

LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

Senate Finance Committee Room
January 8, 2018

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West Virginia
Higher Education
Policy Commission



**Report to the Legislative Oversight Commission
on Education Accountability**

January 8, 2018

**2017 West Virginia Financial Aid Comprehensive Report
(§18C-5-7(g), §18C-7-5, §18C-7-5(B))**

REPORT ATTACHED AS SEPARATE DOCUMENT



West Virginia
Higher Education
Policy Commission



**Report to the Legislative Oversight Commission
on Education Accountability**

January 8, 2018

**2016 Academic Readiness Report
(§18B-1-1e)**



West Virginia Higher Education Policy Commission
West Virginia Community and Technical College System

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MEMORANDUM

TO: Legislative Oversight Commission on Education Accountability

FROM: Paul L. Hill 
Sarah A. Tucker 

DATE: November 9, 2017

RE: 2016 Academic Readiness Report

The Academic Readiness Report satisfies West Virginia Code §18B-1-1e concerning the assessment of student postsecondary readiness. In accordance with the requirement this report will discuss “the number of graduates from the public schools in the state by high schools who were accepted in the last calendar year for enrollment at each of the state institutions of higher education within one year of graduation, and whose knowledge, skill and competency were below the minimum expected levels for full preparation as defined by the governing boards.” This information is disaggregated by area of academic deficiency, postsecondary institution and sector, and secondary county and high school.

The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education are committed to postsecondary access and providing a quality educational experience at their respective institutions. Although positive progress has been made to improve student transition to West Virginia's public institutions, challenges remain. This report focuses specifically on student preparation and college success indicators concerning the critical transition period from high school to college. The data reported are for students who graduated from West Virginia high schools and went on to attend two- and four-year public institutions in the state the fall after graduation. The report provides for the 2016 cohort of West Virginia freshmen at each postsecondary institution: fall GPA and retention to spring by high school GPA and whether or not students took developmental education; the percent of students requiring developmental education in different subjects; and the average ACT composite and subject scores and percent meeting the ACT college readiness benchmarks. It provides for each county and high school: the average composite ACT score and the percent of students requiring developmental education in different subjects. As with previous readiness reports, this document provides a means for state education stakeholders to view academic progress and determine how to best allocate vital resources to match readiness and completion objectives.

The following observations highlight the academic readiness of the 2016 fall cohort of first-time freshmen:

- Students with a high school GPA of 3.0 or above earned an average GPA of 2.95 their first semester of college. Students with a high school GPA of 2.9 or below earned an average college GPA of 1.72.
- 93.5 percent of students with a high school GPA of 3.0 or above were retained to the spring semester of their freshmen year, compared to only 73.0 percent of students with a high school GPA of 2.9 or below.
- 55.6 percent of West Virginia high school graduates attending a community college for the first time took at least one developmental education course, compared to 24.3 percent of students attending a public four-year college or university.
- Of the 7,898 West Virginia high school graduates who began college at one of the two- or four-year public institutions in 2016, 26.0 percent enrolled in a developmental math course, and 14.9 percent enrolled in an English/writing developmental course.
- At two-year institutions, students who were not enrolled in developmental courses were retained to the spring at a rate of 78.5 percent, with a fall GPA of 2.35, compared to a retention rate of 75.6 percent for students enrolled in developmental education courses, with a fall GPA of 2.14.
- At four-year institutions, students not enrolled in developmental education courses were retained at a retention rate of 93.6 percent, with a fall GPA of 2.91, compared to those enrolled in developmental education that were retained at a rate of 86.4 percent, with a fall GPA of 2.37;
- 40.2 percent of West Virginia first-time freshmen attending public institutions scored at or above the ACT math college readiness benchmark of 22, 76.3 percent of freshmen scored at or above the ACT English benchmark of 18, 44.3 percent of students scored at or above the ACT science benchmark of 23; and 58.1 percent of students scored at or above the ACT reading benchmark of 22;
- Of all West Virginia high school students enrolled in public postsecondary institutions who took the ACT, only 29.4 percent scored at or above ACT benchmarks on all four subject tests.

2016 West Virginia Freshmen Fall GPA by High School GPA and Postsecondary Sector and Institution

	Students Finishing High School with a GPA of 2.99 or Below		Students Finishing High School with a GPA of 3.0 or Above	
	Cohort Size	Average Fall GPA	Cohort Size	Average Fall GPA
WV Public Two-Year Institutions	772	1.72	842	2.70
Blue Ridge Community and Technical College	92	1.52	82	2.59
BridgeValley Community and Technical College	116	1.85	85	2.65
Eastern WV Community and Technical College	12	2.19	15	3.26
Mountwest Community and Technical College	81	1.95	71	2.88
New River Community and Technical College	78	1.77	76	2.80
Pierpont Community and Technical College	97	1.62	106	2.88
Southern WV Community and Technical College	117	1.60	147	2.53
WV Northern Community College	78	1.67	85	2.89
WVU at Parkersburg	101	1.74	175	2.57
WV Public Four-Year Institutions	1,018	1.71	5,174	2.99
Bluefield State College	42	1.91	93	2.85
Concord University	59	1.79	284	2.85
Fairmont State University	118	1.66	500	2.93
Glenville State College	71	1.39	162	2.73
Marshall University	194	1.92	1,167	3.06
Potomac State College of WVU	121	1.39	203	2.69
Shepherd University	55	1.47	270	2.73
West Liberty University	46	1.81	233	3.11
West Virginia State University	81	2.03	163	2.99
West Virginia University	197	1.62	1,932	3.08
West Virginia University Institute of Technology	34	2.17	167	2.74
Grand Total	1,790	1.72	6,016	2.95

2016 Average West Virginia Freshmen Spring Retention Rate by High School GPA and Postsecondary Sector and Institution

	Students Finishing High School with a GPA of 2.99 or Below		Students Finishing High School with a GPA of 3.0 or Above	
	Cohort Size	Spring Retention	Cohort Size	Spring Retention
WV Public Two-Year Institutions	792	66.7%	846	86.4%
Blue Ridge Community and Technical College	100	63.0%	85	84.7%
BridgeValley Community and Technical College	121	57.8%	85	82.3%
Eastern WV Community and Technical College	12	66.6%	15	100.0%
Mountwest Community and Technical College	87	66.6%	72	83.3%
New River Community and Technical College	78	73.0%	76	89.4%
Pierpont Community and Technical College	97	78.3%	106	91.5%
Southern WV Community and Technical College	117	70.0%	147	85.7%
WV Northern Community College	79	62.0%	85	90.5%
WVU at Parkersburg	101	65.3%	175	83.4%
WV Public Four-Year Institutions	1,050	77.7%	5,210	94.7%
Bluefield State College	42	90.4%	93	93.5%
Concord University	59	79.6%	284	92.9%
Fairmont State University	118	78.8%	500	91.8%
Glenville State College	79	68.3%	167	89.2%
Marshall University	214	73.8%	1,198	93.7%
Potomac State College of WVU	125	69.6%	203	93.1%
Shepherd University	55	74.5%	270	94.4%
West Liberty University	46	89.1%	233	95.2%
West Virginia State University	81	75.3%	163	90.7%
West Virginia University	197	84.7%	1,932	97.4%
West Virginia University Institute of Technology	34	85.2%	167	94.0%
Grand Total	1,842	73.0%	6,056	93.5%

2016 West Virginia Freshmen Enrolled in Developmental Education by Subject

	Total Students Enrolled in Fall	Students Enrolled in Dev. Ed. English	Students Enrolled in Dev. Ed. Reading	Students Enrolled in Dev. Ed. Math	Students Enrolled in Any Dev. Ed.
WV Public Two-Year Institutions	1,638	30.8%	1.7%	46.7%	55.6%
Blue Ridge Community and Technical College	185	29.1%	0.0%	51.8%	56.2%
BridgeValley Community and Technical College	206	40.7%	0.0%	61.6%	75.2%
Eastern WV Community and Technical College	27	48.1%	0.0%	48.1%	62.9%
Mountwest Community and Technical College	159	27.6%	17.6%	51.5%	65.4%
New River Community and Technical College	154	38.9%	0.0%	50.6%	63.6%
Pierpont Community and Technical College	203	0.0%	0.0%	0.0%	0.0%
Southern WV Community and Technical College	264	47.3%	0.0%	54.5%	69.3%
WV Northern Community College	164	28.6%	0.0%	56.0%	60.9%
WVU at Parkersburg	276	28.2%	0.0%	48.1%	54.3%
WV Public Four-Year Institutions	6,260	10.7%	0.4%	20.6%	24.3%
Bluefield State College	135	40.0%	18.5%	28.8%	52.5%
Concord University	343	15.1%	0.0%	29.4%	37.3%
Fairmont State University	618	0.1%	0.0%	28.3%	28.3%
Glenville State College	246	36.1%	0.0%	68.6%	74.7%
Marshall University	1,412	14.2%	0.0%	31.2%	35.0%
Potomac State College of WVU	328	37.8%	0.0%	46.0%	58.5%
Shepherd University	325	0.0%	0.0%	0.3%	0.3%
West Liberty University	279	12.9%	0.0%	11.8%	22.5%
West Virginia State University	244	29.9%	0.4%	38.5%	47.9%
West Virginia University	2,129	0.1%	0.0%	0.2%	0.4%
West Virginia University Institute of Technology	201	18.9%	0.0%	41.7%	44.7%
Grand Total	7,898	14.9%	0.6%	26.0%	30.8%

2016 Average Fall GPA of West Virginia Freshmen by Developmental Education Status

	Enrolled in Dev. Ed.		Not Enrolled in Dev. Ed.	
	Cohort Size**	Average Fall GPA	Cohort Size**	Average Fall GPA
WV Public Two-Year Institutions	894	2.14	720	2.35
Blue Ridge Community and Technical College	100	1.99	74	2.07
BridgeValley Community and Technical College	150	2.21	51	2.13
Eastern WV Community and Technical College	17	3.00	10	2.42
Mountwest Community and Technical College	97	2.43	55	2.31
New River Community and Technical College	98	2.06	56	2.67
Pierpont Community and Technical College	.	.	203	2.28
Southern WV Community and Technical College	183	1.99	81	2.41
WV Northern Community College	99	2.14	64	2.56
WVU at Parkersburg	150	2.12	126	2.44
WV Public Four-Year Institutions	1,485	2.37	4,707	2.91
Bluefield State College	71	2.37	64	2.77
Concord University	128	2.27	215	2.91
Fairmont State University	175	2.54	443	2.74
Glenville State College	173	2.16	60	2.78
Marshall University	470	2.56	891	3.07
Potomac State College of WVU	188	1.96	136	2.55
Shepherd University*	.	.	324	2.52
West Liberty University	63	2.47	216	3.02
West Virginia State University	117	2.53	127	2.81
West Virginia University	.	.	2,120	2.95
West Virginia University Institute of Technology	90	2.25	111	2.97
Grand Total	2,379	2.28	5,427	2.83

*Does not offer developmental education courses

**Cohort Size excludes students who had a 0.0 GPA and earned any college credits

2016 Spring Retention Rate of West Virginia Freshmen by Developmental Education Status

	Enrolled in Dev. Ed.		Not Enrolled in Dev. Ed.	
	Cohort Size	Spring Retention Rate	Cohort Size	Spring Retention Rate
WV Public Two-Year Institutions	911	75.6%	727	78.5%
Blue Ridge Community and Technical College	104	76.9%	81	67.9%
BridgeValley Community and Technical College	155	70.3%	51	60.7%
Eastern WV Community and Technical College	17	94.1%	10	70.0%
Mountwest Community and Technical College	104	77.8%	55	67.2%
New River Community and Technical College	98	78.5%	56	85.7%
Pierpont Community and Technical College	.	.	203	85.2%
Southern WV Community and Technical College	183	77.5%	81	81.4%
WV Northern Community College	100	72.0%	64	84.3%
WVU at Parkersburg	150	74.6%	126	79.3%
WV Public Four-Year Institutions	1,525	86.4%	4,735	93.6%
Bluefield State College	71	92.9%	64	92.1%
Concord University	128	85.1%	215	93.9%
Fairmont State University	175	89.7%	443	89.1%
Glenville State College	184	80.9%	62	87.0%
Marshall University	495	87.6%	917	92.3%
Potomac State College of WVU	192	80.7%	136	88.9%
Shepherd University*	.	.	324	91.0%
West Liberty University	63	96.8%	216	93.5%
West Virginia State University	117	82.9%	127	88.1%
West Virginia University	.	.	2,120	96.2%
West Virginia University Institute of Technology	90	90.0%	111	94.5%
Grand Total	2,436	82.4%	5,462	91.5%

*Does not offer developmental education courses

2016 Average West Virginia Freshmen ACT Composite Scores by Sector and Institution

	Cohort Size	Average ACT Composite Score
WV Public Two-Year Institutions	1,175	18.4
Blue Ridge Community and Technical College	105	19.0
BridgeValley Community and Technical College	145	17.8
Eastern WV Community and Technical College	15	18.3
Mountwest Community and Technical College	98	17.9
New River Community and Technical College	117	18.0
Pierpont Community and Technical College	165	17.9
Southern WV Community and Technical College	197	18.3
WV Northern Community College	109	18.5
WVU at Parkersburg	224	19.3
WV Public Four-Year Institutions	6,036	22.2
Bluefield State College	134	19.7
Concord University	334	21.7
Fairmont State University	601	21.1
Glenville State College	240	19.2
Marshall University	1,405	22.2
Potomac State College of WVU	270	19.4
Shepherd University	282	21.9
West Liberty University	274	20.9
West Virginia State University	236	20.0
West Virginia University	2,062	24.1
West Virginia University Institute of Technology	198	21.4
Grand Total	7,211	21.6

Note: Data provided is only representative of students who had a reported ACT Composite score.

