use of available resources and to control costs.
- 3.2 Each community and technical college shall submit to the Chancellor a five-year plan for increasing the use of technology in the delivery of courses.

SECTION 4. DELIVERY OF CURRICULA UTILIZING MODULES

- 4.1 Community and technical colleges will deliver curricula by utilizing smaller credit and non-credit modules, particularly in the delivery of workforce development programs intended for adults and employed individuals.
- 4.2 Each community and technical college will employ a system to break down curricula into smaller modules that is consistent across the campus and allows for maximum flexibility in formatting courses.
- 4.3 Each community and technical college will provide for professional development activities for those faculty involved in the development and delivery of curricula in smaller modules.

SECTION 5. FACILITATOR FOR BROKERING EDUCATION PROGRAMS

- 5.1 Each community and technical college will incorporate into its mission the roles of facilitator and broker of outside education and training programs that meet the needs of the residents and employers of the district.
- 5.2 The roles of facilitator and broker of outside education programs into the district will be incorporated into the overall workforce delivery strategy of each community and technical college.

SECTION 6. FACULTY TYPES AND CONDITION OF EMPLOYMENT

- 6.1 The goal for each community and technical college in the appointment of faculty is to limit the number of tenured and tenure-track faculty to no more than twenty percent of full-time faculty employed at the institution.
- 6.2 Appointments to the faculty are addressed in Series 9, *Academic Freedom, Professional Responsibility, Promotion and Tenure*, of the West Virginia Higher Education Policy Commission rules. Faculty are classified either as tenure, tenure-track, clinical-track, librarian-track, or term. Faculty employed on a non-tenure track are designated as term faculty.
- 6.3 Temporary faculty are eligible for reappointment, though no number of appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty.
- 6.4 The employment status of tenured and tenure-track faculty holding appointment at each of the community and technical colleges at the time of implementation of this rule shall not be affected.

SECTION 7. OCCUPATIONAL PROGRAM APPROVAL

- 7.1 New occupational programs at freestanding community and technical colleges may be implemented without approval by the Commission. Two-plus-two programs and transfer education program approval will continue to follow the provisions of West Virginia Higher Education Policy Commission Series 11..
- 7.2 Before the implementation of an occupational program at a freestanding community and technical college, the college must notify the Chancellor that such program is being implemented and the date the new program is to be placed on the official program inventory of the college.
- 7.3 Three (3) years after the date of implementation of the occupational program, the Commission will conduct a post-audit review of the program.
- 7.4 The Commission will request information from the college for the post-audit review that includes, but is not limited to the following:
 - 7.4.1 The goals and objectives of the program and the documented need the program was implemented to meet.

7.4.2 A listing of the courses and the number of credit hours required for each.

7.4.3 Headcount and full-time equivalency (FTE) enrollment and number of graduates for each year the program has been in existence.

7.4.4 Placement rate of graduates and type of employment secured.

7.4.5 The annual total expenditures to deliver the program and source of funding.

7.4.6 Projection of future resource requirements and source of funding.

7.4.7 Total number of full-time and part-time faculty per year to deliver the program.

7.4.8 Listing of course delivery modes.

7.4.9 Listing of advisory committee members and how the advisory committee has been utilized for program improvement.

7.4.10 Program assessment measures that have been developed and implemented.

7.5 After completion of the post-audit review, should there be a recommendation for discontinuance of the program, the Chancellor shall make such recommendation to the Commission for action.

SECTION 8. REPORTING

8.1 Each community and technical college will report annually to the Chancellor on the progress made in: (1) increasing the use of technology in the delivery of courses, (2) delivery of curricula utilizing modules, and (3) reaching the goal of the number of faculty tenured or in tenure-track positions to twenty percent (20%).

8.2 Reports will be completed on forms provided by the Chancellor.

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 44
POLICY REGARDING ACTION TO BE TAKEN ON AUDIT REPORTS**

§133-44-1. General.

1.1. Scope. -- This rule establishes the procedure for discovery of illegal use or shortage of funds.

1.2. Authority. -- W. Va. Code §18-26

1.3. Filing Date. -- July 12, 1972

1.4. Effective Date. -- September 12, 1972

§133-44-2. Procedure.

Immediately upon receipt of any audit report which suggests or indicates the illegal use or shortage of funds in any account associated in any manner with an institution or element of the state system of higher education, the Higher Education Policy Commission will submit the audit report to the Attorney General of West Virginia with the request that he\she take such action as he\she deems appropriate and to the prosecuting attorney of the county in which the institution or the element is located.

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

SERIES 45

**TITLE: COMMUNITY AND TECHNICAL COLLEGE FACULTY
INSTRUCTIONAL LOAD**

SECTION 1. GENERAL

- 1.1 Scope: Rule establishing guidelines for community and technical colleges to utilize in developing a policy on faculty instructional loads.
- 1.2 Authority: West Virginia Code §18B-1-6
- 1.3 Filing Date: March 3, 2004
- 1.4 Effective: April 5, 2004

SECTION 2. ESTABLISHMENT OF GUIDELINES

- 2.1 The provisions of this section shall apply only to the establishment of a faculty instructional load policy at the Eastern WV Community and Technical College, Fairmont State Community and Technical College, New River Community and Technical College of Bluefield State College, Marshall University Community and Technical College, Shepherd Community and Technical College, Southern WV Community and Technical College, WV Northern Community College, WVU-Parkersburg, WVU Institute of Technology Community and Technical College, West Virginia State Community and Technical College, and any other community and technical colleges so designated by the West Virginia Legislature.

To facilitate the development of a policy at each community and technical college, the institution will submit the established policy to the WV Council for Community and Technical College Education for review and approval.

SECTION 3. FACULTY WORKLOAD GUIDELINES

- 3.1. Faculty are employed to perform instructional and other instructional related duties that meet the needs of the institution and the students it serves. The full-time instructional load for community and technical college faculty in West Virginia is to be fifteen credit hours or the equivalent per semester.

- 3.2. It is the responsibility of the president or provost of the community and technical college, in consultation with faculty, to submit a faculty instructional load policy to the WV Council for Community and Technical College Education that reflects a faculty instructional load of fifteen credit hours or the equivalent per semester.
- 3.3. A faculty instructional load may consist of credit and non-credit instruction as part of the primary instructional load.
- 3.4. It is the responsibility of the president or provost to set equivalency rules for faculty instructional loads by determining how laboratory instruction, unusual instructional situations and other modes of direct instructional contact will be counted toward determining instructional loads.
- 3.5. When establishing an instructional load policy, consideration should be given to, among other issues, the following:
 - 3.5.1. Types of courses, i.e. Lecture, laboratory, clinics;
 - 3.5.2. Total contact hours per semester;
 - 3.5.3. Section size;
 - 3.5.4. Class preparation;
 - 3.5.5. Coordinator and administrative equivalencies;
 - 3.5.6. Programmatic accreditation requirements;
 - 3.5.7. Summer school instructional load;
 - 3.5.8. Instructional load equivalences unique to the individual institutions;
and,
 - 3.5.9. Geographic location of course delivery.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Report on 2015 Human Resources Report Card

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Informational Item

STAFF MEMBER: Patricia Clay

BACKGROUND:

West Virginia Code §18B-7-8(a)(2) requires the West Virginia Higher Education Policy Commission (Commission) and West Virginia Council for Community and Technical College Education (Council) to prepare an annual *West Virginia Higher Education Human Resources Report Card*. The report card summarizes higher education human resources metrics, expenses, and compensation data by each college and university. The report contains 23 measures that illustrate the diversity in size, structure and operation of the 19 public institutions. The report card is designed to compare overall staffing, HR expenses and compensation data among each of our 19 public institutions.

Highlights of the 2015 report include:

- The 19 institutions employed 12,280 regular employees and 2,225 part-time adjunct faculty at the end of Fiscal Year 2015.
 - The largest category of employees is full-time faculty (5,624).
 - There are 4,969 regular classified employees.
 - There are 1,687 regular non-classified employees.
- West Virginia public higher education faculty are paid considerably less than our Southern Regional Education Board (SREB) counterparts. This makes it difficult for institutions to attract and retain qualified faculty.
- In Fiscal Year 2015, our institutions eliminated 117 vacant positions and did not fill an additional 236 vacant positions.
- By the end of Fiscal Year 2015, our institutions laid off 33 employees.

Metrics specific to the institutions' Human Resources Functions

- The institutions reported a total of 128.49 full-time equivalent (FTE) human resources positions, ranging from 1.0 at Eastern West Virginia Community and Technical College to 62.88 at West Virginia University.

- Five institutions include payroll as a function of HR and one includes safety and career services.

2015 Report of Institutional Non-Classified Percentages

West Virginia Code §18B-9A-2 and §18B-7-11(a) define and limit the number of employees assigned to the category of non-classified for organizations of the Commission and Council. The statute requires the Commission and Council to annually monitor and report organizational progress to the Legislative Oversight Commission on Education Accountability. For 2015 and in the future, this report will be part of the *West Virginia Higher Education Human Resources Report Card*.

By July 1, 2016, the percentage of personnel placed in the category of non-classified at the higher education organization may not exceed 25 percent of the total number of classified and non-classified employees of that organization who are eligible for membership in an authorized retirement system, excluding athletic coaches. Additionally, the statute further restricts assignment in the non-classified category to no more than 10 percent of the number previously described in positions considered by the president to be critical to the institution.

The category of “non-classified employee” means an employee of an organization who holds a position that is not assigned a particular job and job title within the classified employee classification system and who meets one or more of the following criteria:

- (A) Holds a direct policy-making position at the department or organization level;
- (B) Reports directly to the president or chief executive officer of the organization;
- or
- (C) Is in a position considered by the president to be critical to the institution.

Page 23 of the *2015 West Virginia Higher Education Human Resources Report Card* contains information representing the progress made by organizations toward attaining the non-classified limits during Fiscal Year 2015.

Most of the institutions are in compliance with these requirements.

West Virginia Higher Education Human Resources Report Card

Fiscal Year 2015

Prepared August 2016



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Introduction

West Virginia Code §18B-7-8(a)(2) statutorily mandates the annual *West Virginia Higher Education Human Resources Report Card*. Charged with maintaining a fair, accountable, credible, transparent and systematic (FACTS) higher education human resources strategy, the West Virginia Higher Education Policy Commission (Commission) and West Virginia Council for Community and Technical College Education (Council) have compiled this first Human Resources Report Card for presentation to the Legislative Oversight Commission on Education Accountability. This report will be available to the public on both the Commission and Council web pages. The *West Virginia Higher Education Human Resources Report Card* is a summarization of key higher education human resources metrics, expenses, and compensation data by each higher education organization.

For West Virginia higher education human resources, the right data can support evidence-based decision making by predicting behavior, forecasting emerging talent needs and uncovering areas of vulnerability. As the human resources report card effort matures, the Commission and Council will be better able to identify and collect the best data indicators to address the needs of higher education institutions of the Commission and Council, and collectively, the needs of West Virginia higher education systems at the state level. Unfortunately, there is no one-size-fits-all metrics program. The long term goal for the *West Virginia Higher Education Human Resources Report Card* is to focus more on measuring impact and predicting outcomes.

Human Resources Initiative Updates

Legislative higher education human resources initiatives include a goal to ensure the human resources system for employees of the Commission, Council and governing boards is effective, efficient and aligned with industry best practices. In compliance with Senate Bill 439, passed during the 2015 Legislative session, the Commission and Council contracted with an external compensation consultant in July 2015 to conduct a compensation study, and review the job classification methodology for classified jobs, as well as establish a reporting structure for compensation for all categories of employees - classified, non-classified and faculty.

Classification and Compensation

Legislation passed in 2015 provided an opportunity to refresh the current classification system and pay structures relative to market for classified employees. The current system is outdated in both data and methodology. Possible changes to the compensation and classification program may arise based on results of the study; however, the main purpose of the study is to ensure consistency and uniformity across the systems. By better aligning with pay for similar jobs in our relative labor markets, the Commission and Council will be able to competitively attract, retain and reward employees. Mercer, a global human capital consulting firm, is evaluating the current classification system and recommending a pay structure relative to the market. Mercer is working with professional staff from the Division of Human Resources, to develop recommendations based on best practices and internal collaboration in order to address current conditions as mandated by the Legislature. It is anticipated that the results of the market study, development of job specifications and analysis of the classification system will be ready for implementation by the end of Fiscal Year 2017. For more detailed information about the project, visit our HR FACTS web site, at

<http://wvhigheredhr.org/>.

Reporting Structure for Compensation Compared to Markets

The Commission and Council are charged with assisting institutions with classification and/or compensation programs for faculty and/or non-classified employee categories, including design and implementation of the programs. Additionally, the Legislature mandated regular reporting by West Virginia higher education institutions to the Commission and Council, on compensation compared to labor markets for the non-classified and faculty employee categories. In order to provide the data resources and structure necessary for uniform reporting by institutions, the Commission and Council are providing the tools and resources necessary for institutions to meet that requirement.

The Commission and Council recently purchased and are currently implementing two software programs. Each institution will have their own access and datasets for job description maintenance and labor market pricing. As a cost saving measure for institutions, the Commission and Council will purchase and load relative labor market survey results as identified by Mercer, make any adjustments recommended, and maintain a current resource for compensation market comparisons for all categories of

employees. The compensation management software will contain a program written by the consultant to uniformly produce the compensation comparison reports required by the Legislature. A brief description of the two software programs is shown below.

ePrism

ePrism is a comprehensive compensation management tool as well as a modeling and planning tool that enables users to align their organization's compensation plans with current and future objectives. By combining compensation-specific tools with powerful analytics, ePrism gives users the power to evaluate data, develop strategies and execute compensation programs for both non-classified and faculty employee categories. In addition, once full implementation is attained, ePrism will enable the Commission and Council to better:

- Identify and address at-risk areas such as employees paid below market or high performers in hard to fill positions
- Deliver consistent, reliable responses to informational requests and legislative inquiries
- Consult with organizations on hiring and pay decisions
- Focus on strategic issues that directly impact the bottom line
- Optimize staff resources and streamline processes
- Develop a more responsible and effective pay plan implementation

HRTMS Jobs / JDXpert

HRTMS Jobs/ JDXpert facilitates the ongoing maintenance of all job information in one central location. The software allows institutions to go beyond just editing and storing job descriptions. From customizable workflows to multi-faceted capabilities, JDXpert provides human resources departments at all Commission and Council institutions with everything needed to bring efficiencies and structure to job description management. This is important because a clear understanding of the job is required to do for nearly every decision made in human resources. From recruiting the right people and evaluating their performance to benchmarking jobs and developing an equitable salary structure, all of these tasks require reliable job information. When you look at job descriptions in this context, it's obvious how critical this information is to an organization.

Human Resources Department Metrics by Organization

Number of Human Resources Staff

West Virginia Code Reference(s): §18B-7-8(a)(2)(A)(i), *Number of human resources staff.*

Highlights:

- Among West Virginia four-year public institutions, West Virginia University, Marshall University, and Fairmont State University employed the greatest number of human resources personnel at 62.88, 9.00, and 7.49 full-time equivalent (FTE) employees, respectively in Fiscal Year 2015.
- In the Community and Technical College System, Mountwest Community and Technical College and Blue Ridge Community and Technical College employed the most human resources personnel at 5.00 and 4.00 FTE employees, respectively.
- Glenville State College and Eastern West Virginia Community and Technical College had the smallest human resources departments statewide. Human resources services at Pierpont Community and Technical College were provided by Fairmont State University, which had the state's third-largest human resources department in Fiscal Year 2015.

<i>Number of Human Resources Staff (FTE)</i>				
	Faculty / FEAP*	Non- Classified	Classified	Total
WV Four-Year (or Higher) Public Institutions	0.00	49.28	52.46	101.74
Bluefield State College	0.00	1.00	1.00	2.00
Concord University	0.00	1.00	2.00	3.00
Fairmont State University	0.00	1.00	6.49	7.49
Glenville State College	0.00	1.00	0.50	1.50
Marshall University	0.00	1.00	8.00	9.00
Shepherd University	0.00	1.00	4.00	5.00
West Liberty University	0.00	1.00	1.87	2.87
West Virginia School of Osteopathic Medicine	0.00	1.00	2.00	3.00
West Virginia State University	0.00	1.00	4.00	5.00
West Virginia University	0.00	40.28	22.60	62.88
WV Two-Year Public Institutions	2.00	4.50	17.25	23.75
Blue Ridge Community and Technical College	1.00	0.00	3.00	4.00
BridgeValley Community and Technical College	0.00	1.00	2.00	3.00
Eastern WV Community and Technical College	0.00	0.50	0.50	1.00
Mountwest Community and Technical College	1.00	1.00	3.00	5.00
New River Community and Technical College	0.00	0.00	2.75	2.75
WV Northern Community and Technical College	0.00	1.00	2.00	3.00
Pierpont Community and Technical College	**	**	**	**
Southern WV Community and Technical College	0.00	0.00	3.00	3.00
WVU at Parkersburg	0.00	1.00	1.00	2.00

Source: Institutional data submissions.

* Faculty Equivalent / Academic Professional

** Human resources services for Pierpont Community and Technical College were provided by Fairmont State University.

Ratio of Human Resources Staff to Total Number of Full-Time Equivalent Institutional Employees

West Virginia Code Reference(s): §18B-7-8(a)(2)(A)(ii), *Ratio of human resources staff to total number of full-time equivalent employees.*

Highlights:

- Collectively, West Virginia's public four-year (and higher) institutions employed an average of one full-time equivalent (FTE) human resources professional for every 103.00 FTE employees, while the state's two-year institutions offered a ratio of one FTE human resources professional for every 54.31 FTE employees.
- Fairmont State University and West Virginia State University had the highest ratios of human resources FTE employees to institutional employees within the four-year system. Both institutions employed one FTE human resources professional for every 55 FTE institutional employees; however, Fairmont State University also provides human resources services to Pierpont Community and Technical College. Marshall University and Glenville State College had the lowest ratios with one FTE human resources employee for every 193.72 and 132.79 FTE employees, respectively.
- In the two-year system, Mountwest Community and Technical College and Blue Ridge Community and Technical College provided the highest ratios of FTE human resources employees to institutional FTE employees at 1:26.60 and 1:36.81, respectively, while WVU at Parkersburg had the highest ratio at one FTE human resources employee per 107.77 FTE institutional employees.

Ratio of Human Resources Staff to Total Number of FTE Institutional Employees			
	HR Staff FTE Employees	Total FTE Employees	Number of FTE Employees per HR FTE Employee
WV Four-Year (or Higher) Public Institutions	101.74	10,478.82	103.00
Bluefield State College	2.00	188.30	94.15
Concord University	3.00	264.77	88.26
Fairmont State University	7.49	414.67	55.36
Glenville State College	1.50	199.19	132.79
Marshall University	9.00	1,743.51	193.72
Shepherd University	5.00	453.00	90.60
West Liberty University	2.87	294.00	102.44
West Virginia School of Osteopathic Medicine	3.00	255.19	85.06
West Virginia State University	5.00	274.19	54.84
West Virginia University	62.88	6,392.00	101.65
WV Two-Year Public Institutions	23.75	1,289.84	54.31
Blue Ridge Community and Technical College	4.00	147.25	36.81
BridgeValley Community and Technical College	3.00	180.88	60.29
Eastern WV Community and Technical College	1.00	43.40	43.40
Mountwest Community and Technical College	5.00	133.00	26.60
New River Community and Technical College	2.75	151.00	54.91
WV Northern Community and Technical College	3.00	133.83	51.90
Pierpont Community and Technical College	*	110.81	*
Southern WV Community and Technical College	3.00	174.14	58.05
WVU at Parkersburg	2.00	215.53	107.77

Source: Institutional data submissions.

*Human resources services for Pierpont Community and Technical College are provided by Fairmont State University.

Number and Percentage of Human Resources Staff Functioning in Supervisory Roles

West Virginia Code Reference(s): §18B-7-8(a)(2)(A)(iii), *Percentage of human resources staff functioning in supervisory roles and percentage in administrative roles.*

Highlights:

- Approximately one-third of human resources employees in both the two- and four-year systems served in a supervisory capacity during Fiscal Year 2015. At West Virginia University, only 20.7 percent of human resources personnel had supervisory responsibilities, the lowest proportion in the state.

Number and Percentage of Human Resources Staff Functioning in Supervisory Roles			
	HR Employees in Supervisory Roles		
	Total HR Employees (FTE)	FTE	Percentage of Total
WV Four-Year (or Higher) Public Institutions	101.74	29.00	28.5%
Bluefield State College	2.00	1.00	50.0%
Concord University	3.00	1.00	33.3%
Fairmont State University	7.49	3.00	40.1%
Glenville State College	1.50	1.00	66.7%
Marshall University	9.00	3.00	33.3%
Shepherd University	5.00	2.00	40.0%
West Liberty University	2.87	1.00	34.8%
West Virginia School of Osteopathic Medicine	3.00	1.00	33.3%
West Virginia State University	5.00	3.00	60.0%
West Virginia University	62.88	13.00	20.7%
WV Two-Year Public Institutions	23.75	8.50	35.8%
Blue Ridge Community and Technical College	4.00	2.00	50.0%
BridgeValley Community and Technical College	3.00	1.00	33.3%
Eastern WV Community and Technical College	1.00	0.50	50.0%
Mountwest Community and Technical College	5.00	1.00	20.0%
New River Community and Technical College	2.75	1.00	36.4%
WV Northern Community and Technical College	3.00	1.00	33.3%
Pierpont Community and Technical College	**	*	*
Southern WV Community and Technical College	3.00	1.00	33.3%
WVU at Parkersburg	2.00	1.00	50.0%

Source: Institutional data submissions.

*Human resources services for Pierpont Community and Technical College are provided by Fairmont State University.

Number of Full-Time Equivalent Positions Reporting to the Chief Human Resources Officer

West Virginia Code Reference(s): §18B-7-8(a)(2)(A)(iv), *Number of positions reporting to the head of human resources.*

Highlights:

- The average number of full-time equivalent employees reporting to a Chief Human Resources Officer (CHRO) was 2.9 in the four-year system, and 2.5 in the two-year system during Fiscal Year 2015. Statewide, eight institutions exceeded these averages.
- The CHROs at Marshall University and Blue Ridge Community and Technical College each had six full-time equivalent direct reports, more than any other institutions in the state.

<i>Number of FTE Positions Reporting to the Chief Human Resources Officer</i>				
	Faculty / FEAP*	Non- Classified	Classified	Total
WV Four-Year (or Higher) Public Institutions	0.00	4.00	25.37	29.37
Bluefield State College	0.00	0.00	1.00	1.00
Concord University	0.00	0.00	2.00	2.00
Fairmont State University	0.00	0.00	4.00	4.00
Glenville State College	0.00	0.00	0.50	0.50
Marshall University	0.00	0.00	6.00	6.00
Shepherd University	0.00	0.00	3.00	3.00
West Liberty University	0.00	0.00	1.87	1.87
West Virginia School of Osteopathic Medicine	0.00	0.00	4.00	4.00
West Virginia State University	0.00	0.00	3.00	3.00
West Virginia University	0.00	4.00	0.00	4.00
WV Two-Year Public Institutions	1.00	1.00	17.00	19.00
Blue Ridge Community and Technical College	0.00	0.00	6.00	6.00
BridgeValley Community and Technical College	0.00	0.00	2.00	2.00
Eastern WV Community and Technical College	0.00	0.00	0.50	0.50
Mountwest Community and Technical College	1.00	0.00	3.00	4.00
New River Community and Technical College	0.00	0.00	1.50	1.50
WV Northern Community and Technical College	0.00	0.00	2.00	2.00
Pierpont Community and Technical College	**	**	**	**
Southern WV Community and Technical College	0.00	0.00	2.00	2.00
WVU at Parkersburg	0.00	1.00	0.00	1.00

Source: Institutional data submissions.

* Faculty Equivalent / Academic Professional

** Human resources services for Pierpont Community and Technical College are provided by Fairmont State University.

Total Institutional Operating Expenses per Full-Time Equivalent Employee

West Virginia Code Reference(s): §18B-7-8(a)(2)(A)(vi), *Total expenses per full-time equivalent employee.*

Highlights:

- Among institutions in the four-year system, West Virginia State University had the highest rate of operational expenditure per full-time equivalent employee at \$175,547 per FTE employee, while Bluefield State College had the lowest rate at \$120,815 per FTE employee.
- West Virginia University at Parkersburg had the lowest rate of operational expenditure per FTE among two-year institutions at \$113,316 per FTE. Pierpont Community and Technical College operated with the two-year system's highest rate at \$194,615 per FTE.

<i>Total Institutional Operating Expenses per Full-Time Equivalent Employee</i>			
	FY15 Total Operating Expenses	Number of FTE Employees	Total Expenses per FTE Employee
WV Four-Year (or Higher) Public Institutions	\$1,609,205,654	10,478.82	\$153,567
Bluefield State College	\$22,749,513	188.30	\$120,815
Concord University	\$39,868,790	264.77	\$150,579
Fairmont State University	\$62,686,548	414.67	\$151,172
Glenville State College	\$26,384,642	199.19	\$132,460
Marshall University	\$269,434,463	1,743.51	\$154,536
Shepherd University	\$59,427,056	453.00	\$131,186
West Liberty University	\$40,532,090	294.00	\$137,864
West Virginia School of Osteopathic Medicine	\$38,466,544	255.19	\$150,737
West Virginia State University	\$48,133,008	274.19	\$175,547
West Virginia University	\$1,001,523,000	6392.00	\$156,684
WV Two-Year Public Institutions	\$168,024,913	1,289.84	\$130,268
Blue Ridge Community and Technical College	\$18,830,979	147.25	\$127,884
BridgeValley Community and Technical College	\$25,920,117	180.88	\$143,300
Eastern WV Community and Technical College	\$6,208,023	43.40	\$143,042
Mountwest Community and Technical College	\$15,795,208	133.00	\$118,761
New River Community and Technical College	\$19,477,436	151.00	\$128,990
WV Northern Community and Technical College	\$15,968,913	133.83	\$119,322
Pierpont Community and Technical College	\$21,565,283	110.81	\$194,615
Southern WV Community and Technical College	\$19,835,954	174.14	\$113,908
WVU at Parkersburg	\$24,423,000	215.53	\$113,316

Sources: 1) Institutional data submissions; and 2) FY2015 audited financial statements.

Tuition Revenue per Full-Time Equivalent Employee

West Virginia Code Reference(s): §18B-7-8(a)(2)(A)(vii), *Tuition revenue per full-time equivalent employee.*

Highlights:

- The West Virginia School of Osteopathic Medicine generated the highest tuition revenue per full-time equivalent employee in the state at \$125,861, nearly double that of the institution with the second-highest rate - West Liberty University – which generated \$68,697 per full-time equivalent employee.
- Pierpont Community and Technical College generated the greatest amount of tuition revenue among the two-year institutions at \$67,865, while Southern West Virginia Community and Technical College generated the least revenue per full-time equivalent employee at \$26,982.

<i>Tuition Revenue per Full-Time Equivalent Employee</i>			
	FY15 Total Tuition Revenue	Number of FTE Employees	Tuition Revenue per FTE Employee
WV Four-Year (or Higher) Public Institutions	\$696,503,563	10,478.82	\$66,468
Bluefield State College	\$9,691,539	188.30	\$51,469
Concord University	\$16,563,213	264.77	\$62,557
Fairmont State University	\$23,188,669	414.67	\$55,921
Glenville State College	\$7,826,976	199.19	\$39,294
Marshall University	\$110,642,400	1,743.51	\$63,460
Shepherd University	\$30,232,939	453.00	\$66,739
West Liberty University	\$20,196,889	294.00	\$68,697
West Virginia School of Osteopathic Medicine	\$32,118,341	255.19	\$125,861
West Virginia State University	\$15,227,597	274.19	\$55,537
West Virginia University	\$430,815,000	6,392.00	\$67,399
WV Two-Year Public Institutions	\$58,517,063	1,289.84	\$45,368
Blue Ridge Community and Technical College	\$7,444,664	147.25	\$50,558
BridgeValley Community and Technical College	\$6,587,929	180.88	\$36,422
Eastern WV Community and Technical College	\$1,662,654	43.40	\$38,310
Mountwest Community and Technical College	\$8,050,604	133.00	\$60,531
New River Community and Technical College	\$7,700,110	151.00	\$50,994
WV Northern Community and Technical College	\$5,592,271	133.83	\$41,786
Pierpont Community and Technical College	\$7,520,134	110.81	\$67,865
Southern WV Community and Technical College	\$4,698,697	174.14	\$26,982
WVU at Parkersburg	\$9,260,000	215.53	\$42,964

Sources: 1) Institutional data submissions; and 2) FY2015 audited financial statements.

