



MEETING AGENDA

November 17, 2017

Michael J. Farrell, Chair

Jenny Allen

James Dailey

Diane Lewis

Dale Lowther

Andrew Payne

Gayle C. Manchin, Ex-Officio

Steve Paine, Ed.D., Ex-Officio

Robert Brown, Ex-Officio

Paul Hill, Ph.D., Chancellor

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

2000 Union Carbide Drive, South Charleston, West Virginia



Arriving from the EAST on I-64

(after leaving Charleston)

1. At I-64 exit 55, take Ramp (RIGHT) toward Kanawha Turnpike
2. Stay on Kanawha Turnpike [CR-12]
3. After about 0.5 mile, turn LEFT into the West Virginia Regional Technology Park (3300 Kanawha Turnpike)
4. Proceed to Building 2000

Arriving from the WEST on I-64

(approaching Charleston):

1. At I-64 exit 54, turn RIGHT onto Ramp towards US-60 / MacCorkle Ave / South Charleston
2. Keep RIGHT to stay on Ramp towards US-60
3. Bear RIGHT (East) onto US-60 [MacCorkle Ave SW], then immediately turn RIGHT (South-East) onto SR-601 [Jefferson Rd]
4. After 0.5 mile, bear left at the traffic light onto Kanawha Turnpike [CR-12]
5. Continue straight (0.1 mile) through the next traffic light on Kanawha Turnpike
6. After about 0.5 mile, turn RIGHT into the West Virginia Regional Technology Park (3300 Kanawha Turnpike)
7. Proceed to Building 2000

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION MEETING

November 17, 2017 | 9:00 a.m. | West Virginia Regional Technology Park

or by conference call*

AGENDA

I. Call to Order

II. Approval of Minutes (Pages 5 - 14)

III. Chairman's Report

A. Nominating Committee Report and Election of Officers

IV. Chancellor's Report

V. Council of Presidents' Report

VI. Updates from Constituent Groups

A. Advisory Council of Classified Employees

B. Advisory Council of Faculty

C. Advisory Council of Students

VII. Update on Strategic Course Scheduling and Resource Allocation Pilot Project

VIII. Access

A. Approval of Appointment to the Higher Education Student Financial Aid Advisory Board **(Page 15)**

B. Approval of Master of Science in Computer Science **(Pages 16 - 37)**

C. Approval of Bachelor of Science in Cybersecurity **(Pages 38 - 92)**

D. Approval of Revisions to Series 11, Procedural Rule, Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs **(Pages 93 - 105)**

E. Approval of Revisions to Series 22, Procedural Rule, Grade Point Average for Associate and Baccalaureate Degree Students **(Pages 106 - 109)**

F. Report on Textbook Affordability **(Pages 110 - 114)**

IX. Success

A. Fall 2017 Enrollment Report **(Page 115)**

X. Impact

A. Statewide College Access and Success Initiatives Report **(Pages 116 - 118)**

XI. Expansion of the West Virginia Regional Technology Park Board of Directors Membership (Page 119)

- XII. Approval of Appointments to the West Virginia Regional Technology Park Board of Directors (Page 120)**
- XIII. Approval of Revisions to Series 33, Interpretive Rule, Anatomical Board (Pages 121 - 129)**
- XIV. Approval of Revisions to Series 12, Legislative Rule, Capital Project Management (Pages 130 - 164)**
- XV. Approval of the System Capital Development Oversight Policy (Pages 165 - 199)**
- XVI. Approval of Fiscal Year 2018 Capital Project Priorities (Pages 200 - 208)**
- XVII. Approval of Revisions to Series 32, Legislative Rule, Tuition and Fee Policy (Pages 209 - 215)**
- XVIII. Fiscal Year 2017 Consolidated Audit Presentation (Pages 216 - 231)**
- XIX. Approval of Series 55, Legislative Rule, Human Resources Administration (Pages 232 - 255)**
- XX. Possible Executive Session under the Authority of West Virginia Code §6-9A-4**
 - A. Approval of Presidential Contract at West Liberty University
 - B. Approval of Presidential Contract at Fairmont State University
 - C. **Matters involving the investment of public funds and matters which if made public might adversely affect the financial or other interest of the state**
- XXI. Additional Board Action and Comment**
- XXII. Adjournment**

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

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

August 2, 2017

I. Call to Order

Chairman Michael J. Farrell convened a work session of the Higher Education Policy Commission at 3:30 p.m. in the 9th Floor Conference Room at 1018 Kanawha Boulevard, East, Charleston, West Virginia, and by conference call. The following Commission members participated: Anita R. Casey, James W. Dailey, Diane Lewis, Gayle C. Manchin, and Andrew A. Payne. Also in attendance were Chancellor Paul L. Hill and staff, institutional representatives and others.

II. Nominating Committee

Chairman Farrell announced the formation of the Nominating Committee charged with recommending a slate of officers to serve to June 30, 2018. The Committee consists of Commissioners Jenny Allen, Anita Casey, and Gayle Manchin. Their recommendation will be presented at the next Commission meeting.

III. Review of August 11, 2017 Agenda

Commission staff provided a brief overview of the items on the agenda for the August 11, 2017, meeting.

IV. Adjournment

There being no further business, the meeting was adjourned.

Michael J. Farrell, Chairman

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

August 11, 2017

I. Call to Order

Chairman Michael J. Farrell convened a meeting of the Higher Education Policy Commission at 9:00 a.m. in Salon C of the Embassy Suites Hotel, 300 Court Street, Charleston, West Virginia. The following Commissioners were present: Jenny Allen, Diane Lewis, Dale Lowther, Gayle C. Manchin, and Steven L. Paine. Absent were: Robert L. Brown, Anita R. Casey, James W. Dailey, and Andrew A. Payne. Also in attendance were Chancellor Paul L. Hill, institutional presidents, higher education staff, and others.

II. Approval of Minutes

Commissioner Allen moved to approve the minutes of the meetings held on June 14 and June 23, 2017. Commissioner Lewis seconded the motion. Motion passed.

III. Chairman's Report

Chairman Farrell welcomed Commission members and the audience to the meeting. He read resolutions on behalf of Kathy Eddy and John Leon who completed their terms as Commissioners.

Chairman Farrell proceeded to administer the Oath of Office to new Commissioners Diane Lewis and Dale Lowther.

Chairman Farrell gave a brief statement on the state of higher education. He stated that we are at a cross roads in this state where many folks want to stay but cannot or do not know how. With his fellow Commissioners, he wants to turn spotlights onto dark places, make relationships with people who make a difference in our world, inspire each institution and their boards to be part of the team, work on a strategic message that is focused, doable and will achieve what we want. He stated that we do not want to be on the sidelines; we want to be involved in a way that influences the outcome. He believes the institutions not only bring the intellectual power but the will and desire to make a difference. Although they differ in size and composition, they all share the same position where resources are limited and the college-going population has decreased over the years. They need to find new ways to operate better, successfully, and sustain the excellence that each bring to the process. He thanked all for their commitment.

Chairman Farrell invited the Commission's ex-officio members to give their perspective on education. Dr. Paine and Secretary Manchin reported on current projects and initiatives at the State Department of Education and the Department

of Education and the Arts, respectively.

IV. Chancellor's Report

Dr. Paul Hill, Chancellor, welcomed new Commissioners Lewis and Lowther and thanked them for dedicating their time to higher education. He stated that it is an exciting time for the campuses with the start of the fall semester and an overall increase in enrollment. He related Governor Justice's directive for the Commission to initiate a study on how the system will be sustained and strengthened in the future.

Chancellor Hill reported on recent events coordinated by the Commission including the celebration of the Erma Byrd Higher Education 10th anniversary; extensive outreach efforts to support FAFSA completion and financial aid awareness; and the Student Success Summit, organized with the collaboration of the Department of Education. He announced the Chancellor's STEM Speaker Series event featuring WVU Astrophysicist Maura McLaughlin on September 14. In addition, Chancellor Hill provided a briefing on the single audit submission to the U.S. Department of Education. Commissioner Farrell asked that the slides presented by Chancellor Hill be distributed to all institutions.

V. Council of Presidents' Report

Dr. Kendra Boggess, President of Concord University and Chair of the Council of Presidents, welcomed the new Commissioners. She stated that she hopes all presidents will share with them what their campuses have to offer. She reported that in view of the sanctions imposed by the U.S. Department of Education, the institutions have reached out to their students to communicate that they have the funds to cover their financial aid. She added that the presidents plan to work with the legislators in their area to educate them in the mission, accomplishments, and needs of their particular institution.

Chairman Farrell stated that the Commission is interested in holding some of its regular meetings at the different campuses. Chancellor Hill and staff will work with the institutions willing to host a meeting.