2016 Average First-time Freshmen Math ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT Math Score	Percent At or Above ACT Benchmark (22)
WV Public Two-Year Institutions	1,176	17.4	12.3%
Blue Ridge Community and Technical College	105	18.4	21.9%
BridgeValley Community and Technical College	145	17.1	10.3%
Eastern WV Community and Technical College	16	18.1	12.5%
Mountwest Community and Technical College	98	16.7	7.1%
New River Community and Technical College	117	17.5	14.5%
Pierpont Community and Technical College	165	16.8	9.6%
Southern WV Community and Technical College	197	17.3	11.1%
WV Northern Community College	109	17.2	9.1%
WVU at Parkersburg	224	17.9	14.7%
WV Public Four-Year Institutions	6,036	21.1	45.7%
Bluefield State College	134	19.0	26.1%
Concord University	334	20.4	39.8%
Fairmont State University	601	19.7	32.2%
Glenville State College	240	18.3	18.7%
Marshall University	1,405	20.9	43.1%
Potomac State College of WVU	270	18.9	27.0%
Shepherd University	282	20.4	37.5%
West Liberty University	274	19.4	29.5%
West Virginia State University	236	18.8	23.7%
West Virginia University	2,062	23.2	65.5%
West Virginia University Institute of Technology	198	20.7	40.9%
Grand Total	7,212	20.5	40.2%

Note: Data provided is only representative of students who had a reported ACT Math score.

2016 Average First-time Freshmen English ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT	Percent At or Above ACT Benchmark (18)
WV Public Two-Year Institutions	1,176	17.9	48.2%
Blue Ridge Community and Technical College	105	18.8	51.4%
BridgeValley Community and Technical College	145	17.3	42.0%
Eastern WV Community and Technical College	16	17.1	37.5%
Mountwest Community and Technical College	98	17.2	38.7%
New River Community and Technical College	117	17.4	50.4%
Pierpont Community and Technical College	165	17.2	40.0%
Southern WV Community and Technical College	197	17.9	50.2%
WV Northern Community College	109	18.1	48.6%
WVU at Parkersburg	224	19.0	58.9%
WV Public Four-Year Institutions	6,036	22.4	81.8%
Bluefield State College	134	19.3	57.4%
Concord University	334	22.0	82.6%
Fairmont State University	601	20.5	73.0%
Glenville State College	240	18.8	58.3%
Marshall University	1,405	22.7	85.1%
Potomac State College of WVU	270	18.7	56.2%
Shepherd University	282	22.0	82.6%
West Liberty University	274	21.1	75.5%
West Virginia State University	236	19.8	64.4%
West Virginia University	2,062	24.5	92.7%
West Virginia University Institute of Technology	198	21.0	77.7%
Grand Total	7,212	21.6	76.3%

Note: Data provided is only representative of students who had a reported ACT English score.

2016 Average First-time Freshmen Science ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT Science Score	Percent At or Above ACT Benchmark (23)
WV Public Two-Year Institutions	1,176	18.9	16.3%
Blue Ridge Community and Technical College	105	19.5	22.8%
BridgeValley Community and Technical College	145	18.6	14.4%
Eastern WV Community and Technical College	16	19.4	31.2%
Mountwest Community and Technical College	98	18.4	11.2%
New River Community and Technical College	117	18.5	12.8%
Pierpont Community and Technical College	165	18.7	12.1%
Southern WV Community and Technical College	197	18.7	15.7%
WV Northern Community College	109	18.8	14.6%
WVU at Parkersburg	224	19.6	21.8%
WV Public Four-Year Institutions	6,036	22.6	49.7%
Bluefield State College	134	20.1	26.1%
Concord University	334	21.8	41.9%
Fairmont State University	601	21.3	33.9%
Glenville State College	240	20.0	27.5%
Marshall University	1,405	22.5	49.4%
Potomac State College of WVU	270	20.4	31.1%
Shepherd University	282	22.2	41.4%
West Liberty University	274	20.9	32.4%
West Virginia State University	236	20.2	24.5%
West Virginia University	2,062	24.4	69.3%
West Virginia University Institute of Technology	198	22.1	42.4%
Grand Total	7,212	22.0	44.3%

Note: Data provided is only representative of students who had a reported ACT Science score.

2016 Average First-time Freshmen Reading ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT	Percent At or Above ACT Benchmark (22)
WV Public Two-Year Institutions	1,176	19.1	26.8%
Blue Ridge Community and Technical College	105	19.7	33.3%
BridgeValley Community and Technical College	145	18.4	22.0%
Eastern WV Community and Technical College	16	18.3	18.7%
Mountwest Community and Technical College	98	19.3	25.5%
New River Community and Technical College	117	18.6	23.9%
Pierpont Community and Technical College	165	18.3	22.4%
Southern WV Community and Technical College	197	19.0	26.9%
WV Northern Community College	109	19.6	28.4%
WVU at Parkersburg	224	20.0	32.1%
WV Public Four-Year Institutions	5,805	23.8	64.5%
Bluefield State College	134	21.1	43.2%
Concord University	334	23.3	63.7%
Fairmont State University	601	22.0	49.9%
Glenville State College	9	20.1	33.3%
Marshall University	1,405	23.9	64.9%
Potomac State College of WVU	270	20.6	41.4%
Shepherd University	282	23.4	60.9%
West Liberty University	274	21.8	49.6%
West Virginia State University	236	20.7	41.1%
West Virginia University	2,062	25.6	78.9%
West Virginia University Institute of Technology	198	22.8	57.5%
Grand Total	6,981	23.0	58.1%

Note: Data provided is only representative of students who had a reported ACT Reading score.

2016 Average First-time Freshmen Composite ACT Scores by County and High School			
		Cohort Size	Average ACT Composite Score
Barbour	Philip Barbour High School	42	22.4
	Total	42	22.4
Berkeley	Hedgesville High School	96	20.9
	Martinsburg Senior High School	93	21.5
	Musselman High School	115	21.7
	Spring Mills High School	83	21.3
	Total	387	21.4
Boone	Scott High School	54	21.2
	Sherman High School	31	20.6
	Van Junior Senior High School	*	*
	Total	*	20.9
Braxton	Braxton County High School	63	21.3
	Total	63	21.3
Brooke	Brooke High School	90	21.5
	Total	90	21.5
Cabell	Cabell Midland High School	222	22.4
	Huntington High School	112	21.5
	Total	334	22.1
Calhoun	Calhoun County Middle High School	16	19.1
	Total	16	19.1
Clay	Clay County High School	50	20.9
	Total	50	20.9
Doddridge	Doddridge County High School	18	21.5
	Total	18	21.5
Fayette	Fayetteville High School	26	19.8
	Meadow Bridge High School	16	21.3
	Midland Trail High School	20	19.6
	Oak Hill High School	73	20.5
	Valley High School	29	19.1
	Total	164	20.1
Gilmer	Gilmer County High School	26	19.7
	Total	26	19.7
Grant	Petersburg High School	44	20.7
	Union Educational Complex	*	*
	Total	*	20.6
Greenbrier	Greenbrier East High School	102	21.4
	Greenbrier West High School	34	18.9

2016 Average First-time Freshmen Composite ACT Scores by County and High School			
		Cohort Size	Average ACT Composite Score
	Total	136	20.8
Hampshire	Hampshire High School	58	20.8
	Total	58	20.8
Hancock	Oak Glen High School	32	22.9
	Weir High School	50	21.3
	Total	82	21.9
Hardy	East Hardy County High School	18	20.3
	Moorefield High School	24	20.5
	Total	42	20.4
Harrison	Bridgeport High School	114	23.2
	Liberty High School	41	21.0
	Lincoln High School	48	20.9
	Robert C. Byrd High School	70	20.9
	South Harrison High School	28	21.6
	Total	301	21.8
Jackson	Ravenswood High School	38	21.3
	Ripley High School	69	21.9
	Total	107	21.7
Jefferson	Jefferson High School	96	22.3
	Washington High School	101	22.5
	Total	197	22.4
Kanawha	Capital High School	106	21.9
	George Washington High School	125	22.7
	Herbert Hoover High School	59	21.7
	Nitro High School	88	22.9
	Riverside High School	89	19.8
	Sissonville High School	58	21.3
	South Charleston High School	83	21.3
	St Albans High School	96	22.0
	Total	704	21.8
Lewis	Lewis County High School	58	21.7
	Total	58	21.7
Lincoln	Lincoln County High School	61	20.2
	Total	61	20.2
Logan	Chapmanville Regional High School	67	19.2
	Logan High School	64	19.2
	Man High School	35	19.9
	Total	166	19.4

2016 Average First-time Freshmen Composite ACT Scores by County and High School			
		Cohort Size	Average ACT Composite Score
Marion	East Fairmont High School	84	21.5
	Fairmont Senior High School	85	21.8
	North Marion High School	62	20.6
	Total	231	21.4
Marshall	Cameron High School	29	20.4
	John Marshall High School	99	21.6
	Total	128	21.3
Mason	Hannan High School	10	19.3
	Point Pleasant High School	65	21.7
	Wahama High School	30	19.9
	Total	105	21.0
McDowell	Mount View High School	29	18.8
	River View High School	30	20.5
	Total	59	19.6
Mercer	Bluefield High School	65	21.2
	Montcalm High School	16	20.3
	Pikeview High School	51	21.0
	Princeton Senior High School	102	21.3
	Total	234	21.1
Mineral	Frankfort High School	58	21.8
	Keyser High School	64	19.9
	Total	122	20.8
Mingo	Mingo Central Comprehensive High School	59	20.6
	Tug Valley High School	25	20.3
	Total	84	20.5
Monongalia	Clay Battelle High School	15	23.3
	Morgantown High School	169	23.6
	University High School	139	23.3
	Total	323	23.4
Monroe	James Monroe High School	34	21.5
	Total	34	21.5
Morgan	Berkeley Springs High School	48	21.4
	Paw Paw High School	*	*
	Total	*	21.2
Nicholas	Nicholas County High School	82	22.1
	Richwood High School	33	21.2
	Total	115	21.9
Ohio	Wheeling Park High School	154	22.1

2016 Average First-time Freshmen Composite ACT Scores by County and High School			
		Cohort Size	Average ACT Composite Score
	Total	154	22.1
Pendleton	Pendleton County High School	23	21.5
	Total	23	21.5
Pleasants	Saint Mary's High School	27	21.2
	Total	27	21.2
Pocahontas	Pocahontas County High School	29	20.8
	Total	29	20.8
Preston	Preston High School	109	21.9
	Total	109	21.9
Putnam	Buffalo Putnam High School	24	20.8
	Hurricane High School	152	23.4
	Poca High School	44	20.6
	Winfield High School	129	22.5
	Total	349	22.6
Raleigh	Independence High School	55	20.1
	Liberty High School	62	21.3
	Shady Spring High School	87	22.8
	Woodrow Wilson High School	125	21.3
	Total	329	21.5
Randolph	Elkins High School	56	21.4
	Pickens High School	*	*
	Tygarts Valley Middle High School	16	21.8
	Total	*	21.4
Ritchie	Ritchie County High School	45	22.2
	Total	45	22.2
Roane	Roane County High School	55	23.2
	Total	55	23.2
Summers	Summers County High School	20	21.7
	Total	20	21.7
Taylor	Grafton High School	49	21.8
	Total	49	21.8
Tucker	Tucker County High School	28	19.8
	Total	28	19.8
Tyler	Tyler Consolidated High School	49	21.2
	Total	49	21.2
Upshur	Buckhannon Upshur High School	50	21.2
	Total	50	21.2
Wayne	Spring Valley High School	123	21.4

2016 Average First-time Freshmen Composite ACT Scores by County and High School			
		Cohort Size	Average ACT Composite Score
	Tolsia High School	23	20.9
	Wayne County High School	58	19.8
	Total	204	20.9
Webster	Webster County High School	39	20.9
	Total	39	20.9
Wetzel	Hundred High School	*	*
	Magnolia High School	62	21.9
	Paden City High School	19	18.1
	Valley High School	23	21.0
	Total	*	21.1
Wirt	Wirt County High School	26	21.4
	Total	26	21.4
Wood	Parkersburg High School	151	22.0
	Parkersburg South High School	151	21.5
	Williamstown High School	49	21.2
	Total	351	21.6
Wyoming	Westside High School	55	20.3
	Wyoming County East High School	34	22.0
	Total	89	20.9
Summary	Public High Schools	6,946	21.5
	Private High Schools	265	23.2
	State Total	7,211	21.6

**In an effort to protect student privacy and balance reporting needs, data have been suppressed in two situations. Private high schools were excluded from county totals and reported in aggregate in the summary total. Many private high schools have low student counts that require most data to be censored. Further, low cell sizes for public high schools have been suppressed in conjunction with county totals when necessary.*