Human Resources Expense Data

Ratio of Human Resources Expenses to Institutional Operating Expenses

West Virginia Code Reference(s): §18B-7-8(a)(2)(B)(i), *Ratio of human resources expenses to operating expenses.*

Highlights:

- Human resources expenditures among West Virginia public four-year institutions averaged 0.47 percent of total institutional operating expenses. The West Virginia School of Osteopathic Medicine had the highest proportion of HR expenditures to total institutional expenses in the four-year system at 1.42 percent, while Glenville State College had the lowest at 0.20 percent.
- In the two-year system, human resources expenditures accounted for 1.03 percent of total institutional operating expenses statewide. Mountwest Community and Technical College had the highest proportion in the two-year system with 2.01 percent of total institutional operating expenditures attributed to human resources spending. Bridge Valley Community and Technical College and West Virginia University at Parkersburg had the lowest proportions in the two-year system at 0.79 percent. Pierpont Community and Technical College reports zero spending on HR services as these functions are fulfilled by Fairmont State University's human resources department.

Ratio of Human Resources Expenses to Institutional Operating Expenses

	Total Human Resources Expenses	Institutional Operating Expenses	Percentage
WV Four-Year (or Higher) Public Institutions	\$7,537,206	\$1,609,205,654	0.47%
Bluefield State College	\$173,712	\$22,749,513	0.76%
Concord University	\$273,865	\$39,868,790	0.69%
Fairmont State University	\$555,962	\$62,686,548	0.89%
Glenville State College	\$53,253	\$26,384,642	0.20%
Marshall University	\$656,457	\$269,434,463	0.24%
Shepherd University	\$481,141	\$59,427,056	0.81%
West Liberty University	\$429,465	\$40,532,090	1.06%
West Virginia School of Osteopathic Medicine	\$545,825	\$38,466,544	1.42%
West Virginia State University	\$327,426	\$48,133,008	0.68%
West Virginia University	\$4,040,100	\$1,001,523,000	0.40%
WV Two-Year Public Institutions	\$1,730,149	\$168,024,913	1.03%
Blue Ridge Community and Technical College	\$322,420	\$18,830,979	1.71%
BridgeValley Community and Technical College	\$203,796	\$25,920,117	0.79%
Eastern WV Community and Technical College	\$57,073	\$6,208,023	0.92%
Mountwest Community and Technical College	\$318,210	\$15,795,208	2.01%
New River Community and Technical College	\$261,973	\$19,477,436	1.35%
WV Northern Community and Technical College	\$185,990	\$15,968,913	1.16%
Pierpont Community and Technical College	*	\$21,565,283	*
Southern WV Community and Technical College	\$187,687	\$19,835,954	0.95%
WVU at Parkersburg	\$193,000	\$24,423,000	0.79%

Sources: 1) FY2015 audited financial statements; and 2) Institutional data submissions.

* Human resources services for Pierpont Community and Technical College are provided by Fairmont State University.

Ratio of Human Resources Expenses to Number of Full-Time Equivalent Institutional Employees

West Virginia Code Reference(s): §18B-7-8(a)(2)(B)(ii), *Ratio of human resources expenses to number of full-time equivalent employees.*

Highlights:

- Statewide, West Virginia public four-year institutions spent an average of \$719 per full-time equivalent (FTE) employee on human resources services during Fiscal Year 2015, while institutions in the two-year system spent an average of \$1,341 per FTE employee.
- The West Virginia School of Osteopathic Medicine spent \$2,139 per FTE employee on human resources services in Fiscal Year 2015, the most of any institution in the four-year system. Glenville State College and Marshall University spent the least at \$267 and \$377 per FTE, respectively.
- Among two-year institutions, Mountwest Community and Technical College had the highest rate of human resources-related spending in Fiscal Year 2015, with an average of \$2,393 spent per FTE employee, while West Virginia University at Parkersburg spent the least - \$895.

<i>Ratio of Human Resources Expenses to Number of Full-Time Equivalent Institutional Employees</i>			
	Total Human Resources Expenses	Number of FTE Employees	HR Expenses per FTE
WV Four-Year (or Higher) Public Institutions	\$7,537,206	10,478.82	\$719
Bluefield State College	\$173,712	188.30	\$923
Concord University	\$273,865	264.77	\$1,034
Fairmont State University	\$555,962	414.67	\$1,341
Glenville State College	\$53,253	199.19	\$267
Marshall University	\$656,457	1,743.51	\$377
Shepherd University	\$481,141	453.00	\$1,062
West Liberty University	\$429,465	294.00	\$1,461
West Virginia School of Osteopathic Medicine	\$545,825	255.19	\$2,139
West Virginia State University	\$327,426	274.19	\$1,194
West Virginia University	\$4,040,100	6,392.00	\$632
WV Two-Year Public Institutions	\$1,730,149	1,289.84	\$1,341
Blue Ridge Community and Technical College	\$322,420	147.25	\$2,190
BridgeValley Community and Technical College	\$203,796	180.88	\$1,127
Eastern WV Community and Technical College	\$57,073	43.40	\$1,315
Mountwest Community and Technical College	\$318,210	133.00	\$2,393
New River Community and Technical College	\$261,973	151.00	\$1,735
WV Northern Community and Technical College	\$185,990	133.83	\$1,390
Pierpont Community and Technical College	*	110.81	*
Southern WV Community and Technical College	\$187,687	174.14	\$1,078
WVU at Parkersburg	\$193,000	215.53	\$895

Source: Institutional data submissions.

* Human resources services for Pierpont Community and Technical College are provided by Fairmont State University.

Total Human Resources Expense per Organization Employee (Headcount)

West Virginia Code Reference(s): §18B-7-8(a)(2)(B)(iii), *Total human resources expense per organization employee.*

Highlights:

- West Virginia public four-year institutions spent an average of \$687 per institutional employee on human resources services in Fiscal Year 2015, with values ranging from a high of \$2,107 per employee at the West Virginia School of Osteopathic Medicine, to a low of \$266 per employee at Glenville State College.
- Human resources spending among two-year institutions averaged \$1,316 per employee in Fiscal Year 2015. Mountwest Community and Technical College had the highest rate of HR spending per employee at \$2,393, while West Virginia University at Parkersburg had the lowest at \$877 per employee.

<i>Total Human Resources Expense per Organization Employee (Headcount)</i>			
	Total Human Resources Expenses	Employee Headcount	HR Expenses per Employee (Headcount)
WV Four-Year (or Higher) Public Institutions	\$7,537,206	10,965	\$687
Bluefield State College	\$173,712	189	\$919
Concord University	\$273,865	267	\$1,026
Fairmont State University	\$555,962	431	\$1,290
Glenville State College	\$53,253	200	\$266
Marshall University	\$656,457	1,758	\$373
Shepherd University	\$481,141	511	\$942
West Liberty University	\$429,465	294	\$1,461
West Virginia School of Osteopathic Medicine	\$545,825	259	\$2,107
West Virginia State University	\$327,426	294	\$1,114
West Virginia University	\$4,040,100	6,761	\$598
WV Two-Year Public Institutions	\$1,730,149	1,315	\$1,316
Blue Ridge Community and Technical College	\$322,420	159	\$2,028
BridgeValley Community and Technical College	\$203,796	182	\$1,120
Eastern WV Community and Technical College	\$57,073	44	\$1,297
Mountwest Community and Technical College	\$318,210	133	\$2,393
New River Community and Technical College	\$261,973	151	\$1,735
WV Northern Community and Technical College	\$185,990	135	\$1,378
Pierpont Community and Technical College	*	115	*
Southern WV Community and Technical College	\$187,687	176	\$1,066
WVU at Parkersburg	\$193,000	220	\$877

Source: Institutional data submissions.

* Human resources services for Pierpont Community and Technical College are provided by Fairmont State University.

Compensation and Benefits

Comparison of Average Annual Salaries of Full-Time Faculty to Southern Regional Educational Board (SREB) State Averages, by Academic Rank

West Virginia Code Reference(s): §18B-7-8(a)(2)(D)(i), *Comparisons of faculty salaries at each organization to market averages.*

Highlights:

- An examination of SREB Salary Index values across both the two- and four-year systems suggests that faculty at West Virginia public institutions earn significantly less than their counterparts in other SREB states. SREB Salary Index values for the rank of professor ranged from a low of 0.44 for faculty at West Virginia State University to a high of 1.24 at Blue Ridge Community and Technical College. It should be noted, however, that in the case of Blue Ridge Community and Technical College, the number of faculty at the rank of Professor is relatively low and includes several senior administrators who also hold faculty status.
- Faculty at West Virginia University were generally among the highest paid in the state, earning an average of \$112,949 at the rank of professor, \$79,975 as an associate professor, and \$58,616 at the assistant professor level during Fiscal Year 2015. Blue Ridge Community and Technical College faculty were generally among the highest paid in the Community and Technical College System.

Comparison of Average Annual Salaries of Full-Time Faculty to SREB State Averages, by Academic Rank

	Professor		Associate Professor		Assistant Professor		Instructor	
Average Salaries in SREB States	Average Salary	SREB Salary Index*	Average Salary	SREB Salary Index*	Average Salary	SREB Salary Index*	Average Salary	SREB Salary Index*
Public Four-Year Institutions (SREB States)	\$144,195	.	\$103,353	.	\$88,497	.	\$63,348	.
Public Two-Year Institutions (SREB States)	\$83,705	.	\$74,546	.	\$66,678	.	\$62,860	.
WV Four-Year (or Higher) Public Institutions	\$97,786	0.68	\$89,124	0.86	\$62,491	0.71	\$44,518	0.70
Bluefield State College	\$67,399	0.47	\$60,002	0.58	\$53,118	0.60	\$41,481	0.65
Concord University	\$71,026	0.49	\$59,812	0.58	\$52,024	0.59	\$42,090	0.66
Fairmont State University	\$75,979	0.53	\$68,655	0.66	\$51,181	0.58	\$45,413	0.72
Glenville State College	\$68,348	0.47	\$63,365	0.61	\$49,811	0.56	\$40,937	0.65
Marshall University	\$94,942	0.66	\$71,678	0.69	\$58,124	0.66	\$37,598	0.59
Shepherd University	\$75,633	0.52	\$63,122	0.61	\$55,385	0.63	.	.
West Liberty University	\$71,866	0.50	\$70,604	0.68	\$58,208	0.66	\$48,844	0.77
West Virginia State University	\$63,173	0.44	\$60,246	0.58	\$52,254	0.59	\$44,902	0.71
West Virginia University	\$112,949	0.78	\$79,975	0.77	\$58,616	0.66	\$48,288	0.76
WV Two-Year Public Institutions	\$67,371	0.80	\$57,093	0.77	\$48,536	0.73	\$43,752	0.70
Blue Ridge Community and Technical College	\$103,657	1.24	\$76,396	1.02	\$61,690	0.92	\$53,216	0.85
BridgeValley Community and Technical College	\$78,220	0.93	\$61,306	0.82	\$55,123	0.83	\$44,857	0.71
Eastern WV Community and Technical College	.	.	\$57,321	0.77	\$47,827	0.72	\$38,734	0.62
Mountwest Community and Technical College	\$64,532	0.77	\$54,575	0.73	\$41,600	0.62	\$40,391	0.64
New River Community and Technical College	\$68,774	0.82	\$54,165	0.73	\$49,472	0.74	\$50,859	0.81
WV Northern Community and Technical College	\$58,653	0.70	\$48,173	0.65	\$41,354	0.62	\$37,140	0.59
Pierpont Community and Technical College	\$84,869	1.01	\$62,792	0.84	\$48,252	0.72	\$43,758	0.70
Southern WV Community and Technical College	\$55,596	0.66	\$43,826	0.59	\$39,700	0.59	\$34,245	0.54
WVU at Parkersburg	\$64,541	0.77	\$56,260	0.75	\$45,279	0.68	\$40,003	0.64

Sources: 1) HEPC internal data system; and 2) author calculations using data from the Integrated Postsecondary Education Data System (IPEDS).

*The SREB Salary Index was calculated by dividing the average institutional faculty salary for each academic rank by the average salary at the corresponding rank for all public institutions within the same sector in Southern Regional Educational Board member states. A value greater than one indicates that an institution's average salary is higher than the SREB average, while a value lower than one indicates that the institutional average is below the SREB average.

Comparison of Average Annual Base Salaries of Full-Time Faculty at West Virginia Public Four-Year Institutions to National Averages, by Academic Rank and Discipline

West Virginia Code Reference(s): §18B-7-8(a)(2)(D)(i), *Comparisons of faculty salaries at each organization to market averages.*

Highlights:

- In Fiscal Year 2015, faculty salaries across nearly all disciplines and ranks were below national averages, as is indicated by National Salary Index values less than 1.00. Faculty at the rank of Professor in the *Multi/Interdisciplinary Studies* discipline (CIP 30) have the lowest National Salary Index value in the state, at 0.63.
- Biological and biomedical sciences faculty at West Virginia public four-year (and higher) institutions earned between 3 and 26 percent more than their colleagues nationwide.

<i>Comparison of Average Annual Base Salaries of Full-Time Faculty at West Virginia Public Four-Year Institutions to National Averages, by Academic Rank and Discipline</i>						
CIP Code and Discipline Academic Rank	Average Base Salary	Median	Minimum	Maximum	Head Count	National Salary Index*
01 Agriculture, Agriculture Operations and Related Sciences						
Professor	\$109,363	\$110,705	\$78,752	\$168,507	26	1.09
Associate Professor	\$79,737	\$71,969	\$48,077	\$164,352	25	1.03
Assistant Professor	\$60,294	\$61,969	\$40,692	\$72,000	23	0.87
Instructor	\$40,553	\$40,553	\$39,958	\$41,147	2	**
03 Natural Resources and Conservation						
Professor	\$86,607	\$82,130	\$65,811	\$152,305	11	0.88
Associate Professor	\$63,248	\$61,274	\$52,527	\$75,240	7	0.86
Assistant Professor	\$58,676	\$58,429	\$43,686	\$82,712	21	0.91
Instructor	\$45,908	\$45,908	\$45,908	\$45,908	1	0.84
05 Area, Ethnic, Cultural and Gender Studies						
Associate Professor	\$74,047	\$74,047	\$74,047	\$74,047	1	0.96
09 Communication, Journalism and Related Programs						
Professor	\$79,445	\$68,965	\$59,230	\$149,150	15	0.86
Associate Professor	\$67,267	\$61,902	\$56,581	\$105,393	20	0.96
Assistant Professor	\$55,378	\$53,827	\$42,000	\$88,865	32	0.96
Instructor	\$42,853	\$40,590	\$33,000	\$53,004	7	0.94
10 Communications Technologies/Technicians and Support Services						
Assistant Professor	\$52,926	\$52,926	\$52,926	\$52,926	1	0.88
11 Computer and Information Sciences and Support Services						
Professor	\$96,828	\$82,132	\$62,271	\$174,259	7	0.84
Associate Professor	\$78,475	\$77,839	\$59,988	\$92,513	15	0.85
Assistant Professor	\$61,751	\$63,150	\$43,184	\$77,885	13	0.77
Instructor	\$43,686	\$43,346	\$40,649	\$47,520	5	0.77
13 Education						
Professor	\$77,816	\$68,322	\$58,116	\$158,990	59	0.85
Associate Professor	\$67,686	\$62,160	\$53,801	\$185,520	65	0.97
Assistant Professor	\$53,518	\$52,956	\$42,000	\$69,703	81	0.90
Instructor	\$51,163	\$46,524	\$34,777	\$96,200	25	1.06
14 Engineering						
Professor	\$126,155	\$119,551	\$69,891	\$211,028	69	1.01
Associate Professor	\$97,625	\$95,840	\$73,191	\$180,480	37	1.07
Assistant Professor	\$79,506	\$84,125	\$58,008	\$109,599	73	1.04
Instructor	\$50,912	\$51,230	\$40,000	\$61,507	3	0.81

continued

Comparison of Average Annual Base Salaries of Full-Time Faculty at West Virginia Public Four-Year Institutions to National Averages, by Academic Rank and Discipline, continued.

CIP Code and Discipline Academic Rank	Average Base Salary	Median	Minimum	Maximum	Head Count	National Salary Index*
15 Engineering Technologies/Technicians						
Professor	\$73,240	\$68,472	\$67,800	\$85,470	5	0.76
Associate Professor	\$61,647	\$61,431	\$52,068	\$71,388	12	0.80
Assistant Professor	\$56,844	\$53,964	\$45,924	\$68,700	9	0.84
Instructor	\$41,508	\$41,508	\$41,508	\$41,508	1	0.78
16 Foreign Languages, Literatures and Linguistics						
Professor	\$72,696	\$67,094	\$62,804	\$102,130	10	0.81
Associate Professor	\$60,334	\$59,765	\$52,344	\$102,691	24	0.89
Assistant Professor	\$47,995	\$47,795	\$37,000	\$62,219	17	0.84
Instructor	\$36,332	\$33,025	\$31,507	\$48,907	12	0.84
19 Family and Consumer Sciences/Human Sciences						
Professor	\$90,199	\$90,199	\$82,916	\$97,482	2	0.94
Associate Professor	\$65,517	\$65,517	\$65,517	\$65,517	1	0.88
Assistant Professor	\$55,552	\$57,009	\$45,650	\$64,301	7	0.88
22 Legal Professions and Studies						
Professor	\$128,839	\$122,052	\$92,438	\$166,716	19	0.94
Associate Professor	\$106,815	\$108,507	\$82,400	\$133,425	13	1.03
23 English Language and Literature/Letters						
Professor	\$73,456	\$70,972	\$56,071	\$118,349	42	0.86
Associate Professor	\$59,404	\$59,158	\$50,421	\$73,000	50	0.90
Assistant Professor	\$50,067	\$48,540	\$44,040	\$58,830	37	0.90
Instructor	\$35,065	\$33,000	\$31,000	\$52,944	35	0.84
24 Liberal Arts and Sciences, General Studies and Humanities						
Professor	\$71,644	\$66,252	\$57,300	\$98,594	5	0.77
Assistant Professor	\$55,615	\$43,507	\$36,000	\$117,341	5	0.94
Instructor	\$67,447	\$72,188	\$42,507	\$78,360	6	**
25 Library Science						
Professor	\$71,601	\$72,215	\$64,432	\$77,542	4	0.82
Associate Professor	\$68,389	\$56,325	\$54,551	\$142,507	11	1.01
Assistant Professor	\$48,371	\$47,569	\$45,504	\$56,592	8	0.82
Instructor	\$47,916	\$47,916	\$47,916	\$47,916	1	**
26 Biological and Biomedical Sciences						
Professor	\$124,838	\$115,000	\$49,320	\$260,507	101	1.18
Associate Professor	\$86,168	\$81,371	\$48,501	\$160,034	73	1.11
Assistant Professor	\$68,387	\$60,897	\$25,504	\$150,507	78	1.03
Instructor	\$59,869	\$54,708	\$38,000	\$94,267	14	1.26
27 Mathematics and Statistics						
Professor	\$82,438	\$80,160	\$60,757	\$125,426	40	0.89
Associate Professor	\$64,939	\$62,424	\$33,600	\$95,954	25	0.91
Assistant Professor	\$54,639	\$53,010	\$40,504	\$75,507	38	0.88
Instructor	\$41,152	\$39,713	\$33,180	\$61,200	34	0.90
30 Multi/Interdisciplinary Studies						
Professor	\$68,260	\$68,260	\$60,420	\$76,100	2	0.63
Associate Professor	\$52,162	\$46,881	\$46,821	\$62,785	3	0.67
Assistant Professor	\$44,606	\$45,287	\$40,507	\$48,024	3	0.72
Instructor	\$41,336	\$41,336	\$41,336	\$41,336	1	0.84
31 Parks, Recreation, Leisure and Fitness Studies						
Professor	\$81,769	\$76,712	\$63,888	\$99,840	7	0.92
Associate Professor	\$66,712	\$66,067	\$58,616	\$84,507	12	0.95
Assistant Professor	\$54,254	\$53,507	\$46,286	\$65,473	19	0.91
Instructor	\$41,969	\$43,799	\$34,264	\$52,449	5	0.90

continued

Comparison of Average Annual Base Salaries of Full-Time Faculty at West Virginia Public Four-Year Institutions to National Averages, by Academic Rank and Discipline, continued.

CIP Code and Discipline Academic Rank	Average Base Salary	Median	Minimum	Maximum	Head Count	National Salary Index*
32 Basic Skills						
Associate Professor	\$56,280	\$56,280	\$56,280	\$56,280	1	**
Instructor	\$37,147	\$39,252	\$30,000	\$47,000	24	**
38 Philosophy and Religious Studies						
Professor	\$78,600	\$71,738	\$58,942	\$108,236	7	0.85
Associate Professor	\$70,739	\$71,631	\$55,061	\$85,365	7	1.03
Assistant Professor	\$48,247	\$48,006	\$43,500	\$53,440	6	0.84
40 Physical Sciences						
Professor	\$86,840	\$83,653	\$57,940	\$140,000	53	0.89
Associate Professor	\$68,411	\$64,079	\$50,968	\$103,331	38	0.93
Assistant Professor	\$59,295	\$58,011	\$41,835	\$75,507	59	0.94
Instructor	\$41,304	\$40,008	\$30,008	\$53,752	7	0.86
42 Psychology						
Professor	\$76,981	\$74,000	\$987	\$130,800	27	0.82
Associate Professor	\$67,212	\$61,053	\$54,341	\$127,026	25	0.95
Assistant Professor	\$56,637	\$51,954	\$40,307	\$106,188	26	0.95
Instructor	\$45,457	\$45,457	\$45,457	\$45,457	1	0.97
43 Security and Protective Services						
Professor	\$82,300	\$74,556	\$63,480	\$108,864	3	0.89
Associate Professor	\$73,335	\$62,706	\$59,481	\$110,507	8	1.04
Assistant Professor	\$53,058	\$52,728	\$42,000	\$74,770	18	0.90
Instructor	\$43,817	\$44,507	\$41,487	\$45,457	3	0.91
44 Public Administration and Social Service Professions						
Professor	\$85,077	\$79,046	\$60,321	\$121,524	23	0.86
Associate Professor	\$71,898	\$69,007	\$54,657	\$130,551	65	0.96
Assistant Professor	\$58,494	\$54,746	\$44,164	\$97,333	67	0.93
Instructor	\$46,868	\$45,507	\$25,504	\$81,579	59	0.93
45 Social Sciences						
Professor	\$81,437	\$74,211	\$59,868	\$140,682	32	0.84
Associate Professor	\$63,481	\$62,090	\$50,494	\$98,135	48	0.86
Assistant Professor	\$50,623	\$50,352	\$38,358	\$70,867	39	0.80
Instructor	\$39,734	\$37,594	\$34,393	\$59,016	9	0.84
50 Visual and Performing Arts						
Professor	\$76,172	\$71,666	\$54,448	\$149,582	59	0.91
Associate Professor	\$59,874	\$58,385	\$24,480	\$105,825	53	0.91
Assistant Professor	\$49,582	\$50,824	\$39,957	\$63,841	63	0.90
Instructor	\$43,276	\$41,222	\$35,700	\$65,504	14	0.96
51 Health Professions and Related Clinical Sciences						
Professor	\$113,538	\$106,004	\$7,345	\$396,624	233	1.06
Associate Professor	\$76,462	\$67,902	\$11,286	\$266,664	273	0.93
Assistant Professor	\$55,089	\$47,798	\$10,000	\$220,507	616	0.80
Instructor	\$49,259	\$47,238	\$20,880	\$90,000	43	0.83
52 Business, Management, Marketing and Related Support Services						
Professor	\$123,197	\$108,843	\$62,246	\$245,507	48	0.96
Associate Professor	\$103,059	\$98,099	\$51,302	\$179,429	80	0.94
Assistant Professor	\$90,239	\$84,772	\$44,376	\$175,507	72	0.85
Instructor	\$52,724	\$48,008	\$36,887	\$81,524	15	0.80

continued

Comparison of Average Annual Base Salaries of Full-Time Faculty at West Virginia Public Four-Year Institutions to National Averages, by Academic Rank and Discipline, continued.

CIP Code and Discipline Academic Rank	Average Base Salary	Median	Minimum	Maximum	Head Count	National Salary Index*
54 History						
Professor	\$75,500	\$72,840	\$54,207	\$108,602	17	0.86
Associate Professor	\$59,066	\$55,380	\$50,236	\$90,507	25	0.89
Assistant Professor	\$50,484	\$51,024	\$40,000	\$60,753	17	0.90
Instructor	\$39,529	\$39,586	\$37,607	\$41,336	4	0.89

Sources:

- 1) HEPC internal data system; and
- 2) Author calculations using data from: *Faculty in Higher Education Salary Survey for Two-Year Community and Technical Colleges, by Discipline, Rank and Tenure Status in Four-Year Colleges and Universities*. Research report. Knoxville, TN: CUPA-HR, March 2015. Available from <http://www.cupahr.org/surveys/results.aspx>.

*The National Salary Index was calculated by dividing the average institutional faculty salary for each academic rank by the average salary at the corresponding rank for all public institutions nationally within the same sector. The national salary data used in these calculations were obtained from the College and University Professional Association for Human Resources (CUPA-HR), as referenced above. An index value greater than one indicates an average salary higher than the national average, while a value lower than one indicates an average salary that is below the national average.

**National data were unavailable for this faculty rank or discipline.

Comparison of Average Annual Base Salaries of Full-Time Faculty at West Virginia Public Two-Year Institutions to National Averages, by Academic Rank and Discipline

West Virginia Code Reference(s): §18B-7-8(a)(2)(D)(i), *Comparisons of faculty salaries at each organization to market averages.*

Highlights:

- A majority of faculty in West Virginia's Community and Technical College System earned significantly less than their colleagues across the country. This is evidenced by National Salary Index values of less than 1.00 in all but three academic disciplines – *Communications Technologies/Technicians* and *Support Services, Family and Consumer Sciences/Human Sciences*, and *Engineering*.
- Faculty in the *Area, Ethnic, Cultural and Gender Studies* and the *Public Administration and Social Service Professions* disciplines had the lowest National Salary Index Values at 0.48 and 0.58, respectively.

Comparison of Average Annual Salaries of Full-Time Faculty at West Virginia Public Two-Year Institutions to National Averages, by Primary Academic Discipline

CIP Code and Discipline	Average Base Salary	Median	Minimum	Maximum	Head Count	National Salary Index*
05 Area, Ethnic, Cultural and Gender Studies	\$33,179	\$33,179	\$33,179	\$33,179	1	0.48
09 Communication, Journalism and Related Programs	\$53,977	\$50,492	\$35,384	\$79,539	4	0.92
10 Communications Technologies/Technicians and Support Services	\$72,499	\$69,549	\$56,948	\$90,999	3	1.21
11 Computer and Information Sciences and Support Services	\$46,978	\$43,144	\$31,533	\$87,215	19	0.76
12 Personal and Culinary Services	\$40,420	\$36,544	\$32,037	\$57,388	6	0.71
13 Education	\$47,952	\$45,878	\$32,037	\$89,693	26	0.77
14 Engineering	\$62,719	\$50,650	\$42,612	\$110,184	8	1.02
15 Engineering Technologies/Technicians	\$53,490	\$50,751	\$32,037	\$106,164	46	0.86
16 Foreign Languages, Literatures and Linguistics	\$40,304	\$40,824	\$37,536	\$42,552	3	0.64
19 Family and Consumer Sciences/Human Sciences	\$61,506	\$59,976	\$30,006	\$90,120	7	1.03
22 Legal Professions and Studies	\$59,575	\$59,575	\$52,454	\$66,696	2	0.86
23 English Language and Literature/Letters	\$52,294	\$45,831	\$33,000	\$112,117	33	0.88
24 Liberal Arts and Sciences, General Studies and Humanities	\$56,172	\$51,945	\$35,204	\$89,424	31	0.95
26 Biological and Biomedical Sciences	\$43,355	\$41,004	\$34,537	\$57,972	17	0.71
27 Mathematics and Statistics	\$46,825	\$45,042	\$34,004	\$71,304	25	0.78
30 Multi/Interdisciplinary Studies	\$54,222	\$54,222	\$52,860	\$55,583	2	0.88
31 Parks, Recreation, Leisure and Fitness Studies	\$60,204	\$60,204	\$60,204	\$60,204	1	0.96
32 Basic Skills	\$48,559	\$40,824	\$34,137	\$134,140	17	0.85
34 Health-related Knowledge and Skills	\$86,080	\$73,643	\$68,868	\$128,168	4	**
38 Philosophy and Religious Studies	\$54,467	\$55,258	\$42,267	\$68,220	9	0.87
40 Physical Sciences	\$48,041	\$47,688	\$35,350	\$68,880	17	0.78
41 Science Technologies/Technicians	\$52,152	\$50,417	\$40,189	\$63,904	5	0.78
42 Psychology	\$46,156	\$47,640	\$35,190	\$54,819	7	0.73
43 Security and Protective Services	\$48,279	\$47,508	\$32,037	\$62,700	9	0.79
44 Public Administration and Social Service Professions	\$34,004	\$34,004	\$34,004	\$34,004	1	0.58
45 Social Sciences	\$43,152	\$41,879	\$34,257	\$63,974	20	0.70
46 Construction Trades	\$63,991	\$63,991	\$63,991	\$63,991	1	**

continued

Comparison of Average Annual Salaries of Full-Time Faculty at West Virginia Public Two-Year Institutions to National Averages, by Primary Academic Discipline, continued.