VI. Updates from Constituent Groups

A. Advisory Council of Classified Employees

Ms. Terri Wells, Chair of the Advisory Council of Classified Employees, reported that the Council welcomed 13 new members and held a training retreat in July. Ms. Wells shared employee concern over the impact of House Bill 2542, and the setting of new compensation plans at some campuses without appropriate guidelines in place. She expressed the Council's support of the Commission's Human Resources Vice Chancellor and of campus human resources officers during the implementation of the new Compensation Management Program. Ms. Wells shared the Council's intent to monitor

legislative activities related to higher education, in particular those involving classified staff. Chairman Farrell requested that the Council submit monthly reports to the Policy Commission regarding activities and matters of concern to classified employees to facilitate communication with its members.

B. Advisory Council of Faculty

Dr. Marybeth Beller, Vice Chair of the Advisory Council of Faculty, reported that the Council had their annual retreat in July. She stated that the Council met with Senator Mann, Chair of the Senate Education Committee, to express their concern over the possible elimination of programs if HERA (Higher Education Resource Assessment) funds are not restored to the institutional budgets. The Senator requested information on those programs in peril of closing. Dr. Beller stated that each Council member is planning to meet regularly with their campus administrators and area legislators to inform them of issues of importance to their students and institution.

C. Advisory Council of Students

The Council did not present a report.

VII. Access

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

Mr. Brian Weingart, Senior Director of Financial Aid, provided an overview of the proposed appointment.

Commissioner Allen moved approval of the following resolution:

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

Commissioner Paine seconded the motion. Motion passed.

B. Report on Reciprocity Agreements

Dr. Keri Ferro, Director of Statewide Academic Initiatives, reported that in order to provide higher education opportunities at minimum cost to students and to the state, the governing boards are empowered in West Virginia Code §18B-4-3 to establish interstate higher education agreements which waive non-resident tuition and fees. Currently, there are four tuition reciprocity agreements in place involving six West Virginia institutions. Dr. Ferro summarized the agreements.

C. Approval of Science Teacher Certification

Dr. Corley Dennison, Vice Chancellor for Academic Affairs, provided an overview of the proposed program.

Commissioner Manchin moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Science Teacher Certification, within the Bachelor of Arts in Education at Fairmont State University, effective August 2018. This approval expires two years from the date of Commission approval if the program is not fully implemented at that time.

Commissioner Allen seconded the motion. Motion passed.

D. Approval of Master of Science in Sports Studies

Vice Chancellor Dennison provided an overview of the proposed degree program.

Commissioner Allen moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Master of Science in Sports Studies program at West Virginia State University for implementation in fall 2018. This approval expires two years from the date of Commission approval if the program is not fully implemented at that time.

Commissioner Manchin seconded the motion. Motion passed.

E. Approval of Bachelor of Science in Engineering with a Major in Chemical Engineering

Vice Chancellor Dennison provided an overview of the proposed degree program.

Commissioner Manchin moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Bachelor of Science in Engineering with a major in Chemical Engineering program at West Virginia State University for implementation in fall 2018. This approval expires two years from the date of Commission approval if the program is not fully implemented at that time.

Commissioner Lowther seconded the motion. Motion passed.

VIII. Success

A. Report on Master's Degree Programs

Vice Chancellor Dennison reported that in accordance with West Virginia Code §18B-1A-6(g), Concord University, Fairmont State University, Shepherd University, West Liberty University, and West Virginia State University have submitted reports on the viability of master's degree programs at their respective institutions. Dr. Dennison provided the reporting elements, as defined in West Virginia Code, and summary comments on notable developments and achievements in the graduate offerings at each institution, including a chart that lists the number of program enrollees and graduates.

IX. Report on Probation Status of Alderson Broaddus University by the Higher Learning Commission

Vice Chancellor Dennison reported that the Higher Education Policy Commission was informed via letter from the Higher Learning Commission (HLC), dated July 17, 2017, that Alderson Broaddus University has been placed on probation for a period of not more than two years for being out of compliance with Criterion Five, Core Component, 5.A: "The institution's resource base supports its current educational programs and its plans for maintaining and strengthening their quality in the future." The University must submit comprehensive evidence and evaluation no later than December 2018 to demonstrate compliance in all accrediting standards. Dr. Dennison further explained the particulars of the probationary status.

X. Approval of West Virginia Higher Education Compensation Management Program

Ms. Patricia Humphries, Vice Chancellor for Human Resources, provided an overview of the proposed program approval.

Commissioner Paine moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the West Virginia Higher Education Compensation Management Program for implementation September 1, 2017.

Commissioner Lewis seconded the motion. Motion passed.

XI. Review of Institutional Tuition and Fees

Dr. Edward Magee, Vice Chancellor for Finance, reported that West Virginia Code requires the Commission to approve any tuition and fee increase greater than ten percent in any one year or where the increase would be more than seven percent per year, averaged over a rolling three-year period calculated by averaging the proposed increase with the increase for the immediate two previous years. He provided detailed charges for all institutions.

XII. Review of Institutional Operating Budgets and Approval of Fiscal Year 2018 Institutional Capital Budgets

Vice Chancellor Magee provided an overview of the institutional operating and capital budgets.

Commissioner Allen moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2018 institutional capital budgets.

Commissioner Lowther seconded the motion. Motion passed.

Commissioner Lowther mentioned that in the past two years, West Virginia University at Parkersburg has made great strides in solving its financial situation and moving the institution forward. This has allowed the university to give a 2 percent raise to all eligible employees.

XIII. Approval of Fiscal Year 2018 Higher Education Policy Commission Division Operating Budgets and Higher Education Resource Assessment Projects

Vice Chancellor Magee provided an overview of the division operating budgets and projects presented for approval.

Commissioner Lewis moved approval of the following resolution:

Resolved, that the West Virginia Higher Education Policy Commission approves the Fiscal Year 2018 division operating budgets and Higher Education Resource Assessment projects.

Commissioner Lowther seconded the motion. Motion passed.

XIV. Approval of Fiscal Year 2018 WVNET Budget

Mr. Matt Turner, Vice Chancellor for Administration, provided an overview of the proposed budget for WVNET. Ms. Donna Meadowcroft, Chief Financial Officer, described WVNET's expenditures and revenue sources.

Commissioner Paine moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2018 West Virginia Network for Educational Telecomputing budget.

Commissioner Lewis seconded the motion. Motion passed.

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

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

After deliberations, Commissioner Lewis moved to raise from Executive Session. Commissioner Allen seconded the motion. Motion passed.

Chairman Farrell stated that no decisions were made or actions taken during Executive Session.

XVI. Additional Board Action and Comment

There were no additional Board action items or comments for consideration.

XVII. Adjournment

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

Michael J. Farrell, Chairman

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION SPECIAL MEETING

September 25, 2017

I. Call to Order

Chairman Michael Farrell convened a special meeting of the Higher Education Policy Commission at 9:30 a.m. in the 9th Floor Conference Room at 1018 Kanawha Boulevard, East, Charleston, West Virginia, and by conference call. The following Commission members participated: Jenny Allen, Robert L. Brown, Anita R. Casey, James W. Dailey, Michael J. Farrell, Diane Lewis, and Andrew A. Payne. Absent were Commissioners Dale Lowther, Gayle C. Manchin, and Steven L. Paine. Also in attendance were Chancellor Paul L. Hill, administrators, staff members, and consultants.

II. Approval of West Virginia Higher Education Policy Commission Bond Refunding

Dr. Edward Magee, Vice Chancellor for Finance, gave an overview of the proposed bond refunding.

Commissioner Allen moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Eighth Consolidated Supplemental Resolution of the State of West Virginia Higher Education Policy Commission refunding revenue bonds (Higher Education Facilities), Series 2017 as attached hereto. If the final agreement requires additional conditions, they must be presented to the Chancellor who is hereby delegated the authority to approve the final documents.

Further Resolved, That the West Virginia Higher Education Policy Commission approves the resolution authorizing the refunding of all of the outstanding \$78,295,000 State of West Virginia Higher Education Policy Commission Community and Technical Colleges Capital Improvement Revenue Bonds, 2009 Series A, and the issuance of up to \$82,000,000 aggregate principal amount of the State of West Virginia Higher Education Policy Commission Community and Technical College Capital Improvement Refunding Revenue Bonds, Series 2017, authorizing the execution and delivery of other documents and taking of all other actions related to such refunding.

Commissioner Payne seconded the motion. Motion passed.

III. Adjournment

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

Michael J. Farrell, Chairman

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Approval of Appointment to the Higher Education Student Financial Aid Advisory Board

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the appointment of Candance Frazier to the Higher Education Student Financial Aid Advisory Board.

STAFF MEMBER: Brian Weingart

BACKGROUND:

The Higher Education Student Financial Aid Advisory Board is a body statutorily charged to provide financial aid expertise and policy guidance to the Commission and the West Virginia Council for Community and Technical College Education (Council) on matters related to federal, state, and private student financial aid resources and programs.