2016 First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School						
		Total Students Enrolled in Fall	Students Enrolled in Dev. Ed. English	Students Enrolled in Dev. Ed. Reading	Students Enrolled in Dev. Ed. Math	Students Enrolled in Any Dev. Ed.
Barbour	Philip Barbour High School	42	7.1%	0.0%	11.9%	14.2%
	Total	42	7.1%	0.0%	11.9%	14.2%
Berkeley	Hedgesville High School	119	9.2%	0.0%	20.1%	21.0%
	Martinsburg Senior High School	120	10.0%	0.0%	26.6%	30.0%
	Musselman High School	137	10.9%	0.0%	19.7%	20.4%
	Spring Mills High School	111	13.5%	0.0%	19.8%	25.2%
	Total	487	10.8%	0.0%	21.5%	24.0%
Boone	Scott High School	58	27.5%	0.0%	32.7%	37.9%
	Sherman High School	34	17.6%	0.0%	35.2%	38.2%
	Van Junior Senior High School	10	50.0%	0.0%	50.0%	70.0%
	Total	102	26.4%	0.0%	35.2%	41.1%
Braxton	Braxton County High School	64	9.3%	0.0%	35.9%	35.9%
	Total	64	9.3%	0.0%	35.9%	35.9%
Brooke	Brooke High School	100	12.0%	0.0%	31.0%	37.0%
	Total	100	12.0%	0.0%	31.0%	37.0%
Cabell	Cabell Midland High School	236	15.6%	4.2%	28.8%	36.4%
	Huntington High School	125	16.8%	5.6%	35.2%	42.4%
	Total	361	16.0%	4.7%	31.0%	38.5%
Calhoun	Calhoun County Middle High School	20	35.0%	0.0%	45.0%	60.0%
	Total	20	35.0%	0.0%	45.0%	60.0%
Clay	Clay County High School	54	18.5%	0.0%	31.4%	38.8%
	Total	54	18.5%	0.0%	31.4%	38.8%
Doddridge	Doddridge County High School	18	5.5%	0.0%	22.2%	27.7%
	Total	18	5.5%	0.0%	22.2%	27.7%
Fayette	Fayetteville High School	27	25.9%	0.0%	37.0%	44.4%
	Meadow Bridge High School	16	18.7%	0.0%	31.2%	37.5%
	Midland Trail High School	26	15.3%	0.0%	46.1%	50.0%
	Oak Hill High School	73	26.0%	2.7%	41.0%	53.4%
	Valley High School	31	35.4%	0.0%	67.7%	70.9%
	Total	173	25.4%	1.1%	45.0%	53.1%
Gilmer	Gilmer County High School	27	22.2%	0.0%	55.5%	59.2%
	Total	27	22.2%	0.0%	55.5%	59.2%
Grant	Petersburg High School	46	32.6%	0.0%	32.6%	43.4%
	Union Educational Complex	*	*	*	*	*
	Total	*	34.0%	0.0%	34.0%	48.0%
Greenbrier	Greenbrier East High School	112	16.0%	0.8%	26.7%	32.1%

2016 First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School						
		Total Students Enrolled in Fall	Students Enrolled in Dev. Ed. English	Students Enrolled in Dev. Ed. Reading	Students Enrolled in Dev. Ed. Math	Students Enrolled in Any Dev. Ed.
	Greenbrier West High School	36	13.8%	0.0%	25.0%	27.7%
	Total	148	15.5%	0.6%	26.3%	31.0%
Hampshire	Hampshire High School	67	26.8%	0.0%	34.3%	38.8%
	Total	67	26.8%	0.0%	34.3%	38.8%
Hancock	Oak Glen High School	36	2.7%	0.0%	13.8%	13.8%
	Weir High School	57	12.2%	0.0%	15.7%	15.7%
	Total	93	8.6%	0.0%	15.0%	15.0%
Hardy	East Hardy County High School	23	21.7%	0.0%	30.4%	34.7%
	Moorefield High School	28	21.4%	0.0%	32.1%	35.7%
	Total	51	21.5%	0.0%	31.3%	35.2%
Harrison	Bridgeport High School	117	1.7%	0.0%	5.1%	6.8%
	Liberty High School	43	4.6%	0.0%	6.9%	6.9%
	Lincoln High School	48	4.1%	0.0%	29.1%	29.1%
	Robert C. Byrd High School	71	1.4%	0.0%	28.1%	28.1%
	South Harrison High School	30	0.0%	0.0%	3.3%	3.3%
	Total	309	2.2%	0.0%	14.2%	14.8%
Jackson	Ravenswood High School	46	13.0%	0.0%	30.4%	32.6%
	Ripley High School	77	11.6%	0.0%	29.8%	32.4%
	Total	123	12.1%	0.0%	30.0%	32.5%
Jefferson	Jefferson High School	145	9.6%	0.0%	11.7%	15.1%
	Washington High School	122	5.7%	0.0%	8.1%	8.1%
	Total	267	7.8%	0.0%	10.1%	11.9%
Kanawha	Capital High School	116	13.7%	0.0%	28.4%	32.7%
	George Washington High School	135	14.0%	0.0%	16.2%	23.7%
	Herbert Hoover High School	65	16.9%	0.0%	33.8%	41.5%
	Nitro High School	92	14.1%	0.0%	17.3%	29.3%
	Riverside High School	99	23.2%	0.0%	45.4%	50.5%
	Sissonville High School	61	21.3%	0.0%	36.0%	39.3%
	South Charleston High School	87	21.8%	0.0%	42.5%	47.1%
	St Albans High School	104	21.1%	0.0%	18.2%	28.8%
	Total	759	17.9%	0.0%	28.4%	35.4%
Lewis	Lewis County High School	63	7.9%	0.0%	23.8%	25.3%
	Total	63	7.9%	0.0%	23.8%	25.3%
Lincoln	Lincoln County High School	75	29.3%	4.0%	42.6%	52.0%
	Total	75	29.3%	4.0%	42.6%	52.0%
Logan	Chapmanville Regional High School	75	38.6%	0.0%	44.0%	56.0%

2016 First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School						
		Total Students Enrolled in Fall	Students Enrolled in Dev. Ed. English	Students Enrolled in Dev. Ed. Reading	Students Enrolled in Dev. Ed. Math	Students Enrolled in Any Dev. Ed.
	Logan High School	75	34.6%	0.0%	50.6%	61.3%
	Man High School	44	45.4%	0.0%	47.7%	68.1%
	Total	194	38.6%	0.0%	47.4%	60.8%
Marion	East Fairmont High School	90	4.4%	0.0%	14.4%	14.4%
	Fairmont Senior High School	92	2.1%	0.0%	9.7%	10.8%
	North Marion High School	64	3.1%	0.0%	14.0%	15.6%
	Total	246	3.2%	0.0%	12.6%	13.4%
Marshall	Cameron High School	33	9.0%	0.0%	36.3%	39.3%
	John Marshall High School	107	14.0%	0.0%	15.8%	21.4%
	Total	140	12.8%	0.0%	20.7%	25.7%
Mason	Hannan High School	13	23.0%	0.0%	38.4%	46.1%
	Point Pleasant High School	68	17.6%	0.0%	23.5%	27.9%
	Wahama High School	31	35.4%	3.2%	61.2%	67.7%
	Total	112	23.2%	0.8%	35.7%	41.0%
McDowell	Mount View High School	31	51.6%	12.9%	54.8%	70.9%
	River View High School	31	22.5%	0.0%	45.1%	48.3%
	Total	62	37.0%	6.4%	50.0%	59.6%
Mercer	Bluefield High School	71	21.1%	9.8%	15.4%	29.5%
	Montcalm High School	17	23.5%	5.8%	41.1%	47.0%
	Pikeview High School	56	26.7%	3.5%	30.3%	41.0%
	Princeton Senior High School	108	21.2%	3.7%	20.3%	31.4%
	Total	252	22.6%	5.5%	22.6%	34.1%
Mineral	Frankfort High School	66	15.1%	0.0%	27.2%	33.3%
	Keyser High School	78	34.6%	0.0%	47.4%	58.9%
	Total	144	25.6%	0.0%	38.1%	47.2%
Mingo	Mingo Central Comprehensive High School	68	29.4%	0.0%	36.7%	51.4%
	Tug Valley High School	32	28.1%	0.0%	34.3%	50.0%
	Total	100	29.0%	0.0%	36.0%	51.0%
Monongalia	Clay Battelle High School	16	0.0%	0.0%	6.2%	6.2%
	Morgantown High School	192	0.5%	0.0%	3.6%	3.6%
	University High School	139	0.7%	0.0%	4.3%	5.0%
	Total	347	0.5%	0.0%	4.0%	4.3%
Monroe	James Monroe High School	37	13.5%	0.0%	35.1%	37.8%
	Total	37	13.5%	0.0%	35.1%	37.8%
Morgan	Berkeley Springs High School	59	10.1%	0.0%	18.6%	22.0%
	Paw Paw High School	*	*	*	*	*

2016 First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School						
		Total Students Enrolled in Fall	Students Enrolled in Dev. Ed. English	Students Enrolled in Dev. Ed. Reading	Students Enrolled in Dev. Ed. Math	Students Enrolled in Any Dev. Ed.
	Total	*	9.0%	0.0%	21.2%	24.2%
Nicholas	Nicholas County High School	83	12.0%	0.0%	30.1%	31.3%
	Richwood High School	34	11.7%	0.0%	32.3%	35.2%
	Total	117	11.9%	0.0%	30.7%	32.4%
Ohio	Wheeling Park High School	173	14.4%	0.0%	15.0%	23.1%
	Total	173	14.4%	0.0%	15.0%	23.1%
Pendleton	Pendleton County High School	28	17.8%	0.0%	25.0%	28.5%
	Total	28	17.8%	0.0%	25.0%	28.5%
Pleasants	St Marys High School	28	7.1%	0.0%	17.8%	17.8%
	Total	28	7.1%	0.0%	17.8%	17.8%
Pocahontas	Pocahontas County High School	30	23.3%	0.0%	33.3%	36.6%
	Total	30	23.3%	0.0%	33.3%	36.6%
Preston	Preston High School	112	5.3%	0.0%	14.2%	16.0%
	Total	112	5.3%	0.0%	14.2%	16.0%
Putnam	Buffalo Putnam High School	24	12.5%	0.0%	41.6%	41.6%
	Hurricane High School	157	14.0%	0.0%	17.8%	23.5%
	Poca High School	47	19.1%	0.0%	42.5%	44.6%
	Winfield High School	131	8.3%	0.0%	20.6%	22.1%
	Total	359	12.5%	0.0%	23.6%	27.0%
Raleigh	Independence High School	57	38.5%	0.0%	38.5%	50.8%
	Liberty High School	62	17.7%	3.2%	33.8%	40.3%
	Shady Spring High School	89	10.1%	1.1%	23.5%	29.2%
	Woodrow Wilson High School	126	21.4%	1.5%	26.9%	35.7%
	Total	334	20.6%	1.4%	29.3%	37.4%
Randolph	Elkins High School	56	3.5%	0.0%	12.5%	14.2%
	Pickens High School	*	*	*	*	*
	Tygart's Valley Middle High School	16	12.5%	0.0%	18.7%	25.0%
	Total	*	5.4%	0.0%	15.0%	17.8%
Ritchie	Ritchie County High School	47	10.6%	0.0%	25.5%	31.9%
	Total	47	10.6%	0.0%	25.5%	31.9%
Roane	Roane County High School	55	10.9%	0.0%	18.1%	23.6%
	Total	55	10.9%	0.0%	18.1%	23.6%
Summers	Summers County High School	21	23.8%	0.0%	33.3%	38.0%
	Total	21	23.8%	0.0%	33.3%	38.0%
Taylor	Grafton High School	52	0.0%	0.0%	15.3%	15.3%
	Total	52	0.0%	0.0%	15.3%	15.3%
Tucker	Tucker County High School	29	13.7%	0.0%	24.1%	31.0%

2016 First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School						
		Total Students Enrolled in Fall	Students Enrolled in Dev. Ed. English	Students Enrolled in Dev. Ed. Reading	Students Enrolled in Dev. Ed. Math	Students Enrolled in Any Dev. Ed.
	Total	29	13.7%	0.0%	24.1%	31.0%
Tyler	Tyler Consolidated High School	50	6.0%	0.0%	34.0%	36.0%
	Total	50	6.0%	0.0%	34.0%	36.0%
Upshur	Buckhannon Upshur High School	56	10.7%	0.0%	26.7%	26.7%
	Total	56	10.7%	0.0%	26.7%	26.7%
Wayne	Spring Valley High School	130	21.5%	1.5%	42.3%	46.9%
	Tolsia High School	27	25.9%	0.0%	51.8%	59.2%
	Wayne County High School	63	22.2%	7.9%	52.3%	53.9%
	Total	220	22.2%	3.1%	46.3%	50.4%
Webster	Webster County High School	40	12.5%	0.0%	40.0%	40.0%
	Total	40	12.5%	0.0%	40.0%	40.0%
Wetzel	Hundred High School	10	10.0%	0.0%	20.0%	30.0%
	Magnolia High School	66	10.6%	0.0%	28.7%	28.7%
	Paden City High School	20	30.0%	0.0%	40.0%	55.0%
	Valley High School	25	8.0%	0.0%	36.0%	36.0%
	Total	121	13.2%	0.0%	31.4%	34.7%
Wirt	Wirt County High School	28	10.7%	0.0%	39.2%	42.8%
	Total	28	10.7%	0.0%	39.2%	42.8%
Wood	Parkersburg High School	163	13.4%	0.0%	28.2%	29.4%
	Parkersburg South High School	168	17.2%	0.0%	29.1%	33.3%
	Williamstown High School	53	20.7%	0.0%	39.6%	43.3%
	Total	384	16.1%	0.0%	30.2%	33.0%
Wyoming	Westside High School	61	29.5%	0.0%	44.2%	47.5%
	Wyoming County East High School	45	15.5%	0.0%	40.0%	44.4%
	Total	106	23.5%	0.0%	42.4%	46.2%
Summary	State Totals	7,898	14.9%	0.6%	26.0%	30.8%
	Public High Schools	7,619	15.2%	0.7%	26.6%	31.5%
	Private High Schools	279	5.3%	0.0%	11.1%	12.9%

**In an effort to protect student privacy and balance reporting needs, data have been suppressed in two situations. Private high schools were excluded from county totals and reported in aggregate in the summary total. Many private high schools have low student counts that require most data to be censored. Further, low cell sizes for public high schools have been suppressed in conjunction with county totals when necessary.*



West Virginia
Higher Education
Policy Commission



**Report to the Legislative Oversight Commission
on Education Accountability**

January 8, 2018

**Report on Course Credit Transfer
(§18B-14-2)**



Michael J. Farrell, Esq.
Chair

Paul L. Hill, Ph.D.
Chancellor

West Virginia Higher Education Policy Commission
West Virginia Community and Technical College System

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Robert L. Brown
Chair

Sarah Armstrong Tucker, Ph.D.
Chancellor

MEMORANDUM

TO: Legislative Oversight Commission on Education Accountability

FROM: Corley F. Dennison, III, Vice Chancellor for Academic Affairs

DATE: December 4, 2017

RE: Report on Course Credit Transfer

In 2015, the West Virginia Legislature passed and the Governor signed HB2867 requiring comprehensive course transfer and articulation among West Virginia's institutions of higher education.