CIP Code and Discipline	Average Base Salary	Median	Minimum	Maximum	Head Count	National Salary Index*
47 Mechanic and Repair Technologies/Technicians	\$38,182	\$37,859	\$32,504	\$44,182	3	0.66
48 Precision Production	\$49,868	\$52,508	\$40,000	\$55,000	8	0.91
49 Transportation and Materials Moving	\$50,408	\$50,408	\$46,263	\$54,552	2	0.96
50 Visual and Performing Arts	\$54,124	\$54,369	\$39,930	\$67,827	4	0.88
51 Health Professions and Related Clinical Sciences	\$50,457	\$48,617	\$31,533	\$97,296	139	0.84
52 Business, Management, Marketing and Related Support Services	\$57,067	\$54,732	\$33,500	\$120,400	69	0.91
54 History	\$46,078	\$46,078	\$46,078	\$46,078	1	0.74

Sources:

- 1) HEPC internal data system; and
- 2) Author calculations using data from: *Faculty in Higher Education Salary Survey for Two-Year Community and Technical Colleges, by Discipline, for the 2014-15 Academic Year. Research report. Knoxville, TN: CUPA-HR, March 2015. Available from <http://www.cupahr.org/surveys/results.aspx>.*

*The National Salary Index was calculated by dividing the average institutional faculty salary for each academic rank by the average salary at the corresponding rank for all public institutions nationally within the same sector. The national salary data used in these calculations were obtained from the College and University Professional Association for Human Resources (CUPA-HR), as referenced above. An index value greater than one indicates an average salary higher than the national average, while a value lower than one indicates an average salary that is below the national average.

**National data were unavailable for this faculty rank or discipline.

Number of FTE Employees Receiving a Salary Increase and Average Amount of Annual Salary Increase per FTE Employee by Employee Category, Including Faculty Promotions in Rank

West Virginia Code Reference(s): §18B-7-8(a)(2)(C)(i), Average amount of annual salary increase per full-time equivalent organization employee.

Highlights:

- West Virginia's public four-year institutions awarded salary increases to 5,644.25 full-time equivalent (FTE) employees in Fiscal Year 2015. The average increase statewide was \$2,121. Two-year institutions awarded an average salary increase of \$1,573 to 681.21 FTE employees.
- An average salary increase of \$1,044 was awarded to 2,635.93 classified employees in the four-year system, while 336.21 classified employees in the two year system received average salary increases of \$1,091.

Number of FTE Employees Receiving a Salary Increase and Average Amount of Annual Salary Increase per FTE Employee by Employee Category, Including Faculty Promotions in Rank

	Faculty / FEAP*		Classified		Non-Classified		Total	
	FTE	Average Increase	FTE	Average Increase	FTE	Average Increase	FTE	Average Increase
WV Four-Year (or Higher) Public Institutions	2,157.02	\$3,024	2,635.93	\$1,044	851.30	\$3,168	5,644.25	\$2,121
Bluefield State College	5.00	\$5,522	0.00	.	0.00	.	5.00	\$5,522
Concord University	6.00	\$7,295	68.00	\$1,177	0.00	.	74.00	\$1,673
Fairmont State University	8.00	\$6,144	108.97	\$915	0.00	.	116.97	\$1,273
Glenville State College	4.00	\$5,095	0.00	.	0.00	.	4.00	\$5,095
Marshall University	29.53	\$8,184	0.00	.	0.00	.	29.53	\$8,184
Shepherd University	14.00	\$5,540	0.00	.	0.00	.	14.00	\$5,540
West Liberty University	139.00	\$680	46.00	\$996	0.00	.	185.00	\$759
West Virginia School of Osteopathic Medicine	18.00	\$7,693	86.00	\$535	1.00	\$46,336	105.00	\$2,198
West Virginia State University	10.00	\$4,401	47.00	\$847	8.00	\$16,643	65.00	\$3,338
West Virginia University	1,923.49	\$3,008	2,279.96	\$1,070	842.30	\$2,989	5,045.75	\$2,129
WV Two-Year Public Institutions	292.00	\$2,223	336.21	\$1,091	53.00	\$1,044	681.21	\$1,573
Blue Ridge Community and Technical College	33.00	\$3,576	33.92	\$656	4.00	\$419	70.92	\$2,002
BridgeValley Community and Technical College	43.00	\$2,818	39.83	\$1,010	0.00	.	82.83	\$1,949
Eastern WV Community and Technical College	14.00	\$1,462	20.40	\$918	6.00	\$1,640	40.40	\$1,214
Mountwest Community and Technical College	67.00	\$2,897	50.00	\$2,431	13.00	\$1,313	130.00	\$2,559
New River Community and Technical College	57.00	\$853	65.00	\$987	15.00	\$778	137.00	\$909
WV Northern Community and Technical College	53.00	\$727	60.83	\$801	15.00	\$1,004	128.83	\$794
Pierpont Community and Technical College	8.00	\$4,801	15.35	\$868	0.00	.	23.35	\$2,215
Southern WV Community and Technical College	8.00	\$3,846	0.00	.	0.00	.	8.00	\$3,846
WVU at Parkersburg	9.00	\$4,343	50.88	\$740	0.00	.	59.88	\$1,282

Source: Institutional data submissions.

* Faculty Equivalent / Academic Professional

Employee Salaries as a Percentage of Operating Expenses

West Virginia Code Reference(s): §18B-7-8(a)(2)(C)(ii), *Total amount of organization employee salaries as a percent of operating expenses.*

Highlights:

- Employee salaries as a percentage of institutional operating expenses ranged from a low 32.2 percent at Pierpont Community and Technical College to a high of 50.4 percent at the West Virginia School of Osteopathic Medicine (WVSOM). Excluding WVSOM, Bluefield State College had the highest proportion of salaries to operating expenses in the state, with 49.7 percent of its total operating cost being used for salary and wages in Fiscal Year 2015.

<i>Employee Salaries as a Percentage of Operating Expenses</i>			
	Salary and Wages	Institutional Operating Expenses	Percentage
WV Four-Year (or Higher) Public Institutions	\$751,912,063	\$1,609,205,654	46.7%
Bluefield State College	\$11,311,695	\$22,749,513	49.7%
Concord University	\$16,885,298	\$39,868,790	42.4%
Fairmont State University	\$26,780,653	\$62,686,548	42.7%
Glenville State College	\$10,986,303	\$26,384,642	41.6%
Marshall University	\$125,808,823	\$269,434,463	46.7%
Shepherd University	\$26,211,670	\$59,427,056	44.1%
West Liberty University	\$18,234,730	\$40,532,090	45.0%
West Virginia School of Osteopathic Medicine	\$19,397,351	\$38,466,544	50.4%
West Virginia State University	\$22,494,540	\$48,133,008	46.7%
West Virginia University	\$473,801,000	\$1,001,523,000	47.3%
WV Two-Year Public Institutions	\$71,545,782	\$168,024,913	42.6%
Blue Ridge Community and Technical College	\$7,865,001	\$18,830,979	41.8%
BridgeValley Community and Technical College	\$11,002,470	\$25,920,117	42.4%
Eastern WV Community and Technical College	\$2,417,405	\$6,208,023	38.9%
Mountwest Community and Technical College	\$7,257,855	\$15,795,208	45.9%
New River Community and Technical College	\$9,087,651	\$19,477,436	46.7%
WV Northern Community and Technical College	\$6,791,686	\$15,968,913	42.5%
Pierpont Community and Technical College	\$6,942,928	\$21,565,283	32.2%
Southern WV Community and Technical College	\$8,530,786	\$19,835,954	43.0%
WVU at Parkersburg	\$11,650,000	\$24,423,000	47.7%

Source: FY2015 audited financial statements.

Employer Benefit Costs as a Percentage of Cash Compensation

West Virginia Code Reference(s): §18B-7-8(a)(2)(C)(iii), *Total amount of organization employee benefit costs as a percent of cash compensation.*

Highlights:

- Employer benefit costs as a percentage of cash compensation were generally higher among four-year institutions compared to institutions in the two-year system. Benefit costs averaged 30.0 percent of salary and wage expenditures among four-year institutions and 25.9 percent among community and technical colleges.

<i>Employer Benefit Costs as a Percentage of Cash Compensation</i>			
	Employer Benefit Costs	Salary and Wages	Percentage
WV Four-Year (or Higher) Public Institutions	\$225,241,614	\$751,912,063	30.0%
Bluefield State College	\$3,124,471	\$11,311,695	27.6%
Concord University	\$4,318,301	\$16,885,298	25.6%
Fairmont State University	\$8,536,848	\$26,780,653	31.9%
Glenville State College	\$3,385,809	\$10,986,303	30.8%
Marshall University	\$37,368,897	\$125,808,823	29.7%
Shepherd University	\$6,508,277	\$26,211,670	24.8%
West Liberty University	\$4,759,978	\$18,234,730	26.1%
West Virginia School of Osteopathic Medicine	\$4,456,886	\$19,397,351	23.0%
West Virginia State University	\$6,157,147	\$22,494,540	27.4%
West Virginia University	\$146,625,000	\$473,801,000	30.9%
WV Two-Year Public Institutions	\$18,495,649	\$71,545,782	25.9%
Blue Ridge Community and Technical College	\$1,903,778	\$7,865,001	24.2%
BridgeValley Community and Technical College	\$2,575,257	\$11,002,470	23.4%
Eastern WV Community and Technical College	\$572,924	\$2,417,405	23.7%
Mountwest Community and Technical College	\$1,903,168	\$7,257,855	26.2%
New River Community and Technical College	\$2,232,612	\$9,087,651	24.6%
WV Northern Community and Technical College	\$1,950,409	\$6,791,686	28.7%
Pierpont Community and Technical College	\$1,634,916	\$6,942,928	23.5%
Southern WV Community and Technical College	\$2,584,585	\$8,530,786	30.3%
WVU at Parkersburg	\$3,138,000	\$11,650,000	26.9%

Source: FY2015 audited financial statements.

Other System Metrics

Number of Employees by Employee Category

West Virginia Code Reference(s): §18B-7-8(a)(2)(F), *Other measures the commission or council considers appropriate to assist policymakers in evaluating the degree of success in implementing best human resources practices by higher education organizations.*

Highlights:

- West Virginia's public four-year colleges and universities employed 10,965 personnel in Fiscal Year 2015, while the state's two-year institutions employed 1,315 individuals during the same period.
- Faculty constituted the largest group of employees in both systems. Approximately 46 percent of the employees at four-year institutions were classified as faculty, while 48 percent were identified as faculty in the two-year system.
- Eastern West Virginia Community and Technical College was the smallest employer among all public institutions, with 43.40 full-time equivalent (FTE) employees. West Virginia University and Marshall University were the largest employers with 6,392.00 and 1,743.51 FTE employees, respectively.

Number of Employees by Employee Category*

	Faculty / FEAP**		Non-Classified		Classified		Total	
	FTE	Head Count	FTE	Head Count	FTE	Head Count	FTE	Head Count
WV Four-Year (or Higher) Public Institutions	4,695.77	5,027	1,549.18	1,546	4,233.87	4,392	10,478.82	10,965
Bluefield State College	77.00	77	22.00	22	89.30	90	188.30	189
Concord University	113.50	114	38.79	40	112.48	113	264.77	267
Fairmont State University	165.00	165	74.57	75	175.10	192	414.67	431
Glennville State College	65.00	65	41.51	42	92.68	93	199.19	200
Marshall University	914.18	925	208.99	210	620.34	623	1,743.51	1,758
Shepherd University	173.00	173	57.00	57	223.00	281	453.00	511
West Liberty University	132.00	132	58.00	58	104.00	104	294.00	294
West Virginia School of Osteopathic Medicine	59.09	62	50.00	50	146.10	147	255.19	259
West Virginia State University	106.00	106	53.32	40	114.87	148	274.19	294
West Virginia University	2,891.00	3,208	945.00	952	2,556.00	2,601	6,392.00	6,761
WV Two-Year Public Institutions	596.13	597	140.00	141	552.71	577	1,288.84	1,315
Blue Ridge Community and Technical College	82.00	82	12.00	13	53.25	64	147.25	159
BridgeValley Community and Technical College	100.13	101	18.00	18	62.75	63	180.88	182
Eastern WV Community and Technical College	15.00	15	6.00	6	22.40	23	43.40	44
Mountwest Community and Technical College	68.00	68	13.00	13	52.00	52	133.00	133
New River Community and Technical College	59.00	59	15.00	15	77.00	77	151.00	151
WV Northern Community and Technical College	52.00	52	16.00	16	64.83	67	132.83	135
Pierpont Community and Technical College	64.00	64	13.00	13	33.81	38	110.81	115
Southern WV Community and Technical College	73.00	73	18.00	18	83.14	85	174.14	176
WVU at Parkersburg	83.00	83	29.00	29	103.53	108	215.53	220

Source: Institutional data submissions.

* Excluding temporary/adjunct faculty.

** Faculty Equivalent / Academic Professional

Benefits-Eligible Non-Classified Employees as a Percentage of the Total Number of Classified and Non-Classified Employees, Excluding Athletic Coaches, at West Virginia Public Two- and Four-Year Institutions

West Virginia Code Reference(s): §18B-7-11(a), *Notwithstanding any provision of this code to the contrary, by July 1, 2016, the percentage of personnel placed in the category of nonclassified at a higher education organization may not exceed twenty-five percent of the total number of classified and nonclassified employees of that organization as those terms are defined in section two, article nine-a of this chapter and who are eligible for membership in a state retirement system of the State of West Virginia or other retirement plan authorized by the state. An institution may not have more than ten percent of its total number of classified and nonclassified employees in positions considered by the president to be critical to the institution pursuant to said section two, article nine-a of this chapter.*

Highlights:

- West Virginia Code states that the percentage of non-classified employees must not exceed 25 percent of the total number of classified and non-classified employees within an institution, excluding athletic coaches. This requirement became effective July 1, 2016. In Fiscal Year 2015, this percentage was above the state-prescribed limit at six institutions: Fairmont State University, Glenville State College, West Liberty University, West Virginia State University, West Virginia University, and Pierpont Community and Technical College.
- State Code also requires institutions to limit the number of employees identified as "Critical to the Institution" to no more than 10 percent of the total number of classified and non-classified employees, excluding athletic coaches. In Fiscal Year 2015, five institutions exceeded this limit: Fairmont State University, Glenville State College, Marshall University, West Liberty University, and WVU at Parkersburg.

Benefits-Eligible Non-Classified Employees as a Percentage of the Total Number of Classified (C) and Non-Classified (NC) Employees, Excluding Athletic Coaches, at West Virginia Public Two- and Four-Year Institutions*

	Total C and NC Headcount, Excluding Coaches	Non-Classified Employee Headcount				Total	Percent Non-Classified	Percent Critical
		Reports to CEO	Policy-making	Critical to the Institution				
WV Four-Year (or Higher) Public Institutions	5,747	124	843	553		1,520	26.2%*	9.4%
Bluefield State College	108	10	12	0		22	20.4%	0.0%
Concord University	127	8	17	1		26	20.5%	0.8%
Fairmont State University	228	12	15	48		75	32.9%*	21.1%**
Glenville State College	126	16	9	14		39	31.0%*	11.1%**
Marshall University	829	10	63	134		207	25.0%	16.2%**
Shepherd University	277	8	42	5		55	19.9%	1.8%
West Liberty University	143	8	30	18		56	39.2%*	12.6%**
West Virginia School of Osteopathic Medicine	199	4	41	0		45	22.6%	0.0%
West Virginia State University	160	6	40	0		46	28.8%*	0.0%
West Virginia University	3,550	42	574	333		949	26.7%*	9.4%
WV Two-Year Public Institutions	667	62	54	19		135	20.2%	2.8%
Blue Ridge Community and Technical College	54	2	9	2		13	24.1%	3.7%
BridgeValley Community and Technical College	81	13	5	0		18	22.2%	0.0%
Eastern WV Community and Technical College	29	5	1	0		6	20.7%	0.0%
Mountwest Community and Technical College	63	6	4	0		10	15.9%	0.0%
New River Community and Technical College	84	8	7	0		15	17.9%	0.0%
Pierpont Community and Technical College	38	8	5	0		13	34.2%*	0.0%
Southern WV Community and Technical College	98	8	5	0		13	13.3%	0.0%
WV Northern Community College	88	5	11	2		18	20.5%	2.3%
WVU at Parkersburg	132	7	7	15		29	22.0%	11.4%**

Source: Institutional data submissions.

* Value exceeds 25.0% (See West Virginia Code §18B-7-11)

** Value exceeds 10.0% (See West Virginia Code §18B-7-11)

Number of Full-Time Faculty by Appointment Status

Policy Reference(s): Title 133 and Title 135, Series 9, Procedural Rule, Academic Freedom, Professional Responsibility, Promotion and Tenure, Section 3.2.2

Highlights:

- Nearly two-thirds of full-time faculty at West Virginia public four-year colleges and universities had been awarded tenure or were serving in tenure-track positions in Fiscal Year 2015. By comparison, less than 15 percent of full-time faculty in the state's community and technical colleges were tenured or tenure-track.
- All but 17 of the state's clinical-track faculty were employed by Marshall University and West Virginia University. WVU employed 634 clinical-track faculty while the remaining 103 served on the Marshall faculty.
- The West Virginia Council for Community and Technical College Education limits the number of tenured and tenure-track faculty within the two-year system to no more than 20 percent of the full-time faculty employed by an institution. In Fiscal Year 2015, 26.9 percent of the West Virginia Northern Community and Technical College faculty and 31.2 percent of those at WVU at Parkersburg were tenured or tenure-track.

Number of Full-Time Faculty by Appointment Status

	Total	Tenured	Tenure Track	Clinical Track	Librarian Track	Term	Instructional Specialist	FEAP*
WV Four-Year (or Higher) Public Institutions	3,762	1,577	806	754	73	385	23	0
Bluefield State College	77	40	17	3	0	17	0	0
Concord University	113	65	28	0	0	20	0	0
Fairmont State University	165	82	36	0	4	24	19	0
Glennville State College	65	35	20	0	0	0	0	0
Marshall University	894	393	186	103	18	87	0	0
Shepherd University	173	81	48	14	4	1	0	0
West Liberty University	143	49	41	0	0	53	0	0
West Virginia School of Osteopathic Medicine	59	25	30	0	0	0	4	0
West Virginia State University	127	91	13	0	4	17	0	0
West Virginia University	1,946	716	387	634	43	166	0	0
WV Two-Year Public Institutions	576	83	1	0	1	482	62	0
Blue Ridge Community and Technical College	82	2	0	0	0	80	0	0
BridgeValley Community and Technical College	101	5	0	0	0	96	14	0
Eastern WV Community and Technical College	0	0	0	0	0	12	2	0
Mountwest Community and Technical College	68	9	0	0	1	48	10	0
New River Community and Technical College	59	9	0	0	0	50	19	0
WV Northern Community and Technical College	52	14	0	0	0	33	5	0
Pierpont Community and Technical College	64	7	1	0	0	56	0	0
Southern WV Community and Technical College	73	13	0	0	0	60	6	0
WVU at Parkersburg	77	24	0	0	0	47	6	0

Source: Institutional data submissions.

* Faculty Equivalent / Academic Professional

Percentage of Faculty who are Tenured or Tenure Track, by Institution

	Total Faculty Head Count	Tenured		Tenure Track		Tenured and Tenure- Track Combined	
		Head Count	Percent	Head Count	Percent	Head Count	Percent
WV Four-Year (or Higher) Public Institutions	3,762	1,577	41.9%	806	21.4%	2,383	63.3%
Bluefield State College	77	40	51.9%	17	22.1%	57	74.0%
Concord University	113	65	57.5%	28	24.8%	93	82.3%
Fairmont State University	165	82	49.7%	36	21.8%	118	71.5%
Glenville State College	65	35	53.8%	20	30.8%	55	84.6%
Marshall University	894	393	44.0%	186	20.8%	579	64.8%
Shepherd University	173	81	46.8%	48	27.7%	129	74.6%
West Liberty University	143	49	34.3%	41	28.7%	90	62.9%
West Virginia School of Osteopathic Medicine	59	25	42.4%	30	50.8%	55	93.2%
West Virginia State University	127	91	71.7%	13	10.2%	104	81.9%
West Virginia University	1,946	716	36.8%	387	19.9%	1,103	56.7%
WV Two-Year Public Institutions	576	83	14.4%	1	0.2%	84	14.6%
Blue Ridge Community and Technical College	82	2	2.4%	0	0.0%	2	2.4%
BridgeValley Community and Technical College	101	5	5.0%	0	0.0%	5	5.0%
Eastern WV Community and Technical College	0	0	.	0	.	0	.
Mountwest Community and Technical College	68	9	13.2%	0	0.0%	9	13.2%
New River Community and Technical College	59	9	15.3%	0	0.0%	9	15.3%
WV Northern Community and Technical College	52	14	26.9%	0	0.0%	14	26.9%
Pierpont Community and Technical College	64	7	10.9%	1	1.6%	8	12.5%
Southern WV Community and Technical College	73	13	17.8%	0	0.0%	13	17.8%
WVU at Parkersburg	77	24	31.2%	0	0.0%	24	31.2%

Source: Institutional data submissions.

Faculty with Term Appointments, by Institution

Policy Reference(s): Title 133, Series 9, Procedural Rule, Academic Freedom, Professional Responsibility, Promotion and Tenure, Section 3.2.5

Highlights:

- The West Virginia Higher Education Policy Commission limits the number of full-time faculty with term appointments to no more than 10 percent of the total number of full-time faculty at the institution. Five of the state's four-year institutions exceeded this limit in Fiscal Year 2015: Bluefield State College, Concord University, Fairmont State University, West Liberty University and West Virginia State University. Most notable among these is West Liberty University, where 37.1 percent, or 53 of the institution's 143 full-time faculty served term appointments in Fiscal Year 2015.
- Glenville State College and the West Virginia School of Osteopathic Medicine had no faculty serving term appointments, while Shepherd University had only one.

Percentage of Faculty on Term Appointments, by Institution			
	Total Faculty Head Count	Faculty with Term Appointments	
		Head Count	Percent
WV Four-Year (or Higher) Public Institutions	3,762	385	10.2%
Bluefield State College	77	17	22.1%
Concord University	113	20	17.7%
Fairmont State University	165	24	14.5%
Glenville State College	65	0	0.0%
Marshall University	894	87	9.7%
Shepherd University	173	1	0.6%
West Liberty University	143	53	37.1%
West Virginia School of Osteopathic Medicine	59	0	0.0%
West Virginia State University	127	17	13.4%
West Virginia University	1,946	166	8.5%

Source: Institutional data submissions.

Employee Grievances

West Virginia Code Reference(s): §18B-7-8(a)(2)(F), *Other measures the commission or council considers appropriate to assist policymakers in evaluating the degree of success in implementing best human resources practices by higher education organizations.*

Highlights:

- Public higher education employees filed a total of 75 new grievances during Fiscal Year 2015, 64 of which originated in the four-year system.
- Among the state's four-year (or higher) public institutions, 33 grievances remained active or unresolved, 47 were settled or resolved, and 15 were decided by an administrative law judge at the end of the fiscal year. Within the two-year system, 2 remained active, 8 were settled or resolved, and 2 were decided by an administrative law judge.
- Mountwest Community and Technical College employees filed a total of four grievances in Fiscal Year 2015, the most of any institution in the public two-year system.
- West Virginia University employees filed the largest number of grievances of any institution statewide, which amounts to one grievance for every 178 employees. By comparison, Bluefield State College employees filed 10 grievances, or one for every 24 employees.

Summary of Employee Grievances				
	New Grievances Filed	Active Grievances*	Grievances Settled or Resolved*	Grievances Decided by Administrative Law Judge*
WV Four-Year (or Higher) Public Institutions	64	33	47	15
Bluefield State College	10	1	4	5
Concord University	3	0	3	0
Fairmont State University	2	0	2	0
Glenville State College	0	0	0	0
Marshall University	0	3	2	1
Shepherd University	1	0	0	0
West Liberty University	6	3	1	2
West Virginia School of Osteopathic Medicine	2	0	2	0
West Virginia State University	2	0	2	2
West Virginia University	38	26	31	5
WV Two-Year Public Institutions	11	2	8	2
Blue Ridge Community and Technical College	0	0	0	0
BridgeValley Community and Technical College	0	0	0	0
Eastern WV Community and Technical College	0	0	0	0
Mountwest Community and Technical College	4	1	3	0
New River Community and Technical College	3	0	2	1
WV Northern Community and Technical College	0	0	0	0
Pierpont Community and Technical College	1	0	1	0
Southern WV Community and Technical College	2	1	1	1
WVU at Parkersburg	1	0	1	0

Source: Institutional data submissions.

*Value may include grievances filed in a prior fiscal year.

Number of Grant-Funded Employees by Employee Classification

West Virginia Code Reference(s): §18B-7-8(a)(2)(F), *Other measures the commission or council considers appropriate to assist policymakers in evaluating the degree of success in implementing best human resources practices by higher education organizations.*

Highlights:

- Altogether, 680 public higher education employees were compensated with grant dollars in Fiscal Year 2015, 446 in the four-year system and 234 at two-year institutions.
- Among the state's public four-year institutions, West Virginia University employed the greatest number of personnel, 321, using grant dollars, followed by Marshall University with 47.
- In the two-year system, BridgeValley Community and Technical College and WVU at Parkersburg employ the most personnel with grant funds, with 48 and 40 grant-funded employees, respectively.

Number of Grant-Funded Employees by Employee Classification

	Faculty / FEAP*		Non-Classified		Classified		Total	
	FTE	Head Count	FTE	Head Count	FTE	Head Count	FTE	Head Count
WV Four-Year (or Higher) Public Institutions	221.52	273	56.27	63	102.53	110	380.32	446
Bluefield State College	6.00	6	3.15	4	20.12	21	29.27	31
Concord University	0.00	0	2.00	2	6.00	6	8.00	8
Fairmont State University	4.72	5	0.50	1	0.00	0	5.22	6
Glenville State College	0.09	1	4.00	4	0.00	0	4.09	5
Marshall University	12.30	30	8.90	11	2.60	6	23.8	47
Shepherd University	4.40	9	0.00	0	1.00	1	5.40	10
West Liberty University	1.00	1	0.00	0	0.00	0	1.00	1
West Virginia School of Osteopathic Medicine	0.36	1	4.00	4	2.70	3	7.06	8
West Virginia State University	0.00	0	1.00	1	8.00	8	9.00	9
West Virginia University	192.65	220	32.72	36	62.11	65	287.48	321
WV Two-Year Public Institutions	124.53	137	16.85	23	64.27	74	205.65	234
Blue Ridge Community and Technical College	24.00	24	4.50	5	3.00	3	31.50	32
BridgeValley Community and Technical College	30.31	36	1.12	3	9.00	9	40.43	48
Eastern WV Community and Technical College	1.00	1	1.00	1	2.45	3	4.45	5
Mountwest Community and Technical College	18.75	19	1.45	2	6.95	9	27.15	30
New River Community and Technical College	13.40	15	0.00	0	3.00	4	16.40	19
WV Northern Community and Technical College	5.00	5	0.50	1	7.55	9	13.05	15
Pierpont Community and Technical College	8.01	9	1.60	2	5.20	6	14.81	17
Southern WV Community and Technical College	10.31	11	4.33	5	9.91	12	24.55	28
WVU at Parkersburg	13.75	17	2.35	4	17.21	19	33.31	40

Source: Institutional data submissions.

* Faculty Equivalent / Academic Professional

Reduction and Elimination of Positions

West Virginia Code Reference(s): §18B-7-8(a)(2)(F), *Other measures the commission or council considers appropriate to assist policymakers in evaluating the degree of success in implementing best human resources practices by higher education organizations.*

Highlights:

- The state's public colleges and universities eliminated 117 vacant positions in Fiscal Year 2015. A majority of these reductions occurred at Marshall University, where 42 vacant positions were eliminated, and West Virginia State University, which cut 36 vacant positions.
- Southern West Virginia Community and Technical College eliminated the greatest number of positions among the two-year institutions. In fact, nearly two-thirds of all position reductions in the Community and Technical College System occurred at Southern, where 16 vacant positions were eliminated.
- Statewide, 236 vacant positions remained on hold or unfilled at the end of Fiscal Year 2015.
- West Virginia State University was the only institution to eliminate positions through reductions in force or layoffs in Fiscal Year 2015. During that period, 33 positions were eliminated.