The Higher Education Student Financial Aid Advisory Board consists of seven members. Three members are appointed by the Commission, two members by the Council, one member by the West Virginia Independent Colleges and Universities, and one member by the West Virginia School Counselor Association. Appointments shall be for three-year terms. Members are eligible to succeed themselves for one additional consecutive term.

The statute provides that members appointed by the Commission and the Council shall possess a broad knowledge of state and federal higher education student financial aid programs and have experience in administering these programs, preferably at the system or campus level.

The Commission approves membership to this Board. Candance Frazier has been recommended to serve a three-year term that ends June 30, 2020. Candance is the Senior Associate Director of Financial Aid at West Virginia University and has served in the financial aid profession for 30 years.

West Virginia Higher Education Policy Commission
Meeting of November 17, 2017

ITEM: Approval of the Master of Science in Computer Science

INSTITUTION: West Virginia State University

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the Master of Science in Computer Science program at West Virginia State University for implementation in fall of 2018. This approval expires two years from the date of Commission approval if the program is not fully implemented at that time.

STAFF MEMBER: Corley Dennison

BACKGROUND:

The Master of Science in Computer Science at West Virginia State University is a 30 credit hour program with a 9 credit hour core and 21 credit hours of approved electives. The program has a thesis and non-thesis option. Upon graduation students shall understand algorithm analysis, computer architecture, parallel and distributed computing theory, and data science. A program director in the College of Natural Science and Mathematics will be responsible for scheduling, assessment and program review while a Computer Science Graduate Committee will oversee admissions, program oversight, and approval of thesis research.

Currently, only Marshall University and West Virginia University offer degrees in computer science at the master's level. The program was approved by the West Virginia State University Board of Governors at its meeting of September 14, 2017. Estimates for job growth in the field, according to the U.S. Bureau of Labor Statistics range from 12 to 17 percent.

Faculty plan to admit at least 6 students in the first year and then anticipate the program to grow to 30 FTE headcount and eight graduates within five years. West Virginia State University administrators are not asking for additional funds to cover the costs of the program. However, library resources are not currently adequate for the program and Title III funds are to be used to cover the purchasing of books, journals, and software.

One classroom is to be converted to a computer lab to meet program needs. West Virginia State University will use current resources to cover that cost.

Faculty credentials are a concern. Currently, the proposed program indicates only one faculty member holds a terminal degree with plans to hire an additional faculty member with terminal credentials in the third year of the program. Commission staff recommend that an additional faculty member with the appropriate terminal degree be hired by fall 2019.

The following is recommended:

- The Master of Science in Computer Science program be approved for implementation in the fall of 2018 with the understanding an additional faculty member with appropriate terminal credentials will be hired by the fall of 2019. Commission staff will review faculty credentials for the proposed program during the fall semester of 2019.
- If the program is not fully implemented by November 2019, the program will no longer be considered approved by the Commission and must be submitted for review and approval
- In the 2021-2022 academic year, the Commission will conduct a post-audit review of the program to assess progress toward successful implementation.

Note, the U.S. Department of Education has placed the State of West Virginia on Heightened Cash Monitoring and on Program Participation Agreement (Provisional Approval) or PPA. West Virginia State University may not add any new degree programs without specific approval from the U.S. Department of Education.



APPROVAL FOR A NEW PROGRAM
MASTER OF SCIENCE IN
COMPUTER SCIENCE

SEPTEMBER 2017

Institution: West Virginia State University

Date: September 1, 2017

Action Required: Approval of new degree program

Title of Degree: Master of Science in Computer Science

Location: West Virginia State University

Effective Date: August 15, 2018

Summary: This proposal is for a new degree program at West Virginia State University:
A Master of Science in Computer Science.

§1. Introduction

§§ 1.1 Contents of the Proposal

This document contains the proposal for a master's degree in computer science at West Virginia State University (WVSU). Following this introductory section, and except for the appendices, the parts of the document are numbered to correspond to sub-item numbers HEPC Procedural Rule Title 133, Series 11. Section 32 contains the description of the proposed program, including the objectives, CIP identification code, catalog description and outcomes. Section 3 discusses "Program Need and Justification" and includes data on existing programs in West Virginia as well on projected employment opportunities for graduates of this program. Section 4, along with Appendix A (Forms 1 and 2), contains information on "Program Implementation and Projected Resource Requirements." Section 5 discusses the evaluation procedures for the proposed program. Finally, Appendix B contains (tentative) course descriptions for the new courses needed for the program.

§2 Program Description

§§ 2.1 Program Objectives

The general objectives of this program are:

- Provide students with an advanced understanding of those concepts of computer science, which will enable them to adapt to and function in any current computing environment.
- Allow students with a WVSU bachelor's degree in computer science to easily continue their studies to obtain a master's degree.
- Allow area information technology and computer science professionals to obtain advanced training in the discipline.

In support of the general objectives, the specific objectives of the program are:

1. Further students' understanding of algorithm analysis, computer architecture and the theory of computing.
2. Teach students parallel and distributed computing theory and application.
3. Explore modern areas of computing, such as machine learning and data science.
4. Provide opportunities for research in computer science.

§§2.2 Program Identification

The proposed CIP code for this degree is 11.0701 – Computer Science: "A general program that focuses on computers, computing problems and solutions, and the design of computer systems and user interfaces from a scientific perspective. Includes instruction in the principles of computational science, and computing theory; computer hardware design; computer development and programming; and applications to a variety of end-use situations." (Source:

National Center for Education Statistics, U.S. Department of Education, *Classification of Instructional Programs (CIP 2000)*, on the Internet at <http://nces.ed.gov/pubs2002/cip2000/ciplist.asp?CIP2=11> (visited August 28, 2017).)

§§2.3 Program Features

§§§ 2.3.1 Admissions and Performance Standards

Admissions: To be admitted to this program, the student must satisfy these requirements:

1. Have an undergraduate degree in computer science or a closely related discipline;
2. Submit scores for the GRE General Test totaling at least 295 for the Verbal Reasoning and Quantitative Reasoning sections, with at least a score of 149 on the Quantitative Reasoning section;
3. For international students for whom English is not their primary language, a minimum TOEFL score of 60 or a minimum IELTS score of 5.0;
4. Two letters of recommendation;
5. Approval of the Computer Science Graduate Committee.

Students lacking some of the above requirements may be granted conditional admission by the Computer Science Graduate Committee.

Performance: To receive this degree, the student must satisfy the standard University requirements for graduation (Source: West Virginia State University *2016-2017 Catalog*):

1. A quality point average of 3.00 (average of “B”) on all work attempted with the exception of courses with grades of “P”, “K”, “W”, “WP” and “AUD.”
2. A cumulative average of 3.00 in major courses.
3. Completion of the total number of hours required in the curriculum elected.
4. The necessary residence requirement for a degree.
5. Payment of all outstanding financial obligations to the University.
6. Participation in Commencement.

§§§ 2.3.2 Program Requirements

The catalog description for this program:

Master of Science in Computer Science

A. Thesis option

30 hours required for graduation.

Core – 9 hours

CS 605*; CS 610*; CS 515*

Electives – 15 hours

CS 530*, CS 540*, CS 645*, CS 510*, CS 611*, CS 612*, CS 613*, CS 615*, CS 609*, CS 505*, CS 599, CS 697*, CS 597*.

Thesis – 6 hours
CS 699

B. Non-thesis option

36 hours required for graduation.

Core – 9 hours
CS 605*; CS 610*; CS 515*

Electives – 21 hours
CS 530*, CS 540*, CS 645*, CS 510*, CS 611*, CS 612*, CS 613*, CS 615*, CS 609*, CS 505*, CS 599*, CS 697*, CS 597*.

New Courses (see Appendix B for descriptions)

- CS 505 (2 credits) Library Research
- CS 510 (3 credits) Advanced Operating Systems
- CS 515 (3 credits) Theory of Computation
- CS 530 (3 credits) Advanced Database Management Systems
- CS 540 (3 credits) Network Programming
- CS 597 (1-3 credits) Internship
- CS 599 (1-4 credits) Special Topics
- CS 605 (3 credits) Analysis of Algorithms
- CS 609 (3 credits) Advanced Software Engineering
- CS 610 (3 credits) Advanced Computer Architecture
- CS 611 (3 credits) Computer Security
- CS 612 (3 credits) Parallel and Distributed Computing
- CS 613 (3 credits) Computer Graphics
- CS 615 (3 credits) Machine Learning and Data Mining
- CS 645 (3 credits) Real-Time Embedded Systems
- CS 697 (1-3 credits) Directed Student Research
- CS 699 (1-9 credits) Thesis Preparation

§§2.4 Program Outcomes

Upon completion of the program, students will be able to:

1. Demonstrate an understanding of concepts of computer architecture, operating systems and programming.
2. Solve computing problems using mathematical principles, computational theory and algorithmic principles.
3. Given program specifications, implement well-designed and well-tested computer programs.
4. Demonstrate knowledge of current technologies, protocols, applications and tools for computing practice.