In any given year, between 1,900 and 3,000 students transfer within the West Virginia public higher education system. The largest percentage of transfers are between public institutions. In 2016, only 331 students transferred between the public and the private/for-profit sector. That is a significant decline of 852 transfers from private/for-profits in 2012 and represents a continual decline in such transfers over the past four years. This phenomenon may be explained by the closure of Mountain State University in 2012 and those students fully articulating to other institutions.

Transfers are also down among the public institutions. In 2015, there were 905 transfers between the public four-year institutions and 1,037 transfers between two- and four-year public institutions. That represents a 19.8 percent and 27.5 percent decline respectively. An increase in fall to fall retention rates due to student success efforts for the four-years and a decline in the community and technical college population may explain this development.

Immediately following the effective date of the legislation, April 8, 2015, the Higher Education Policy Commission (HEPC) and the Community and Technical College System of West Virginia (CTCS) held a statewide convening of all public institutions in West Virginia to explain the new law and to establish procedures to be in compliance with the tenants of the new legislation.

A statewide steering committee with representation from public, private, and for-profit was formed and met regularly throughout 2015 and 2016. The Committee worked on a number of protocols for successful implementation of transfer policy and the following language was inserted into Commission and Council procedural rules, Series 17, *Transferability of Credits and Grades at West Virginia Colleges and Universities*:

3.2.a – “Undergraduate level credits and grades earned at any public or private post-secondary institution in West Virginia shall generally be transferable to any other such institution...”

3.2.c – “Institutions shall use a 70 percent standard for determining if the earned course credit is equivalent to the receiving institution’s comparable course. That, if 70 percent of the learning objectives are in alignment, then the receiving institution must accept the course credit.”

3.2.d – “...If requested transfer course credit is not awarded, the receiving institution must provide clear and specific details to the student and sending institution in regard to:

- 3.2.d.1. The changes to the course curriculum needed to achieve 70% alignment;
- 3.2.d.2. Reason(s) that the receiving institution has denied course credit transfer;
- 3.2.d.3. Additional information or actions, if any, to permit the transfer;
- 3.2.d.4. Information about resubmitting a course credit transfer request...
- 3.2.d.5. The institutional process for transfer appeal...”

3.2.e – “Each post-secondary institution, both public and private, shall establish an appeals process for denial of transfer credit...Each institution is required to publish procedures for appeal of denial of transfer credit in all appropriate catalogs and webpages.”

3.2.k – “...the Commission and the Council maintains a core coursework transfer agreement. The core coursework transfer agreement lists the general studies courses at each institution which have been approved for inclusion in the agreement and is updated annually....a student may transfer up to 35 credit hours of [general studies] undergraduate coursework...Any private post-secondary institution that wishes to participate in the core coursework transfer agreement may do so as the agreement is updated annually in the spring of each year...”

The statewide steering committee on transfer is scheduled to meet again in mid-January 2018 to continue work on refining transfer policy between all post-secondary institutions in West Virginia.



West Virginia Higher Education Policy Commission

Report to the Legislative Oversight Commission on Education Accountability

January 8, 2018

**Approval of Legislative Rule
Series 32
Tuition and Fee Policy**



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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WEST VIRGINIA SECRETARY OF STATE

**FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Higher Education Policy Commission**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-**

RULE NAME **Tuition and Fee Policy** **32**

CITE AUTHORITY **18B-1-6**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Wednesday, December 20, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Dr. Paul L. Hill
Chancellor
WV Higher Education Policy Commission
1018 Kanawha Boulevard, East
Charleston, WV 25301**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-32



Rule Id: 16673³³



Document: 50008



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**FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Higher Education Policy Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-32**
RULE NAME **Tuition and Fee Policy**

CITE AUTHORITY **18B-1-6**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Proposed revisions align the rule with recent legislative changes enacted by HB 2815.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-32



Rule Id: 16673³⁴



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FORM 11 – FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Higher Education Policy Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-32**
RULE NAME **Tuition and Fee Policy**

CITE AUTHORITY **18B-1-6**

PRIMARY CONTACT

Cindy L. Anderson
WV Higher Education Policy Commission
1018 Kanawha Boulevard, East
Charleston , WV 25301

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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-32**
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CITE AUTHORITY **18B-1-6**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

N/A

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CITE AUTHORITY **18B-1-6**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

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Title-Series: 133-32



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AGENCY **Higher Education Policy Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-32**
RULE NAME **Tuition and Fee Policy**

CITE AUTHORITY **18B-1-6**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

N/A

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-32



Rule Id: 16673³⁸



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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-32**
RULE NAME **Tuition and Fee Policy**

CITE AUTHORITY **18B-1-6**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND/OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-32



Rule Id: 16673³⁹



Document: 50008

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 32
TUITION AND FEE POLICY

§133-32-1. General.

1.1. Scope. This rule establishes the policy for the assessment of tuition and fees at West Virginia undergraduate public institutions of higher education.

1.2. Authority. West Virginia Code §18B-1-6 and §18B-10-1(d).

1.3. Filing Date. – ~~June 4, 2012.~~

1.4. Effective Date. – ~~June 4, 2012.~~

1.5. Sunset Date. This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§133-32-2. Definitions.

2.1. Auxiliary Fees. Charges levied to all students to support auxiliary enterprises or optional charges levied only on students using the auxiliary service. Auxiliary fees include charges other than sales from entities that exist predominantly to furnish goods or services to students, faculty or staff such as residence halls, faculty and staff housing, food services, intercollegiate athletics, student unions, bookstores, parking and other service centers. Sales include revenue from merchandise and tickets, short term rental of space or equipment and sales of services to the general public.

2.2. Capital Fees. Charges levied on students to support debt service, capital projects and facilities maintenance and renewal. Capital Fees are divided into two categories, Education and General Capital Fees and Auxiliary Capital Fees. Education and General Capital Fees support instruction, research, academic support, student services, institutional support, operation and maintenance of plant, and scholarships and fellowship programs. Auxiliary Capital Fees support entities that exist predominantly to furnish goods or services to students, faculty or staff such as residence halls, faculty and staff housing, food services, intercollegiate athletics, student unions, bookstores, parking and other service centers.

2.3. Tuition and Required Educational and General Fees. Charges levied on all students of that class or category to support educational and general program services or optional charges levied for education and general services collected only from students using the service or from students for whom the services are made available. Educational and general expenditures include instruction, research, academic support, student services, institutional support, operation and maintenance of plant and scholarships and fellowships. Education and general expenditures do not include expenditures for auxiliary enterprises or independent operations. An institution may create a category within Tuition and Required Education and General Fees named Tuition to classify a fee or group of fees charged for instructional services.

2.4. Exempted Schools. The exempted schools are West Virginia University, including West Virginia University Potomac State College and West Virginia University Institute of Technology; Marshall University; and the West Virginia School of Osteopathic Medicine.

2.45. Full Cost of Instruction. Full cost of instruction includes the direct functional expenditures from

each institution's audit for both instruction and student services expenditures.

2.56. Higher Education Price Index (HEPI). Inflation index designed specifically to track the main cost drivers in higher education and to measure the change in the price of the goods and services purchased by colleges and universities as measured by the Commonfund Institute.

2.67. Median Family Income. Median household income is household income which the U.S. Census Bureau gathers and reports annually from data gathered by various surveys. Median is the statistical center of all reported households income and is presumed to be a better gauge of income as opposed to average family income.

2.78. Peer. A higher education institution located in another state that is similar to a West Virginia college or university.

2.89. Special Fee. Operational charges or user fees charged to offset the specific costs for providing these services. These fees include, but are not limited to, course, lab, parking, late payments, drug testing, instrument fees, and other services provided to students. Charging students these fees allows financial aid to be used as a form of payment for qualifying students. These fees do not include sales of merchandise and tickets, short-term rental of space or equipment and sales or services to the general public.

§133-32-3. Goals.

3.1. The West Virginia Higher Education Policy Commission (Commission) seeks to achieve the following goals and objectives with its tuition rule:

3.1.a. To establish equity in the determination of tuition and fees charged to students.

3.1.b. To foster goals related to program completion for West Virginia students.

3.1.c. To promote the future economic welfare of the state through an increased output of degree holders in West Virginia.

3.1.d. To establish tuition and fee rates that will provide for the most efficient blend of governmental, private, and student revenues based upon institutional mission, location, and student demographics.

§133-32-4. Tuition and Fee Adjustments.

4.1. Objectives. The Commission, in partnership with the institutional governing boards, shall enhance education opportunities for the widest range of state citizens:

4.1.a. By establishing tuition and fee levels for in-state students that do not inhibit access to public education nor cause students to incur excessive debt; ~~West Virginia~~-Code §18B-1D-3(a)(2)(B)(i); and

4.1.b. By establishing tuition and fee rates for out-of-state students at levels which, at a minimum, cover the full cost of instruction unless doing so is inconsistent with a clearly delineated public policy goal established by the Legislature or the Commission. ~~West Virginia~~-Code §18B-1D-3(a)(2)(B)(ii).

4.2. Approval of Tuition and Required Fee Adjustments.

4.2.a. Approval Guidelines. A governing board may approve auxiliary, tuition and required education and general, and capital fee increases for resident students each fiscal year of up to ~~five~~ ten

percent collectively. Auxiliary, tuition and required education and general and capital fee increases above five percent collectively. Over any three-year rolling period, the cumulative increase may not exceed seven percent per year. The cumulative increase is calculated by averaging the proposed increase with the increase for the immediate two previous years. Except for mandatory auxiliary fees authorized by the Boards of Governors of exempted schools, auxiliary, tuition and required education and general and capital fee increases above ten percent collectively must be approved by the Commission. Governing boards are not required to approve sales prices. Tuition and fee increases for online courses are not subject to approval by the Commission. Programmed fee increases constituted as part of pre-existing institutional bond obligations/covenants shall be excluded from annual fee increase calculations.

~~A fee used solely for the purpose of complying with the athletic provisions of 20 U.S.C. 1681, et seq., known as Title IX of the Education Amendment of 1972, is exempt from the limitations on fee increases set forth in this subsection for three years from June 10, 2011.~~

4.2.a.1. For the purposes of this rule, calculation of ~~five percent~~ the increases shall be based on all required tuition and fee rates charged to all West Virginia resident students.

4.2.a.2. Tuition increases related to fee simplification proposals that result in an expense neutral change for an in-state student shall not be counted toward the ~~five~~ ten percent allowance exempt from Commission approval.

4.2.b. In establishing guidelines, the Commission shall communicate annually by February 28 to institutions benchmarks and guidelines for consideration of any increase above five percent. The benchmarks and guidelines may include, but are not limited to, such items as:

4.2.b.1. The HEPI, or other appropriate inflationary benchmark, which new appropriations to the institution's base budget for the corresponding fiscal year did not offset;

4.2.b.2. Continued achievement of benchmarks in the institutional compact or the master plan for exempted schools;

4.2.b.3. Institution pursuit of the statewide compact for postsecondary education;

4.2.b.4. The per capita income of West Virginia families and their ability to pay for college, statewide and specifically as to the county(ies) in which 75 percent of the institution's in-state students reside;

4.2.b.5. Institutional distance of the sum of appropriations and tuition and fee revenues from peer equity levels as defined by the peer equity model;

4.2.b.6. Institutional and state funding per full-time equivalent student;

4.2.b.7. Most recent three-year history of tuition rates and increases;

4.2.b.8. Total sources of student generated revenue, including special fee and program fee rates; and,

4.2.b.9. Other factors as requested or deemed relevant by the Commission or in response to any new statutory language.

4.2.c. In responding to the guidelines and benchmarks provided by the Commission, each governing board shall provide the Commission with an annual report that details:

4.2.c.1. All tuition and fee rates presently charged and the estimated number of students currently being charged the tuition and fees;

4.2.c.2. The proposed total increase in any tuition and fees for the next fiscal year;

4.2.c.3. The estimated number of students who will be charged the increased tuition and fees; and,

4.2.c.4. The estimated increase in revenue to be generated from the increased tuition and fees.

4.2.d. A governing board shall propose tuition and required fee rates for non-resident students at levels that, at a minimum, cover the average full cost of instruction. Governing boards may submit for approval institutional policies that support a clearly delineated public policy goal established by the Legislature or the Commission, including but not limited to, proposals to increase the total number of graduates from the institution, aid in economic development or to maximize available capacity on campus.