Reduction and Elimination of Positions			
	Vacant Positions Eliminated	Vacancies Held (Holding Not Filled)	Positions Eliminated via Reduction in Force or Layoff
WV Four-Year (or Higher) Public Institutions	92	210	33
Bluefield State College	0	0	0
Concord University	1	6	0
Fairmont State University	0	0	0
Glenville State College	0	0	0
Marshall University	42	151	0
Shepherd University	13	19	0
West Liberty University	0	0	0
West Virginia School of Osteopathic Medicine	0	11	0
West Virginia State University	36	23	33
West Virginia University	0	0	0
WV Two-Year Public Institutions	25	26	0
Blue Ridge Community and Technical College	3	0	0
BridgeValley Community and Technical College	2	6	0
Eastern WV Community and Technical College	2	1	0
Mountwest Community and Technical College	0	0	0
New River Community and Technical College	0	0	0
WV Northern Community and Technical College	2	8	0
Pierpont Community and Technical College	0	0	0
Southern WV Community and Technical College	16	11	0
WVU at Parkersburg	0	0	0

Source: Institutional data submissions.

Training and Professional Development

Cost and Total Hours of Employee Training and Development Completed in FY15

West Virginia Code Reference(s): §18B-7-8(a)(2)(E), *An account of the total amount, type of training or professional development provided, the number of employees who participated and the overall cost of the training and professional development provided to employees pursuant to section six of this article.*

Cost and Total Hours of Employee Training and Development Completed in FY15

	Faculty / FEAP*		Non-Classified		Classified		Total	
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
WV Four-Year (or Higher) Public Institutions	10,852	\$130,102	7,926	\$40,835	14,878	\$106,951	33,656	\$277,888
Bluefield State College	8,257	\$90,253	1,007	\$35,813	8,194	\$80,684	17,458	\$206,750
Concord University	1,507	\$11,108	191	\$5,022	222	\$24,294	1,920	\$40,424
Fairmont State University	**	**	**	**	**	**	**	**
Glenville State College	**	\$28,741	**	\$0	**	\$1,973	**	\$30,714
Marshall University	139	**	163	**	648	**	950	**
Shepherd University	**	**	**	**	**	**	**	**
West Liberty University	**	**	**	**	**	**	**	**
West Virginia School of Osteopathic Medicine	**	**	**	**	**	**	**	**
West Virginia State University	47	**	35	**	95	**	177	**
West Virginia University	902	**	6,530	**	5,719	**	13,151	**
WV Two-Year Public Institutions	3,029	34,452	833	45,356	2,768	42,995	6,629	\$122,802
Blue Ridge Community and Technical College	**	**	**	**	**	**	**	**
BridgeValley Community and Technical College	**	**	**	**	**	**	**	**
Eastern WV Community and Technical College	**	\$11,788	**	\$26,736	**	\$17,849	**	\$56,373
Mountwest Community and Technical College	506	\$2,116	72	\$287	286	\$1,184	864	\$3,587
New River Community and Technical College	2,239	\$17,837	603	\$11,438	2,009	\$13,193	4,850	\$42,467
WV Northern Community and Technical College	284	\$2,711	158	\$6,895	473	\$10,769	915	\$20,375
Pierpont Community and Technical College	**	**	**	**	**	**	**	**
Southern WV Community and Technical College	**	**	**	**	**	**	**	**
WVU at Parkersburg	**	**	**	**	**	**	**	**

Source: Institutional data submissions.

* Faculty Equivalent / Academic Professional

**Data incomplete or not tracked by the institution.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of TIAA Retirement Plan Modifications

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves modifications to the TIAA retirement plan as described and delegates to the Chancellor, in consultation with the Finance Committee, the authority to approve final changes.

STAFF MEMBER: Patricia Clay

BACKGROUND:

Commission staff recently met with representatives of Teachers Insurance and Annuities Association (TIAA) to conduct a Plan Investment Review, as well as to review plan documents, services and communications relating to the retirement plans offered through the Commission. As a result of this review, staff supports changes related to plan economics, administration and investment services as well as plan document amendments for the Qualified 401(a) plan, the 403(b) Supplemental Plan and 457(b) Supplemental Plans, as recommended by TIAA.

In October 2016, these changes and amendments were discussed with the Chief Human Resources Officers from the Commission and Council institutions. In November 2016, the recommendations were discussed with representatives from the Commission's Finance Committee. No objections were received.

The proposed modifications are related to reducing the cost to employees of administering the plans, compliance issues resulting from recent federal initiatives and Department of Labor requirements for transparency. Changes are recommended that will result in a reduction in cost to the plan and employees of approximately \$392,000 annually (based upon June 30, 2016 plan assets).

If approved, modifications will take place over the coming year at times most financially favorable to participants. All recommendations are made in an effort to reduce the cost of plan administration and improve probability of investment growth for participants. The recommendations include:

- Implementing plan economics, plan administration and plan investment service approvals
- Adopting proposed plan amendments
- Update 403(b) supplemental plan proposed amendments
- Update 457(b) supplemental plan proposed amendments

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of 2016 Research Trust Fund Annual Report

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the 2016 Research Trust Fund Annual Report and recommends submission to the Governor and the Legislature.

STAFF MEMBER: Jan Taylor

BACKGROUND:

As provided in West Virginia Code §18B-18A-1 et seq. and reporting requirements outlined in Series 48, Legislative Rule, Research Trust Fund Program, the Commission receives annual reports from institutions and is required to submit a combined annual report on the Research Trust Fund to the Governor and the Legislative Oversight Commission on Education Accountability (LOCEA) by January 1 of each year.

In compliance with this statutory requirement, the Commission is provided a draft annual report for 2016 activities within the Research Trust Fund for review, comment, and approval. Marshall University and West Virginia University are using the proceeds from investments of private gifts and state matching to fund scholarships and fellowships to undergraduates and graduate students, support faculty research, support for endowed chairs in the College of Engineering and Mineral Resources at WVU and in the College of Information Technology and Engineering at MU.

The market value of investments at WVU as of June 30, 2016 was \$76,468,066 which provided \$3,117,903 in earnings available to spend on the approved research plan. The market value of investments at the MU Foundation as of December 31, 2015 was \$30,836,322. Earnings held by the MU Research Corporation as of June 30, 2016 were \$3,115,671 which are available to spend on MU's approved research plan.

The 2016 report is the eighth in a series of annual reports provided by staff since the program's inception in 2008. Contents of the report are provided on the following pages. The full, printed report, titled, "Report to the Legislative Oversight Commission on Education Accountability – West Virginia Research Trust Fund," will be provided to the Governor and the Legislature pending Commission approval.

2016 Report on the Research Trust Fund (RTF)

Background

Outlined in Series 48, Research Trust Fund Program, the Commission receives annual reports from institutions and is required to submit a combined annual report on the Research Trust Fund to the Governor and the Legislative Oversight Commission on Education Accountability (LOCEA) by January 1 of each year.

In compliance with this statutory requirement, the Commission is provided a draft annual report for 2016 activities within the Research Trust Fund for review, comment, and approval. The 2016 report is the eighth in a series of annual reports provided by staff since the program's inception in 2008.

RTF Activities through August 2016

The Commission completed its initial implementation plan during the fall of 2008 which resulted in Title 133 Legislative Rules Series 48, subsequently approved by the legislature during the 2009 regular session. The rule establishes guidelines, procedures and documentation standards for the distribution of funds in the West Virginia Research Trust Fund. The rule designates the Vice Chancellor for Science and Research as the administrator of the program, under the general direction of the Chancellor and the Commission. The final rules are available at

https://www.wvhepc.org/resources/rulesandpolicies_files/Series%2048%20%284-16-09%29.pdf. .

Commission staff created an electronic "Match Request System" (MRS) in 2008 that allowed secure transactions for RTF requests made by the universities. All requests, documentation and invoicing are permanently recorded in files that allow sorting, analysis and up-to-date balance information. The MRS was cross referenced with university records annually to ensure accuracy in drawdown reporting for previous reports.

Required "Research Plans" specified by the legislation and approved by institutional Boards of Governors' were received from both West Virginia University and Marshall University. Both institutional plans are on file at the Commission and are found to be generally compliant with legislative requirements.

The RTF financial account was established in late June 2008 by the State Auditor and made accessible to Commission staff for distribution. This report provides all transaction activities on the RTF to date from its existence.

Interest funds generated by the RTF account have been separately tracked for distribution to State Colleges as defined by the Legislature. On May 15, 2009, the Commission released the first competitive request for proposals for RTF interest funds collected on the account specifically for state colleges and the WV School of Osteopathic Medicine in accordance with provisions of §18B-18A-10 of the code. A second request for proposals was issued on March 9, 2010 a third on June 2, 2011, a fourth on May 30, 2012 and a fifth on September 21, 2012. Proposals for up to \$100,000 each were received from eligible institutions and subsequently reviewed by external peers for program merit. Two awards were issued in 2009, two in 2010 and one in 2011 as a result. No applications were received in response to the May 2012 request for proposals. A request for proposals was issued on September 7, 2012 – one institution was awarded. A final award was made on May 6, 2013

The institutions who received awards from the RTF for State Colleges and Universities were Shepherd University, Fairmont State University, West Liberty University, West Virginia State University and West Virginia University Institute of Technology.

The Research Trust Fund has been fully matched and no additional funds are available for distribution.

Marshall University and West Virginia University reports for 2016 are attached.



**Marshall University
Research Endowment Plan Annual Report
2015-2016**

Submitted to the Division of Science and Research at the
West Virginia Higher Education Policy Commission

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I. Summary

The West Virginia Research Trust Fund program has originated sixteen endowments at Marshall University to fund allowed research-related activity. These endowments span research areas from Engineering to Clinical and Translational Research and specify uses from direct research support to student research stipends. In FY 2013, the full \$15MM in gifts and pledges was raised, along with an excess of over \$500,000. The progress in FY 16 involved the utilization of these funds as the endowment proceeds became available.

To date, the Bucks for Brains Endowments total \$ 33.98MM, with \$650,000 total proceeds expenditure. FY 16 expenditure was \$450,000. Earnings to date have amounted to \$4.63MM.

II. Review of the Marshall University Research Endowment Plan

Marshall's original Research Endowment Plan approved by the University's Board of Governors in 2008, directed donations to:

- Endowment of the Marshall Institute for Interdisciplinary Research (MIIR), continuing with the plan laid out in Marshall's application to the Eminent Scholars Recruitment and Enhancement (ESRE) initiative; and
- Advancement of Intelligent Transportation Systems research at the Rahall Transportation Institute (RTI).

In November 2010, the Marshall University Board of Governors approved a Research Trust Fund Addendum (Appendix One) that broadened the recognition of Biomedicine/ Biotechnology as a focus for donor activity across the University, and further included aspects of Engineering, Environmental Science and the Physical Sciences.

III- Progress in the Endowed Research Areas

A brief update on activities of the endowments is included below. A comprehensive summary of the endowments is included in previous versions of this report. The current corpus balances, earnings-to-date and expenditures are provided in Table One, at the end of this section.

1- The Marshall Institute for Interdisciplinary Research (MIIR)

The Marshall Institute for Interdisciplinary Research (MIIR) was created to advance Marshall University's strategic objective of advancing economic development through entrepreneurship and commercialization of scientific discoveries. This institute facilitates the transfer of scientific knowledge into applications that have potential for generating business ventures and corporate partnerships. The institute also aims to be a self-sustaining enterprise that creates intellectual property through innovation, enhances economic development, advances intellectual infrastructure and increases employment opportunities in West Virginia.

MIIR enables commercially relevant bioscience activity by affording companies the opportunity to develop and mature promising new technologies and products within the university environment. Research is directed with licensable endpoints in mind and corporate partners play important roles in selecting and developing projects that have commercial potential. Scientists within the institute monitor scientific progress and obtain extra-mural grant funding to support and accelerate the progress of these projects.

The recent activities of the Institute are discussed in Section 9, 10 below

2- Rahall Transportation Institute (RTI)- nothing to report

3-Fletcher Mechanical Engineering Endowment-

Dr. Wael Zatar, dean of Marshall University's College of Information Technology and Engineering (CITE), has been named the Fletcher Endowed Chair of Engineering at the university.

As endowed chair of engineering, Zatar will continue to develop and lead the partnership between Marshall University and J. H. Fletcher & Co. He will lead a group of investigators who will actively participate in structures research aimed at finding innovative engineering solutions for the region's and nation's challenges, utilizing equipment generously provided by J. H. Fletcher & Co.

4-Pew Endowment for River Research-Nothing to report

5-Maier Endowment for Dementia Research-

The endowment has funded the establishment of the Maier Institute for Excellence in Prescribing for the Elderly with Dementia. The Maier Institute's vision is to be a nationally recognized source of expertise regarding appropriate usage of therapeutic and preventative medications and other interventions for persons with Alzheimer's and related dementias, and the multiple morbidities which usually accompany these disorders.

The Maier Institute is identifying knowledge gaps regarding therapeutic approaches for persons with dementia and initiating research projects to address these gaps.

Projects initially undertaken will include:

- meta-analyses of existing literature with production of clinical recommendations from such analyses,
- clinical therapeutics primary/original research, and
- projects designed to improve information delivery regarding ideal prescribing to practicing physicians.

6-BrickStreet Endowment for Safety Engineering Research- nothing to report

7-The Endowment for Summer Undergraduate Research in Chemistry

The endowment has been created by individual donations and departmental royalties from the sale of laboratory manuals set aside for this purpose. The proceeds will be used to support endowed rotating professorships and undergraduate summer research fellowships in Chemistry.

These summer positions are a central component in the Department's long-term strategy to increase research output and obtain sustainable external funding. Each student selected will do an original, collaborative research project with a supervising faculty member. Dr. Mike Castellani is the PI for this fund.

The Chemistry endowment supports undergraduate summer research programs by providing stipends to students working in Chemistry research laboratories. In summer 2016 the funds supported 3.5 summer research fellows.

8-Fred and Isabella Zacharias Endowment for Obstetrics and Gynecology Research- Nothing to report

9, 10-The Cline and Underwood Endowments for Translational Sports Medicine Research

The endowment supports Translational Sports Medicine Research at the Joan C. Edwards School of Medicine at Marshall University where comprehensive interdisciplinary research that translates to advances in human injury prevention, injury recovery and accelerated therapeutic outcomes is being conducted. The endowment proceeds are being used to initiate and develop a nationally-competitive research program that enhances human function and quality of life through discoveries which protect human health and enhance injury repair, while advancing human performance capacity.

The initial phases of the work focused on the phenomenon of oxidative stress. In two separate but related lines of investigation, researchers from the School of Medicine and MIIR have published on the role of oxidative stress inhibition on inhibiting adipogenesis. Increased expression of heme oxygenase (HO-1) through upregulation of the Wnt signaling pathway resulted in decreased adipogenesis in adipocytes. Suppression of the HO-1 and Wnt10 genes with siRNA led to increased adipogenesis. In an article **published in the prestigious journal Science Advances**, administration of a peptide, pNa/Ktide, shown to inhibit the oxidative signaling amplification of Na/K ATPase, reduced oxidative stress and lipid accumulation in a dose dependent manner in adipocytes. Similarly, administration of pNa/Ktide to mice fed a high fat diet reduced

body weight gain, restored systemic redox and inflammatory milieu, improved insulin sensitivity.

This research was also conducted under the auspices of the Brickstreet Wellness Research endowment.

The oxidative stress activities have continued at MIIR and SOM laboratories, with the initiation of six related projects based on the initial results reported last year:

1. pNaKtide attenuates NASH and atherosclerosis in mouse models of metabolic syndrome: We have previously reported that the $\alpha 1$ subunit of sodium potassium adenosine triphosphatase (Na/K-ATPase), acts as an amplifier of oxidative stress, specifically, reactive oxygen species (ROS). On this background, we speculated that blockade of this amplification with a specific peptide, pNaKtide, might attenuate the development of nonalcoholic steatohepatitis and atherosclerosis. pNaKtide reduced obesity and improved steatohepatitis, dyslipidemia, insulin sensitivity, and aortic streaking in C57Bl6 mouse fed a “western” diet. Similar studies were performed on ApoE knockout mice to elucidate the effects of pNaKtide on atherosclerosis. In these mice, also fed a “western” diet, pNaKtide not only improved steatohepatitis, dyslipidemia, and insulin sensitivity, but also ameliorated significant aortic atherosclerosis. This study demonstrates for the first time that the Na/K-ATPase/ROS amplification loop contributes significantly to the development and progression of steatohepatitis and atherosclerosis and pNaKtide is a potential novel treatment for the metabolic syndrome phenotype.

2. pNaKtide alleviates genetic and phenotypic attributes of aging: This study addresses the effect of novel drug, pNaKtide, a peptide derived from $\alpha 1$ Na/K-ATPase, has on senescence-associated features in human dermal fibroblasts (HDF) induced by exposure to oxidative stress caused by hydrogen peroxide (H₂O₂). Two groups of adult HDF cells were exposed to a sub lethal dose of H₂O₂ for 2 hours to induce cellular senescence. One group was then treated with different concentrations of pNaKtide for 48 hours. Progression to senescence was evaluated in treated and untreated cells by: studying morphology changes, RT-PCR, T-BARs assay to assess lipid peroxidation, superoxide assay to measure the level of ROS, and senescence associated β galactosidase assay. H₂O₂ exposed senescent cells showed significantly elevated levels of mRNAs (p21, apolipoprotein J, Collagenase 1, fibronectin) that are indicators of DNA damage confirming senescence through alterations in gene expression. Morphological symptoms such as loss of cell replication, increased size of nucleus was evident through Dapi staining in aged cells. Additionally, activation of senescence associated β -galactosidase and increase in ROS level were also significant in these cells as expected. On the contrary, cells exposed to H₂O₂ and treated with pNaKtide showed similar morphology and gene expression profile comparable to pre-senescent control cells that were not exposed to H₂O₂. Taken together, our study demonstrates for the first time that Na/K-ATPase mimetic, pNaKtide, significantly alleviates the genetic and phenotypic attributes

of aging. pNaKtide is a novel drug for treating cellular damage responses that may contribute to manifestations of aging.

3. Creating a Novel Panel of Biomarkers for the diagnosis and management of Metabolic Syndrome in women in West Virginia: Metabolic syndrome represents a cluster of related metabolic abnormalities, including central obesity, hypertension, dyslipidemia, hyperglycemia, and insulin resistance, with central obesity and insulin resistance in particular recognized as causative factors. These metabolic derangements present significant risk factors for cardiovascular disease, which is commonly recognized as the primary clinical outcome, although other outcomes are possible. Metabolic syndrome is a progressive condition that encompasses a wide array of disorders with specific metabolic abnormalities presenting at different times. These abnormalities can be detected and monitored via serum biomarkers and using multiple biomarkers for diagnosis and early detection, and subsequent customization of treatment and risk management, is a blossoming field with much room for research. Despite there being many studies on individual biomarkers, there is a void in research on the implications of multiple biomarkers being abnormal. Creating such a panel could provide a relatively easy and minimally-invasive way to detect metabolic syndrome and possibly indicate the severity, depending on the combination of aberrations. Such a panel would be highly useful in areas where metabolic syndrome poses a significant burden, such as West Virginia. In coordination with the Department of Family Medicine, we have been collecting serum from female patients who have normal BMIs (control), who are obese (BMI>30), and those who have a diagnosis of metabolic syndrome according to the International Diabetes Federation over the last 4 years. The serum is currently being tested for a variety of biomarkers, including microRNAs which is a unique addition to a biomarker panel as microRNA has only recently been recognized for its utility as a biomarker. This panel will represent the first of its kind, especially within the state of West Virginia, to have potential clinical utility for diagnosis, management, and risk stratification of metabolic syndrome patients.

4. Effect of hepatocyte specific pNaKtide expression on NASH and liver fibrosis using lentiviral constructs: Mice with hepatocyte-specific targeting of pNaKtide provides a unique opportunity to advance our understanding of the pathophysiology of NAFLD and associated metabolic dysfunction. We have the lenti-Alb-eGFP-pNaKtide vector and its control Lenti-Alb-eGFP for in vivo studies which has been constructed (Cyagen Biosciences, CA, US) to achieve pNaKtide expression specifically in the liver. This mode of intervention is utilized to obtain pNaKtide expression for an extended period of time. Lentivirus (100 µl, 2x10⁹ TU/ml in saline) with pNaKtide and its counterpart Lenti-eGFP, driven by an albumin promoter, will be injected into mice by a tail vein injection under anesthesia with sodium pentobarbital at the age of 4 weeks. Two weeks later, another injection (75 µl 1x10⁹ TU/ml in tail vein) will be given. We expect Na/K-ATPase-Src signaling cascade will be activated in mice fed a western diet, which will precipitate a pro-inflammatory setting, increase TGs and FFA levels and will induce insulin resistance. This will be accompanied by fatty liver infiltration and a decline in liver function.

However, with lentiviral injections, we expect that pNaKtide targeted specifically to hepatocytes will suppress Na/K-ATPase-Src/ROS amplification loop and will attenuate ROS, IR, hepatic steatosis and fibrosis.

5. Role of pNaKtide in ameliorating renal failure: pNaKtide was also tested in mouse models with renal failure (C57Bl/6 mice fed standard chow vs western diet and ApoE KO mice fed standard chow vs western diet) to see if pNaKtide could ameliorate glomerulosclerosis and interstitial fibrosis and improve urine production, GFR/cystatin-C. ApoE KO mice on western diet showed increased interstitial fibrosis, decreased urine production and decreased GFR which was improved with pNaKtide. These results have been submitted to Nature.

6. Altered modification and signaling of the Na/K-ATPase in human adipocytes: Recent studies of the Na/K-ATPase in obese mice have demonstrated that it can be targeted to decrease obesity and doing so alters the expression of oxidative and adipogenic markers. Given the importance of the adipocyte redox state in the development and maintenance of obesity, we are interested in elucidating the full role of this Na/K-ATPase pump in adipocytes and the pathogenesis of obesity, as this has never been studied in humans. Given the close relationship between the Na/K-ATPase and ROS, and the close relationship between ROS and obesity, it is our hope that determining all components of the signaling pathway may highlight novel molecular mechanisms to combat obesity and its related comorbidities. Goals of this project are to (a) understand the role of the Na/K-ATPase in the pathogenesis of obesity in humans, (b) isolate, quantify, and characterize modifications to the Na/K-ATPase in human adipocytes in obese vs control patients, (c) study inflammatory markers, oxidative stress markers, and adipogenic markers associated with the Na/K-ATPase in obese vs control patients, (d) identify signaling cascades and their changes, that stem from the Na/K-ATPase modifications in obese vs control patients. IRB has been submitted for this project, which is a collaboration with the Department of Surgery (who will be collecting visceral Fat samples from obese and control patients). This is the next step in bridging the gap in our extensive animal model studies to human studies.

11-BrickStreet Wellness Research Endowment was created to conduct research on workplace health issues that impact workers' safety, productivity and wellness.

The endowment is to be used to conduct research that will span the spectrum from basic molecular research to practical, work-place based research. A number of common clinical problems (e.g., obesity, metabolic syndrome) still lack easily implemented treatments, and greater understanding of these problems at a basic level is necessary to formulate novel approaches. One example for this is the area of obesity and obesity related diseases such as metabolic syndrome, osteoarthritis and cardiovascular disease. Recent work from Marshall University investigators (see

preceding section) suggests that alteration in the expression of antioxidant enzymes at a molecular level will have markedly beneficial effects on total body fat burden as well as downstream effects on other organ systems. Furthermore, it appears that there are a number of genetic, pharmacological and nutritional manipulations which can affect marked increases in the expression of these antioxidant enzymes. The BrickStreet research endowment is being used to fund high impact, novel treatments potentially relevant to workplace health at a preclinical level.

In addition to the work described above, the following projects have been initiated:

Study of Ergonomic Factors Contributing to Carpal Tunnel Syndrome:

This study involves a manufacturer of implantable lenses that employs 850 individuals in the Huntington area. There are specific components of the manufacturing process that significantly increase the risk of carpal tunnel syndrome for some individuals. We have evaluated the manufacturing process and have identified ergonomic factors contributing to carpal tunnel syndrome. We have proposed a series of modifications that have been incorporated in a comprehensive plan to address the problem. These include work duty rotation, ergonomic modification of some tools, exercise and wellness activities. Our Occupational Division provides support for the wellness activities of this employer and we plan to publish this quality improvement effort in the occupational medicine literature.

Study of Consequences of Exposure to Heavy Metals

This study follows approximately 250 individuals at a metallurgical manufacturer. The company produces ferrosilicate alloys for steel production. Each year, individuals are provided a health screening and are evaluated for hearing, vision, spirometry, lead and manganese levels and complete a health survey that includes specific questions related to symptoms of heavy metal exposure and toxicity. A database has been created. The goal is to track these individuals over a sufficient period of time to determine which job duties pose the greatest risk of exposure. In addition, the laboratory values and surveys will be used to identify early physical changes that may coincide with consequences of chronic heavy metal exposure.

Collaborative Project with WV regarding Work-related Disability and All-cause Mortality

We are currently working in cooperation with WVU Occupational Medicine and National Institute for Occupational Safety and Health (NIOSH) on a retrospective review of impairment rating data from the historic workers' compensation database matched to WV Vital Statistics data to evaluate the potential relationship between injury severity and life expectancy/all-cause mortality.

12-The Huntington Foundation, Inc./ Frank E. Hanshaw, Sr. Endowed Chair of Geriatrics

The Huntington Foundation created an endowment fund to support research in the field of geriatrics encompassing a spectrum of issues relevant to aging such as hypertension, obesity, and diabetes. The endowment provides for the appointment of an Endowed Chair of Geriatrics named in honor of Frank E. Hanshaw, Sr.

It has been decided to focus this appointment on research in Geriatrics, and more specifically, research related to dementia. The department of internal medicine is recruiting a clinician researcher with an established portfolio of research projects in this area. The hire is expected to be completed in FY 17.

13-The Rezulin Endocrinology Research Fund-

In a court settlement concluded in 2007, funds were set aside for use in the Marshall University Joan C. Edwards School of Medicine for Endocrinology. In the spirit and intent of the settlement agreement and to dedicate the investment of these settlement funds monies for the benefit of those presently afflicted with diabetes and advance the research related to diabetes and its related metabolic disorders, the Rezulin Endocrinology Research Fund was created.

The Department of Internal Medicine is recruiting a clinician- researcher in the specialty of Endocrinology with an established portfolio of research projects. This individual will be supported partially with the proceeds from the endowment. The hire is expected to be completed in FY 17.

14-The Herbert Louis Eiselstein Memorial Scholarship – was established by his wife, Maryellen, in her husband’s memory. Herbert spent his entire career with Inco Alloys International and retired as Vice President of Technology, Research and Development.

Freshman recipients of the support are to be full-time chemistry majors in the College of Science (COS) and have a minimum high school GPA of 2.9. Priority shall be given to students considering a career in metals and materials science or who have aspirations of becoming a professional scientist. The recipient shall engage in a minimum of 90 hours per semester of original student-faculty collaborative research.

The Eiselstein Scholarship funds supported two students in FY 16. Those students plan to pursue Ph.D.s in chemistry and biochemistry.

15-The Donald Cain Tarter Biological Sciences Student Research Scholarship- Nothing to report

16-The Steve and Mary Beckelhimer Science Education Graduate Scholarship- Nothing to report

B-Current Fund Balances

The current fund balances for the Marshall University Research Trust Fund Endowments is shown in Table One, below. Expenditures in FY 2016 amounted to \$450,000.

Table One- Fund Balances for Marshall University's Research Trust Fund Endowments at the End of FY16 (Reflecting MURC holdings as of June 2016 and MUF holdings as of 12/31/15)

#	Fund	Corpus	Earnings
1	MIIR	6,614,731	948,261
2	RTI	387,411	61,691
3	Maier Dementia Research	2,000,150	280,649
4	Fletcher Engineering	1,693,855	181,607
56	Pew River Research	530,200	72,538
7	Brickstreet Safety Research	441,600	67,133
8	Chemistry SURF	241,670	26,621
9	Zacharias OB/GYN	796,714	107,871
10	Translational Sports Medicine Research	10,119,650	968,806
11	Eiselstein Scholarship	84,600	3,416
12	Tarter Scholarship	43,720	2,395
13	Beckelhimer Scholarship	100,000	5,523
14	Hanshaw Geriatric Research	1,000,000	45,372
15	Rezulin Endocrinology Research	1,782,021	136,039
16	Brickstreet Wellness Research	5,000,000	207,751
	Total	30,836,322	3,115,671

Appendix One- Marshall University's Research Trust Fund Addendum

The University's directed research endowment plan has concentrated initially in two domains of interdisciplinary research, which are strengths at Marshall: research clusters in biomedicine/biotechnology/ bionanotechnology and transportation technology/logistics. Marshall's Research Trust Fund activities are to be expanded to include the following areas:

I. Engineering

Engineering is a foundational discipline essential to the development and implementation of research in the approved areas in the Research Trust Fund legislation¹. Marshall has recently achieved ABET accreditation of its engineering program, and has experienced dramatic facilities growth with the construction and occupation of The Arthur Weisberg Family Engineering Laboratories facility and is planning for the future addition of an Advanced Engineering and Technology Center Complex. Development of robust undergraduate and graduate programs and the associated integral research opportunities are essential to developing and enhancing the capabilities and profile of the school.