5. Communicate effectively to both users and practitioners of computing.
6. Work both collaboratively and independently on computing projects.

Based on these outcomes, we expect our graduates to have the skills necessary to succeed in today's world and the basic skills needed for lifelong learning to continue succeeding in tomorrow's world. At a more specific level, we would expect students to be able to compete successfully for more senior system administration and programming jobs.

§3. Program Need and Justification

§§3.1 Relationship to Institutional Goals/Objectives

At West Virginia State University, "Our mission is to meet higher education and economic development needs of the state and region through innovative teaching and applied research." (*WVSU Mission Statement*). As computer science is one of the engines of the new economy, a computer science program at WVSU will produce graduates well prepared to find employment and will attract companies looking for technologically skilled workers to the state.

Further evidence on the suitability of this program for WVSU may be found in the *West Virginia State University Vision 2020*. Goal II (p. 15):

Develop new and reconfigure existing academic programs to be responsive to student, stakeholder and community needs.

Strategy C under this goal states is "Expand Master of Science (MS) and/or Master of Arts (MA) offerings at the University with at least one in STEAM by 2020." (STEAM stands for Science, Technology, Engineering, Agriculture and Mathematics.)

A master's degree program in computer science undoubtedly contributes towards achieving this goal. Furthermore, as discussed below in §§3.5, computer science is one of the fastest growing employment areas in the country. Finally, computer science is emblematic of "high-tech industry."

§§3.2 Existing Programs

Only Marshall University and West Virginia University among the universities in West Virginia have a Master of Science in Computer Science degree program. It should be pointed out that, as the table below shows, the specific kind of computer science program WVSU plans to offer (as categorized by the CIP code), will be different from all other programs except those at West Virginia University. It should also be noted that many of the computer science programs at other institutions are actually Management Information System programs, an area more closely related to business administration than computer science.

Table 1: Baccalaureate Computer Science Programs in West Virginia

Institution	Institution Type	CIP Code(s)	Description
Marshall University	Public	11.0401	Information Systems
		11.1099	Technology Management
		11.0701	Computer Science
West Virginia University	Public	11.0903	Software Engineering
		11.0701	Computer Science

Special features of West Virginia State University that make it desirable for such a program are:

- WVSU is a historically black university, and, hence, has always had a mission to educate minorities and other underrepresented populations.
- WVSU is the largest undergraduate university in the Charleston metropolitan area and thus is conveniently located for computer professionals in the area who wish to continue their education.

§§2.3 Program Planning and Development

Formal development of this proposal began in fall 2016. The Intent to Plan was approved by the WVSU Board of Governors on March 6, 2017, and by HEPC Chancellor Paul L. Hill on April 20, 2017. Work on the actual proposal began in August 2017.

§§2.4 Clientele and Need

The expected clientele for this program will mainly come from graduates of the B.S. in Computer Science at WVSU, which includes;

- Minorities;
- Underrepresented populations;
- Non-traditional students,
- Students who are first in their families to attend college.

This will also include workers who want more advanced training in computer science.

The needs that will be met by this program may be broken down into *societal*, *occupational*, *educational* and *public service* needs. The societal needs met would include:

- providing an educated citizenry;
- preparing students to enter the workforce;
- providing continuing education or retraining to current workers;
- preparing people to deal with technological change caused by the continuing massive infusion of computing into society; and
- increasing economic development in the service area of WVSU by attracting companies looking for a well-educated, technologically-skilled workforce.

In regards to occupational needs, the *Occupational Outlook Handbook* from the U.S. Bureau of Labor Statistics states (Computer and Information Technology category):

Employment of computer and information technology occupations is projected to grow 12 percent from 2014 to 2024.

Certain computer occupations are expected to grow even faster, such as software developers, for which jobs are expected to grow 17 percent from 2014 to 2024.

Furthermore, for the Computer and Information Technology category:

These occupations are expected to add about 488,500 new jobs, from about 3.9 million jobs to about 4.4 million jobs from 2014 to 2024, in part due to a greater emphasis on cloud computing, the collection and storage of big data, more everyday items becoming connected to the Internet in what is commonly referred to as the “Internet of Things,” and the continued demand for mobile computing.

This suggests the need for qualified computer professionals, which this program would produce.

Note that these jobs have a median salary of \$82,860, which is higher than the median salary for all occupations.

The main research need expected to be met by this program would be to provide technical infrastructure support to the institutional land-grant activities.

Finally, the two main public service needs met by this program would be;

- Educating the citizens of West Virginia,
- Serving as a source of technical expertise.

It is difficult to estimate student demand for a program that does not exist, but anecdotal evidence from students currently working towards an undergraduate degree at WVSU suggests that many would be interested in continuing their studies at the graduate level to obtain a M.S. in Computer Science. A brief, informal survey of students and faculty/staff of WVSU was conducted. The actual data can be found in Table 2 below, but the significant results are that 100 percent of the computer science majors (B.S.) surveyed said they wished to continue on and earn a M.S. degree in Computer Science while 71 percent of the Applied Math Majors (B.S.) surveyed indicated they would like to pursue a M.S. degree in computer science. In addition, there is also demand for a M.S. degree in Computer Science from students in other majors and from faculty/staffs as well. As seen in in Table 2, 13 students from other majors and five faculty/staff members indicated that they wanted a M.S. degree in Computer Science. It is also noticed in Table 2 that among all people surveyed who want a M.S. degree in Computer Science, 69 percent prefer a traditional degree program while 31 percent prefer an online degree program.

Table 2: Survey of Students and Faculty/Staffs of WVSU

Major	Number Surveyed	Number Who Want a M.S. in Computer Science	Number Who Don't Want a M.S. in Computer Science	Number Who Prefer a Traditional Program	Number Who Prefer an online Program
Business – Management Information Systems (B.S.)	5	4	0	1	3
Computer Science (B.S.)	31	31	0	26	5
Mathematics – (B.S.)	7	5	1	5	0
Other major (B.S. or M.S.)	56	13	5	6	7
None of the above (Faculty/Staff included)	13	5	8	2	3
Total:	112	58	14	40	18

§§3.5 Employment Opportunities

Detailed figures on employment growth in computer science:

	2014	2024		
	Employment	Employment	Percent change	Employment change
Computer occupations	1,011.8	1,257.8	24.3	246.0
Computer and information research scientists	4.7	5.7	21.2	1.0
Computer and information analysts	177.7	237.4	33.6	59.7
Computer systems analysts	155.8	207.7	33.3	51.9
Information security analysts	21.9	29.7	35.7	7.8
Software developers and programmers	528.9	629.1	18.9	100.2
Computer programmers	126.1	99.3	-21.2	-26.8

Software developers, applications	243.6	318.8	30.9	75.3
Software developers, systems software	129.4	169.4	30.9	40.0
Web developers	29.8	41.5	39.4	11.7
Database and systems administrators and network architects	118.3	150.3	27.1	32.0
Database administrators	18.3	23.0	26.0	4.8
Network and computer systems administrators	62.5	81.9	30.9	19.3
Computer network architects	37.5	45.4	21.2	7.9
Computer support specialists	154.4	201.5	30.5	47.1
Computer user support specialists	118.7	158.2	33.3	39.5
Computer network support specialists	35.7	43.3	21.2	7.6
Computer occupations, all other	27.8	33.7	21.2	5.9

Source: Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook* (visited August 23, 2017).

A brief survey in August 2017 of job postings on the Internet suitable for graduates of this proposed program found listings for 15 jobs in the Charleston area and more than 1,000 listings nationwide.

§§3.6 Program Impact

We expect that mainly the B.S. in Computer Science will be affected by the proposed program, though there may also be some effect on the B.S. in Business Administration – Management Information Systems option.

The B.S. in Computer Science is a rapidly growing degree program at WVSU. The M.S. in Computer Science program would not negatively affect this program, since they draw from different populations, and may in fact aid it in recruiting by attracting students interested in both undergraduate and graduate level computer science and by allowing undergraduates to enroll in some of the graduate courses, increasing the course options for the B.S. in Computer Science.

§§4.7 Cooperative Arrangements

The initial cooperative arrangements would include sharing of equipment and computer labs and classrooms used by the B.S. in Computer Science at WVSU.

As the program develops, we would explore further opportunities for collaborative activities, such as:

- Encouraging students to participate in internships through WVSU's Cooperative Education Office.
- Creating a cooperative arrangement with WVU and/or Marshall University to increase the possible course offerings for our students by allowing them to take courses from faculty at those universities either by distance learning or on-site.

§§4.8 Alternatives to Program Development

No alternatives were considered.