4.2.d.1. Average full cost of instruction is based on the most recent financial statements. The average shall be determined by calculating the cost of instruction and student services per full-time equivalent student. This calculation shall be provided to the institutions annually.

4.2.d.2. Institutional governing boards may choose to set non-resident tuition based on the average institutional full cost of instruction or the average full cost of instruction for the system as a whole.

§133-32-5. Expenditure.

5.1. All tuition and fees collected may only be expended for the statutory purpose under which they were collected.

§133-32-6. Refunds.

6.1. Each governing board must establish a refund policy for students who officially withdraw during a semester that at minimum establishes refunds that complies with the following schedule:

6.1.a. 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;

6.1.b. A student who 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;

6.1.c. 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;

6.1.d. A student who withdraws after completing more than fifty percent (50%) of the term is not entitled to a refund; or

6.2. Each governing board may establish a refund policy for students who officially withdraw during a semester that establishes refunds based upon the same calculations that the United States Department of Education prescribes for the return of Title IV student financial aid funds.

§133-32-7. Deferred Payment Plans.

7.1. Each governing board ~~may establish a policy that provides deferred payment plan for students allowing them to pay their tuition and fees in installments. The deferred payment plan(s) must provide for full payment prior to the end of the academic term. This policy must address:~~ shall permit fee payments to be made in installments over the course of an academic term.

~~7.1.a. The interest rates, if any, that will be charged during the plan.~~

~~7.1.b. The types of installment plans available either institutionally or through a third party provider.~~



West Virginia Higher Education Policy Commission

Report to the Legislative Oversight Commission on Education Accountability

January 8, 2018

**Approval of Legislative Rule
Series 55
Human Resources Administration**



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**FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Higher Education Policy Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Thursday, December 21, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Dr. Paul L. Hill
Chancellor
WV Higher Education Policy Commission
1018 Kanawha Boulevard, East
Charleston, WV 25301

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-55



Rule Id: 16677⁴⁷



Document: 50010



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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

New rule to be promulgated in accordance with recent legislation related to human resources administration.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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Rule Id: 16677⁴⁸



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FORM 11 – FISCAL NOTE FOR PROPOSED RULES (Page 1)

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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

PRIMARY CONTACT

Cindy Anderson
WV Higher Education Policy Commission
1018 Kanawha Boulevard
Charleston , WV 25301

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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

N/A

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-55



Rule Id: 16677⁵⁰



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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-55



Rule Id: 16677⁵¹



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AGENCY **Higher Education Policy Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

N/A

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Title-Series: 133-55



Rule Id: 16677⁵²



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RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND/OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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FORM 12 – BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Higher Education Policy Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **133-55**
RULE NAME **Human Resources Administration**

CITE AUTHORITY **18B-1-6**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Recent legislative changes requires new rule related to human resources administration.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Cindy L Anderson – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-55



Rule Id: 16677⁵⁴



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

**SERIES 55
HUMAN RESOURCES ADMINISTRATION**

§133-55-1. General.

1.1. Scope. This rule establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Higher Education Policy Commission (Commission) and the public higher education institutions in West Virginia under the jurisdiction of the Commission. It also provides guidelines for governing boards relative to decisions pertaining to public higher education employees.

The primary responsibility for implementation rests with the Commission, in consultation with the West Virginia Council for Community and Technical College Education (Council), who shall provide leadership and assistance to the human resources professionals, presidents and boards of governors of each organization to bring about the changes successfully and to support the human resources function of each organization.

1.2. Authority. West Virginia Code §18B-1B-6, §18B-4-2a, §18B-7, §18B-8, §18B-9A and §18B-9B.

1.3. Filing Date.

1.4. Effective Date.

1.5. Sunset Date. This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§133-55-2. Purpose.

2.1. The intent of this rule is to establish human resources policies applicable to public higher education capable of, but not limited to, meeting or assisting the governing boards in the following objectives.

2.1.a. Implementing contemporary programs and practices to reward and incentivize performance and enhance employee engagement;

2.1.b. Providing benefits to the citizens of the State of West Virginia by supporting the public policy agenda as articulated by state policymakers;

2.1.c. Addressing fiscal responsibility by making the best use of scarce resources and promoting fairness, accountability, credibility and transparency (FACT) in personnel decision-making;

2.1.d. Providing for job requirements and performance standards for classified staff positions, with annual job performance evaluations for classified staff and provisions for job performance counseling when appropriate.

2.1.e. Building upon human resources best practices to prevent, reduce, or, wherever possible, eliminate arbitrary and capricious decisions affecting employees of higher education organizations;

2.1.f. Creating stable, self-regulating human resources policies capable of evolving to meet changing needs;

2.1.g. Providing for institutional flexibility with meaningful accountability;

2.1.h. Adhering to federal and state laws, promulgated and adopted rules;

2.1.i. Enhancing the sharing of human resources best practices throughout the state higher education system;

2.1.j. Encouraging organizations to pursue a human resources strategy which provides monetary and non-monetary returns to employees in exchange for their time, talents, and efforts to meet articulated goals, objectives and priorities of the State, the Commission and the organization;

2.1.k. Maximizing the recruitment, motivation and retention of highly qualified employees, promoting satisfaction and engagement of employees with their jobs, promoting job performance and achieving desired results;

2.1.l. Requiring each higher education organization under the jurisdiction of the Commission to achieve full funding of the salary schedule minimum salary levels for classified employees, providing funding is available.

2.1.m. Implementing contemporary programs and practices to reward and incentivize performance and enhance employee engagement.

2.1.n. Developing and implementing a classification and compensation system that is fair, transparent, understandable, easy to administer, self-regulating, and adaptable to meet future goals and priorities.

2.1.o. Providing current, reliable data to governing boards, the Commission, the Council, the Governor and the Legislature to inform the decision-making process of these policymakers.

§133-55-3. Definitions.

3.1. The definitions related to higher education human resources administration are outlined in the attached document, Appendix A.

§133-55-4. Types of Employment and Benefit Eligibility.

4.1. Casual Employee. A casual employee position is a position created to meet business needs for no more than 450 hours in a twelve-month period. Individuals in a casual employee position are not eligible for benefits.

4.2. Full-Time Regular Employee. Any employee in a position created to last a minimum of nine months of a twelve-month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Such an employee is eligible for all applicable benefits of a full-time regular employee,

subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.

4.3. **Part-Time Regular Employee.** An employee in a position created to last less than 1,040 hours during a twelve-month period. Part-time regular positions typically continue from one fiscal year to another. An employee in a part-time regular position is not eligible for benefits.

4.4. **Temporary Employee.** An employee hired into a position expected to last fewer than nine months of a twelve-month period. Temporary employees may be part-time temporary or full-time temporary. A temporary employee is not eligible for benefits.

4.5. Although part-time, casual, temporary and student employees are not eligible for higher education benefit programs, institutions are cautioned to monitor average hours worked per week to identify situations where eligibility for health insurance is triggered and compliance with the federal Affordable Care Act (ACA) is required. No number of ACA eligible periods of part-time, temporary, casual or student employment shall create any presumption of a right to appointment as a full-time or part time regular employee.

4.6. Any employee may elect to enroll and contribute wages to a 403(b) tax deferred retirement savings account. Enrollment is voluntary and 403(b) deferrals are not matched by the employer. Election to defer wages to a retirement savings account shall not create any presumption of a right to appointment as a full-time or part-time regular employee.

§133-55-5. Employee Categories.

5.1. Higher education employees are segmented into one of the following categories or classes. Employees in each category may be full-time or part-time or regular or temporary.

5.1.a. **Classified Employee.** Any regular full-time or regular part-time employee of an organization who does not meet the duties test for exempt status under the provisions of the Fair Labor Standards Act; and is not otherwise a nonclassified employee.

5.1.b. **Faculty Employee.** Faculty employees are appointed at the discretion of the institutional president or designee to support the academic mission of the institution, via teaching, research, public service, and or academic administration. A full time faculty member is an employee appointed to render full time academic service for a full academic year under a nine-month minimum appointment for at least six (6) semester credit hours teaching per semester or the equivalent in teaching, research, public service, and/or administrative responsibilities.

5.1.c. **Nonclassified Employee.** Nonclassified employees, unless otherwise established by action of the organization or institution where employed, serves at the will and pleasure of the organization, which authority may be delegated by act of the governing board or the Commission. To be designated as nonclassified, the employee must meet one or more of the following criteria:

5.1.c.1. Employee holds a direct policy-making position at the department or organization level;

5.1.c.2. Employee reports directly to the president or chief executive officer of the organization;

5.1.c.3. Employee is in a position considered by the chancellor, president or designee to be critical to the organization pursuant to policies or decisions adopted by a governing board;

5.1.c.4. Employee in an information technology-related position which may be defined by policies or decisions adopted by a governing board;

5.1.c.5. Employee hired after July 1, 2017 in a position that meets the duties test for exempt status under the provisions of the Fair Labor Standards Act when hired or anytime thereafter; or

5.1.c.6. An employee in a nonclassified position as of January 1, 2017 who may not meet criteria listed in subsections 5.1.c.1. through 5.1.c.5. of this rule.

5.1.d. Student Employee. An employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. The employee category of “student employee” is for students who work at the institution in jobs or positions that are solely available to students enrolled at the institution, as opposed to the general public. When the student worker is no longer enrolled he/she is no longer eligible to work in the student worker position. A student employee is not eligible for benefits.

§133-55-6. Part-Time and Temporary Employees.

6.1. Institutions are discouraged from hiring parttime employees solely to avoid the payment of benefits or in lieu of fulltime employees and shall provide all classified employees with less than twelve month appointments with the opportunity to accept parttime or fulltime summer employment before new persons are hired for the parttime or fulltime employment, provided the classified employee meets the established position qualifications.

6.2. Change in status. The president or his/her designee will review and make a final determination as to the status or change in status of any employee. Determination of status or change in status means assignment to, or change in the type of employment or the category to which an employee is assigned.

6.3. When the president or his/her designee determines that a part-time regular employee becomes a full-time regular employee, he/she shall credit that employee's previous service toward any calculation of length of service for purposes of this rule and benefit eligibility based upon a prorated comparison against a 1.00 FTE. Previous length of service as temporary, casual, and student employees shall not be credited toward seniority calculations under other sections of this rule or statute.

§133-55-7. Workweek.

7.1. The standard workweek is thirty-seven and one-half hours. The workweek is a regularly recurring period of one hundred sixty-eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods. It begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday.

§133-55-8. Work Schedules.

8.1. Each institution shall establish a policy, with the advice and assistance of staff council and other groups representing classified employees, which shall: address any institutionspecific procedures concerning the use of flexible work schedules, job sharing, and fourday work weeks; discourage temporary, nonemergency changes in an employee's work schedule; and provide a mechanism for changes in, and notification of, changes in work schedules. This policy shall also provide that, where possible, the institution shall provide the employee with reasonable notice of such changes.

§133-55-9. Pay Calculations.

9.1. Base salary is calculated on a thirty-seven and one-half (37 1/2) hour workweek.

9.2. When base salary increases are calculated and rounding is involved, the policy is to round up to the nearest even dollar amount.

9.3. Overtime pay for non-exempt employees is calculated at the rate of one and one-half (1 1/2) times the regular hourly rate, which is the total base salary, plus any incremental pay, divided by 1,950 hours. Overtime does not commence until forty (40) hours have actually been worked within one (1) workweek. Regular hourly pay, also known as "straight time," is paid for work time between thirty-seven and one-half (37 1/2) hours and forty (40) hours in a work week.

9.4. Only actual hours worked are included in calculating overtime. Pay which is received for holidays, annual leave, sick leave, or work release time, as authorized by Series 38, is not counted as working hours for purposes of overtime.

9.5. Annual leave, sick leave and longevity do not accumulate in any part of a month for which an employee is off the payroll on leave without pay or during a terminal leave period. A terminal leave period is that time between the employee's last day of work and his/her last day on the payroll. Longevity continues to accrue for employees absent from work and off the payroll when the absence is due to a work related illness or injury covered by workers compensation, or is due to military service in accordance with applicable federal law.

§133-55-10. Holiday Premium Time Off.

10.1. When a full-time or part-time classified non-exempt employee is required to work on any designated board or institution holiday, that employee at his/her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1 1/2) times the number of hours actually worked. The time off must be used within a six-month period following the holiday.

10.2. When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hourforhour worked basis.

§133-55-11. Compensatory and Overtime Provisions.

11.1. Compensatory time off shall be allowed only to the extent authorized by federal and state law.

11.2. Each institution may offer nonexempt employees compensatory time off in lieu of overtime pay. All hours worked beyond thirty-seven and one-half (37½) hours and up to and including 40 hours are calculated at the employee's regular hourly rate. Pay for time worked beyond 40 hours in a work week are to be calculated at a rate of one and onehalf (1½) times the regular hourly rate.

11.3. A written agreement between the employee and the institution shall exist when the employee chooses compensatory time off in lieu of overtime pay. The written agreement may be modified at the request of either the employee or employer at any time but under no circumstances shall a change in the agreement deny the employee compensatory time heretofore acquired.

11.4. Each institution shall develop an agreement form for compensatory time accumulation in lieu of overtime payment and shall specify the required approval process which must be completed before a nonexempt employee may work beyond thirty-seven and one-half (37½) hours.

11.5. Employees may accumulate up to two hundred forty (240) hours of compensatory time and shall be paid for all hours worked above the maximum accrual.

11.6. Employees in public safety, seasonal work, and/or emergency response categories may accumulate up to four hundred eighty (480) hours and shall be paid for all hours worked above the maximum accrual.