Match from the Research Trust Fund will be requested to enhance private donations for endowed professorships and other research-related positions and initiatives in all aspects of Engineering as they relate to the allowed subject areas of the Research Trust Fund Program and the associated uses allowed in the legislation.

Two examples of gifts that have been received in support of engineering endowments are included, and a third solicitation is discussed:

A. Applied Research- Safety Engineering Program

Risk management is a highly specialized field that involves applying the principles of safety engineering and industrial hygiene and integrating them with economic and financial analysis. Marshall University will expand its Research Trust Fund Plan in this area important to transportation and logistics and energy to support an endowment in risk management research. The proposed endowment will support the development of research expertise in the school of

¹

4.3.1. Energy and environmental sciences;

4.3.2. Nanotechnology and materials sciences;

4.3.3. Biological, biotechnical and biomedical sciences;

4.3.4. Transportation technology and logistics;

4.3.5. Biometrics, security, sensing, and related identification technologies; and

4.3.6. Gerontology.

engineering in the area of risk management, a highly interdisciplinary pursuit at the interface of management, engineering and applied mathematics.

The proposed applied research employs advanced risk management concepts and research to identify, trend, estimate and reduce workplace hazards in industry based in WV. The area will be supported by a \$100,000 endowment received from BrickStreet and the corresponding state match.

Risk management is of particular interest to the energy industry in our state because of the safety and economic risks associated with the extraction process. In energy, risk management research is essential to find new ways to:

- deal with its high element of monetary risk due to the uncertainty of the economic and regulatory outlook
- reduce the physical risk associated with extraction and development activities, and improve the safety of individual employee

In transportation and logistics research, risk management has become central to understanding many critical elements such as:

- the robustness and resilience of our transportation systems to interruptions due to system load, natural phenomena, and man-made disruptions
- the risks associated with transport of hazardous materials and the potential benefits of mitigation of those risks
- the robustness of logistics networks
- the risks associated with logistics and supply chain outsourcing

These benefits are of particular relevance to the state given current events, and are particular interests of the donor.

B. Mechanical Engineering

Mechanical engineering applies the principles of physics and materials science for analysis, design, manufacturing, and maintenance of mechanical systems. Mechanical engineers use the core principles of mechanics, kinematics, thermodynamics, materials science, and structural analysis along with tools like computer-aided engineering and product lifecycle management to design and analyze items as diverse as manufacturing plants, industrial equipment and machinery, heating and cooling systems, motorized vehicles, aircraft, watercraft, robotics, medical devices and more.

The field has continually evolved to incorporate advancements in technology, and mechanical engineers today are pursuing developments in such fields as composites, mechatronics, and nanotechnology. Mechanical engineering overlaps with aerospace engineering, civil engineering, electrical engineering, and petroleum engineering to varying amounts.

A gift from the Fletcher family will endow a founding Chair of Mechanical Engineering. Mechanical Engineering is an important discipline in Bioengineering and energy sectors. This endowment is essential to developing a Department of Mechanical Engineering, by attracting a senior-level professor to Marshall, with his/her associated research programs.

Another area that is endorsed by the Board of Governors for planning and an active source of solicitation is:

C. Bioengineering

In the translation of biomedical and biotechnology advances, bioengineering is a lynchpin in bridging the transition from academe to commercialization. Marshall University is planning to develop a Bioengineering Department contemporaneously with the construction of the Applied Technology and Engineering Complex. The development of the Department would follow a trajectory very similar to that of Mechanical Engineering, with the attraction of a founding research scientist/bioengineer.

“Biological engineering, biotechnological engineering or bioengineering (including biological systems engineering) is the application of engineering principles to address challenges in the life sciences, which include the fields of biology, ecology, and medicine. Biological engineering is a science based discipline founded upon the biological sciences in the same way that chemical engineering, electrical engineering, and mechanical engineering are based upon chemistry, electricity and magnetism, and statics, respectively”².

“Biological Engineering can be differentiated from its roots of pure biology or classical engineering in the following way. Biological studies often follow a reductionist approach in viewing a system on its smallest possible scale, which naturally leads toward the development of tools such as functional genomics. Engineering approaches using classical design perspectives are constructionist, involving the building and research of new devices, approaches, and technologies from component concepts. Biological engineering utilizes both of these methods in concert relying on reductionist approaches to define the fundamental units, which are then commingled to generate something new”.

³“Although engineered biological systems have been used to manipulate information, construct materials, process chemicals, produce energy, provide food, and help maintain or enhance human health and our environment, our ability to quickly and reliably engineer biological systems that behave as

² Cuello J.C., “Engineering to biology and biology to engineering, The bi-directional connection between engineering and biology in biological engineering design”, *Int. J. Eng. Ed.*, **21**,1-7 (2005).

³ Riley MR, “Introducing Journal of Biological Engineering”, *Journal of Biological Engineering* **1**, 1 (2007).

expected remains less well developed than our mastery over mechanical and electrical systems”.⁴

Given Marshall’s research strengths in the biological and biomedical sciences and the emphasis of new initiatives, like the Marshall Institute for Interdisciplinary Research (MIIR), on translating key research findings into commercialization, the discipline of bioengineering sits at a nexus of opportunity for the University. It will be a critical element in fully developing the potential of Marshall’s applied research enterprise and its translation to economic development.

II. Mathematics and the Physical Sciences

Mathematics and the Physical Sciences are basic sciences that have relevance to all aspects of the allowed areas of the Research Trust Fund legislation. Research Trust Fund match will be sought to enhance private donations supporting endowed professorships and other research-related positions and initiatives focusing on research in the allowed areas in these disciplines.

The first application will be for an endowed rotating professorship to promote an undergraduate summer research experience in Chemistry.

This match for the undergraduate research endowment is being requested under the Research Trust Fund because undergraduate summer research in Chemistry is relevant to so many of the legislatively enabled areas:

- Chemistry is one of the fundamental underpinnings of nanoscience because of the molecular nature of the discipline
- The Department of Chemistry at Marshall University has core groups in biochemistry/biotechnology and materials science
- Faculty members also work on energy research and molecular energetics.

⁴ Endy D, “Foundations for Engineering Biology”, *Nature*, **438**, 449-4 (2005).

WV Research Trust Fund

Annual Report

from

West Virginia University⁵

August 15, 2016

⁵ Address questions and requests for additional information regarding WVU's Strategic Research Plan and the Research Trust Fund initiative to Provost Joyce McConnell, West Virginia University (joyce.mcconnell@mail.wvu.edu) or Vice President for Research, Dr. Fred King, West Virginia University (fred.king@mail.wvu.edu).

Introduction

This eighth annual report describes the history of the Research Trust Fund, responds directly to the reporting requirements outlined in Series 48 (§ 133-48-14), and lays out the proposed spending plan for the earned interest and carry over funds from each endowment for FY 2017.

History of the Research Trust Fund (2008-2009)

In March 2008, the West Virginia Legislature enacted Senate Bill 287, commonly referred to as the Research Trust Fund, as an effort to build a critical mass in selected areas of research and thus lay the groundwork for future economic development. The initial Bill provided a five year window for the deposit of qualified donations into research endowments. Senate Bill 239 (Passed March 12, 2011) amended §18B-18A-9 of the Code of West Virginia to provide a seven year window. Senate Bill 287 committed \$35 million to West Virginia University as a basis for a 1:1 match with private dollars to create endowments that would provide a sustainable source of funds for research and development. West Virginia University's approved Strategic Research Plan identified four areas for investment:

- Energy and environmental sciences;
- Nanotechnology and material science;
- Biological, biotechnological, and biomedical sciences; and
- Biometrics, security, sensing and related identification technologies.

A brief description of each research area is available at http://research.wvu.edu/home/research_trust_of_west_virginia_university. These areas were selected because they complemented the expertise of WVU's faculty, were critical issues of importance to the public, and were at the core of WVU's land-grant mission.

An Addendum to WVU's Strategic Research Plan for the Research Trust Fund was approved by the WVU Board of Governors in December 2010 and incorporated therein. Three modifications were made:

1. Adding forensic sciences as an area of emphasis under the biometrics, security, sensing, and related identification technologies, providing the opportunity for private investment into this area of research.
2. Adding a Library endowment to support the acquisition of materials in the four research areas, clarifying the importance that library resources provide to a vibrant research agenda.
3. Removing the language "no research area may receive more than \$17.5 million in private donations within the first two years," allowing WVU to maximize private investment regardless of focus area.

West Virginia University continues to balance its tripartite responsibilities for teaching, research, and service in fulfillment of its land-grant mission. The institution is in the sixth year of its comprehensive strategic plan, WVU's 2020 Strategic Plan for the Future (<http://strategicplan.wvu.edu>). "To excel in research, creative activity and innovation" is one overarching objective of the strategic plan. The Research Strategic Plan for the Research Trust Fund is subsumed within this objective of WVU's 2020 Strategic Plan.

Achieving the Goal: \$70 million in Private and State Endowments

During the first four year period after the inception of the Research Trust Fund, West Virginia University received gifts and pledges totaling \$35 million, the total amount allocated to the University through the Research Trust Fund initiative. Each endowment was qualified by the West Virginia University Board of Governors and thus eligible for state matching funds. **Thus the University's goal was achieved.**

The seven year pledge period has officially concluded. The 85 endowments in Appendix A represent the final portfolio established under the Research Trust Fund initiative. These endowments include five generic types of gifts: 12 chairs and professorships, 12 undergraduate scholarships, 14 graduate fellowships, 2 graduate or undergraduate fellowships, 43 broad-based research support funds, and 2 library endowments.

Compliance with Legislative Rule for Research Trust Fund

Three specific reporting requirements are identified in Series 48 (§ 133-48-14), the Research Trust Fund Program.

1. *14.1. By August 15, 2009, and annually thereafter, each participating institution shall provide an annual report to the Commission that includes a full accounting of the trust funds, endowment proceeds, and adherence to the objectives established by the research plan.*
2. *14.2. Each participating institution shall detail in its annual report to the Commission the total amount of qualified donations received, the investment earnings realized and any anticipated expenditures of the research endowment proceeds in its annual operating budget.*

The data in APPENIDX A summarize much of the information requested by the Legislative Rule.

Through June 30, 2016 the following results have been achieved:

- **FY16 Market Value for all the Private RTF Endowments**
The market value of Directed Research Endowments established with private gifts invested in the Research Trust Fund Program of the WVU Foundation Endowment for fiscal year ending June 30, 2016 is \$39,146,786.

- **FY17 Spend Available for the Private RTF Endowments**
The available proceeds from Directed Research Endowments established with private gifts invested in the Research Trust Fund Program of the WVU Foundation Endowment for FY17 are \$1,679,448.
 - **FY16 Market Value for all the State RTF Endowments**
The market value of Directed Research Endowments established with trust distributions (state funds) to the Research Trust Fund Program of the WVU Foundation Endowment for fiscal year ending June 30, 2016 is \$37,321,280.
 - **FY17 Spend Available for the State RTF Endowments**
The available proceeds from Directed Research Endowments established with trust distributions to the Research Trust Fund Program of the WVU Foundation Endowment for FY17 is \$1,438,455.
 - **FY15 Total Number and Amount of Gifts Received that Qualified for State Funds**
The WVU Foundation fulfilled the \$35 million Legislative appropriation in fiscal year 2012.
 - **FY16 Total Number and Amount of Gifts Received from the State for Matching Funds**
The WVU Foundation fulfilled the \$35 million Legislative appropriation in fiscal year 2012.
 - **Total Number and Amount of Gifts Received since Inception that Qualified for a State Match**
During the period from March 08, 2008 to June 30, 2012, the WVU Foundation received 1210 qualified private gifts (donations and pledges) totaling \$35,000,000; matching funds equal to this amount were requested from the Research Trust Fund.
 - **Total Number and Amount of Gifts Received since Inception from the State for Matching Funds**
During the period from March 08, 2008 to June 30, 2012, the WVU Foundation received 19 distributions from the Research Trust Fund totaling \$35,000,000 to match 1210 qualified gifts (donations and pledges) to Directed Research Endowments.
3. *14.4. Each participating institution's research corporation and/or foundation shall provide the Commission with an audited financial statement annually. These statements shall be treated as confidential.*

A copy of the audited financial statements for years ending June 30, 2015 and 2014 for the WVU Foundation has been forwarded to the Policy Commission through Director Jan Taylor under separate cover. Because of timing of submission of this report relative to the receipt of the audited financial statement, the audited financial statement of the WVU Foundation, Inc. will always be a year in arrears.

Impact of the Research Trust Fund

Vice President for Research Fred King remarked previously that “The Research Trust Fund is not only an investment in our University, it is an investment in the future of our state. We know that research and innovation are the key economic drivers as we move forward in the 21st Century and compete in a global economy. The ideas generated and the students educated through the endowments establish under the Research Trust Fund initiative provide a basis for West Virginia’s future prosperity. We are thankful to the donors and the West Virginia legislature for their confidence in our ability to deliver the innovation and education essential to the state’s economic future.”

To place Vice President King’s remarks in a more specific context, WVU learned on February 1, 2016, that it was classified as an R1 or highest research activity, university by the Carnegie Classification of Institutions of Higher Learning, a ranking is shared by only 114 other universities in the United States. This ranking authenticates the quality of WVU’s research on the global stage.

On March 1st, at a special state of the university address, President Gordon Gee encouraged the WVU community to ride this wave of momentum into strengthening three critical pillars of the University and the state: education, health care and broad-based prosperity. “As our recent achievements show, West Virginia University is on an upward trajectory,” Gee said. “Our momentum gives us the power to lift our entire state. Our land-grant heritage deeds us the moral obligation to do so.”

In keeping with the themes of the Strategic Research Plan that undergird the Research Trust Fund, WVU is dedicated to revamping health in West Virginia and supporting the development of the state’s energy resources.

Over the years, West Virginia has consistently ranked as one of the unhealthiest states in the country. President Gee noted, “West Virginia deserves better, every one of us deserves better, and we are capable of doing better.”

WVU Medicine is devoting research, clinical care and outreach leadership to improving the state’s overall health and quality of life but this effort will take more than just WVU’s efforts. That’s why WVU has partnered with Marshall University to jumpstart health care research and delivery with \$1.5 million in projects across the state.

“By reinventing healthcare, we can ensure that West Virginians thrive – not merely survive,” Gee said. The income from RTF accounts dedicated to healthcare will aid in our efforts to improve the lives of the citizens of our state.

To enhance our state’s prosperity, WVU has mobilized its energy resources to address global energy needs. Vice President King noted that “the ever-increasing demand for energy can no longer be met by a handful of sources, but will require a stable of technologies for cleaner and more sustainable technologies, better storage, more modern infrastructure and cheaper, more efficient methods that will increase production.”

To meet those complex challenges, West Virginia University has joined with three distinguished research universities – Case Western Reserve University, Carnegie Mellon University and the University of Pittsburgh – to form the Tri-State University Energy Alliance, a collaboration dedicated to research that will accelerate energy innovation.

Vice President King noted that “each of these partners brings unique skills and expertise to bear on leading the way for 21st century solutions for our nation’s need for affordable, abundant and clean energy.”

“Building upon years of collaboration across these leading regional universities allows us to develop strong teams of researchers to solve modern energy challenges,” said Brian Anderson, director of the WVU Energy Institute. “These universities brings unique strengths that together, provide one of the strongest regional research portfolios on the globe.”

Affordable and reliable energy solutions have the potential to unlock new opportunities for growth and mitigate ongoing environmental impact. However, meeting the nation’s increased energy needs requires acceleration of innovation in the energy sector.

WVU has more than 100 years of applied and fundamental research experience in energy and more than 120 faculty researchers doing work in four areas of emphasis in collaboration with the WVU Energy Institute: fossil energy, sustainable energy, environmental stewardship and energy policy.

WVU’s record of collaboration is strong, with many federal-academic-industrial partnerships across the University’s energy research portfolio progressing state-of-the-art in energy technologies.

The Marcellus Shale Energy and Environment Laboratory is the first ever long-term, comprehensive field study of shale gas resources in which scientists will study the process from beginning to end. The project will evaluate new technologies for increasing the efficiency of the process as well as the impact of drilling and production on the land, water, air and the local economy.

WVU is committed to using its RTF resources to help shape the state’s future in healthcare delivery, energy, and economic prosperity.

Business Plan

In addition to the legislatively mandated reporting requirements, the Higher Education Policy Commission requires a business plan for each research area. APPENDIX A reflects the anticipated use of the money available to spend in FY17.

In FY16, \$4,247,127 of Research Trust Fund dollars, both that from private accounts and matching state accounts, was spent on research – for scholarships, fellowships, prominent scholars, and in support of ongoing research initiatives.

For FY17, \$10, 752,771 will be available. This number includes the proceeds from each private endowment and its equivalent state matching endowment plus any unspent money from the preceding year. Of this amount, \$3,117,903 will come from interest earned on both the private endowments and that from the matching state endowments established from the Research Trust Fund; \$7,634,868 will come from unspent funds from the previous year. The significant amount of interest dollars reflects the positive impact of the stock market and the fact that all endowments are fully funded. All funds for each endowment are being distributed according to the intent of the respective endowment.

WVU looks forward to the significant and sustained impact that programs supported by the Research Trust Fund will have on addressing some of the state's and the nation's most important issues in energy, health care and security.

APPENDIX A. Endowments established in the West Virginia University Foundation under the Research Trust Fund program and their anticipated use in Fiscal Year 2017. Amounts available include proceeds from endowments plus unspent funds from previous years.

Fund Name	Brief Description	FY 2017 Spend	Anticipated Use
		Total	
Frederick P. Jr. & Joan C. Stamp Cancer Research	Broad-based Research Support	\$13,237	Operational support for ongoing research
Norma Mae Huggins Cancer Research Endowment	Basic and Clinical Colon Cancer Research	\$48,251	Operational support for colon cancer research
Walter H. Moran Jr. General Surgery Resident Research	Research Opportunity for Surgery Resident	\$116,812	Stipend for resident to engage in research
Schoepp Neurosciences Research Student Support	Graduate Fellowships and Support for Research	\$23,191	Support for student research activities
Verizon WV for Biometrics	Broad-based Biometrics Research	\$53,220	Operational support for ongoing research
Raymond Brooks Vanscoy Cancer Research Endowment	Broad-based Cancer Research	\$13,360	Operational support for ongoing research
Allen S. Pack Endowment for Mining Engineering	Energy Research in Mining Engineering	\$23,121	Operational support for ongoing research
L. Zane Shuck Laboratory Endowment in Nanobiotechnology	Facilities Support in Nano-biotechnology	\$36,323	Supplies and equipment for a shared facility
Alpha Natural Resources Endowment for Energy Research	Energy and Environmental Research	\$95,292	Supplies and equipment for two new faculty
Alan Susman Cortico-basal Ganglionic Degeneration Research	Degenerative Neurological Research	\$57,571	Projects that lead to extramural funding
Blaine S. West Endowment for Civil and Environmental Engineering	Broad-based Research Support	\$47,274	Part of start-up packages for two new faculty
William J. Maier, Jr. Chair of Research	Create a Chair in Biomedical Research (Charleston Division)	\$399,043	Hold until Chair is appointed
Branson-Maddrell Endowed Professorship in Orthodontics	Create a Professorship in Dentistry	\$139,599	Salary enhancement for recipient of the professorship
George B. Bennett Dean's Research Opportunity Endowment	Broad-based Research Support	\$290,867	Develop new research opportunities

E. Elizabeth Morgan Cancer Research	Broad-based Research Support	\$2,326	Operational support for ongoing research
Badzek Family Endowment for Nursing Research	Nursing Research to Support Quality of Life	\$10,940	Nursing research supporting the Institute
Ruth and Robert Kuhn Nursing Faculty Research	Broad-based Research Support	\$10,221	Seed grant for new research effort
Hall - de Graaf Endowment for Women in Science & Engineering	Research Support for Women, Faculty and Students, in STEM Disciplines	\$7,596	Operational support for ongoing research
Fithian Family Foundation #2/ Behavioral Medicine-Psychiatry	Research Support in Behavioral Medicine	\$41,710	Operational support for ongoing research
WVUH Evidence Based Practice Research Professorship/Nursing	Create a Professorship	\$156,571	Hold until Professorship is created
Grace C. Clements Speech Pathology and Audiology Research	Broad-based Research Support	\$15,147	Operational support for ongoing research
Virginia Oil and Gas Research Endowment for PNGE	Research Activities in Appalachian Shales	\$26,027	Operational support for ongoing research
Michael Baker Corporation Endowment/ CEE	Broad-based Research Support	\$29,045	Operational support for ongoing research
Darrell & Diane Williams Research for PNGE	Research Activites in Appalachian Shales	\$17,707	Operational support for ongoing research
Preservati Cancer Research	Broad-based Research Support	\$13,722	Operational support for ongoing research
Martha Gaines & Russell Wehrle Pediatric Research Endowment	Broad-based Research Support	\$19,685	Operational support for ongoing research
E. Jane Martin Research Doctoral Fund	Research Support for Doctoral Students in Nursing	\$9,727	Support research of doctoral students
John T.& June R. Chambers Chair of Oncology Research	Create a Cancer Research Chair	\$283,637	Hold until chair is created
Christopher Cline Chair in Orthopedic Surgery	Create a Chair in Orthopedic Surgery	\$396,924	Hold until chair is created
Mabel C. Phares Leukemia Research Endowment	Broad-based Research Support	\$58,251	Support for leukemia research
Gary and Lisa Christopher Graduate Fellowship	Create a Graduate Fellowship in CEMR	\$38,929	Support for a student who will work in industry upon graduation
WV United Health System Evidence-	Research Awards for Faculty and	\$16,190	Annual support for ongoing research

Based Nursing Practice Research	Students in Nursing		
Mike Ross Family Pediatric Diabetes Research Endowment	Broad-based Research Support	\$156,432	Support for faculty engaged in research in pediatric research
Van Wyk Cancer Research Endowment	Broad-based Research Support	\$2,154	Operational support for ongoing research
Robert T. Bruhn Physics Research Endowment	Broad-based Research Support	\$24,805	Operational support for ongoing research
Women in Science and Engineering Giving Circle Endowment	Support for the Women's Giving Circle	\$9,531	Research support for women faculty and students in RTF areas
Jarrett Family Research Endowment for Dentistry	Research Support in Orthodontics	\$35,020	Support for faculty guided research projects for pre/post doctoral students
Donald R. & Linda E. Holcomb Research Endowment Dentistry	Broad-based Research Support	\$32,083	Support for pilot research and bridge funds
Arch Coal Inc. Endowment for Mine Health & Safety Research	Mine Health and Safety Research	\$88,994	Support for the continual study of mine safety and the health of mine workers
Shaw Pathology Research	Broad-based Research Support	\$21,878	Support for ongoing faculty research
Dr. Mohindar S. Seehra Research Award	Physics Doctoral Student Awards	\$11,935	Awards for meritorious doctoral students
Oleg D. & Valentina P. Jefimenko Library Resources #2	Library Resources Endowment	\$28,419	Acquire library resources for physics
Frank and Susan Klatshin Cerminara Endowment	Research Support for Industrial & Safety Management Engineering	\$4,548	Support for ongoing faculty research
Nesselroad Family Glaucoma Research	Glaucoma Research in WVU Eye Institute	\$19,877	Support for research directed to glaucoma
Salvatore and Josephine Cilento Research Endowment	Broad-based Research Support in CEMR, Preference to Chemical Engineering	\$2,497	Support for faculty research
Statler Research Endowment	Support for 3 Statler Chairs and a Graduate Fellows Program in CEMR	\$2,798,003	Support for fossil-energy research
WVU School of Medicine Research Endowment	Broad-based Research Support	\$149,363	Research support funds
Quad/Graphics Chair in Internal Medicine, Eastern Division	Create a Research Chair	\$431,644	Hold until Chair is appointed
James H. Walker Chair of Pediatric Cardiology	Create a Research Chair	\$209,160	Support for the Walker Chair, Dr. William Neal
James A. Kent Endowment for	Broad-based Research Support	\$19,037	Supplies and equipment for recently hired faculty

Biomedical Engineering			
Osborn Professorship in Hematological Malignancies Research	Create a Research Professorship	\$65,792	Support for the Osborn Professorship, Dr. Laura Gibson
BrickStreet Neurology Fellowship	Create a Graduate Student Fellowship	\$48,136	Create a student fellowship
Robert E. Murray Chairmanship Mining Engineering Department	Create a Named Department Chairmanship	\$283,854	Support for the Chair of Mining Engineering
Rita Radcliff-Deppe & Brian Deppe Fellowship Award	Create a Graduate Student Fellowship	\$18,824	Create a graduate student fellowship
Oleg D. and Valentina P. Jefimenko Library Resources	Library Resources Endowment	\$23,218	Acquire library resources to support research
Oleg D. and Valentina P. Jefimenko Physics Fellowship	Create a Graduate Student Fellowship	\$15,974	Create a graduate student fellowship
WVU Hardwood Research Trust	Create a Graduate Student Fellowship	\$88,275	Create a student fellowship
James P. Boland, M.D. Department of Surgery Endowed Research	Broad-based Research Support	\$122,544	Operational support for ongoing research
WVU Ruby Scholars Graduate Research Fellowships	Create Merit-based Graduate Fellowships for Exceptionally Talented Students	\$1,777,350	Create fellowships for highly meritorious students
Robert E. Pyle Chemical Engineering Graduate Fellowship	Create a Graduate Student Fellowship	\$13,542	Support for a graduate student
James & Ruby Romano Civil & Environmental Engineering Endowment	Energy and Environmental Research Support	\$129,855	Operational support for ongoing research
Robert & Stephany Ruffolo Pharmacy Graduate Fellowship	Create a Graduate Student Fellowship	\$14,435	Research support for a graduate student in pharmacy
James and Betty Hall Fellowship	Create a Graduate Fellowship in CEMR	\$26,577	Research support for a meritorious student
Stuart M. & Joyce N. Robbins Distinguished Prof/Epidemiology	Create a Distinguished Professorship	\$349,016	Support for a professorship in School of Public Health
Academy of Chemical Engineers Graduate Fellowship	Create a Graduate Fellowship in Bioengineering in Chemical Engineering	\$40,929	Support the research of a meritorious graduate student
J. F. Brick Chair in Neurology	Create a Named Chair in Neurology	\$496,806	Ongoing support for the Brick Chair
Jack and Marietta Mullenger Fellowship	Create a Graduate Research Fellowship in CEMR	\$8,632	Support for graduate student research in any RTF area
Wells Fargo Energy Group Scholarship	Create a Student Scholarship	\$27,932	1 undergraduate student scholarship

Benjamin James Galford Research Scholarship	Create an Undergraduate Research Scholarship in Physics	\$13,850	Support research activities of undergraduates
Carl Del Signore Foundation Graduate Fellowship	Create a Graduate Student Fellowship	\$15,755	Support for a graduate student
George M. & Mary Freda Vance Medical Scholarship-Fellowship	Create a Student Scholarship/ Graduate Student Fellowship	\$43,988	Create 1 prestigious post doctoral fellowship
William S. Clapper Mechanical & Aerospace Engineering Scholarship	Create Undergraduate Student Scholarships	\$2,053	5 undergraduate student scholarships
Everette C. Dubbe Research Scholarship	Create a Undergraduate Student Scholarship	\$12,978	3 undergraduate student scholarships
Oleg D. and Valentina P. Jefimenko Physics Scholarship	Create an Undergraduate Scholarship	\$4,321	1 undergraduate student scholarship
James Bergen and Randy Monteith Anderson Scholarship in MAE	Create Undergraduate/Graduate Scholarships in Energy Research	\$2,199	Support research by undergraduate students in energy and environment
Morton Scholarship	Create Scholarships for Students in CEMR	\$10,908	Support undergraduate student research in energy
David VanDorn Sutton Scholarship	Create Undergraduate or Graduate Scholarships	\$162,190	Support students in any of the RTF areas
Morrissey-Ropp Scholarship	Create Scholarships in Arts and Sciences in any RTF area	\$4,364	Support for undergraduate student research
Martha Hopkins Hashinger Scholarship	Create a Scholarship in CEMR in Chemical Engineering	\$2,426	Support for undergraduate student research
J. Leland & Clara Virginia (Grosscurth) Taylor Scholarship	Create a Scholarship in CEMR, Preference to Petroleum and Natural Gas	\$6,996	Support for undergraduate student research
Mitchell-Morey Scholars Program	Create a Scholarship in Any RTF Area	\$6,596	Support for undergraduate student research
Statler Research Scholars Program	Create Undergraduate Scholarship Program in CEMR	\$136,908	Support for undergraduate students doing research
Bettie D. Gallaher Research Fellowship	Create a Graduate Fellowship in Any RTF Area	\$175,051	Fellowship to be awarded to meritorious students
Research Trust Fund Jefimenko Professorship in Physics	Create a Professorship in Physics	\$46,944	Hold until professorship is awarded
William E & Bonnie Gail Kucan Coleman Research Scholarship	Create Research Scholarship in any RTF Area	-\$1,929	Support for undergraduate student research

TOTAL

\$10,752,771

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Revisions to Series 48, Legislative Rule, Research Trust Fund Program

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 48, Legislative Rule, Research Trust Fund, to be filed with the Secretary of State for the 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.