§4. Program Implementation and Projected Resource Requirements

§§4.1 Program Administration

Initially, the program will have a director responsible for scheduling, assessment, program review, etc. and a Computer Science Graduate Committee responsible for admission to the program, oversight and approval of thesis research and the thesis itself, and program development.

§§4.2 Program Projections

See Appendix A, Form 1.

§§4.3 Faculty Instructional Requirements

Currently WVSU has one faculty member with a terminal degree in computer science. We would anticipate hiring one to two more such faculty as the program develops.

§§4.4 Library Resources and Instructional Materials

Given the need for students in a graduate program, particularly for those doing research, to have access to current developments in their discipline, the library holdings at WVSU related to computer science will need to be significantly increased. This will entail purchasing an institutional memberships in the Association for Computing Machinery and the IEEE Computer Society (these memberships will include subscriptions to these organizations' print and electronic journals), as well as acquiring up-to-date books and subscribing to other journals. However, we would not try to accomplish this all at once, but rather would try to build up the library to an accreditable level over several years. The acquisition of selected texts and membership in the ACM and the IEEE Computer Society would be an immediate goal. Subscription to other journals would wait until a second faculty member with a terminal degree in computer science was hired.

§§4.5 Support Service Requirements

We anticipate needing to convert an existing classroom to a computer lab/computer classroom to provide instructional space needed by the program.

§§4.6 Facilities Requirements

As noted in §§4.5 an existing classroom will probably need to be renovated.

§§4.7 Operating Resource Requirements

See Appendix A, Form 2.

§§4.8 Source of Operating Resources

The source for most the projected operating resources needed for this program will be the re-allocation of current institutional resources. In particular, we expect current faculty to be used for teaching and administration of the program during its first three years, with a new faculty person added in the fourth year. Expenses such as repairs and equipment that we have assumed the program will immediately have are actually an accounting division of expenses currently borne by the Mathematics Department.

Additional funds will be needed as the program grows for library resources (see §§4.4 above) and computer hardware and software. The funds for these items will probably come out of Title III grants, though some of the software will be available under WVSU's site license for Microsoft products at no additional cost and free software will be used when appropriate.

§5. Program Evaluation

§§5.1 Evaluation Procedures

In a technical program such as computer science, assessment occurs continuously, based on how students perform. However, for purposes of data collection, some specific assessment mechanisms will be used:

1. An initial assessment test (to be written by program faculty) will be administered to all students in one of the core classes. This will provide the program with data on incoming students abilities.
2. All students will create a portfolio of their important projects and other materials as they progress through the program, to be submitted to the Computer Science Graduate Committee upon completion. Rubrics will be developed for scoring this portfolio for assessment purposes.
3. Students pursuing the thesis option of this program will, of course, submit and defend a research thesis as part of their graduation requirements. Rubrics will be developed for scoring this thesis for assessment purposes.
4. This program will be part of the standard review process for programs at West Virginia State University. As part of this process, quantitative data on majors, graduates, courses taught, etc. will be generated and recorded.

§§5.2 Accreditation Status

The standard accrediting agency for computer science programs is the Accreditation Board for Engineering and Technology, Inc., 111 Market Place, Suite 1050, Baltimore, MD 21202. However, this agency is primarily concerned with accrediting undergraduate programs in engineering and technology. Hence, specialized outside accreditation of this program will not be available, though it will fall under WVSU's general accreditation by the Higher Learning Commission.

Appendix A

Title 133, Form 1:

Five Year Projection of Program Size

	First Year (2018)	Second Year (2019)	Third Year (2020)	Fourth Year (2021)	Fifth Year (2022)
Number of Students Served through Course Offerings of the Program:					
Headcount	6	16	23	30	30
FTE	5	15	21	28	28
Number of student credit hours generated by courses within the program (entire academic year)	90	270	378	504	504
Number of Majors:					
Headcount	6	16	22	27	27
FTE majors	5	15	20	25	25
Number of student credit hours generated by majors in the program (entire academic year):	90	270	360	450	450
Number of degrees to be granted (annual total):	0	3	10	12	17

Method for predicting the numbers:

Number of Students Served Through Course Offerings of the Program

Headcount: The figure for 2018 is based on the survey data of current WVSU students (see Table 2, *supra*). For the following years, we assume that the program attracts an additional 1-5 students each year to the courses.

FTE: Assumed to be headcount minus one or two students.

Number of student credit hours: Each computer science course is three credit hours, full-time is 9 credit hours per semester, so this figure is 18 times FTE.

Number of Majors

Headcount: The figure for 2018 is based on the survey data of current WVSU students (see Table 2, *supra*). For the following years, we assume that the program attracts an additional one to five students each year to the courses.

FTE Majors: Again, assumed to be headcount minus one or two students.

Number of student credit hours: Again, 18 times FTE.

Number of degrees granted: For 2018 (the first year of the program), we assume no student has completed the two-year program, so there are no graduates. For the second year, we conservatively assume one student has completed the program. Thereafter, we assume the program continues growing and by the fifth year, increased enrollment in the program leads to eight students graduating.

Revised per Commission request.

Title 133, Form 2:

**Five Year Projection of
Total Operating Resources Requirements**

	First Year (2018)	Second Year (2019)	Third Year (2020)	Fourth Year (2021)	Fifth Year (2022)
A. FTE Positions					
1. Administrators	0	0.25	0.25	0.25	0.25
2. Full-time Faculty	1	1.75	1.75	1.75	1.75
3. Adjunct Faculty	0	0	0	0	0
4. Graduate Assistants	0	0	2	4	4
5. Other Personnel:					
a. Clerical Workers	0	0	0	0	0
b. Professionals	0	0	0	0	0
Note: Includes percentage of time of current personnel					
B. Operating Costs (Appropriated Funds Only)					
1. Personnel Services:					
a. Administrators	0	20,000	20,000	20,000	20,000
b. Full-time Faculty	80,000	140,000	140,000	140,000	140,000
c. Adjunct Faculty	0	0	0	0	0
d. Graduate Assistants	0	0	5000	10,000	10,000
e. Non-Academic Personnel					
Clerical Workers	0	0	0	0	0
Professionals	0	0	0	0	0
Total Salaries	80,000	160,000	165,000	170,000	170,000
2. Current Expenses	0	500	500	500	500
3. Repairs and Alterations	500	500	500	500	500
4. Equipment:					
Educational Equipment	1,000	1,000	1,000	1,000	1,000
Library Books	2,000	2,000	2,000	2,000	2,000
5. Nonrecurring Expense (specify)	1,000	1,000	1,000	1,000	1,000
Total Costs	84,500	165,000	170,000	175,000	175,000

**Five Year Projection of
Total Operating Resources Requirements**

	First Year (2018)	Second Year (2019)	Third Year (2020)	Fourth Year (2021)	Fifth Year (2022)
C. Sources					
1. General Fund Appropriations (Appropriated Funds Only)	81,500	161,500	160,000	165,500	165,500
X Reallocation <u> X </u> New funds					
2. Federal Government (Non-appropriated Funds Only)	3,000	3,500	10,000	10,000	10,000
3. Private and Other (specify)	0	0	0	0	0
Total All Sources	84,500	165,000	170,000	175,000	175,000

Method for predicting the numbers:

FTE Positions

Administrators: We assumed the current math chair and CS program director will do the administrative work for the program for the first year, then in 2nd year a faculty person will be hired with an appropriate terminal degree in computer science who will take over the administrative duties for the Master's degree program, which will take approximately 25% of his/her time.

Full-time faculty: We assumed that for the first year that the current full-time CS faculty member will teach graduate computer courses. In the 2nd year the new faculty member mentioned above will spend 75% of the time teaching graduate computer courses.

Adjunct faculty: We assumed that no adjunct faculty will be used by the program.

Graduate assistants: We assumed that no graduate assistants will be used for graduate CS courses, but will be used for undergraduate courses.

Other personnel: We assumed that clerical support will be provided by existing staff within the Mathematics & Computer Science department where the program will be housed.

Operating Costs

Personnel Services: We assumed the annual cost (salary and benefits) to be \$80,000 for a fulltime faculty member.

Current expenses: Since current faculty are being used for the first year, there will be no added expenses in this initial year. In the second year with a new faculty member, we assume extra expense for office supplies, etc.

Repairs and Alterations: The program will assume its share of these expenses immediately.

Educational Equipment: The program will assume its share of these expenses immediately.

Library Books: We assume the standard WVSU book acquisition budget for programs of approximately \$1,000 per year plus an extra \$1,000 per year to upgrade the library to an accreditable level.

Nonrecurring Expenses: The program will assume its share of these expenses immediately.

Sources

We assume the expenses for Educational Equipment, nonrecurring expenses and one-half of the library books will be paid out of Title III funds, while the other expenses will be paid by reallocating current funds, the reasoning being that in the first three years, current faculty are used while in the fourth year a new computer science faculty person is hired as a new position.