11.7. Compensatory time must be used within one year of accrual. Approval of an employee's request to use accrued compensatory time shall be contingent upon whether it will unduly disrupt the operation of the institutional unit.

11.8. Should an individual's employment be terminated, any unused compensatory time shall be reimbursed as follows:

11.8.a. The average regular rate received by such employee during the first three years of the employee's employment; or,

11.8.b. The final regular rate received by such employee, whichever is higher.

11.9. An employee may not work overtime unless approved in advance per institutional policy.

§133-55-12. Posting of Vacant or New Positions.

12.1. Each institution shall develop a policy for posting of vacant or new positions.

133-55-13. Probationary Period.

13.1. Fulltime regular classified employees shall serve a sixmonth probationary period beginning at the original date of employment.

13.2. At the end the sixmonth probationary period, the employee shall receive a written evaluation of her/his performance and shall be informed as to whether her/his employment will continue beyond the probationary period. As with all positions, continued employment is based on adequate funding, satisfactory performance and adherence to institution rules and regulations.

§133-55-14. Access to Personnel File.

14.1. An employee may have access to his/her personnel file when the employing institution is normally open for business. An employee may examine his/her own file and the contents therein with the following exception:

14.1.a. Materials which were gathered with the employee's prior agreement to forfeit his/her right of access, such as some references.

14.2. A representative of the custodian of records shall be present with the employee during the review. The date, time and location of each review shall be recorded in the personnel file.

14.3. A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A small copy fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documents may not be removed from a personnel file by the employee. An employee may petition at any time for either the removal or addition of documents to his/her own personnel file. The employer may require that employees schedule an appointment to see the personnel file.

§133-55-15. Changes in Name, Address, Number of Dependents and Related Matters.

15.1. It is the exclusive responsibility of each employee to notify all appropriate persons, agencies and parties when record changes occur, including emergency information.

§133-55-16. Employee Performance Evaluations and Merit Increases.

16.1. Organizations shall conduct regular performance evaluations of nonclassified, classified and faculty employees. Each employee shall receive an evaluation of his or her job related performance on an annual basis. The organization shall maintain evidence of employee participation in the evaluation process.

16.2. Each organization shall develop a consistent, objective performance evaluation system and evaluation instrument(s).

16.3. Organizations shall train supervisors in the best practices of conducting employee performance evaluations.

16.4. Supervisors who fail to conduct evaluations of those employees who report to them, according to their organization's policies, may be subject to disciplinary action.

16.5. Higher education organizations may grant merit increases or implement pay for performance programs which are in accordance with state law and the West Virginia Higher Education Compensation Management Program Salary Administration Guidelines.

16.6. Institutions choosing to reward and compensate employees on the basis of merit shall have in place an objective performance management/evaluation system and evaluation instrument that is consistently administered by trained supervisors.

§133-55-17. Continuing Education and Professional Development.

17.1. The Vice Chancellor for Human Resources shall, as requested by organizations, assist with:

17.1.a. Analyzing and determining training needs of organization employees and formulating and developing plans, procedures and programs to meet specific training needs and problems.

17.1.b. Developing, constructing, maintaining and revising training manuals and training aids or supervising development of these materials by outside suppliers.

17.1.c. Planning, conducting, and coordinating management inventories, appraisals, placement, counseling and training.

17.1.d. Coordinating participation by all employees in training programs developed internally or provided by outside contractors.

17.1.e. Administering and analyzing an annual training and development needs survey. The survey may coincide with the completion of the annual performance review process.

17.2. The Commission shall assist organization human resources professionals in applying fair, accountable, credible, transparent, and systematic principles to all human resources functions and shall provide model training programs to organizations upon request for assistance.

17.3. Funds allocated or made available for employee continuing education and development may be used to compensate and pay expenses for employees pursuing additional academic study or training to better equip themselves for their duties.

17.4. Each higher education organization shall establish and operate an employee continuing education and development program under a rule promulgated by the governing board. Funds allocated or made available for employee continuing education and development may be used to compensate and pay expenses for any employees pursuing additional academic study or training to equip themselves better for their duties.

17.5. The organizational rules shall encourage continuing education and staff development and shall require that employees be selected on a nonpartisan basis using fair and meaningful criteria which afford all employees opportunities to enhance their skills and productivity in the workforce of the organization.

17.6. The organizational rules may include reasonable provisions for the continuation or return of any employee receiving the benefits of the education or training, or for reimbursement by the state for expenditures incurred on behalf of the employee.

17.7. Subject to legislative appropriation therefor, the Commission shall promote and facilitate additional, regular, training and professional development for employees engaged in human resources-related activities at all organizations or any appointees to committees based on this rule. The training and professional development:

17.7.a. Shall be developed with emphasis on distance learning, in consideration to limiting travel demands on employees; and

17.7.b. Shall be in addition to and may not supplant the training and professional development regularly provided to any class of employees by each organization

§133-55-18. Classification and Compensation System Established.

18.1. The Commission, in consultation with the Council, does hereby establish and implement the West Virginia Higher Education Compensation Management Program. The program is designed to provide institutional flexibility to manage classification and compensation for all staff jobs in West Virginia higher education. However, the program is the legislatively required system of classification and compensation for classified employees. The program represents current best practices in classification and compensation management for West Virginia higher education employees regardless of the category to which assigned. Market based classification and compensation management is recognized as the appropriate methodology for classifying higher education jobs.

18.2. The Compensation Management Program and supporting component documents to guide in the implementation and administration of the Program were approved by the Commission and Council for implementation effective September 1, 2017. The program documents shall be considered by all institutions under the jurisdiction of the Commission and Council as a model salary administration policy and guidelines. The approved compensation management program includes:

18.2.a. The “West Virginia Higher Education Compensation Philosophy” which outlines the goals, objectives, and strategies of the compensation management system;

18.2.b. The “West Virginia Higher Education Job Classification Guidelines” which assist human resources officers with determining the appropriate classification for jobs;

18.2.c. The “West Virginia Higher Education Employee Salary Schedule” consists of pay grades with pay range spreads and indicates the minimum, midpoint and maximum salary levels for each pay grade; and

18.2.d. The “West Virginia Higher Education Salary Administration Guidelines” which assist human resources officers and institutional administrators in making appropriate pay decisions in a variety of employment situations.

18.3. The West Virginia Higher Education Compensation Management Program is designed to attract, retain, and motivate a highly talented and committed workforce to support the unique missions and goals of public higher education institutions. Competitive pay is a key element in attracting, retaining, motivating and rewarding the type of employees needed to fulfill the missions of West Virginia’s colleges and universities. The goal of Commission, Council and affiliated colleges and universities is to pay competitive salaries by using systems clearly communicated to employees and readily administered by managers.

18.4. In order to fulfill institutional visions, missions and goals, West Virginia higher education institutions must attract and retain highly talented staff. To meet institutional staffing needs and priorities, the compensation system established in support of this goal includes the following objectives:

18.4.a. To provide the flexibility to manage base pay through a simple clear program that is consistent with the Commission, Council, and institutions’ individual strategic and organizational objectives and in accordance with organizational missions, visions, values and financial resources.

18.4.b. To establish and maintain a competitive pay structure based on comparisons to appropriate external labor markets while also considering relative internal worth;

18.4.c. Clearly articulate, through a relevant performance management program adopted by each institution, the relationship between institutional strategy and employee performance, recognition, and rewards;

18.4.d. To ensure that the compensation program and pay are administered strategically, consistently, effectively, efficiently, fairly and equitably both within the institution and statewide in compliance with the “FACT” of Higher Education Human Resources established by the West Virginia Legislature;

18.4.e. To provide a framework for career progression and recognition of high performance;

18.4.f. To reward employees on the basis of work performance;

18.4.g. To establish a compensation policy that is fair, accountable, consistent, transparent and designed to ensure sound stewardship of available compensation funding;

18.4.h. To ensure accountability for compliance with relevant federal and state statutes; and

18.4.i. To establish the principles and processes for regular review of market position and effectiveness of policies.

18.5. Colleges and universities have flexibility to manage compensation within the parameters of the compensation program and salary schedule.

18.6. Colleges and universities may initially manage compensation using across the board, market position goals, or any other method that serves to ensure fair, competitive compensation for employees. Over time, all institutions are encouraged to transition compensation management to a rewards model that compensates employees in line with their skill, effort and outcome contributions.

18.7. The Commission shall ensure that regular market salary analyses are performed to determine how organization compensation for all classes of employees compares to compensation in relevant external markets.

18.8. The Commission, in consultation with the Job Classification Committee (JCC), shall have in place a master classification specification for every classified job title.

18.9. The Commission, in consultation with the JCC, shall develop a Position Description Form/Job Description Form (PDF/JDF) to be used by all organizations to gather data necessary for classification of positions.

18.10. Each organization must ensure that a job description shall exist for every classified job. The job description should be reviewed at least every three years for accuracy by the employee and supervisor. Submission of an updated job description does not constitute a request for a classification review. A formal request must be made pursuant to section eighteen of this rule.

18.11. Neither the employee nor the supervisor shall place duties in the employee's PDF that the employee is not performing, but may be expected to perform in the future.

18.12. Salary adjustments shall be made in accordance with the Salary Administration Guidelines approved by the Commission.

18.13. During the course of its reviews, should the JCC discover the systematic misapplication of the program by an organization, it shall notify the Chancellors, who will take the appropriate action warranted.

18.14. Absent fraud on the behalf of the employee, any overpayment to the employee because of an erroneous classification decision by an organization shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform.

18.15. Recommendations from the Compensation Planning and Review Committee (CPRC) will be considered in agenda items presented to the Commission and the Council and in the legislative reporting process.

18.16. Pursuant to State law, the Commission may not delegate to the JCC or the CPRC the following:

18.16.a. Approval of a classification and compensation rule;

- 18.16.b. Approval of the job classification plan;
- 18.16.c. Approval of the market salary schedule; and
- 18.16.d. Approval of the salary schedule minimums.

§133-55-19. Job Classification Committee.

19.1. The Commission hereby establishes a Job Classification Committee (JCC). The Vice Chancellor for Human Resources shall serve as the Chair of the Job Classification Committee.

19.2. The JCC shall be comprised of four classified employees and six Human Resources professionals, ensuring representation from the Council institutions and the Commission institutions.

19.3. The Chancellor of the West Virginia Higher Education Policy Commission, or designee shall solicit nominations for JCC members from the Advisory Council of Classified Employees (ACCE) and the Chief Human Resources Officers (CHROs).

19.4. JCC members shall be appointed by the Chancellor of the West Virginia Higher Education Policy Commission, with concurrence of the Chancellor of the West Virginia Council for Community and Technical College Education, subject to approval by the Commission and Council.

19.5. An organization may have no more than two members serving on the Committee at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.

19.6. Committee members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

19.7. The Commission shall use an appropriate methodology to classify jobs. The Commission, in consultation with the Council, may adjust the job evaluation plan, including the factors used to classify jobs and their relative values, if necessary.

19.8. Powers and duties of the Job Classification Committee include, but are not limited to, the following:

19.8.a. Providing a system of audit for all master classification specifications to make sure the core responsibilities of positions assigned the titles are accurately reflected;

19.8.b. Recommending a procedure for performing job family reviews;

19.8.c. Modifying and deleting job titles and creating new job titles;

19.8.d. Reviewing and revising job titles to make them consistent among organizations, including adopting consistent title abbreviations;

19.8.e. Determining appropriate career ladders or job levels in each job family and establishing criteria for career progression;

19.8.f. Conducting job family reviews to ensure master classification specifications appropriately reflects duties, responsibilities, minimum requirements and contains appropriate distinguishing characteristics that clearly delineate differences in job titles and support assigned pay grades.

19.8.g. Classifying jobs and placing jobs in pay grades consistent with the classification and compensation program;

19.8.h. Determining when new master classification specifications with assigned pay grades are needed, and;

19.8.j. Hearing job classification appeals prior to commencement of the formal grievance process.

19.8.k. The JCC shall meet monthly if there is business to conduct and also may meet more frequently at the call of the chair, given adequate lead time. A majority of the voting members serving on the Committee at a given time constitutes a quorum for the purpose of conducting business.

§133-55-20. Classification Review Request of Existing Position.

20.1. An incumbent employee or the employee's supervisor may request a classification review when significant changes occur in the principal duties and responsibilities of a position.

20.2. Classification review requests are not to be submitted based on a desire for a salary increase, to reward for job performance, seniority, equity, future tasks, additional duties of the same nature and level of the job held or because an employee's pay is at or near the pay range maximum.

20.3. To initiate the classification review request, the employee and supervisor must complete the position description form (PDF) and a formal request for classification review form. Both must be submitted to the institutional Human Resources Office. The request for review form must include the date and detailed reasons for such request.

20.4. The responsibility for assigning tasks and duties to a position belongs to the supervisor.

20.5. Requests for position reviews also may be initiated by an employee with Human Resources after discussion with the immediate supervisor.

20.6. Classification reviews also may be initiated by the institution's Chief Human Resources Officer or his/her designee after discussion with the immediate supervisor.

20.7. Within forty-five (45) working days from the date of the formal request for review of a job, the institution's Chief Human Resources Officer or his/her designee shall report to the requestor in writing the result of the classification review.

20.8. An organization that fails to complete a review within the specified time shall provide the employee back pay from the date the request for review was received if the review, when completed, produces a reclassification of the position into a job in a higher pay grade.

§133-55-21. Classification Appeals Process.