STAFF MEMBER: Jan Taylor

BACKGROUND:

As provided in West Virginia Code §18B-18A-1 et seq., Series 48, Legislative Rule, Research Trust Fund Program, establishes procedures for the distribution of funds for the West Virginia Research Trust Fund. The proposed revisions to Series 48 are to bring the policy more in line with current statute which was amended to add West Virginia State University (WVSU) to the participating institutions and to change the distribution of any state funds to reflect the addition.

Key changes in the policy include the following:

- Added West Virginia State University to Section 2.10 as a Participating Institution.
- Revised the ratio of state funds from 70% to West Virginia University (WVU) and 30% to Marshall University (MU) to 65% to WVU, 30% to MU and 5% to WVSU.

Staff recommends approval of the proposed revisions to Series 48, for submission to the Secretary of State for a thirty-day public comment period. If no substantive comments are received at the conclusion of the comment period, staff will file the rule with the Legislative Oversight Commission on Education Accountability and with the Secretary of State for final filing.

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 48
RESEARCH TRUST FUND PROGRAM

§133-48-1. General.

1.1. Scope. This rule establishes guidelines, procedures and documentation standards for the distribution of funds, as legislatively provided, in the West Virginia Research Trust Fund.

1.2. Authority. West Virginia Code §18B-18A-1 *et seq.*

1.3. Filing Date. ~~April 16, 2009~~

1.4. Effective Date. ~~May 18, 2009~~

1.5. Purpose—~~The purpose of the rule is to establish policies and procedures for the operation of the West Virginia Research Trust Fund.~~ Repeal of former rule. Replaces Title 133 Series 48 dated May 18, 2009.

1.6. Sunset Date. This rule will sunset five years from the effective date.

§133-48-2. Definitions.

2.1. Commission. West Virginia Higher Education Policy Commission.

2.2. Chancellor. Individual employed as Chancellor for Higher Education pursuant to W.Va. Code § 18B-1B-5.

2.3. Competitive Award. Any grant or fund transfer provided through a process that is initiated by an open request for proposals, includes a merit review, and results in a selected number of grants being provided to support proposed activities.

2.4. Designation. A specification made by either the donor or the institution that sets forth the exact use or specific endowment placement for a gift.

2.5. Directed Research Endowment or Research Endowment. An account established at or administered by a participating institution or its affiliated research corporation or foundation for purposes of funding qualified activities under this program.

2.6. Directed Research Endowment Plan or Research Plan. The strategies and procedures formally approved and adopted by a governing board of a participating institution outlining how the institution proposes to use directed research endowment proceeds to meet research goals and objectives.

2.7. Directed Research Endowment Proceeds or Endowment Proceeds. Investment earnings accruing to a participating institution's directed research endowment and available for expenditure by the participating institution or its affiliated research corporation.

2.8. Foundation. A corporation created, organized and located in West Virginia that meets the following conditions:

2.8.1a. Is organized and operated for educational purposes in support of one or more state institutions of higher education and other affiliated organizations;

2.8.2b. Is designated by the governing board of one or more state institutions of higher education to receive charitable contributions for educational purposes on behalf of the institution or institutions;

2.8.3c. Does not have any part of its earnings inuring to the benefit of any private shareholder or individual;

2.8.4d. Is not disqualified from tax exemption under 26 U.S.C. § 501(c)(3) for any reason; and,

2.8.5e. Does not participate or intervene in, on behalf of or in opposition to any political campaigns for public office.

2.9. Fiscal Year. The state fiscal budget year which begins on July 1 and ends on June 30.

2.10. Participating Institution. Marshall University, ~~or~~ West Virginia University, or West Virginia State University.

2.11. Qualified Private Donation or Qualified Donation. Any private donation, gift, or external bequest provided to a directed research endowment on or after March 8, 2008.

2.12. Qualified Private Donation Pledge or Qualified Pledge. Any pledge, commitment, or other agreement to give a private donation to a directed research endowment that is made pursuant to a written agreement between the donor and the appropriate institution or its affiliated research corporation or foundation on or after March 8, 2008.

2.13. Research Corporation. An organization created pursuant to the provisions of W.Va. Code § 18B-12-1 *et seq.*

2.14. State College. The West Virginia School of Osteopathic Medicine, Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University, or West Liberty State College University for the purposes of this rule.

2.15. State Match or Match Funds. Any and all funds awarded from the trust fund in response to a private qualified donation.

2.16. STEM Fields. All science, technology, engineering and mathematics disciplines as defined by the Commission master plan.

2.17. Trust Fund. The special account designated as the West Virginia Research Trust Fund and administered by the Commission.

2.18. Vice Chancellor for Science and Research or Vice Chancellor. The Commission's chief scientific employee charged with overseeing the trust fund, compliance with these rules, record keeping, and authorization of disbursement of funds under the general direction of the Chancellor.

§133-48-3. Administration.

3.1. The Vice Chancellor administers the program under the general direction of the Chancellor and the Commission and in consultation with the Advisory Council.

§133-48-4. Eligibility Criteria.

4.1. During the first five years of the trust fund's existence (or five years after more funds are deposited) and in compliance with this rule, the Commission shall disburse up to ~~seventy (70)~~ sixty-five (65) percent of moneys in this account to match qualified donations and pledges received by West Virginia University, ~~and thirty (30) percent of moneys to match qualified donations and pledges received by Marshall University~~ and five (5) percent of moneys to match qualified donations and pledges received by West Virginia State University.

4.2. State colleges are eligible to receive awards through a competitive process established by the Commission. Only those funds derived from investment earnings accruing in the Research Trust Fund or those that remain unmatched by the participating institutions by ~~March 8, 2013~~ July 1, 2015 are available to state colleges pursuant to section 12 of this rule.

4.3. Scientific disciplines. Only those scientific disciplines or combinations of interdisciplinary research activities in the list below are eligible for trust fund matches.

4.3.1a. Energy and environmental sciences;

4.3.2b. Nanotechnology and materials sciences;

4.3.3c. Biological, biotechnical and biomedical sciences;

4.3.4d. Transportation technology and logistics;

4.3.5e. Biometrics, security, sensing, and related identification technologies; and

4.3.6f. Gerontology.

4.4. Any external gift meeting the standards established by this rule and included in the institution's approved research plan is eligible for equal matching amounts from the trust fund.

§133-48-5. Institutional Research Plans.

5.1. Prior to disbursement of any trust fund moneys to a participating institution, the governing board of that participating institution shall submit to the Commission a directed research endowment plan. The plan shall provide the Commission with an explanation of the institution's comprehensive research objectives and plans to build competitive research infrastructure in the specified scientific disciplines as well as comprehensive measures for achieving this goal.

5.2. The Commission encourages the participating institutions to consider the value of clustering research programs around academic disciplines and encourages the creation of a critical mass of scholarly researchers who can address state and national needs.

5.3. The Commission encourages collaboration and cooperation among universities, centers, corporations and federal laboratories that increase opportunities for partnerships in discovery, learning and knowledge creation.

5.4. The Commission encourages institutions to plan for endowments that recognize interdisciplinary problem solving and teams of scientists across departmental, college and institutional lines.

5.5. The research plan will include, but is not limited to, the following:

5.5.1a. An assessment of the participating institution's current research initiatives in STEM fields, including any initiatives falling within disciplines or areas of research specified by this rule;

5.5.2b. An assessment of the potential outcomes of specific research lines proposed for enhancement by the institution;

5.5.3c. A narrative describing the current or proposed collaborations, particularly with other institutional partners, that play or will play a significant collaborative role in achieving institutional objectives;

5.5.4d. A narrative describing the centers, institutes or other academic units proposed, currently under development, or currently operating, that play or will play a significant role in achieving institutional research objectives;

5.5.5e. An analysis of possible strategies to enhance current research initiatives;

5.5.6f. An outline of the participating institution's proposed uses of endowment proceeds, including the anticipated costs associated with each proposed use and identification of any specific disciplinary hires;

5.5.7g. A narrative describing major research equipment acquisitions currently under consideration that will contribute substantially to the plan;

5.5.8h. A cost analysis for achieving research goals with a comparison to the expected endowment proceeds available to the institution;

5.5.9i. An evaluation of how the research plan furthers the purposes of:

5.5.9.i.1. The trust fund's goals;

5.5.9.i.2. The state's strategic plan for science and technology; and

5.5.9.i.3. The research needs of the institution.

5.5.10j. Identification of the proposed uses for which alternative funding sources may be sought to enhance the comprehensive research initiatives contemplated by the participating institution. Alternative funding sources exclude qualified donations, matching moneys from the trust fund, and the endowment proceeds generated from the trust fund; and

5.5.11k. How the amount allocated for distribution to the participating institution will be directed within institutional goals.

5.6. The governing board of each participating institution shall submit its approved research plan to the Vice Chancellor prior to submitting its first request for a distribution of matching moneys from the trust fund.

5.7. The Vice Chancellor shall conduct a thorough review of the plan for compliance with the provisions of §18B-18A-1 *et seq.* and this rule.

5.8. The approved plan serves as the overarching document for guiding future endowment activities, research investments and reports.

§133-48-6. Expenditure Compliance Procedures.

6.1. Uses of Program Funds. When trust funds are transferred to institutions for deposit into specific endowments in approved scientific disciplines, the participating institutions may use up to one hundred (100) percent of the annual investment earnings from the endowments to pay the base salaries of newly endowed department chairs, new professorship positions, new research scientists and staff positions, including research technicians and support personnel, and to fund graduate or undergraduate student research fellowships, research infrastructure, and mission support as described below.

6.1.4a. Chairs. New faculty positions, salary supplements to existing faculty positions, and associated expenses for those positions, including start-up costs, salaries, benefits, travel, and other professional expenses as permitted by university policy.

6.1.2b. Professorships. New faculty positions, salary supplements to existing faculty positions, and associated expenses for those positions, including start-up costs, salaries, benefits, travel, and other professional expenses as permitted by university policy.

6.1.3c. Research Scholars. Salaries, benefits, and other personnel-related expenses associated with non-tenured or recently tenured faculty who exhibit the potential to assume chair or professorship positions after tenure has been awarded and/or superior scholarly work has been achieved. Research scholars shall have clearly defined research agendas that relate specifically to the fields of study envisioned for the ultimate occupants of the chairs or professorships.

6.1.4d. Research Scientists. Salaries, benefits and other personnel related expenses associated with non-tenured scientists who exhibit high scientific achievement in the sanctioned areas of research.

6.1.5e. Research Staff. Salaries, benefits, and other personnel-related expenses associated with full-time or part-time staff assistants who are directly linked to the research activities of an endowed chair, professor, scholar or scientist as defined above.

6.1.6f. Graduate Fellowships. Stipends for outstanding graduate students, which may include travel and other expenses as permitted by university policy.

6.1.7g. Undergraduate Fellowships. Funds may be used to support scholarships for outstanding undergraduate students who are directly linked to activities of an endowed chair or professor. These may include travel and other expenses as permitted by university policy.

6.1.8h. Research Infrastructure. Start-up and operating expenses that are directly linked to the research activities of an endowed chair, professor, research scholar or research scientist, including equipment, materials and supplies, and other research-related expenses as permitted by university policy.

6.1.9i. Mission Support. Program funds may be used to support research and graduate missions at participating institutions. Consideration shall be given to expenditures for mission support activities such as: (1) expenditures that enhance the research capability of university libraries (i.e., scientific books,

journals, research materials, media, and equipment); (2) start-up costs, equipment, and supplies that support faculty, graduate student, or undergraduate student research activities; (3) funding for visiting scholars, lecture series, and faculty exchanges; and (4) expenditures for the dissemination of research findings (i.e., nationally prominent publications and presentations at conferences, symposia, seminars, or workshops). However, priority shall be given to mission support expenditures that encourage the research-related activities of faculty and students. Expenditures for general personnel expenses that are not directly linked to an endowed chair, professor, research scholar, or research scientist do not qualify as mission support activities.

6.2. Any combination of these activities may be proposed for inclusion in the institutional research plan required under section 5 and are eligible for designated endowments as funds are secured.

§133-48-7. Criteria for Qualified Donations and Pledges.

7.1. Matching Requirements. The trust fund is conceived as a way to bring new money from external sources into the State's system of postsecondary education. In order to receive state funds, participating institutions shall provide dollar-for-dollar matching funds that satisfy the following requirements:

7.1.4a. Donations and pledges shall be newly generated to be eligible for state match. Newly-generated contributions are those pledged and received by the participating institution on or after March 8, 2008.

7.1.2b. Donations and pledges shall be from external sources to be eligible for state match. External source contributions are those that originate outside the participating institution and its affiliated foundation or research corporation. Eligible sources of external funding include, but are not limited to, businesses, non-governmental foundations, corporations and alumni or other individuals. Funds received from federal, state and local government sources are not eligible for state match.

7.1.3c. State appropriations and allocations (e.g., West Virginia Research Challenge Fund) and student-derived revenues (e.g., tuition and fees revenue) are not eligible for state match.

7.1.4d. An undirected qualified donation may be directed by the institution toward an endowment under this rule; however, current institutional foundation funds are not eligible for state match.

7.1.5e. The minimum institutional request is \$50,000. A participating institution may combine smaller donations to meet the \$50,000 minimum.

7.1.6f. All funds, both state and private, shall be permanently endowed. "Endowed" means that only the investment earnings, and not the principal, are eligible for expenditure.

7.1.7g. Requests for state matching funds shall identify the donor funds received in cash and those that are pledges.

7.1.8h. Pledges, or promises of future payment, are eligible for state match provided they are based on a written contract or agreement and include a payment schedule that does not exceed the reallocation date of ~~March 8, 2013~~ July 1, 2015. Pledge payment schedules showing receipts to date and scheduled future payments shall be included in the audited financial statements of the institution, research corporation and/or the foundation and included in the annual report specified in section 14 of this rule.

7.1.9i. Participating institutions shall notify the Vice Chancellor in writing immediately when a gift has been revoked, when a pledge payment is more than 12 months past due, or if there are unpaid pledges remaining six months before the reallocation date of ~~March 8, 2013~~ July 1, 2015.

7.1.10j. If pledged funds are not received by the due date, the participating institution shall replace the portion of private funds not received with another eligible cash gift. If pledged funds are not received by the reallocation date, the unmatched portion of the state funds, plus an allowance for accrued interest, shall revert to the trust fund for reallocation. In such cases, the time frame for the replacement or return of state funds shall be determined by the Vice Chancellor in negotiation with institutional representatives, but may not be longer than six months.

§133-48-8. Distribution from the Trust Fund; Documentation Required.

8.1. A participating institution seeking a distribution of state matching funds from the trust fund first shall obtain qualified donations and/or qualified pledges meeting the conditions in section 7 in an amount equal to the amount of matching moneys requested for distribution and shall submit a request to the Commission setting forth the following:

8.1.1a. The amount of qualified donations and/or qualified pledges used to request matching moneys from the trust fund and the total amount of any previous distributions of matching moneys from the trust fund;

8.1.2b. The amount requested for distribution to the participating institution;

8.1.3c. A designation of the applicable research endowment(s) into which the requested matching moneys are to be deposited, e.g., “The Joe and Sally Smith Endowed Chair in Chemistry;” and

8.1.4d. An explanation of how the proposed use of the endowment proceeds furthers the purposes of the trust fund and addresses the research needs of the participating institution as identified in the research plan, including any additional strategic objectives or outcomes that have been established for the specific endowed research activity.

8.2. In conjunction with the written request, the institution shall submit documentation for the external qualified gifts and/or pledges including:

8.2.1a. A cover letter that transmits the documentation, any particulars, and information required by this Section;

8.2.2b. A pledge letter specifying the designation, amount and payment schedule signed by the donor for qualified pledges;

8.2.3c. A deposit ticket or gift receipt and any designation identified by the donor for qualified donations;

8.2.4d. A designation made in writing by the institution and submitted with the request if a qualified gift is undesignated by the donor;

8.2.5e. An invoice for the amount requested from the trust fund, specifying the endowment into which the state match is to be deposited;

8.2.6f. Designation of a technical manager or responsible institutional contact such as a dean, academic officer, or research director, who shall oversee the implementation or supervision of the activity, program or individual sponsored by the endowed funds. Complete contact information shall be provided; and

8.2.7g. Designation of a financial manager or compliance officer who shall be responsible for all associated financial statements or reports relating to the endowed funds or expenditures of proceeds. Complete contact information shall be provided.

8.3. The participating institution shall cause the state matching funds to be transferred to its affiliated foundation.

8.3.4a. State matching funds are to be invested in the same manner as institutional endowment funds relative to availability under section 11.1 of this rule.

§133-48-9. Commission Review.

9.1. The Vice Chancellor shall conduct a review of each request for distribution of matching money from the trust fund for compliance with the provisions of both §18B-18A-1 *et seq.* and this rule and may request additional information if necessary.

9.2. The Vice Chancellor shall use the institution's approved research plan to determine if requests for distributions from the trust fund are valid and shall consider any additional information or details that expand upon the specific area of research, including research plans, strategies, objectives and projected outcomes as provided under sections ~~8.1.4~~ 8.1.d, or 9.1. of this rule.

9.3. If all criteria are met, the Vice Chancellor shall approve the match.

9.4. If all the criteria are not met, the Vice Chancellor shall issue a letter to the institution detailing the reason(s) the match could not be approved.

9.5. When the match is approved, the Vice Chancellor shall submit the invoice to the State Auditor for payment.

§133-48-10. Appeals.

10.1. A participating institution may appeal a decision related to administration of trust funds under the terms of this rule to the Vice Chancellor in writing within ten (10) days of receiving notification. The Vice Chancellor shall issue a written decision upholding or reversing the initial decision within twenty (20) days of receipt of the appeal. Decisions that may be appealed include, but are not limited to, disapproval of a request for distribution of matching money from the trust fund.

10.2. A participating institution may further appeal to the Chancellor in writing the decision of the Vice Chancellor within ten (10) days of receipt of notification of the decision. The Chancellor shall issue a written decision upholding or reversing the decision of the Vice Chancellor within twenty (20) days of receipt of the appeal.

10.3. Any appeal made shall set forth in detail the grounds for the appeal. The decision rendered at each level shall address in writing each of the grounds raised.

§133-48-11. Availability Limits and Reallocation of Trust Funds.

11.1. Availability. Participating institutions shall provide documentation for and request transfers of state matching funds up to the limits provided in these rules on or before ~~March 8, 2013~~ July 1, 2015. All trust fund dollars provided by the West Virginia Legislature in the original corpus which are being matched by outstanding pledges shall remain available for withdrawal until that date.

11.2. Reallocation. If one of the participating institutions fails to have deposited into its research endowments the requisite amount of qualified donations and/or fails to have made subsequent requests for matching trust fund distributions by the end of this five-year period, then any funds allocated to the participating institution that have not been distributed shall be reallocated for distribution to the other participating institutions.

11.2.4a. To be eligible to receive a distribution of reallocated moneys, the other participating institutions shall have excess qualified donations deposited in its research endowment(s) in an amount equal to or greater than the amount requested for distribution from available reallocated moneys.

11.2.2b. If the other participating institutions does not have excess qualified donations on deposit, the available moneys in the trust fund shall be reallocated for distribution by the Commission to state colleges in accordance with the provisions for those institutions established in section 12 of this rule.

11.3. Within 90 days after the reallocation date, the Vice Chancellor shall complete a final assessment of the status of the trust fund and determine if there are funds available for reallocation to the other participating institution and/or the state colleges.

§133-48-12. Procedures for State Colleges.

12.1. Until such time as the trust fund is fully distributed, interest earnings shall be deposited as accrued. The Commission shall use a portion of those moneys derived from investment earnings accruing to the trust fund, as well as moneys that are not matched and distributed to participating institutions prior to ~~March 8, 2013~~ July 1, 2015, for distribution to state colleges.

12.2. As funds are realized, the Vice Chancellor shall issue competitive notices or requests for proposals to the state colleges. A merit-review of the scientific potential of the proposed research activity shall be conducted by peer scientists under the general direction of the Vice Chancellor.

12.3. Solicitations for science, technology, engineering and/or mathematics (STEM) projects at state colleges shall:

12.3.4a. Establish a level of funds currently available for distribution;

12.3.2b. Identify the number of anticipated awards based on the availability of funds, establishing equal amounts available for each institution;

12.3.3c. Identify specific research targets or thematic areas for proposals;

12.3.4d. Provide specific application procedures and deadlines for application;

12.3.5e. Specify matching requirements, including documentation of gift deposits;

12.3.6f. Specify a reasonable deadline for obtaining qualified donations; and

12.3.7g. Provide latitude for lesser amounts of support if only smaller qualified donations are obtained by the institution.

12.4. To qualify for a distribution of state matching moneys, a state college shall meet the following conditions:

12.4.1a. Obtain qualified donations of private gifts in an amount equal to or greater than the amount of state match funds requested from the proceeds identified as available for distribution from the trust fund.

12.4.2b. Deposit the qualified donations and any state match distributed from the trust fund when an award is provided into the accounts of the institution or its affiliated research corporation or foundation.

12.4.3c. If an institution collects only a portion of the matching funds needed, then the unmatched portion of the award shall revert to the trust fund for reallocation during the next competition.

12.4.4d. Qualified donations and state matching moneys may be expended only for a proposed research-oriented initiative developed in response to requests for proposals and approved by the Commission.

12.5. Eligible research areas include all scientific disciplines or interdisciplinary STEM fields available at state colleges or in collaboration with the participating institutions.

12.6. All proposals shall be institutional infrastructure-building in nature, not individual researcher projects. Each institution shall seek to create “areas of distinction” or “centers of excellence” or strengthen one or two areas of talent and expertise for capacity building in STEM fields that are unique strengths. However, partnerships, consortia and research alliances with other institutions with common or complementary interests are encouraged.

12.7. State colleges may elect, at their discretion, to place all or some portion of the qualified donation and/or state match into a designated endowment. Otherwise, all funds are available for immediate expenditure for STEM projects proposed as a result of the requests for proposals.

12.8. The Commission may provide periodic award cycles throughout the life of the trust fund at such times as sufficient interest or other funds are accrued and available for distribution.

§133-48-13. Coordination with Other Research Programs.

13.1. The Commission shall coordinate awards from the trust fund with other sponsored research programs managed by its Division of Science and Research. The comprehensive resources and awards made under the West Virginia Research Challenge Fund and Eminent Scholars Recruitment and Enhancement programs shall be monitored for continuity in achieving the objectives of the state’s strategic plan for science and technology.

13.2. The Commission shall not award state funds to any endowment or state college program that materially duplicates support provided under a complementary state program.

13.3. The Commission encourages leveraging state funds to obtain qualified private donations and other broader external sources of funding to support the state college’s approved research plan.

§133-48-14. Reporting Requirements.

14.1. By August 15, 2009, and annually thereafter, each participating institution shall provide an annual report to the Commission that includes a full accounting of the trust funds, endowment proceeds, and adherence to the objectives established by the research plan.

14.2. Each participating institution shall detail in its annual report to the Commission the total amount of qualified donations received, the investment earnings realized and any anticipated expenditures of the research endowment proceeds in its annual operating budget.

14.3. By October 1, 2013, after the five-year implementation of the trust fund program is complete, the participating institutions shall provide a comprehensive report to the Commission on the impact of the trust fund on research competitiveness, institutional growth and infrastructure development. Strategic goals realized and those yet to be realized shall be articulated clearly in the report. A full accounting of all trust funds, proceeds, outcomes, and designated endowments shall be included in the comprehensive report.

14.4. Each participating institution's research corporation and/or foundation shall provide the Commission with an audited financial statement annually. These statements shall be treated as confidential.

14.5. Awards to state colleges shall contain a reporting requirement on the specific outcomes of the award and establish a timeframe for submission.

14.6. Institutions expending any proceeds from the trust fund, donations and gifts, or the research endowments contrary to the provisions of this rule, or Commission approval or direction shall be responsible for reimbursing the appropriate institutional or Commission account the amount of funds improperly expended, plus statutory interest.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Fiscal Year 2017 WVNET Budget

INSTITUTION: West Virginia Network for Educational Telecomputing

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2017 West Virginia Network for Educational Telecomputing budget.

STAFF MEMBER: Matt Turner and Donna Meadowcroft

BACKGROUND:

Combined Budget (Charts 1-3)

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) 2017 proposed combined budget for these two categories is \$14,048,485. This is a decrease of 7.42 percent, \$1,126,280, from the FY 2016 budget proposal; and it is a decrease of 11.92 percent, \$1,900,511, from FY 2016 actuals with estimated accruals.

Operating Budget (Charts 4-6)

Revenues: WVNET operating revenues are derived from the following sources: state appropriation, contracts, services, interest income, reserve, and an allocated portion of Higher Education Resource Assessment (HERA). For FY 2017, \$8,616,347 is budgeted. This is a decrease of 14.47 percent in total revenues, \$1,469,237, from the FY 2016 budget proposal; and it is a decrease of 20.63 percent, \$2,240,171, from FY 2016 actuals with estimated accruals.

The FY 2017 state appropriated funds is cut by 2.4 percent, a \$41,989 decrease, from the FY 2016 base level.

WVNET is fully funded on the classified staff salary schedule.

WVNET dropped its Mbps rate from \$9.95 in FY 16 to \$4.89 in FY 17, a 51 percent rate reduction. In the past, approximately 80 percent of customers doubled their bandwidth when rates dropped in half. To be conservative, no bandwidth increase has been anticipated in this proposed budget submission.

WVNET has dropped its Mbps rate 90 percent in the past four years.

WVNET has increased revenue with new or premium revenue streams, such as WVROCKS on-line classes enabling West Virginia students to finish their degree remotely, Blackboard Premium and Blackboard Mid-Level Premium, Multi-Conference Units, Virtual Machines, Network Operating Center (NOC) Services, Institutional Research and Report Development (IRRD) Services, and Chief Information Officer (CIO) Services. As yet, there has been no revenue from Data Analytics for P-20.

Expenditures: WVNET expects expenditures to be aligned with revenues. WVNET decreased its staff by two Full-Time Equivalent (FTE) positions—a Senior Data Base Analyst and Accounts Payable. WVNET is anticipating the need for one telecom position, due to the onslaught of “Denial of Service” attacks. WVNET is hiring approximately 65 adjunct professors for WVROCKS.

Repairs and alterations expenditures have increased. The concrete loading dock needs to be lifted as there was almost flooding during one of the ‘tornado’ rains in spring. The leaking roof was fixed with a single-ply roof overslip in FY 2016 in the amount of \$76,080. H.E. Neumann, the company that WVNET uses for HVAC repairs and maintenance has been moved from Current Expense (Contracts) to Repairs and Alterations (Building Maintenance under Repairs and Alterations).

Pass-Through Budget (Charts 7-8)

The pass-through budget consists of charges that “flow through” WVNET, enabling the consortium of institutions to obtain lower overall costs. WVNET is the central billing site for vendors and manages allocations and charges back to the appropriate institutions. The FY 2017 pass-through budget is expected to consist of revenues and expenses of approximately \$5,432,138. This is an increase of 6.74 percent, \$342,957, from the FY 2016 proposed budget; and, it is an increase of 6.67 percent, \$339,660, from FY 2016 actuals with estimated accruals. This budget depends largely on purchases made by the consortium of institutions or individual institutions from WVNET contracts. Services mainly consist of software license renewals (also known as maintenance support), new software licenses, consulting, scribing fees for Degree Works, and Ellucian Management and Consulting Services with Southern West Virginia Community and Technical College.