Appendix B

New Course Descriptions

- **CS 505 (2 credits) Library Research**
Extensive library research techniques in a particular Computer Science area. Staff assigns a topic and supervises the project. A maximum of two credits of CS 505 may be counted toward a Master's in Computer Science.
- **CS 510 (3 credits) Advanced Operating Systems**
Advanced topics in operating systems, such as: multi-tasking, synchronization mechanisms, distributed system architecture, client-server models, distributed mutual exclusion and concurrency control, agreement protocols, load balancing, failure recovery, fault tolerance, cryptography, multiprocessor operating systems.
- **CS 515 (3 credits) Theory of Computation**
Finite automata theory, including determinism vs. nondeterminism, regular expressions, non-regular languages, and algorithms for finite automata. Context free languages including grammars, parsing, and properties. Turing machines and their functions. Undecidability. Computational complexity, including the classes P and NP.
- **CS 530 (3 credits) Advanced Database Management Systems**
Transaction management; query processing and optimization; organization of database systems, advanced indexing, multi-dimensional data, similarity-based analysis, performance evaluation, new database applications.
- **CS 540 (3 credits) Network Programming**
Socket and client-server programming, remote procedure calls, data compression standards and techniques, real-time protocols (e.g: chat, etc, web-related programming (CGI, Java/JavaScript, HTTP, etc.,) network management (SNMP-based management, dynamic/CORBA-based management).
- **CS 597 (1-3 credits) Internship**
Participation in private corporations, public agencies or non-profit institutions. Students will be required to have a faculty coordinator as well as a contact in the outside organization, to participate with them in regular consultations on the project, and to submit a final report to both. On completion of internship, the outside contact should provide the faculty coordinator with a letter evaluating student's performance during the internship period. At most three credits can be accepted towards the M.S. degree.
- **CS 599 (1-4 credits) Special Topics**

An in-depth study of special topics proposed by members of the Computer Science graduate faculty. Open to graduate students.

- CS 605 (3 credits) Analysis of Algorithms
Techniques for designing efficient algorithms, including choice of data structures, recursion, branch and bound, divide and conquer, and dynamic programming. Complexity analysis of searching, sorting, matrix multiplication, and graph algorithms. Standard NP-complete problems and polynomial transformation techniques.
- CS 609 (3 credits) Advanced Software Engineering
Advanced design methods including formal methods, component-based design, design with patterns and frameworks, and architectural-based designs. Modern software processes such as Extreme Programming and Cleanroom software development. Issues and problems associated with large-scale software project failures and techniques for preventing them.
- CS 610 (3 credits) Advanced Computer Architecture
Design methodology; processor design; computer arithmetic: algorithms for addition, multiplication, floating point arithmetic; microprogrammed control; memory organization; introduction to parallel architectures.
- CS 611 (3 credits) Computer Security
Principles and practice of Computer Network Security. Cryptography, authentication protocols, public key infrastructures, IP/www/E-commerce security, firewalls, VPN, and intrusion detection.
- CS 612 (3 credits) Parallel and Distributed Computing
General concepts in the design and implementation of parallel and distributed systems, covering all the major branches such as Cloud Computing, Grid Computing, Cluster Computing, Supercomputing, and Many-core Computing.
- CS 613 (3 credits) Computer Graphics
Graphics hardware; graphics primitives; two-dimensional and three-dimensional viewing; basic modeling, input and display devices, data structures, architectures, primitives, and geometrical transformations appropriate to computer graphics.
- CS 615 (3 credits) Machine Learning and Data Mining
Fundamentals of machine learning including rote learning, learning from examples, learning from observations, and learning by analogy; knowledge acquisition for expert systems. Information processing techniques and mathematical tools to assemble, access, and analyze data for decision support and knowledge discovery.
- CS 645 (3 credits) Real-Time Embedded Systems

An overview of the unique concepts and techniques needed to design and implement computer systems having real-time response requirements in an embedded environment. It contrasts the concepts and techniques of real time and embedded systems with those of more traditional computer systems. Topics include: Basic concepts of real time and embedded systems, hardware features, programming languages, real time operating systems, synchronization techniques, performance optimization and current trends in real time and embedded systems such as incorporating internet connectivity.

- CS 697 (1-3 credits) Directed Student Research
An independent research topic designed by the student with the assistance of a graduate faculty advisor who supervises the project. The topic should be acceptable to the advisor and the chair. Limited to specific problems in the Computer Science field. A maximum of three credits of CS 697 may be counted toward a Master's in Computer Science. Variable contact hours.
- CS 699 (1-9 credits) Thesis Preparation
An independent research project designed by the student with assistance from the Thesis advisor and acceptable to the Thesis committee. Variable contact hours. Course is graded pass/fail only.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Approval of Bachelor of Science in Cybersecurity

INSTITUTION: Valley College

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Valley College to begin offering bachelor degree programs with the implementation of the Bachelor of Science in Cybersecurity for implementation in fall of 2018. This approval expires two years from the date of Commission approval if the program is not fully implemented at that time.

STAFF MEMBER: Corley Dennison

BACKGROUND:

West Virginia Council for Community and Technical College Education, Legislative Rule, Series 35, Business, Occupational and Trade Schools, Section 5, Approval to Offer Degrees, Section 5.1 reads:

“All schools planning to offer a degree at the specialized associate’s, associate’s degree or higher, must seek approval from the Council and/or the West Virginia Higher Education Policy Commission prior to offering the degree.”

Valley College plans to offer a Bachelor of Science in Cybersecurity as an online degree from its Martinsburg campus. The 120 credit-hour degree has a 36 hour general education core and 84 credit hours in software, hardware, and programming courses. The curriculum also includes related courses such as business ethics, introduction to cyber-crime, cyber-law, and evaluating emerging technologies.

The school currently offers an Occupational Associate of Science in Cybersecurity with approximately 230 students and capacity for 300 students. Enrollment estimates anticipate an additional 50 students to be enrolled in the bachelor’s program within the first 12 months of implementation.

Plans are to hire a program head with a master’s degree who will complete the hiring process for the faculty. Valley College has two online technical support specialists and three online student success coaches currently in place for the associate’s degree

program. Campus administrators anticipate the specialists can handle the caseload for the bachelor's program. Valley College is accredited by the Accrediting Commission of Career Schools and Colleges (ACCSC). Instructors at the bachelor's level at ACCSC schools are required to have a master's degree with a minimum of 15 credit hours in related subject areas.

Section 5.2 of Council Series 35, Business, Occupational and Trade Schools reads:

“Once a school is approved to offer the degree, that school is subject to annual reauthorization as provided in Legislative Rule, Title 135, (Council) or 133 (Commission), Series 52, Annual Reauthorization of Degree Granting Institutions.”

ACCSC requires state authorization prior to granting approval for the degree. Therefore, it is recommended to approve Valley College to offer the bachelor's degree in Cybersecurity with the following provisos:

- Approval is to be withdrawn if ACCSC does not grant approval of the program.
- Approval is to be withdrawn if the program is not fully implemented two years from the date of Commission approval.
- A majority of instructors at the bachelor's level of the program are to have at least master's degrees in a related field.
- The program must remain in good standing with ACCSC and with the U.S. Department of Education.

With approval of this program, the Commission authorizes Valley College to confer the bachelor's degree in West Virginia. Valley College agrees to maintain academic rigor and follow best academic practices including properly credentialed faculty, relevant and stimulating curriculum, quality student support services, and valid assessment procedures.

Commission staff will monitor program implementation and progress through the annual reauthorization process.

October 20, 2017

Mark W. Stotler
Director of Academic Programming
West Virginia Higher Education Policy Commission/
Council for Community and Technical College Education
1018 Kanawha Blvd., E. Suite 700
Charleston, WV 25301

Re: Valley College-Martinsburg
Updated Application for Authorization to Offer Bachelor Degree Level Program
Cybersecurity Program Bachelor of Science

Dear Dr. Stotler:

This submission is our updated response to your request, dated May 31, 2016. The revision to our original Updated Application for Authorization to Offer Bachelor Degree Level Program –Cybersecurity Program submitted to the Council on July 13, 2016 is due to the recent 5-year grant of accreditation received by Valley College from the Accrediting Commission of Career Schools and Colleges (“ACCSC”). This updated submission provides documentation to support the offering of Bachelor's degrees at Valley College and addresses the following areas:

- **Accreditation:** Describe ACCSC policies regarding offering Bachelor degrees and the process for obtaining ACCSC approval.
- **Mission:** Describe how the institutional mission accommodates the offering of Bachelor degrees and provide evidence that the institutional governing board has approved the offering degrees at the bachelor level.
- **Institutional organization, administration and delivery sites:** Identify the individuals who will have oversight of the Bachelor programs and describe any changes to the Administrative structure of the college. Describe program delivery methods and identify all sites where the program will be offered.
- **Academic Programs:** Identify the Bachelor programs proposed to be offered and include the curriculum for each program, including program hours. Describe any general education requirements of ACCSC and indicate how these requirements are met through the proposed curricula. Describe specific learning resources and support services that will be required for the proposed programs and how the college will provide for them. Items to be considered may include, but not be limited to: library resources, laboratories and academic advising
- **Admission policies:** Describe any specific admission policies related to the proposed Bachelor programs.