21.1. In the event that a classified employee disagrees with a classification decision made at the organizational level, he/she may appeal that decision in writing to the Vice Chancellor for Human

Resources for review by the JCC. Filing a classification appeal, however, shall not abridge the rights of a classified employee to file a formal grievance, using the statutory grievance process as set forth in West Virginia Code §6C-2-1 *et seq.*; provided, however, upon the simultaneous filing of a statutory grievance and a classification appeal to the Vice Chancellor for Human Resources by a classified employee, a request may be made, in writing, by the classified employee to hold the grievance in abeyance until the review by the JCC is completed and a classification decision is rendered by the JCC.

21.2. The Classification Appeal Process and timelines are outlined in the West Virginia Higher Education Compensation Management Program “Job Classification Guidelines” approved by the Commission.

21.3. Time limits.

21.3.a. The classified employee shall submit a completed “Classification Appeals Form” to the organization’s Human Resources office within ten (10) working days from the date of receipt of the notice of the organization’s classification decision.

21.3.b. The organization’s human resources staff shall render a decision on the appeal within five (5) working days whether the original decision shall be upheld.

21.3.c. The classified employee shall have five (5) working days from the date of receipt of the notice upholding the original decision of the organization to appeal the action to the Vice Chancellor for Human Resources for submission to the JCC.

21.4. Upon receipt of the classified employee’s appeal of the organization’s decision, the Vice Chancellor for Human Resources shall forward the appeal to the JCC.

21.4.a. The JCC shall review the Classification Appeals Form, the original PDF, and all supporting documentation, submitted by a classified employee to the Human Resources Office.

21.4.b. The JCC may review comparable positions within the organizations.

21.4.c. The JCC shall notify the classified employee, and the organization’s Human Resources Office, of its decision in writing, within twenty (20) working days from the date of receipt of the appeal to the Vice Chancellor for Human Resources. The notification shall specify the effective date should there be any change in status.

22.1. An appeal shall not be considered if based on any of the following reasons:

22.1.a. As a method to obtain a salary increase. The new Compensation Management Program should substantially limit the number of classification review requests. Compensation is not tied to a step on the salary schedule or to years of WV government service of the incumbent employee. Considerations for an increase in compensation are not to be made using the classification review process.

22.1.b. Seniority. An appeal shall not be considered if it is based on the employee’s length of service with the organization or with the state of West Virginia.

22.1.c. Qualifications of the individual incumbent. An appeal shall not be considered if it is based upon the individual classified employee’s qualifications. A classification determination is based upon the duties and responsibilities of the job as well as the minimum requirements necessary to perform the duties and responsibilities of the position.

22.1.d. Anticipated future job responsibilities. An appeal shall not be considered if it is based upon responsibilities that may be included in the job assignment in the future.

22.1.e. Job Performance. An appeal shall not be considered if it is based upon the performance of the incumbent or certain personality traits (e.g., loyalty, dedication, commitment to organization, hardworking, etc.). A classification determination is based upon the level and complexity of the duties and responsibility of the job performed, not the characteristics of the individual holding the position.

22.1.f. Salary within a salary range. An appeal shall not be considered if it is based upon the fact that an employee's salary is close to the maximum of a salary range or the relative position of the salary within the assigned salary range.

22.1.g. Increase in the volume of work. An appeal shall not be considered if it is based on the volume of work rather than the level of responsibilities and complexity of the work.

§133-55-23. Compensation Planning and Review Committee.

23.1. The Commission shall hereby establish and maintain a Compensation Planning and Review Committee (CPRC). The Vice Chancellor for Human Resources shall serve as the Chair of the CPRC.

23.2. The composition of the CPRC shall consist of the Vice Chancellor for Human Resources, the Vice Chancellor for Finance, two members representing the statewide Advisory Council of Classified Employees, one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; two nonclassified representatives, one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; two human resources administrators from institutions under the jurisdiction of the Council, and two human resources administrators from institutions under the jurisdiction of the Commission; and a president from each of the two systems.

23.3. The method for nominating CPRC members shall be representative of all the higher education organizations under the jurisdiction of the Commission or Council and affected constituent groups, including specifically providing for membership selections to be made from nominations from the Advisory Council of Classified Employees, the Chief Human Resources Officers, and the respective bodies representing Commission and Council presidents. The Chancellors, jointly, shall appoint members from nominations made by these affected constituent groups and require approval of the Commission and Council before beginning service.

23.4. An organization may have no more than two members serving on the CPRC at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.

23.5. The CPRC shall manage all aspects of compensation planning and review that the Commission delegates to it, within the provisions of state law.

23.6. CPRC members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

23.7. The CPRC shall meet at least quarterly and at other times at the call of the Chair. A majority of the voting members serving on the CPRC at a given time constitutes a quorum for the purpose of conducting business.

23.8. The CPRC has powers and duties which include, but are not limited to, the following:

23.8.a. Making recommendations for revisions in the system compensation plan, based on existing economic, budgetary and fiscal conditions or on market study data;

23.8.b. Overseeing the annual internal market review;

23.8.c. Meeting at least annually with the JCC to discuss benchmark jobs to be included in salary surveys, results of job family reviews, and assessment of current job titles within the classification system for market matches and other issues as the Vice Chancellor for Human Resources, in consultation with the Chancellors, determines to be appropriate;

23.8.d. Performing other duties as assigned by the Commission or as necessary or expedient to maintain an effective classification and compensation system.

§133-55-24. Salary Structure.

24.1. The Commission and Council shall develop and maintain a market based salary structure and ensure that all organizations under its jurisdiction adhere to state and federal laws and duly promulgated and adopted organization rules.

24.2. The Commission and Council shall jointly use workforce compensation data provided by Workforce West Virginia and other compensation data as is readily available from national recognized sources to establish the appropriate external labor market. The Commission and Council, in consultation with the CPRC, and taking into consideration updated market information, may take any combination of the following actions in regard to the classified market salary structure:

24.2.a. Adjust the salary schedule midpoints and/or number of pay grades;

24.2.b. Adjust the midpoint differentials between pay grades to better reflect market conditions;
or

24.2.c. Adjust the range spread for any pay grade.

24.3. The Commission, in consultation with the Council, may perform an annual review of market salary data to determine how salaries have changed in the external labor market. Based on supporting data derived from that review, the Commission and Council, with input from the CPRC, have the option to adjust the market salary structure to maintain competitiveness and currency with the market.

24.4. The approved market salary structure shall include a midpoint representing the median market value of jobs assigned to each pay grade. The schedule will contain a minimum and maximum salary range for each pay grade.

24.4.a. After July 1, 2019, no organization may compensate a classified employee at a salary rate of less than the minimum of the grade. Upon future annual schedule adjustments, the requirement to pay classified employees no less than minimum of the grade, is subject to available funds.

24.5. The salary of a classified employee working fewer than thirty-seven and one-half hours per week shall be prorated. The organization's salary rule may provide for differential pay for certain classified employees who work different shifts, weekends or holidays.

24.6. Merit increases may be granted if they are in accordance with statute and with duly promulgated rules of the Commission or institution.

§133-55-25. Organizational Rules.

25.1. Each institution shall amend any of its policies/rules to comply with the Commission's rule or rules no later than six months after the effective date of any change in statute or Commission rule or rules, unless a different compliance date is specified within the statute or rule containing the requirements or mandate.

25.2. An institution may not adopt a rule, as mandated by this subsection, until it has consulted with the appropriate employee classes affected by the institution's rule or rule's provisions. At a minimum, consultations with the institutional Classified Employees Council (staff council) and/or the institutional Faculty Senate (faculty senate), as appropriate, shall take place.

25.3. If an institution fails to adopt a rule or rules as mandated by this subsection, the Commission may prohibit it from exercising any flexibility or implementing any discretionary provision relating to human resources contained in statute or in a Commission rule until the organization's rule requirements have been met.

25.4. Unless a governing board exercises the flexibility to create its own classification and compensation program pursuant to Section 26 of this rule, the Chancellor or his or her designee has the authority and the duty to review each institution's comprehensive classification and compensation rule or rules and to recommend changes to the rule or rules to bring them into compliance with Commission rule or rules or legislative and Commission intent. The Chancellor may reject or disapprove any rule or rules, in whole or in part, if he or she determines that it is not in compliance with any rule/rules or if it is inconsistent with Legislative and Commission intent or does not sufficiently address and include measures that foster meaningful accountability of the institution to this rule, its own rules and state law.

§133-55-26. Organizational Flexibility to Adopt Personnel Rules.

26.1. Organizations that provide notice to the Commission may, after consultation with staff council, file a rule or rules to implement provisions of West Virginia Code §18B-7 and §18B-8, and upon the adoption, any rules promulgated by the Commission under the same sections of state law are inapplicable to the organization.

26.2. Any organization that provides notice to the Commission may establish a classification and compensation rule, after consultation with and providing thirty (30) days written notice to the staff council, that incorporates best human resources practices and addresses the areas of organizational accountability, employee classification and compensation, performance evaluation, reductions in force, and development of organizational policies, and upon the adoption the provisions of West Virginia Code §18B-9A and any rule promulgated by the Commission thereto, is inapplicable to the extent it conflicts with the rule promulgated by the organization. Provided, that any rule adopted by an organization shall use the definitions of classified and nonclassified employees established in state law. The rule shall provide for an external review of human resources practices at the organization at least once every five years, relating to compliance with the West Virginia higher education personnel law, including provisions

that staff council have an opportunity to speak with the external auditor before the start of the audit and after its completion.

§133-55-27. Organizational Accountability.

27.1. A major deficiency means an organization has failed to comply with applicable personnel rules of the Commission. The following guidelines exist for correcting deficiencies should any be found:

27.1.a. When a major deficiency is identified, the Commission shall notify the governing board of the institution in writing within forty working days, giving particulars of the deficiency and outlining steps the governing board is required to take to correct the deficiency.

27.1.b. The governing board shall correct the major deficiency within four months and shall notify the Commission when the deficiency has been corrected; however, extensions of this time frame may be requested and granted by the Commission.

27.2. If the governing board fails to correct the major deficiency or fails to notify the Commission that the deficiency has been corrected within a period of four months from the time the governing board receives notification, the Commission may apply sanctions as specified:

27.2.a. Sanctions may include, but are not limited to, suspending new hiring by the organization and prohibiting compensation increases for key administrators who have authority over the areas of major deficiency until the identified deficiencies are corrected.

27.3. To the extent that major deficiencies are identified relative to the Commission central office the sanctions described above shall be applicable.

Appendix A

TITLE 133

LEGISLATIVE RULE

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 55

HUMAN RESOURCES ADMINISTRATION

Definitions

General Definitions.

Definitions in this section are applicable to higher education generally and terms and conditions of employment.

Benefits. Programs that an employer uses to supplement the cash compensation of employees, including but not limited to, health and welfare plans, retirement plans, pay for time not worked (i.e. sick leave, annual leave, holiday pay, etc.) and other employee perquisites.

Chancellor. Chancellor refers to the chief executive officer of the West Virginia Higher Education Policy Commission or the West Virginia Council for Community and Technical College Education, as appropriate.

Compensatory Time and Compensatory Time Off. Hours during which the employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation and for which the employee is compensated at the employee's regular rate of pay.

Exempt Employees. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.

Full Time Equivalency (FTE). The percentage of time for which a position is established, with a full-time position working 1,950 hours per year being 1.00 FTE.

Health and Welfare Benefit Plan. An arrangement which provides any of the following benefits: medical, dental, visual, psychiatric or long-term health care, life insurance, accidental death or dismemberment benefits, disability benefits, or comparable benefits.

Incumbent. An incumbent is an individual person in a position employed at an institution.

Longevity. The total number of years employed at state institutions of higher education and other agencies of state government in West Virginia.

Major Deficiency. When an organization has failed to comply with applicable personnel rules of the Commission.

Meaningful Accountability. Measures that ensure adherence to rules and policies and provides for consequences for non-compliance.

Non-Exempt Employee. An employee who is covered by the Fair Labor Standards Act (FLSA) and is entitled to overtime as outlined in federal and state law.

Organization. Organization means the Commission, the Council, an agency or entity under the respective jurisdiction of the Commission or the Council or a state institution of higher education. Organizations include the following entities individually or collectively -- Bluefield State College; Concord University; Fairmont State University; Glenville State College; Marshall University; Shepherd University; West Liberty University; West Virginia School of Osteopathic Medicine; West Virginia State University; West Virginia University, including Potomac State College and West Virginia University Institute of Technology; Blue Ridge Community and Technical College; BridgeValley Community and Technical College; Eastern West Virginia Community and Technical College; Mountwest Community and Technical College; New River Community and Technical College; Pierpont Community and Technical College; Southern West Virginia Community and Technical College; West Virginia Northern Community College; West Virginia University at Parkersburg; the Office of the Higher Education Policy Commission; the Office of the Council for Community and Technical College Education; and the West Virginia Network for Educational Telecomputing.

President. A chief executive officer of an institution of higher education in West Virginia who reports to the institution's governing board. This term shall be used in this rule to refer to the Chancellor for the

office of the Higher Education Policy Commission and the Director of the West Virginia Network for Educational Telecomputing.

Rehire. Rehire defines an employee who leaves the service of an institution and later applies for and accepts a position offered by the same institution.

Seniority. The total number of months or years employed with the current West Virginia higher education organization employer.

Job Documentation Classification and Compensation.

Definitions in this section are applicable to job documentation, classification and compensation management.

Base salary. The amount or a rate of compensation for a specified position of employment or activity excluding annual experience increment and any other payments or allowances for work or activity unrelated to that specified position of employment.

Base salary adjustment. The amount that a base salary increases within the pay grade to reward performance, to rectify inequities, or to accommodate competitive market conditions.

Benchmark Job. A job that is commonly found and defined, used to make pay comparisons to comparable jobs outside the organization.