The software industry vendors, such as Oracle and Ellucian, typically mandate a 4 percent increase in renewals. Blackboard uses a lower percentage increase, based on multi-year contracts; for FY 2017, it is a 1 percent uplift. The Commission has asked WVNET to manage all the Blackboard licenses. There had been two licenses, Blackboard Web CT (at WVNET) and Blackboard VISTA (at the Commission), but the two have merged into Blackboard and have been moved over to WVNET for pass-through management. This has not affected the costs but has increased the pass-through budget. It should be noted that the standard software uplift of 4 percent occurs for Ellucian and Oracle. However, the 4 percent uplift may show as an increase of 6.67 percent overall because of new products purchased individually by the institutions and changes in FTE

and/or student headcount. In particular, for Fiscal Year 2017, Eastern West Virginia Community and Technical College has purchased Degree Works regular and Degree Works Transfer equivalency separate licenses; as they did not come on board with Degree Works regular when the consortium purchased it.

The Commission has asked WVNET to manage the Educause licenses. This has not affected the costs but has increased the pass-through budget.

Chart 1
West Virginia Network for Educational Telecomputing
Proposed FY 2017 Combined Budget

	FY 2016 Budget	FY 2016 Actuals and Estimated Accruals	FY 2017 Proposed Budget	FY 2017 Proposed Budget Change from FY 16 Budget	FY 2017 Proposed Budget Change from FY 16 Actuals
<u>Revenue</u>	\$15,174,765	\$15,948,996	\$14,048,485	(\$1,126,280)	(\$1,900,511)
State Appropriation	1,696,561	1,696,561	1,654,572	(41,989)	(41,989)
HERA	150,000	150,000	150,000	0	0
Other Revenue	12,893,057	13,667,288	11,193,740	(1,699,317)	(2,473,548)
Dept of Adm Grant	435,147	435,147	64,843	(370,304)	(370,304)
Cash Reserve	0	0	985,330	985,330	985,330
<u>Expenditures</u>	15,174,765	14,220,173	14,048,485	(1,126,280)	(171,688)
Personnel	4,383,143	3,734,578	3,764,504	(618,639)	29,926
Benefits	917,359	811,733	1,061,967	144,608	250,234
Current Expenses	8,953,314	8,678,717	8,717,080	(236,234)	38,363
Repairs and Alterations	226,847	87,808	105,000	(121,847)	17,192
Assets Equipment	620,902	426,382	215,765	(405,137)	(210,617)
Assets Other	73,200	480,955	184,169	110,969	(296,786)
<u>Balance</u>	0	1,728,823	0	0	(1,728,823)

Chart 2

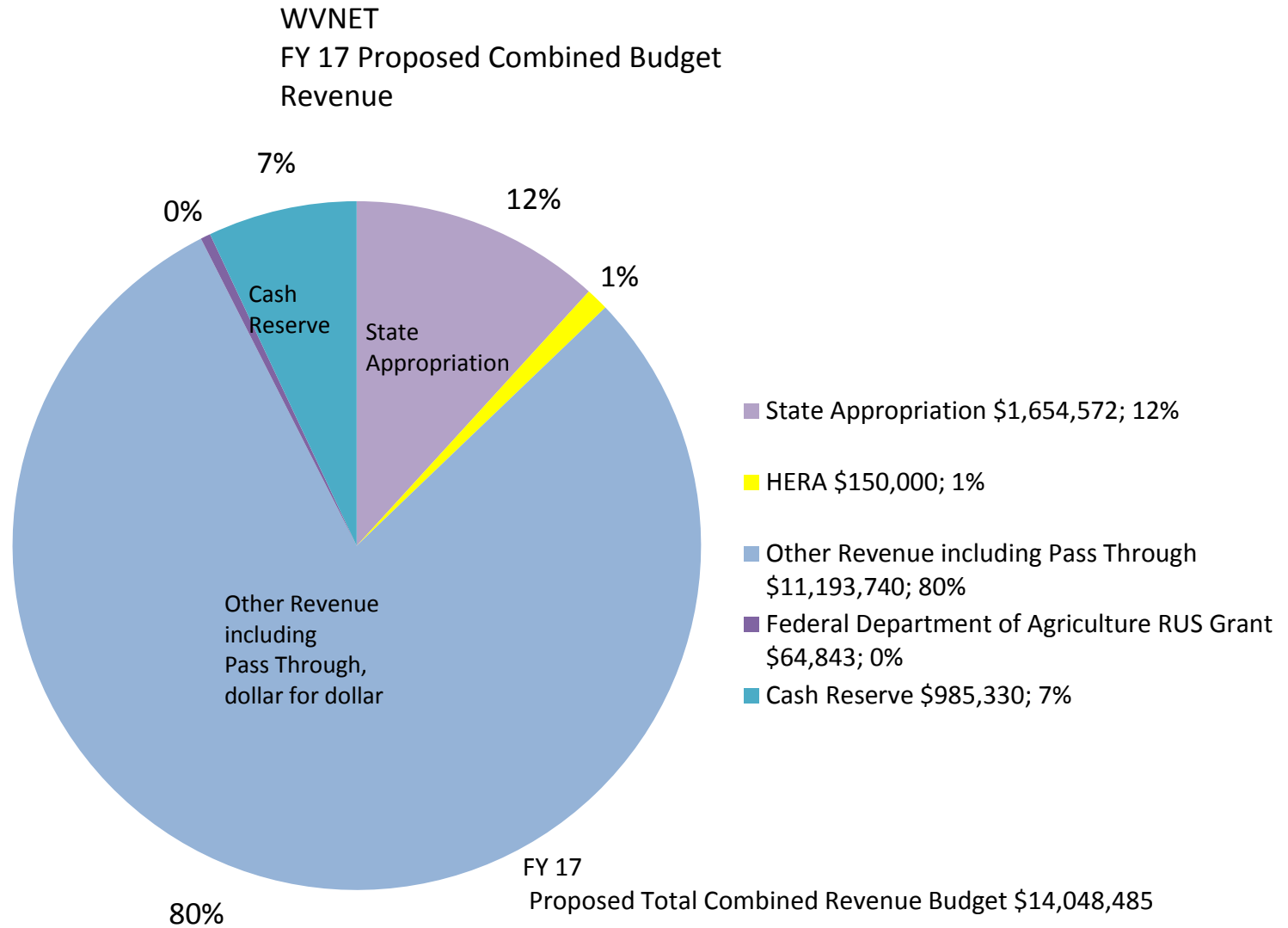


Chart 3

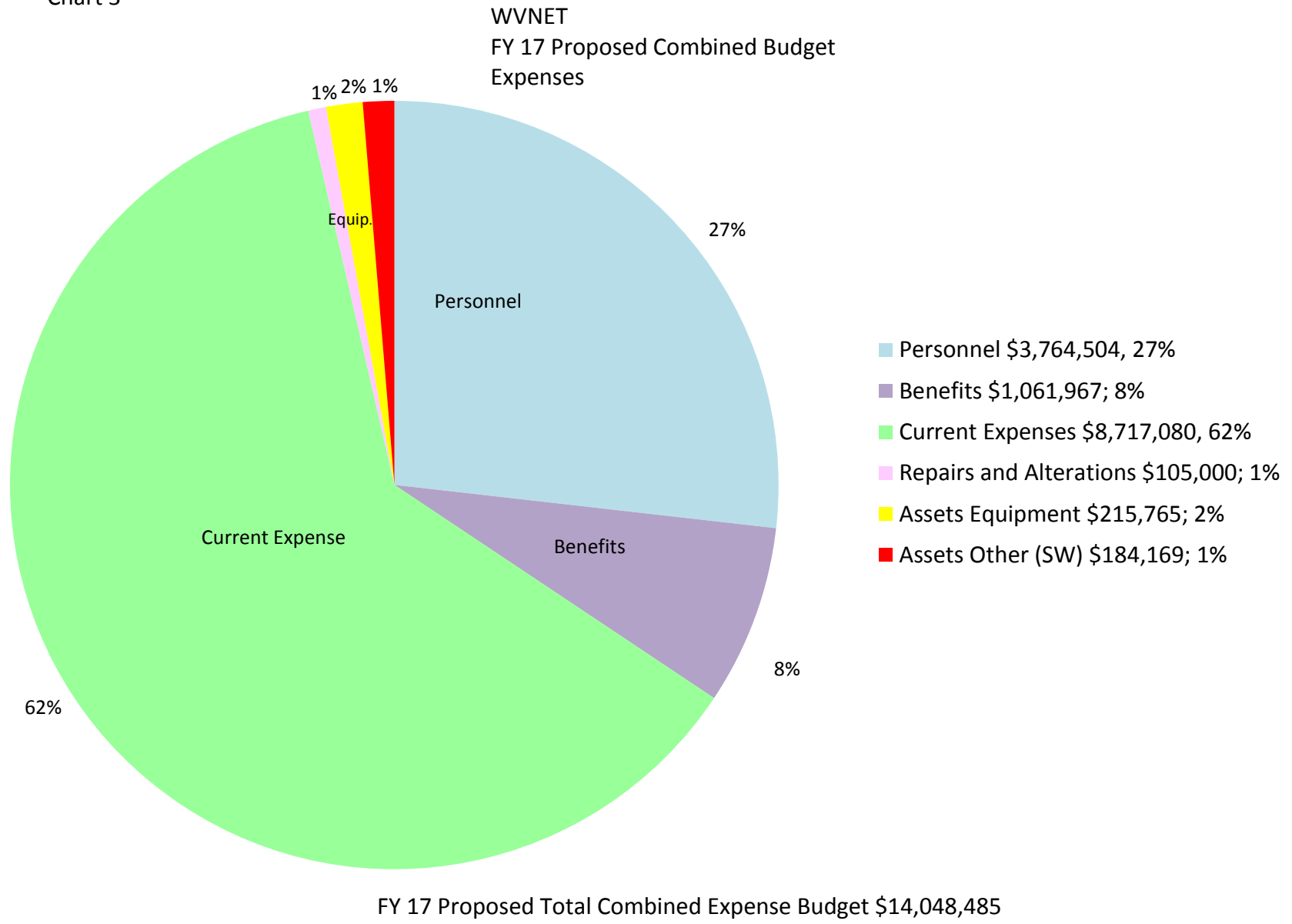


Chart 4
West Virginia Network for Educational Telecomputing
Proposed FY 2017 Operating Budget

	FY 2016 Budget	FY 2016 Actuals and Estimated Accruals	FY 2017 Proposed Budget	FY 2017 Proposed Budget Change from FY 16 Budget	FY 2017 Proposed Budget Change from FY 16 Actuals
<u>Revenue</u>	\$10,085,584	\$10,856,518	\$8,616,347	(\$1,469,237)	(\$2,240,171)
State Appropriation	1,696,561	1,696,561	1,654,572	(41,989)	(41,989)
HERA	150,000	150,000	150,000	0	0
Contracts and Services	7,803,876	8,574,810	5,761,602	(2,042,274)	(2,813,208)
Federal Department of Agriculture RUS Grant	435,147	435,147	64,843	(370,304)	(370,304)
Cash Reserve	0	0	985,330	985,330	985,330
<u>Expenditures</u>	\$10,085,584	\$9,127,695	\$8,616,347	(\$1,469,237)	(511,348)
Personnel	4,383,143	3,734,578	3,764,504	(618,639)	29,926
Benefits	917,359	811,733	1,061,967	144,608	250,234
Current Expenses	3,864,133	3,586,239	3,284,942	(579,191)	(301,297)
Repairs and Alterations	226,847	87,808	105,000	(121,847)	17,192
Asset Equipment	620,902	426,382	215,765	(405,137)	(210,617)
Asset Other (Software)	73,200	480,955	184,169	110,969	(296,786)
<u>Balance</u>	0	1,728,823	0	0	(1,728,823)

Chart 5

WVNET
FY 17 Proposed Operating Budget Revenues

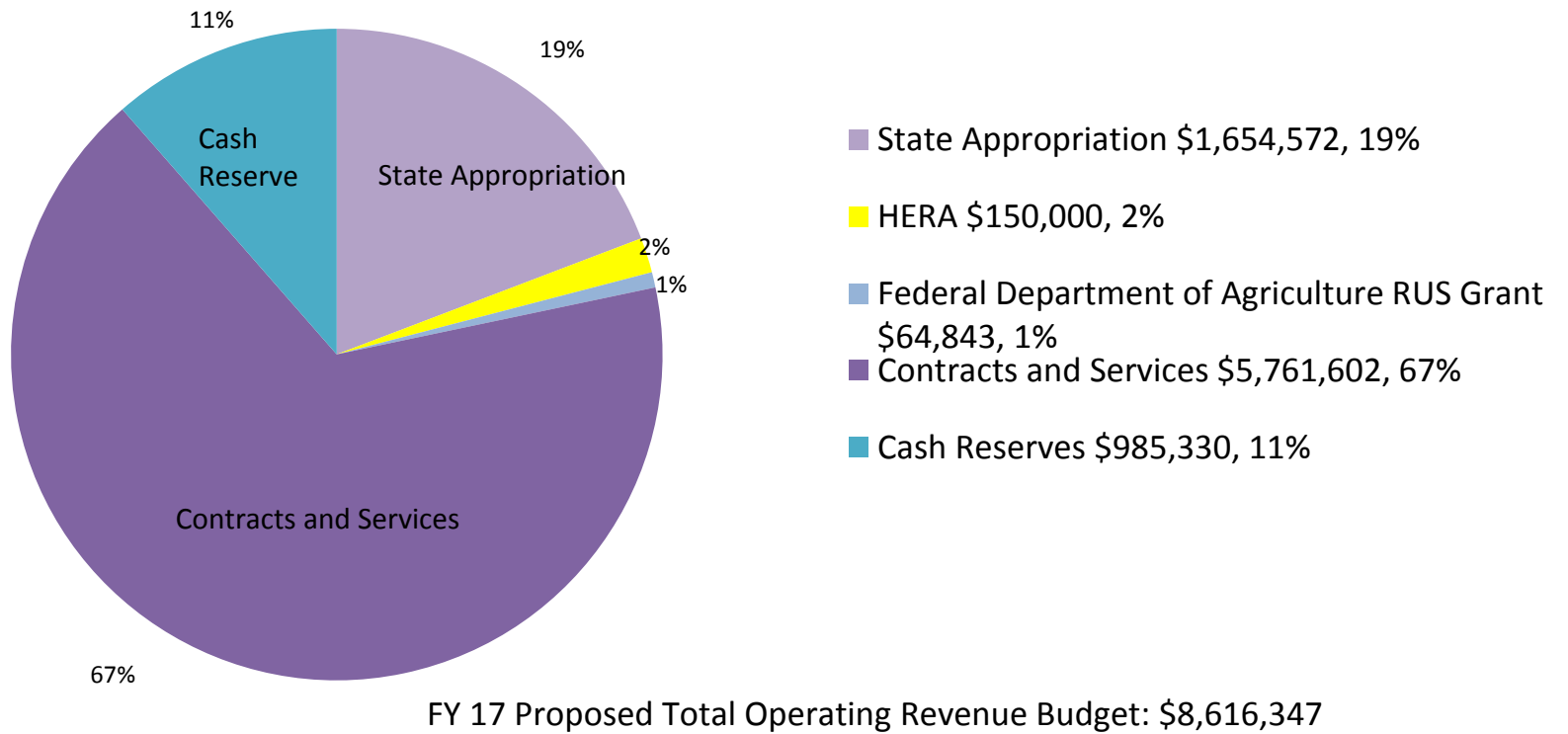


Chart 6

WVNET

FY 17 Proposed Operating Budget Expenses

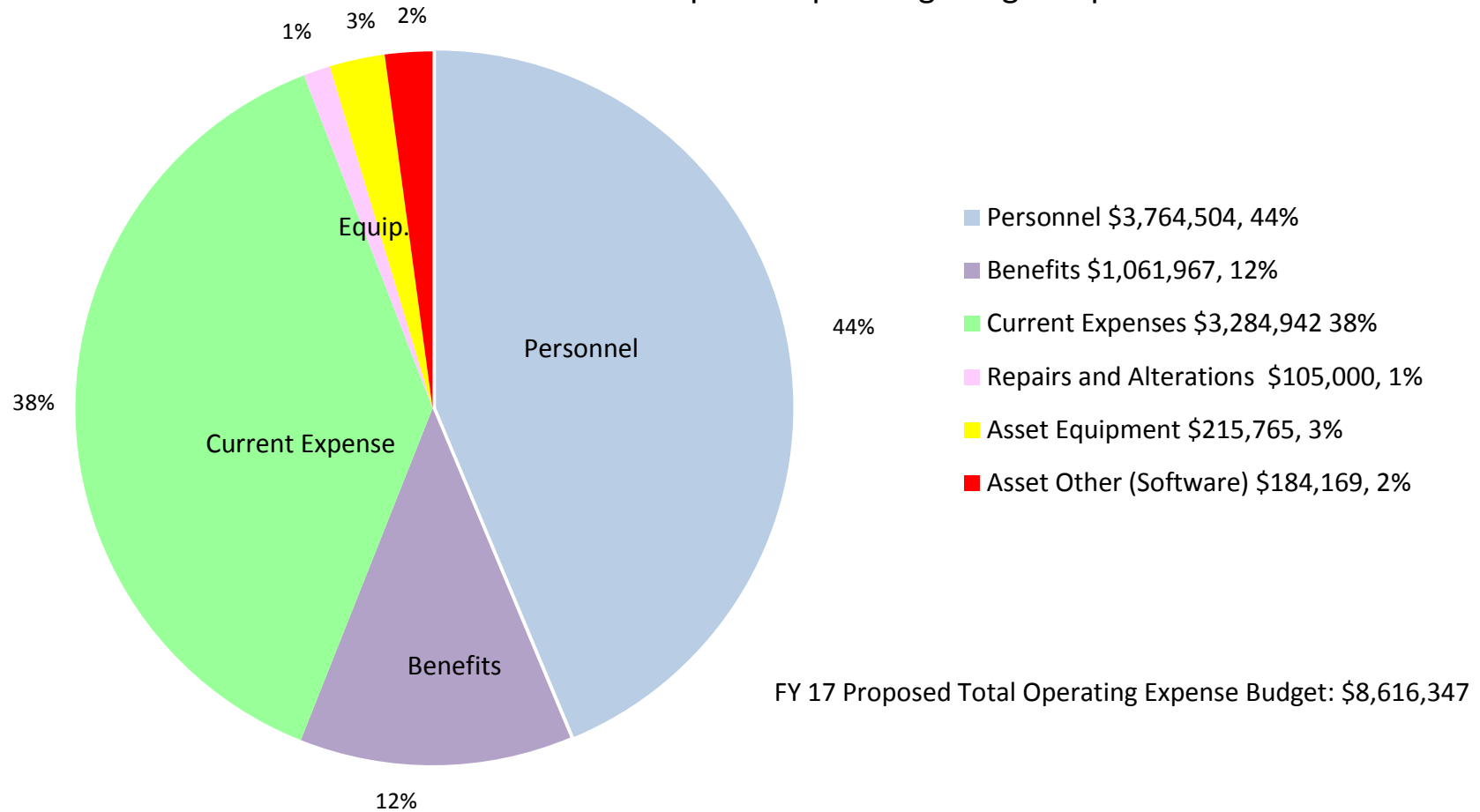
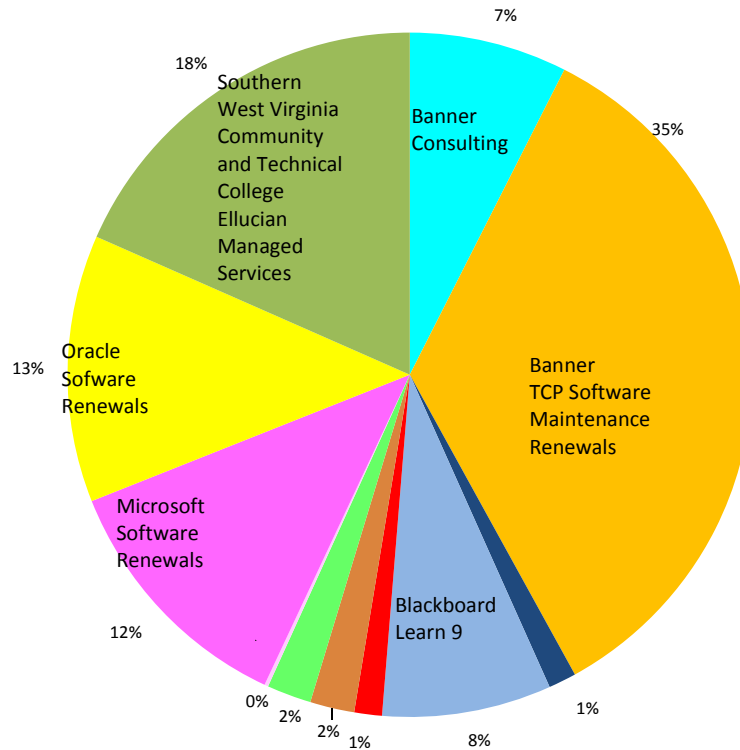


Chart 7
West Virginia Network for Educational Telecomputing
Proposed FY 2017 Pass Through Budget

	FY 2016 Budget	FY 2016 Actuals and Estimated Accruals	FY 2017 Proposed Budget	FY 2017 Proposed Budget Change from FY 16 Budget	FY 2017 Proposed Budget Change from FY 16 Actuals
Revenue	\$5,089,181	\$5,092,478	\$5,432,138	\$342,957	\$339,660
DegreeWorks Scribing or Training	29,000	71,320	71,320	42,320	0
Degree Works and Degree Works Equivalency Eastern Community and Technical College	0	0	113,976	113,976	113,976
Banner Consulting General	201,385	405,236	405,236	203,851	0
Banncer TCP Maintenance Renewals	1,821,438	1,751,383	1,874,632	53,194	123,249
Blackboard Learn 9 Renewals	116,403	71,613	72,302	(44,101)	689
Blackboard Learn 9 Renewals of the Commission and Community and Technical Colleges	446,366	429,366	433,829	(12,537)	4,463
Domain Registration, DSL, Security Site, Misc.	91,105	112,865	113,994	22,889	1,129
Educause	8,948	8,947	9,126	178	179
Microsoft Campus Agreement	660,002	583,006	652,581	(7,421)	69,575
Oracle Renewal Support mandatory	663,520	660,002	686,402	22,882	26,400
Southern West Virginia Community and Technical College Ellucian Managed Services	1,051,014	998,740	998,740	(52,274)	0
Expenditures	\$5,089,181	\$5,092,478	\$5,432,138	\$342,957	\$339,660
DegreeWorks Scribing or Training	29,000	71,320	71,320	42,320	0
Degree Works and Degree Works Equivalency Eastern Community and Technical College	0	0	113976	113976	113976
Banner Consulting General	201,385	405,236	405,236	203,851	0
Banncer TCP Maintenance Renewals	1,821,438	1,751,383	1,874,632	53,194	123,249
Blackboard Learn 9 Renewals	116,403	71,613	72,302	(44,101)	689
Blackboard Learn 9 Renewals of the Commission and Community and Technical Colleges	446,366	429,366	433,829	(12,537)	4,463
Domain Registration, DSL, Security Site, Misc.	91,105	112,865	113,994	22,889	1,129
Educause	8,948	8,947	9,126	178	179
Microsoft Campus Agreement	660,002	583,006	652,581	(7,421)	69,575
Oracle Renewal Support mandatory	663,520	660,002	686,402	22,882	26,400
Southern West Virginia Community and Technical College Ellucian Managed Services	1,051,014	998,740	998,740	(52,274)	0
Balance	0	0	0	0	0

Chart 8

WVNET
FY 17 Proposed Pass Through Budget



- Banner Consulting General \$405,236, 7%
- Banncer TCP Software Maintenance Renewals \$1,874,632, 35%
- Blackboard Learn 9 Renewals \$72,302, 1%
- Blackboard Learn 9 Renewals of the Commission and Community and Technical Colleges \$433,829, 8%
- Degree Works Scribing \$71,320, 1%
- Degree Works and DegreeWorks Transfer Equivalency Eastern Community and Technical College \$113,976, 2%
- Domain Registration, DSL, Security Site, Misc. \$113,994, 2%
- Educause \$9,126, 0%
- Microsoft Campus Agreement \$652,581, 12%
- Oracle Software Renewals \$686,402, \$13%
- Southern West Virginia Community and Technical College Ellucian Managed Services \$998,740, 18%

FY 17 Proposed Total Pass Through Budget: \$5,432,138

Chart 9
West Virginia Network for Educational Telecomputing
Major Operating Budget Activities

The WVNET operating budget funds a variety of services and support areas. WVNET provides mission critical cost savings and affordability in consortium contracts; innovative, advanced computer and networking services, including commodity and faster Internet 2; mission critical hosting of wvOASIS equipment; financial interfacing with wvOASIS for the majority of institutions of higher education; expertise and hosting of student data systems; inter-institutional information technologies; virtual learning networks; and hosting of virtual machines. WVNET's customers include four-year colleges and universities, the community and technical colleges, the Commission and Council, libraries, the public education system, the Legislature, state agencies, governmental agencies, and health care providers.

Address Cleansing

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

Argos Hosting

Provides Argos hosting and training for twelve institutions.

Audio Conferencing

Offers audio conferencing to customers.

Banner Hosting

Hosts the Banner databases of ten institutions. (In addition, three are hosted as historic West Virginia University Institute of Technology and on behalf of BridgeValley Community and Technical College the databases of the former Bridgemont Community and Technical College and the former Kanawha Valley Community and Technical College).

Banner Interface Support

Provides interface support with wvOASIS.

Blackboard Services/Hosting

Hosts and provides Premium Support for seven institutions and Mid-Level Support for four institutional Blackboard Campus users.

Central Site/Administration

Maintains the data center and the physical facilities that house WVNET; daily operations; functional application, operational, and systems support; design of applications; and the WVNET business office, including purchasing consortiums and centralized contract administration.

Chief Information Officer

Provides this service, with costs dependent on size of institution, responsibilities, and scope of duties.

Co-Location and Rack Space

Provides rack and floor space, including servers, in the WVNET data center. Monitors and provides support for this equipment.

Consulting

Provides consulting services for systems, applications, and communications support.

Degree Works Hosting

Hosts thirteen institutions, to provide degree audit tracking and student planning solutions (BridgeValley Community and Technical College is expected to come into production Spring 2017).

Dial-Up Modems

Provides dial-up modem access to the Internet, with 24-hour help desk support, to qualifying individuals.

Email/Web Hosting

Offers email and web hosting services to institutions and agencies.

Institutional Research and Report Development (IRRD)

Provides this service, with costs dependent on size of institution and scope of reports.

Internet Access

Provides Internet access to institutions of higher education, K-12, and other state agencies.

Multi-Conference Unit, Virtual Conference Services, and Video Conferences

For use by the West Virginia Supreme Court of Appeals.

Network Operating Center (NOC)

Provides assistance 365/24/7 and is invested in quality training of its staff. Assists customers by providing primary or off-hours help desk support.

OZ Problem Management System

Provides this problem management system to track and manage trouble tickets or issues for institutions, schools, and other agencies. Users submit tickets over the Internet and are kept informed by WVNET of the status of the tickets.

Server Hosting

Provides server hosting, including virtual machines.

State-Wide Mission Critical Services

wvOASIS is hosted on WVNET's server for the West Virginia Enterprise Resource Planning Board (WVERPB).

Support Services

Provides communications, systems, and Banner support to institutions.

Tivoli Storage Management (TSM)

Provides backup data services.

Virus and Spam Filtering

Provides virus and spam filtering of email messages.

WVROCKS (West Virginia Remote Online Collaborative Knowledge System)

Provides online opportunity to complete degree, especially for rural and non-traditional students.

Blackboard Analytics Hosting

WVNET provides West Virginia University at Parkersburg's and the West Virginia Community and Technical College System's Bridging the Gap Consortium members a means to collect, store, archive and recover institutional data.

West Virginia Virtual Learning Network

Provides online opportunities for lifelong learning.

Chart 10
West Virginia Network for Educational Telecomputing
Pass-Through Budget Activities

The WVNET pass-through budget includes items for which WVNET serves as negotiator for contract consortium, purchasing, and billing management. When items are purchased as a consortium or group, a less expensive price, often substantial, is realized, even when an institution buys individually from the aggregate contract. These costs flow through WVNET's budget. WVNET is invoiced by and pays the vendor, allocating the costs to the appropriate institutions. WVNET's expenditure schedule is affected by these expenditures, as part of spending authority. WVNET's cash balance is affected on wait-back of payment from the institutions, when WVNET has paid a vendor to meet mandated billing cycles. It is customary for Ellucian and Oracle to charge standard uplift fees for the renewals each year.

Banner (Ellucian) Consulting

Ellucian consultants charge WVNET for their work with the institutions. WVNET charges the institutions and then pays Ellucian.

Banner and Degree Works (Ellucian)

License and any training or customization needed are purchased through WVNET. There may be a pass-through opportunity to host a Degree Works training, if institutions are so inclined.

Banner Professional Services (Ellucian)

Ellucian serves as the Information Technology Managed Services team for Banner at Southern West Virginia Community and Technical College. WVNET charges the institution and pays Ellucian.