- **Financial resources:** Describe the institution's ability to provide adequate resources to support the proposed Bachelor programs. Demonstrate that the college has adequate financial resources to meet the following: maintenance of any specific facilities; staff and faculty payroll; books, supplies and other equipment utilized by the students; and general operating costs including materials for marketing and advertising.
- **Faculty credentials:** Provide evidence that each full-time and part-time faculty member holds appropriate academic credentials for the Bachelor program in which the faculty member will teach.

Please note that our enclosed supporting documentation is for only one campus, Valley College-Martinsburg in which we have consolidated all Online operations for optimum efficiency, quality management and student outcomes.

If you have any questions, please contact me at mstafford@valley.edu or (304) 263-0979.

Sincerely,



Margaret Stafford
Compliance Director

Enclosures

- I. **Question: Accreditation: Describe ACCSC policies regarding offering Bachelor degrees and the process for obtaining ACCSC approval.**

ACCSC POLICIES

As stated in the ACCSC Standards of Accreditation effective July 1, 2017, the policies for Baccalaureate Degree are as follows:

Section II (C) (3) - Program Requirements:

Baccalaureate Degrees:

- a. A baccalaureate degree program must be designed and offered in a way that appropriately balances distinct types of education and training (i.e., technical and occupationally related courses and academic general education courses) and distinct levels of education and training (i.e., lower level and upper level courses), and must include a comprehensive curriculum with appropriate coursework to achieve the program objectives.*
- b. A baccalaureate degree program must be a minimum of 120 semester hours or 180 quarter hours. Baccalaureate degree programs may not exceed by more than 50% the minimum number of credit hours required to confer the degree by the appropriate regulatory agency in the state(s) in which the school operates. If such minimums have not been established, then generally accepted practices in higher education shall apply.*
- c. A baccalaureate degree program shall include a minimum of 30 semester hours or 45 quarter hours in academic general education courses. A baccalaureate degree program must include academic general education courses in written communication, oral communication, and quantitative principles. The remainder of the required academic general education courses must provide an appropriate balance of natural and physical sciences; social and behavioral sciences; and humanities and fine arts that are designed to develop essential academic skills for enhanced and continued learning.*
- d. A baccalaureate degree program shall include a minimum of 60 semester credit hours or 90 quarter credit hours that represent courses in the occupational field for which the degree is awarded. Within those occupationally related courses, a school may offer one or more concentrations, which provide a focused area of training and establish specialized learning experiences beyond the generalist level. Concentrations must consist of 18-24 semester credit hours (27-36 quarter credit hours) of occupationally specialized course work of which, at a minimum, nine semester credit hours (13.5 quarter credit hours) represent upper level coursework.*
- e. A school may offer a baccalaureate degree completion program where only upper level courses (i.e., 300 and 400 level) are required. A baccalaureate degree completion program must be comprised of a minimum of 60 semester hours or 90 quarter hours of upper level coursework. In order to have a baccalaureate degree completion program approved, the school must require a student to have an earned associate, or higher level, degree from an accredited postsecondary educational institution that is related to the educational program objectives of the baccalaureate*

degree completion program and that the school considers appropriate to prepare students for matriculation into the upper level courses. Additionally, the school must maintain compliance with the general education and technical education requirements under Section II (A), Substantive Standards, Standards of Accreditation. Advertising of this type of degree program must make clear that it is a baccalaureate degree completion program.

Section II (A) (7c) – Program Requirements:

A school's learning resource system must be managed by qualified school personnel with sufficient experience to provide oversight and supervision. Schools that offer a baccalaureate degree or higher must have a learning resource system coordinated by an individual holding a Master's degree in either the library science or information specialist fields.

Section III (B) (7-9) - Faculty Qualifications:

Faculty teaching technical and occupationally related courses in an academic associate or baccalaureate degree program must have a minimum of four years of related practical work experience in the subject area(s) taught and possess a related degree at least at the same level of the course the faculty member is teaching. In exceptional cases, outstanding professional experience and contributions to the occupational field of study may be substituted for a formal degree. In such instances, the faculty member must possess a minimum of eight years of related practical work experience and the school must justify and document on an individual basis the outstanding professional experience and contributions to the occupational field.

Faculty teaching academic general education courses in a degree program or in a non-degree program that articulates to a degree program must have, at a minimum, a master's degree with appropriate academic coursework and preparation in the subject area(s) taught. Faculty teaching academic general education courses in a terminal non-degree program must have, at a minimum, a baccalaureate degree with appropriate academic coursework and preparation in the subject area(s) taught.

Section V(C) – Admissions Policies and Practices

The school must use appropriate techniques to assess whether applicants have the skills and competencies to benefit from the training provided at the undergraduate level. Students admitted to associate or baccalaureate degree programs must have earned at least a high school diploma or recognized equivalency certificate prior to starting class.

The Process for Obtaining ACCSC Approval. New Program Application.

ACCSC must be notified prior to the start of any new program and must issue its approval before an institution advertises, recruits, or enrolls students in the proposed program.

The ACCSC new program application process requires the institution to complete and submit an Application for Approval of a Baccalaureate Degree Program including the following documents:

- Proof of State Approval
- Justification of the Proposed Degree Program and Program Evaluation Description
- Narrative Regarding Enhanced Infrastructure to Accommodate a Baccalaureate Degree Program
- An Outline of a Degree Program
- A List of Textbooks, Supplies, Equipment, and Audio/Visual Aids
- Draft Catalog
- Faculty/ Staff Summary or Hiring Criteria Description
- Program Advisory Committee Members and Meeting Minutes

A brief description of the ACCSC Application for Approval of a Baccalaureate Degree Program (“Application”):

The Application asks the institution to provide information that addresses how the objectives of the new program conforms with the mission of the institution, the types of community or professional input that were used to develop the program and the resources that are needed and available to offer the program at full operation which includes both curriculum and existing and new physical resources at the campus. A school is asked to provide a detailed narrative supporting the reasons to offer the proposed program, which includes an assessment of the program’s viability, an analysis of the demand for graduates from the program’s area of study and justification as to how the completion of a Bachelor degree will be more beneficial to graduates than the completion of an associate degree. Schools applying for their first baccalaureate degree program are required to provide a description regarding how the school enhanced the infrastructure to accommodate a degree program in each of the following areas: student services, learning resource system, faculty qualifications, faculty/student interaction, Director of Education, admission requirements, administrative support staff and other areas that the school deems necessary. (Blank ACCSC Application for Approval of a Baccalaureate Degree Program Form is included as **Exhibit 1A.**)

An Outline of a Degree Program shows compliance with all ACCSC requirements and lists each of the courses in the proposed new program with each course code, title and a breakdown of the lecture, lab and total credit hours in the program. (Included as **Exhibit 1B.**)

The ACCSC staff reviews the submitted application once all required materials are submitted by an institution. An On-Site Evaluation Visit may be scheduled. Alternatively, new distance education programs may be reviewed by the Commission staff without an on-site evaluation though auditing the educational delivery at a distance, as deemed appropriate by ACCSC. Upon approval of a new program, Commission will provide written notice to the school. With the approval, the institution may begin to advertise, recruit and enroll students in the program.

II. Question: Mission: Describe how the institutional mission accommodates the offering of Bachelor degrees and provide evidence that the institutional governing board has approved the offering degrees at the Bachelor level.

Valley College’s mission is to meet the educational and professional needs of the community by delivering quality degree and certificate programs, which are flexible and career oriented.

The online Cybersecurity Bachelor program's primary objectives are to fulfill the emerging needs of the Information technology job market, and more specifically, the immediate and long-term need for Cybersecurity professionals. The program's objectives conform to Valley College's mission because of the emphasis that Valley College places on its programs to ensure its' content and focus is geared towards providing students with tangible skills and knowledge that they can immediately apply to the workplace. The curriculum has been designed for delivery through a host of Active Learning/Learner-Centric activities. The objective of this approach is to ensure that students are provided with a balanced approach of theoretical and practical skills to complement a comprehensive foundation of knowledge in the given subject. As a result, Valley College graduates will gain the skills that are necessary to work in entry-level positions (or higher) in the Information Technology industry and specifically in the areas of network security and more generally Cybersecurity.

The ownership of Valley College (the governing board) has consulted with its Program Advisory Committee (PAC) made up of professionals working in and supporting the cyber security industry. These individuals have reviewed the proposed curriculum and determined that graduates that meet the program learning objectives would be prepared for success in the Cybersecurity field, which they believe to be a fast growing segment of the expanding Information Technology sector. (PAC Meeting Minutes are included under Exhibit 2.)