Career Ladder. A structured sequence of related, upwardly progressing positions.

Classification System. An organized structure in which ~~classified~~ jobs, job descriptions, job titles, and job analyses are utilized to determine a hierarchy of jobs, career ladders and pay grade assignments.

Compa-Ratio. A measure to assess competitiveness of current salary level to the market (midpoint of the salary structure). Compa-ratio is the short form for Comparative ratio. It measures the ratio of an employee's actual salary (the numerator) to the midpoint of the applicable (the denominator) salary range. To calculate an individual's compa-ratio, divide the base salary by the midpoint of the assigned salary range (pay grade range). See also "salary range penetration".

Compensation. Earnings provided by an employer to an employee for services rendered.

Compensation Philosophy. The guiding principles that ensure that a compensation program supports an organization's culture.

Compensation Strategy. The principles that guide the design, implementation and administration of a compensation program at an organization for the purpose of supporting the organization's mission, vision, goals and objectives.

Compression. The situation encountered when a new employee enters into the organization at or above the pay of someone who is currently in the same role in the organization. It can also exist when you have two jobs in the same job family with someone in the "lower" job earning more than the person in the "higher" job. There are some families in which this may make sense such as software development where a senior developer may appropriately earn more in base than a manager of the function.

Increment. Annual payment to employees based on years of West Virginia state government work experience and earned pursuant to West Virginia Code §5-5-2.

Internal Equity Analysis. A comparative analysis of compensation levels within an organization to determine if a level of compensation is equitable when compared to compensation of other employees who hold similarly situation positions in the same job classification or pay grade who have the same or similar levels of knowledge, skill, experience and performance.

Interim Responsibilities. A significant change in duties and responsibilities of an employee on a temporary basis justifying an interim promotion or upgrade for salary purposes. Such a temporary reassignment shall normally be for no less than four (4) consecutive weeks, no more than twelve (12) consecutive months, and shall only occur when the responsibilities being undertaken by the employee are those of another position that is vacant.

JDXperts. Web based job information and description management software system provided as a shared service to institutions of the Commission and Council. JDXperts is the official depository of institutional job information used for job analysis, institution job description development, master classification specification development and identification of benchmark jobs. Benchmark jobs are used to build and maintain the market based salary structure administered by institutions as part of the higher education employee classification and compensation management program.

Job. The total collection of tasks, duties, and responsibilities assigned to one or more individuals whose work is of the same nature and level.

Job Analysis. A systematic process in which information is collected via a position information form relative to the nature of a specific job, providing documentation and knowledge needed for conducting a job evaluation.

Job Class / Pay Grade. The level to which a job is assigned within a salary structure.

Job Classification/Job Evaluation. A formal process used to evaluate jobs, establish proper pay grades, and slot jobs in pay grades.

Job Classification Committee. A Committee of employee and human resources representatives established by West Virginia Code tasked with evaluating classification appeals and other changes to classified jobs.

Job Description. (Used interchangeably with the phrases institution job description, position job description, incumbent job description): A summary of the essential functions of a job at a particular institution, including the general nature and level of the work performed, a characteristic listing of duties and responsibilities, and the knowledge, skills and abilities necessary to perform the work. Best practices in human resources management support maintaining a current job description for all jobs in the organization, regardless of the employee category assigned to the position incumbent.

Job Family. A series of job titles in an occupational area or group.

Job Specification. See Master Classification Specification

Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of location in the organization, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.

Labor Market. The labor market for compensation is the geographic area, industry, organization size, or organization type from which an organization attracts employees. Market Value refers to how much a particular job would be worth for a specific talent market (industry, size, location, organization type) at a specific or target percentile.

Master Classification Specification/Job Specification. General descriptions of the collective type and kind of work performed by the majority of employees assigned the same job classification. Each master specification will contain a job title, nature of work performed, distinguishing characteristics of the job, and a general description of typical duties and responsibilities performed by positions assigned the title, regardless of the location of the position.

Mid-Point. Midpoint is the middle of a pay range; the midpoint typically aligns to the market value for the job. See “Range Midpoint”

Merit Increases. A discretionary salary increase given to an employee to reward demonstrated achievements in the performance of the duties and responsibilities of a position, as evaluated by criteria established by the organization.

Pay Grade. See Job Class/Pay Grade.

Pay Range Quartile. The four divisions of a pay range. The point between the 2nd and third quartile is the midpoint of the pay range.

Pay Range or Pay Range Spread. Pay range is an expression of the pay for a position assigned to a pay grade in a salary structure that provides the minimum, midpoint and maximum levels of compensation. The range from minimum to maximum, expressed as a percentage, is the pay range spread. The range spread percentage is calculated by subtracting the minimum from the maximum and dividing by the minimum the multiplying by 100.

Pay Structure. See Salary Schedule

Position. A set of duties and responsibilities requiring employment of a single employee at a particular organization.

Position Description Form/Job Description Form (PDF/JDF). A tool used to collect a broad range of job information used in the creation and classification of a new or changed position. A position description form is not required for every employee or job. Formerly referred to as a position information questionnaire.

Promotion. Movement from a position requiring a certain level of skill, effort, and authority into a vacant or newly created classified position assigned to a different job title and a higher pay grade that requires a greater degree of skill, effort, and authority.

Range Midpoint. Midpoint is the middle of a pay range. The midpoint typically aligns to the market value for the job.

Range Penetration/Position in Range. An important compensation metric to consider in conjunction with a compa-ratio. Rather than just being a comparison to one piece of data (the midpoint), range penetration looks at a salary in relation to the whole pay range. Range Penetration is how far an employee has progressed through the pay range. Range penetration = $(\text{Salary} - \text{Range Minimum}) \div (\text{Range Maximum} - \text{Range Minimum})$

Range Minimum) See the Salary Administration Guidelines for more information about range penetration.

Rehire. Rehire defines an employee who leaves the service of an institution and later applies for and accepts a position offer at the same institution.

Salary Benchmarking. The process of market pricing a benchmark job.

Salary Structure/Pay Structure/Salary Schedule. A graphical structure consisting of a series of pay grades and range of pay available for each grade.



West Virginia
Higher Education
Policy Commission



**Report to the Legislative Oversight Commission
on Education Accountability**

January 8, 2018

**West Virginia Higher Education Report Card
(§18B-1D-8)**

REPORT ATTACHED AS SEPARATE DOCUMENT



West Virginia Higher Education Policy Commission

Report to the Legislative Oversight Commission on Education Accountability

January 8, 2018

**West Virginia Health Sciences and Rural Health Report
(§18B-16-9)**

REPORT ATTACHED AS SEPARATE DOCUMENT



West Virginia
Higher Education
Policy Commission



**Report to the Legislative Oversight Commission
on Education Accountability**

January 8, 2018

**Report on Employment Practices
(§18B-7-16)**

West Virginia Higher Education Policy Commission
West Virginia Council for Community and Technical College Education

Study of Employment Practices

Report to the

Legislative Oversight Commission on Education Accountability

January 2018

West Virginia Code §18B-7-16 requires a higher education study to address:

- reductions in force, furloughs, issues of employee seniority and how positions are funded;
- internal preferences for hiring, promoting and transferring classified employees;
- status of employees in positions funded by grants or other external, non-appropriated sources; and
- the appropriate definition and designation of nonclassified employees.

House Bill 2542, passed during the 2017 Legislative Session, addressed the first three topics above. The bill provided Boards of Governors for higher education institutions the flexibility to write rules addressing layoff and furlough, with consideration for seniority, performance and non-appropriated, at-risk funding sources; and how best to address employee hiring promotion and transfer. Boards of Governors are in the process of drafting policy at the institution level using best human resources practices, with support of Commission professional staff and involvement of affected employees.

This report addresses the remaining requirement: to study and determine *“the appropriate definition of a “nonclassified” position, recommending a best practice criteria for designating positions as nonclassified and recommending the appropriate number or ratio of nonclassified positions for Commission and Council organizations”*.

Recommendations:

Commission and Council staff recommends that the West Virginia higher education systems move away from the artificial segmentation of employees as either “classified” or “nonclassified” in favor of a less regulated, more simplified and commonly accepted system of employee categorization. Employees of higher education organizations should be differentiated simply as either “Faculty” or “Staff.” The federal Fair Labor Standards Act is applicable to all higher education positions and further categorizes employees as either “exempt” or “nonexempt” from overtime requirements. This should be the only employee differentiation as is evidenced by the research and findings in preparation of this report.

The professional opinion of Commission and Council staff is that it is not in the strategic best interest of employee relations to maintain these artificial groupings of employees. With the flexibility provided in House Bill 2542, several institutions have designated all non-faculty employees as “nonclassified” thereby eliminating this particular barrier to positive employee relations.

If this recommendation is accepted, staff can have draft legislation prepared for introduction during the 2018 Legislative Session. Proposed legislation will eliminate ineffective statutory requirements imposed on higher education organizations and provide relief from reporting and burdensome regulations

currently in place. Proposed legislation will address issues of employee categorization using best practices identified in the study, including compensation management, employee representation on state advisory councils, Boards of Governors and institutional staff councils.

Study methodology and summaries of specific findings follow. Resource documents are available for review upon request.

Methodology:

In order to accomplish this task the Commission and Council Division of Human Resources looked to higher education systems and large university systems in neighboring states as well as states in the Southern Regional Education Board (SREB) to examine policies on employment status and the establishment and assignment of staff job groups and employment status groups. Specifically, the Division of Human Resources looked at policies from: The University System of Maryland, the University of Tennessee system, the University of Kentucky, the University of Virginia, Virginia Polytechnic Institute and State University, the University of North Carolina system, and the University of Georgia system.

The Division of Human Resources also examined the Pennsylvania State System of Higher Education, the Ohio State University system and the Ohio University system. Due to the large percentage of unionized employees in the states of Pennsylvania and Ohio it was determined that these systems were not sufficiently like the state of West Virginia to draw any solid conclusions about how employees should be grouped. Employees in these states were generally grouped by bargaining unit.

Noted System Findings:

This study found that most higher education systems or large university systems in our region do not segment groups of employees like they are segmented and grouped in West Virginia higher education. The concept of a “classified” employee or “nonclassified” employee is not reflected in the way employees are grouped in these systems. Data shows that these other large higher education systems generally have two groups of regular employees: Staff and Faculty. Staff employees are grouped as “Nonexempt” or “Exempt” based upon the application of the Fair Labor Standards Act, Title 29 United States Code. A summary from each system can be found below:

University System of Maryland: Policy establishes the job groups of “Nonexempt” and “Exempt” for Staff employees based upon the application of the Fair Labor Standards Act for all USM staff positions and job classes. The policy does not apply to Faculty employees.

The University of Tennessee System-wide Policy: Policy creates four employee groups (Regular, Temporary, Student and Friends of the University). Each employee is then assigned to a Subgroup. Subgroups include: Faculty, Staff or Student. Staff is then grouped as either “Nonexempt” or “Exempt” based upon the application of the Fair Labor Standards Act.

University of Kentucky Human Resources Policy and Procedure Number 4.0: Policy states that you are a staff employee if you are not faculty, postdoctoral scholar, resident, clinical fellow, or teaching or research assistant. Staff employees are either regular or temporary. All staff positions are at will. Federal and state law provides that all staff positions are either “Exempt” or “Nonexempt” based on application of the Fair Labor Standards Act.

The University of Virginia and Virginia Tech: Both of these institutions have policies governing University Staff that are the same. Prior to 2006 “classified” employees were an employee group at these institutions, though the term classified was not synonymous to the “classified” employee group in West Virginia higher education. In Virginia, prior to 2006, university employees were “classified” Civil Service employees bound by the rules of the state Civil Service system. In accordance with the *Restructured Higher Educational Financial and Administrative Operations Act of 2005* effective July 1, 2006 each university created a new employee category called “University Staff”.

The new policies of both institutions now state that “All new salaried non-faculty employees, including transfers from other state agencies, hired on or after July 1, 2006 will be *University Staff* employees subject to University HR policies and not subject to the Virginia Personnel Act.” This new act essentially groups staff as either “Faculty or Staff”. The language in the Restructuring Act included a provision that permitted existing classified staff to determine whether or not to remain in a position that is covered by the Virginia Personnel Act, thus remaining subject to the policies and procedures of the Virginia Department of Human Resources policies. Remaining “classified” staff are provided an opportunity to convert to university staff whether through transfers/promotions and/or during the universities enrollment period (at least every two years).

All new non-faculty employees hired after July 1, 2006 are designated as “University Staff”. University staff positions are not subject to the Virginia Personnel Act. Staff are then designated as either “Nonexempt” or “Exempt” based on application of the Fair Labor Standards Act.

University of North Carolina system: Employee categories within this seventeen (17) campus system are grouped much like those in the state of Virginia. All staff employees used to be “Civil Service Classified” employees subject to the policies and procedures of the North Carolina Office of Human Resources, the agency charged with maintaining the state Civil Service system. However, new employees are hired as “University Staff” subject to University Human Resources policies. Obviously there is a trend to move away from the traditional idea of “classified” staff toward a more modern and flexible system of human resources where university staff are governed by policies of the university and positions are delineated by their Fair Labor Standards Act exemption status.

University of Georgia system: The policy regarding employee categories within the University of Georgia system is straightforward. It states, “For the purposes of human resources management, all employees of the University are considered to be grouped in three broad classifications: faculty and administrative officers, exempt staff personnel, and non-exempt staff personnel.

Exempt Staff Personnel- This group consists of those individuals occupying positions exempt from the provisions of the Fair Labor Standards Act (FLSA).”