Banner TCP Renewal Maintenance (Ellucian)

The cost of maintaining the Ellucian Banner software. This includes the cost of upgrades and Ellucian renewal support.

Blackboard

Licenses and customization needed are purchased through WVNET. The Commission has asked WVNET to manage all the Blackboard licenses. There had been two licenses, Blackboard Web CT (at WVNET) and Blackboard VISTA (at the Commission), but the two have merged into Blackboard and have been moved over to WVNET for pass-through management. This has not affected the costs.

Degree Works Catalog Scribing (Ellucian)

Degree Works scribes the course catalog for institutions. WVNET charges the institutions and pays Degree Works. Eastern West Virginia Community and Technical College will have new scribing costs for an entirely new catalog. The other Institutions will have costs for changes in their catalogs that would affect prior scribing.

Domain Name Registration and Security Site Certification
WVNET registers and renews domain names for entities.

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.

Microsoft Campus Agreement

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

Oracle Maintenance

The cost of additional licenses, maintenance, and renewal support for Oracle products. When the aggregate FTE of the institutions increases above the maximum number of campus named users held on the Oracle license, there may be additional Oracle mandated license purchases. This is known as True-Up. No True-Up is needed for FY 2017.

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval of Fiscal Year 2017 Capital Project Priorities

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the prioritized capital project list for Fiscal Year 2017.

STAFF MEMBER: Jim King

BACKGROUND:

West Virginia Code §18B-1B-4(a) (11) requires the Commission to establish a formal process for identifying needs for capital investments and for determining priorities for those investments. The Commission must also report annually its priorities for capital investment to the Governor and the Legislature.

The Commission's appropriation request submitted to the State Budget Office on September 1, 2016 once again included a one-time request of \$10 million for high priority code compliance and deferred maintenance projects. If the appropriation is authorized, it would be distributed between the two systems. Of the total appropriation, 80 percent or \$8 million would be distributed to the Commission's institutions and the remainder would be distributed to Council for Community and Technical College Education institutions. Consistent with prior practice, institutions will be required to match the state's capital investment with institution or private funds.

Staff use the code compliance and deferred maintenance projects from the institutions' capital appropriation requests received in late August to prepare the proposed list of projects for funding. Table 1 summarizes \$16 million in projects which have been identified.

The following process was used to select the projects:

As described in the Commission's System Facilities Master Plan, projects were prioritized in the following order:

1. Structural Demolition
2. Reliability
3. Safety/Code
4. Asset Preservation
5. Program Improvement

6. Economic Operations
7. New Construction

To create a project list within the appropriation request dollar amount, additional criteria were applied:

1. Projects that were funded and underway were eliminated.
2. Auxiliary projects were eliminated.
3. Projects that are funded and underway were eliminated.
4. Projects costing less than \$135,000 were eliminated.
5. Projects in excess of \$20 million were eliminated.
6. Lower institutional priority projects with a relatively high cost were eliminated

Table 2 contains the entire capital appropriation requests from the institutions which includes both Educational and General (E&G) and Auxiliary Enterprise code compliance, deferred maintenance, renovation (building renewal) and new building projects. Auxiliary Enterprise projects are typically funded from user fees, such as room and board and parking fees, and include residence halls, dining halls, student unions, parking garages, etc. Major E&G projects, large renovations, additions and new facilities have been funded in the past by Lottery revenue bonds, or a combination of Lottery bond proceeds and institution E&G capital fees. Table 2 also identifies the projects that are fully funded and will be under design or construction in FY 2016, as required by the State Budget Office.

Table 1

Institution and Project Priority ☐ Capital Project		Project Class	Total Requested	Institutional Match	HEPC match
BLUEFIELD STATE COLLEGE			\$1,100,000	\$550,000	\$550,000
9	Campus Restroom Renovation	Reliability	1,100,000	550,000	550,000
CONCORD UNIVERSITY			745,000	372,500	372,500
6	Woodell Hall - Renovations	Reliability	520,000	260,000	260,000
8	Storage Bldg	Structural Demolition	225,000	112,500	112,500
FAIRMONT STATE UNIVERSITY			450,000	225,000	225,000
5	Jaynes Hall - Elevator Upgrade	Reliability	150,000	75,000	75,000
22	Merchant Street Elevator Upgrade	Reliability	150,000	75,000	75,000
24	Musick Library Elevator Upgrades	Reliability	150,000	75,000	75,000
GLENVILLE STATE COLLEGE			900,000	450,000	450,000
3	Campus-wide Electrical Upgrade and Power Redistribution	Reliability	150,000	75,000	75,000
8	Elevator Upgrade/Replacements	Reliability	350,000	175,000	175,000
9	Upgrade Fiber Network	Reliability	150,000	75,000	75,000
14	Replace Stage Lights in Fine Arts Building	Reliability	250,000	125,000	125,000
MARSHALL UNIVERSITY			1,940,000	970,000	970,000
9	Old Main Elevator	Reliability	900,000	450,000	450,000
11	Emergency Generators	Reliability	1,040,000	520,000	520,000
SHEPHERD UNIVERSITY			1,175,000	587,500	587,500
4	Butcher Center Elevator	Reliability	175,000	87,500	87,500
17	Demoliton of Sara Cree	Structural Demolition	1,000,000	500,000	500,000
WEST LIBERTY UNIVERSITY			140,000	70,000	70,000
4	Library Elevator Replacement	Reliability	140,000	70,000	70,000
WEST VIRGINIA STATE UNIVERSITY			1,450,000	725,000	725,000
1	Cole Complex HVAC Upgrades	Reliability	350,000	175,000	175,000
2	Hill Hall HVAC Upgrades and Boiler	Reliability	300,000	150,000	150,000
3	Ferguson Lincoln Boiler Replacement	Reliability	175,000	87,500	87,500
14	Hamblin Hall HVAC Upgrade	Reliability	475,000	237,500	237,500
15	Underground Electrical Upgrade	Reliability	150,000	75,000	75,000
WEST VIRGINIA UNIVERSITY			8,050,000	4,025,000	4,025,000
3	Rooftop Air Handlers (HSC)	Reliability	600,000	300,000	300,000
24	RESEARCH LABORATORIES BMRC (HSC)	Reliability	6,000,000	3,000,000	3,000,000
34	WISE LIBRARY WV COLLECTION PASSENGER ELEVATOR MODERNIZATION	Reliability	350,000	175,000	175,000
39	ELEVATOR ENCLOSURE AT MING HSIEH HALL	Reliability	200,000	100,000	100,000
40	ENGINEERING SCIENCES BLDG PASSENGER ELEVATOR MODERNIZATION	Reliability	900,000	450,000	450,000
Higher Education Policy Commission			50,000	25,000	25,000
8	Other Institutional Projects	Structural Demolition	50,000	25,000	25,000
Grand Total			\$ 16,000,000	\$ 8,000,000	\$ 8,000,000

Table 2

Institution and Project Priority	Capital Project	Total Requested
BLUEFIELD STATE COLLEGE		59,350,000
1	Residential Housing	13,500,000
2	Parking Garage and Campus Quad	16,500,000
3	Athletic Fields Upgrade	1,500,000
4	Sidewalk/Step Repairs	850,000
5	Tennis Court Relocation	750,000
6	Roof replacements Conley/Library/Basic Auditorium	600,000
7	Student Center Elevator	600,000
9	Campus Restroom Renovation	1,100,000
10	ADA Compliance Basic/Dickason	500,000
11	Roadway Property Upgrade	4,000,000
12	Institutional Energy/Electrical HVAC Evaluation and Upgrade	2,700,000
13	Hardway Library Renovation	5,000,000
14	Site lighting & Control Upgrade	350,000
15	Campus Key Replacement	600,000
16	Electrical/HVAC Upgrade Phase II	2,000,000
17	Campus Window Replacement Phase I	900,000
18	Repainting Campus Buildings	400,000
19	Campus Window Replacement Phase 11	900,000
20	Cultural/Convention/Cyber Center	3,000,000
21	Electrical/HVAC Upgrade Phase III	3,000,000
22	Student Center Air Conditioning	600,000
CONCORD UNIVERSITY		28,632,275
1	North & South Towers Renovations	16,460,000
2	Sidewalks, curbing, steps, paving and upgrades for ADA	1,000,000
3	University Point Roof Repairs	65,000
4	Student Center Boilers	1,375,000
5	Student Center Roof	817,275
6	Woodell Hall - Renovations	520,000
7	Phase I & 2-Admin/Sci Bldgs-HVAC, Electric & Plumbing Renov	4,550,000
8	Storage Bldg	225,000
9	Student Center Electrical Upgrade	3,100,000
10	Window Replacement - Wooddell Hall	520,000
FAIRMONT STATE UNIVERSITY		39,872,173
1	Turley Center Roof Renewal	400,000
2	Wallman Hall Roof Replacement	300,000
3	Colebank Hall Elevator Upgrades	125,000
4	Education Building Elevator Upgrades	135,000
5	Jaynes Hall - Elevator Upgrade	150,000
6	Infrastructure Parking Lot Paving	1,000,000
7	Colebank Hall Ceiling Acoustic Panels	150,000
8	Campus Wide Camera Security System	450,000
9	Infrastructure Merchant Sidewalk Repairs	150,000
10	Hardway Hall Roof Renewal & Waterproofing	640,000
11	Facilities - Campus Security/Parking Office Expansion	160,000
12	Musick Library MultiMedia Seating Renovations	200,000

13	Musick Library HVAC AHU #1 Replacement	200,000
14	Musick Library Roof Renewal	450,000
15	Infrastructure-EducBldg Southwest Corner-Replace/Repair	150,000
16	Education Building Fire Suppression Upgrade	490,000
17	Falcon Center Elevator Addition	180,000
18	Kiln Building Upgrades	250,000
19	Merchant Street Sprinkler System	200,000
20	Parking Garage Elevator Addition	300,000
21	Hunt Haught Hall HVAC AHU#1 & Chiller Replacement	400,000
22	Merchant Street Elevator Upgrade	150,000
23	Merchant Street Fire Alarm Upgrade	100,000
24	Musick Library Elevator Upgrades	150,000
25	Physical Plant Window Replacement	100,000
26	Colebank hall Exterior Cleaning & Waterproofing	300,000
27	Feaster Center HVAC (Lobby)	250,000
28	Feaster Center Window & Door Upgrades	200,000
29	Colebank Hall Membrane Roof Replacement	150,000
30	Hardway Hall Elevator Upgrade	100,000
31	Jaynes Hall Windows	610,000
32	Merchant Street Roof Renewal	300,000
33	Engineering Technology Window Replacement (1st & 2nd Floor)	100,000
34	Physical Plant Annex - Roof Renewal	100,000
35	Hunt Haught Hall Roof Renewal	500,000
36	Colebank Hall Boiler	150,000
37	Jaynes Hall Exterior Cleaning & Waterproofing	370,000
38	Merchant Street HVAC Upgrades	700,000
39	Musick Library Chiller Replacement North Elevation	300,000
40	Infrastructure Development South Locust Avenue (Drainage)	1,000,000
41	Musick Library Exterior Cleaning & Waterproof	300,000
42	Morrow Hall Renovations	10,375,859
43	Morrow Hall Roof Renewal	450,000
44	Pence Hall Renovations	7,272,292
45	Pence Hall Roof Renewal	250,000
46	Prichard Hall Renovations	8,864,022
47	Prichard Hall Roof Renewal	250,000
GLENNVILLE STATE COLLEGE		20,045,000
1	Mass Notification and Campus Communications System	75,000
2	Pickens Hall Renovation	500,000
3	Campus-wide Electrical Upgrade and Power Redistribution	150,000
4	New Classroom Building	15,000,000
5	Roof Replacements; Clark Hall, RFK Library, President's Home	600,000
6	Campus Signage	250,000
7	Sidewalk and Paver Replacements	120,000
8	Elevator Upgrade/Replacements	350,000
9	Upgrade Fiber Network	150,000
10	North Entrance	1,000,000
11	Campus Paving and Parking Upgrades	1,000,000
12	Handrail Replacement	450,000
13	Retaining Wall Replacement	150,000
14	Replace Stage Lights in Fine Arts Building	250,000

☐ MARSHALL UNIVERSITY		349,962,400
☐ 1	☐ Jenkins Hall Renovations/Roof Repair	7,600,000
☐ 3	☐ SMITH MUSIC HALL ACOUSTIC RENOVATION	1,100,000
☐ 4	☐ Memorial Student Center Addition/Renovations	25,000,000
☐ 5	☐ Forensic Science Center Annex Build-Out	1,200,000
☐ 6	☐ Multi-Use Medical Educational/Research Building	50,000,000
☐ 7	☐ Classroom Renovations (Campus-Wide)	2,000,000
☐ 8	☐ Morrow ADA Elevator/Renovation	900,000
☐ 9	☐ Old Main Elevator	900,000
☐ 10	☐ Old Main Repairs	4,235,000
☐ 11	☐ Emergency Generators	1,040,000
☐ 12	☐ OLD MAIN ROOF REPL EXT REP	765,000
☐ 13	☐ JC Edwards Stadium Structural Improve/Upgrades	1,500,000
☐ 14	☐ Prichard Hall Renovations	5,600,000
☐ 15	☐ CHURCH DEMO/PARKING EXPANSION - 5TH AVE AND 21ST STREET	500,000
☐ 16	☐ Intramural Field Space	900,000
☐ 17	☐ Henderson Center HVAC	3,000,000
☐ 18	☐ Erma Ora Byrd Clinical Ctr Skills Equipment	500,000
☐ 19	☐ High Technology/Academic Instructional Facility	29,750,000
☐ 20	☐ Gullickson Gymnasium HVAC	1,000,000
☐ 21	☐ Technology Enhanced Classroom Initiative	2,000,000
☐ 22	☐ Land Purchase/Demolition	2,000,000
☐ 23	☐ MARSHALL PLAZA - HAL GREER	7,748,400
☐ 24	☐ Science Building and Annex Renovation Project	15,000,000
☐ 25	☐ MEMORIAL GARDEN	525,000
☐ 26	☐ Rural Health & Residency Education Center(s)	1,500,000
☐ 27	☐ Student Career Center	6,000,000
☐ 28	☐ Corbly Hall Renovations	10,368,000
☐ 29	☐ Twin Tower Renovations	3,500,000
☐ 30	☐ Teays Center	7,000,000
☐ 31	☐ Medical Education Building Renovation (Phase III)	3,500,000
☐ 32	☐ Center for Music/Music Education	40,300,000
☐ 33	☐ Joan C. Edwards Football Stadium Expansion	24,000,000
☐ 34	☐ STORMWATER IMPROVEMENTS PHASE I	325,000
☐ 35	☐ Campus-Wide Wireless Build-Out 263 Units	2,700,000
☐ 36	☐ IT INFRASTRUCTURE UPGRADES	2,406,000
☐ 37	☐ Tennis Complex - Indoor Courts	6,000,000
☐ 38	☐ Drinko Renovations & Upgrades	2,200,000
☐ 39	☐ HENDERSON CENTER ELEVATOR REPLACEMENT	900,000
☐ 40	☐ JOAN C. EDWARDS STADIUM RESTROOM RENOVATION	800,000
☐ 41	☐ Basketball Practice Facility	14,000,000
☐ 42	☐ Outdoor Track Facility	6,000,000
☐ 43	☐ Baseball Field	14,000,000
☐ 44	☐ Shop Storage of Athletic & B&G Equipment	350,000
☐ 45	☐ Holderby Hall Demolition	750,000
☐ 46	☐ RESIDENCE HALL 1A	8,600,000
☐ 47	☐ RESIDENCE HALL 1B	22,300,000
☐ 48	☐ SMITH HALL ELEVATORS	1,400,000
☐ 49	☐ MUMC HVAC	200,000
☐ 50	☐ PARKING STRUCTURE AT mumc	3,000,000

51	LOCKER ROOM RENOV-CROSS COUNTRY M/W GOLF	350,000
52	AUX SWIMMING LOCKER ROOMS RENOVATIONS	250,000
53	EAST HALL ADDITION	2,500,000
SHEPHERD UNIVERSITY		40,375,000
1	Fire Alarm System Upgrades	30,000
2	Emergency Egress Lighting	175,000
3	Security Camera	250,000
4	Butcher Center Elevator	175,000
5	Interior & Exterior Door locks	250,000
6	Pedestrian Access Sidewalks	120,000
7	Access to Student Center	150,000
8	Pedestrian & Vehicle Circulation	250,000
9	King Street Pedestrianization	2,450,000
10	Roof Replacements	750,000
11	Equipment Screen for Frank Center Roof	200,000
12	Butcher Center HVAC Renovation	1,100,000
13	Frank Center Renovation	17,500,000
14	Snyder Anex Renovation	500,000
15	Campus Entrances and Border Definitions	500,000
16	New Maintenance Facility	4,400,000
17	Demoliton of Sara Cree	1,000,000
18	Parking Structure	10,000,000
19	Field Houses and Restrooms for Softball and Baseball	200,000
20	Technology Upgrades	375,000
WEST LIBERTY UNIVERSITY		47,575,000
1	ADA Compliance Grounds	60,000
2	ADA Compliance Buildings	50,000
3	Campbell Hall 4th Floor Buildout	2,000,000
4	Library Elevator Replacement	140,000
5	Elevator Replacements Hughes, Krise, Beta Halls	725,000
6	Main Hall Renovation	800,000
7	Boyd Hall Renovations	6,000,000
8	New Residence Halls	15,000,000
9	Rogers Renovations	6,000,000
10	Student Recreation & Dining Facility	5,400,000
11	Student Union Renovation	2,000,000
12	Hughes Hall Windows	250,000
13	Krise Hall Windows	450,000
14	Library Windows	250,000
15	Blatnik Hall Window Replacement	250,000
16	Arnett Hall Renovation	3,500,000
17	Myers Maintenance Roof	150,000
18	Market Place Generator	150,000
19	Shotwell Hall Renovation	2,500,000
20	Track Around Soccer Field	1,500,000
21	Library Parking Lot	400,000
WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE		2,143,000
1	Main Building B Exterior Restoration	400,000
2	Main Building C Exterior Restoration	300,000
3	Library/OMM Lab Roof Replacement	300,000

4	Main Building B - Roof replacement	400,000
5	Main Building C - Roof replacement	293,000
6	Campus energy, lighting, & Beautification	450,000
WEST VIRGINIA STATE UNIVERSITY		58,255,000
1	Cole Complex HVAC Upgrades	350,000
2	Hill Hall HVAC Upgrades and Boiler	300,000
3	Ferguson Lincoln Boiler Replacement	175,000
4	Roof Replacement E&G Buildings	2,500,000
5	Lighting Upgrade of Plazas, Sidewalks, and Parking Lots	100,000
6	Replace Water Headers and Fire Hydrants	1,350,000
7	Upgrade Campus Elevators to ADA and Fire Marshall Standard	175,000
8	Upgrade Existing Parking Lots	650,000
9	Upgrade Existing Sidewalks	125,000
10	UPGRADE ACADEMIC CLASSROOM TECHNOLOGY IN BUILDINGS	550,000
11	Ferrell Hall HVAC Upgrades and Boiler	40,000
12	Drain-Jordan Library HVAC Upgrades	10,000
13	Davis Fine Arts HVAC Upgrades	35,000
14	Hamblin Hall HVAC Upgrade	475,000
15	Underground Electrical Upgrade	150,000
16	Storm Water Management	110,000
17	Physical Facilities Boiler Replacement	110,000
18	Buildings Weather Proofing	425,000
19	Ferrell Hall ADA Accessibility	3,500,000
20	Wallace Hall Window Replacement	2,500,000
21	Building Upgrades for Energy Conservation	325,000
22	Lakin Field Upgrades	350,000
23	Capitol Center Sprinkler System	325,000
24	Sullivan Hall East Elevator Replacement	250,000
25	Sullivan Hall HVAC Upgrade	575,000
26	Sullivan Hall Air Handler	175,000
27	Campus Wide Classroom Furniture Upgrades	250,000
28	Capitol Center Elevator Upgrade to ADA Code	275,000
29	West Campus Land Acquisition & Parking Lot	1,100,000
30	East Campus Land Acquisition & Parking Lot	1,000,000
31	Research/Science Building	18,000,000
32	Academic/Technology Classroom Building	11,000,000
33	Natatorium	11,000,000
WEST VIRGINIA UNIVERSITY		272,290,000
1	Business and Economics Building	60,000,000
2	STEM/LAB BUILDING (PSC)	20,000,000
3	Rooftop Air Handlers (HSC)	600,000
4	MINERAL RESOURCES WINDOW WEATHER STRIPPING REPAIRS	200,000
5	HODGES RENOVATION	20,000,000
6	Multiple Sections of Roof Replacement (HSC)	2,700,000
7	ADMISSIONS & RECORDS FIRE ALARM & SPRINKLER SYSTEM	450,000
8	ENGINEERING RESEARCH ROOF REPLACEMENT	575,000
10	ARMSTRONG HALL ROOF REPLACEMENT	400,000
11	North/South Electrical Feed (HSC)	530,000
12	IT INFRASTRUCTURE (HSC)	5,000,000
13	IT NETWORK REVITALIZATION	25,000,000

14	STEWART HALL SPRINKLERS	600,000
15	STANSBURY HALL UPGRADE FIRE ALARM SYSTEM	500,000
16	CHARLESTON DIVISION BUILDING INFRASTRUCTURE (HSC)	10,000,000
17	CHITWOOD FIRE ALARM UPGRADE	500,000
18	AG Science Annex Roof replacement	550,000
19	WOODBURN FIRE ALARM UPGRADE	500,000
20	CHURCH MCKEE ARTS CENTER STAGE FIRE CURTAINS (PSC)	350,000
21	PURITAIN HOUSE FIRE ALARM UPGRADE	300,000
22	CHARLESTON CENTER LIFE SAFETY AND ADA ISSUES	3,000,000
23	ENGINEERING SCIENCES BRICK FACADE REPAIRS	12,000,000
24	RESEARCH LABORATORIES BMRC (HSC)	6,000,000
25	Ground Floor Air Handler Replacement (HSC)	450,000
26	Basement Floor Air Handler Replacement (HSC)	650,000
27	Replace AHU Glycol Heater System (HSC)	240,000
28	ENGINEERING SCIENCE FIRE ALARM REPLACEMENT	1,200,000
29	EQUINE EDUCATION FACILITY FIRE PUMP, SPRINKLER, AND FIRE AL	300,000
30	CONNECTOR BRIDGE RENOVATIONS AND WINDOWS (HSC)	560,000
31	UPGRADE SPRINKLER/FIRE ALARM AG SCIENCE ANNEX	400,000
32	KNAPP HALL FIRE ALARM SYSTEM UPGRADE	500,000
33	Evansdale Library roof replacement	410,000
34	WISE LIBRARY WV COLLECTION PASSENGER ELEVATOR MODERNIZATION	350,000
35	Replace Secondary Chilled Water Pump (HSC)	270,000
36	CAMPUS EXTERIOR LIGHTING GROUNDS LIGHTING (PSC)	225,000
37	CANCER CENTER LAB (HSC)	10,000,000
38	CAMPUS DRIVE AND PARKING AREA PAVING (PSC)	300,000
39	ELEVATOR ENCLOSURE AT MING HSIEH HALL	200,000
40	ENGINEERING SCIENCES BLDG PASSENGER ELEVATOR MODERNIZATION	900,000
41	ADMISSIONS AND RECORDS RENOVATION	3,000,000
42	STEWART HALL CHILL WATER TIE IN	800,000
43	HOSTLER AUDITORIUM (HSC)	500,000
44	DOWNTOWN CHILLER PLANT ADD 4TH CHILLER	1,500,000
45	EVANSDALE PARKING GARAGE	42,000,000
46	Replace Heat Exchangers (HSC)	1,260,000
47	New Air Handler Units (HSC)	11,100,000
48	REPLACE 1 CHILLER (HSC)	1,000,000
49	Motor Controls (HSC)	470,000
50	Replace Lab Exhaust Fans (HSC)	675,000
51	Upgrade Access Control (HSC)	580,000
52	New Electrical Transformer, buses and breakers (HSC)	6,700,000
53	E-MOORE HALL WINDOW REPLACEMENT	750,000
54	CAMPUS EMERGENCY ALERTING SYSTEM (PSC)	100,000
55	KNAPP HALL BUILDING WINDOW UPGRADES	1,100,000
56	White Hall Hot Water Boiler for Reheat System	150,000
57	B&E Facade Repairs	3,000,000
58	Downtown Steam Tunnel Cable Tray Replacement	500,000
59	ESB REPLACE WETHERMASTER UNITS	800,000
60	Complete Upgrade of Downtown Lighting to LED	85,000
61	BICENTENNIAL HOUSE INSTALL FIRE ALARM AND SPRINKLER SYSTEM	80,000
62	AIRPORT HANGAR INSTALL FIRE ALARM AND SPRINKLER SYSTEM	155,000
63	EVANSDALE LIBRARY UPGRADE SPRINKLER RISERS	75,000

64	EMOORE HALL REPLACE FIRE ALARM SYSTEM& INSTALL SPRINKLER SYS	700,000
65	CAMPUS SUPPORT SERVICES INSTALL SPRINKLER SYSTEM	400,000
66	ESB RELACE AHU E1 AND E2	800,000
67	CLARK HALL REPLACE SF1	750,000
68	CLARK HALL REPLACE 12 AIR HANDLERS	1,800,000
69	REPLACE STEAM AND CONDENSATE LINES FROM VAULT #3 TO CAC	350,000
70	REPLACE STEAM AND CONDENSATE LINES FROM ENGINEERING TO MRB	500,000
71	REPLACE STEAM AND CONDENSATE LINES FROM NRCCE TO ENGINEERING	500,000
72	REPLACE 1 OF 7 AIR HANDLERS IN ROOM 4616A (HSC)	400,000
73	WVU BECKLEY DEFERRED CAMPUS	3,000,000
Grand Total		918,499,848

**West Virginia Higher Education Policy Commission
Meeting of November 18, 2016**

ITEM: Approval to Reallocate Series 2012 Bond Proceeds

INSTITUTION: West Liberty University

RECOMMENDED RESOLUTION: *Resolved, That the West Virginia Higher Education Policy Commission approves the reallocation of West Liberty University's Series 2012 bond proceeds from the Health Sciences building to a project to upgrade the IT network infrastructure.*

STAFF MEMBER: Ed Magee

BACKGROUND:

West Liberty University is requesting approval to expend \$836,178 from the University's Series 2012 bond proceeds to upgrade its information technology network infrastructure instead of using it to complete the fourth floor of Campbell Hall, the new Health Sciences building. The Commission's 2010 bond issue provided \$12.75 million for the Health Sciences building project. The University received \$10 million from the Series 2012 issue for the following projects:

- The design, construction and equipping of a new Health Sciences building.
- The renovation of biology labs/classrooms and Americans with Disabilities Act compliance improvements at Arnett Hall.
- Renovation and equipping of Main Hall areas for Business and Education expansion as well as new programs, including Americans with Disabilities Act compliance improvements.
- The design, construction and equipping of a new wing on the Issuer's Media Arts Center.
- Such other capital projects as may be approved by the Board of the Issuer from time to time.

The Commission's resolution approving the University's Series 2012 bonds requires the University to obtain prior written approval from the Commission before expending bond proceeds for any of the projects identified in the bond indenture other than the design, construction and equipping of a new Health Sciences building. As indicated above, the University indenture permits the expenditure of proceeds for "...such other capital projects as may be approved by the Board of the Issuer from time to time."

In Spring 2016, Omni Strategic Technologies performed an assessment of West Liberty University's network infrastructure, server infrastructure, and external vulnerability. This assessment revealed numerous major areas of concern. These concerns include the lack of a managed network and a significantly outdated network infrastructure. The assessment recommended that these two areas should be addressed as soon as possible to address issues with performance, security, accessibility, and manageability. Specifically, the assessment identified the following concerns:

Concerns: (Major)

- Single core switch with no redundancy.
- Only one 1Gbp connection from the Telecom distribution switch and the core switch. There is no redundancy and a serious bottleneck in traffic exists between the Telecom stack and the core.
- Over 80% of the switches are End-of-Life and approaching End-of-Support. This makes the University vulnerable to security risks. In addition, more than half of the switches are not gigabit switches.
- Fiber links have connectivity issues.
- The University has no link redundancy to the core from campus switches and stacks.

Server Infrastructure Concerns: (Major)

- Many servers are out of maintenance.
- The University has no active directory and no central management for users, groups and computers. This is needed for the next Banner upgrade.
- The hard drives on several servers are at capacity.
- The University has no central file storage and many systems are not running antivirus or anti-spyware.

It is estimated that the build out of the fourth floor of Campbell Hall would cost approximately \$2 million. Although the build out of partially completed space would be of benefit to the University, a functional and reliable IT network is necessary for it to operate.