- III. Question: Institutional organization, administration and delivery sites: Identify the individuals who will have oversight of the Bachelor programs and describe any changes to the Administrative structure of the college. Describe program delivery methods and identify all sites where the program will be offered.**

Institutional Organization and Administration.

The Cybersecurity Bachelor's degree program will be offered and administered via distance education through Valley College-Martinsburg. Valley College intends to hire a person to serve as program administrator, Program Head, for the proposed Bachelor's degree in Cybersecurity. This person we will hire should hold a Master's degree in Computer Science or a related field, and at least five years of experience in Cybersecurity and/or Computer Network Management. The Program Head will be responsible for the guidance of the Program Advisory Committee, the selection of learning resources for the library, the assignment of instructors to courses and oversight of the instructors including their professional development and their participation in faculty meetings. He/she will also ensure that the quality delivery and smooth administration of courses meet the standards set forth by Valley College.

Beyond the planned addition of the program administrator, Valley College plans to enter into contract with the "Virtual Librarian Service" to provide additional support to online students with the access to learning resources. This service employs individuals each with a Masters of Library Science from an American Library Association-accredited University program recognized by the U.S. Department of Education and will allow the College to meet requirements of having a qualified librarian available for both the faculty and students.

Beyond these additions, Valley College does not anticipate any major change to its Administrative structure to support the delivery of the Bachelor's degree program. We will however add resources to the current framework to support growth of the student body as noted in the financial section below.

The College Administration team will continue to provide additional oversight support to the campuses in the management of the Bachelor's program. The following staff members will play an important role in the daily operation of the new Bachelor's program:

- Dr. Richard Lombardo, Vice President of Education and Online Division is responsible for development of curriculum, faculty development and student success. Dr. Lombardo holds the Ph.D. in Adult Education and plays a pivotal role in oversight of Academic and Online Operations. Dr. Lombardo oversees academic operations of the College including responsibility for academic performance, retention and graduation rates. Dr. Lombardo, has established effective online instructor hiring, onboarding, support, and professional development processes; revised and enhanced existing educational processes, as well as created new ones. In addition, the College, based on Dr. Lombardo's recommendation, has implemented several student engagement initiatives based on active learning principles including video lectures by online faculty. Furthermore, to measure program and initiative performance, the College, also based on Dr. Lombardo's recommendation has refined the student survey process to provide more timely and relevant feedback to use in our program improvement process; and now conducts quantitative analysis of metrics like failed classes, timing of drops in program, grade distributions and GPA trends in order to provide more management insight into "hot spots," and student behaviors that lead to withdrawal. Dr. Lombardo continues to oversee each of these activities, measure effectiveness, and adjust as necessary with our Online Director of Academic Affairs, Shelly Smith.
- Ms. Shelly Smith, Director of Academic Affairs, Online Division. Ms. Smith holds the Juris Doctorate degree and has been in this role for 3 years. Ms. Smith supports each of the educational initiatives introduced by Dr. Lombardo and adopted by the College. Specifically, Ms. Smith manages the day to day Student Success Coaches and their work with their respective students, assists our instructors with the design and strategies used for all classes each block, oversees the day to day performance of each classroom, conducts student advisings for students identified as needing additional support, participates in the hiring and onboarding process for new instructors, and focuses on the overall performance of all Online classes as it relates to grades, participation, assessments, and overall quality control.
- Ms. Amy Cole, Director of Information Technology, provides technical expertise and will build the program in the student management system. Ms. Cole ensures the proper operation of the Student Management system and integrated platforms like the Learning Management System (LMS).

- Ms. Brandi Heslop, Registrar, oversees the registration of students and determines the students' satisfactory academic progress evaluation points. Ms. Heslop is also cross-trained as a Student Management System specialist and supports Ms. Cole on many technical initiatives.

At the campus level, Valley College-Martinsburg, Campus Director, Brandon Bowers will supervise the new program in that campus. As Campus Director, Mr. Bowers oversees the day-to-day operation of the campus and supervises the student processes including Admissions, Financial Aid, Career Services and Academics. He holds a Master of Science degree in Organizational Management and Leadership.

Program Delivery Method.

The proposed Bachelor of Science in Cybersecurity program is to be offered entirely via distance education. Valley College students and faculty will use the Moodle Learning Management System (LMS) as deployed by MoodleRooms. This is the platform currently and successfully used by Valley College to deliver all of its existing online Diploma and Occupational Associate Degree programs. MoodleRooms leverages high-availability servers and multiple backup layers to ensure an accessible and reliable environment. It is integrated with our CampusVue student administrative system for accurate, activity-weighted attendance monitoring as well as efficient schedule and grade management. Moodle allows learners to use activity modules, such as forums and databases, to build collaborative learning communities. The LMS allows the students participate in class, and communicate via electronic messages with instructors and other students. The online asynchronous delivery method enables the student to learn on his or her own time within a prescribed time schedule. The coursework is transmitted through a variety of interactive methods including e-lectures, electronic presentations and prerecorded eLecta video sessions.

The student is responsible for his or her own computer equipment, Internet connection, and any online charges he or she incurs. The online conferencing software and associated fees are included in the tuition. Valley College teaches computer classes using current Microsoft Office applications and Windows operating software. The College facilitates the access to the proper Microsoft software for students. The system requirements to run Microsoft products can be found at the Microsoft website, www.microsoft.com.

- IV. Question: Academic Programs: Identify the Bachelor programs proposed to be offered and include the curriculum for each program, including program hours. Describe any general education requirements of the ACCSC and indicate how these requirements are met through the proposed curricula. Describe specific learning resources and support services that will be required for the proposed programs and how the college will provide for them. Items to be considered may include, but not be limited to: library resources, laboratories and academic advising.**

Valley College is proposing to offer one new program at the baccalaureate level, a Bachelor's of Science in Cybersecurity. This program will consist of 120 semester credits, made up of 2,220 contact hours (1,380 lecture and 840 laboratory hours.) The program will take 30 months to complete. This program

is the baccalaureate degree completion portion of our existing Occupational Associates of Science degree in Cybersecurity which started being offered in August, 2016.

The primary objective of this new program is to fulfill the emerging needs of the IT job market, and more specifically, the immediate and long-term need for Cybersecurity professionals. A shortage of Cybersecurity professionals exists today and is expected to increase as the global threats to information security rise at an exponential rate. This means properly trained Cybersecurity graduates will be in demand and hence job prospects are extremely favorable. This program will focus on providing students with the ability to analyze, evaluate, and implement solutions to the security needs of individuals and organizations as it relates to hardware, mobile devices, wireless, cloud, and hard-lined networks and systems. This program will also enable students to recommend, create, and implement pre-emptive and re-active solutions.

This program is intended to provide students with the ability to conduct a full risk assessment of IT safety and security policies, contingencies and issues and with methods to investigate, trouble-shoot and create solutions. Further, this program will also teach students to think critically and work as a member of a team or as an individual contributor. Students will also learn how to execute, coordinate, and manage the implementation of the solution and create sustainable solutions for the maintenance of equipment, networks, and systems. In addition, this program will teach students how to create the processes and procedures for these solutions that both meet the needs of their organization and do not violate ethical, legal, regulation, or compliance standards.

Students will also be provided with skills that focus on identifying issues, system or network compromises, and intrusions in computer and network architecture. In addition, this program will provide students with additional technical skills that include and/or focus on programming, systems analysis, networking, telecommunications, mobile devices, cloud based applications, and security system design. Furthermore, this program will focus on the concepts and methods used to identify, search, seize and analyze digital media and to conduct cyber investigations against criminal and terrorist risks and activities. Finally, this program will also focus on network administration, accessing and analyzing files, reconstruction of systems and drives, hacking, network systems, cryptography, programming, investigative techniques, forensic imagery, web-based investigation methods, and cyberterrorism.

The program has 36 semester credit hours of general education course work in 10 courses, covering subjects of the Humanities, Social Sciences, Mathematics and the Sciences and meets ACCSC 'general education requirement to include *"a minimum of 30 semester hours or 45 quarter hours in academic general education course."*

Valley College subscribes to Gale online libraries to provide reference and research options to students. This resource gives students and faculty access to 33 different databases that contain materials including professional articles, periodicals and other current volumes on related topics. To support the use of the online library, Valley College will also enter into a partnership with the Virtual Librarian Service. VLS is a service of MLS librarians that support distance education students with orientation to

the online resources, monitor the usage of online databases and are involved with the catalog development to ensure materials available to the students are current and relevant to the course objectives.

In order to provide our students with meaningful and proactive support services, the College has employed three levels of support. The first level of support is provided by our Online Help Desk Specialists. The individuals assigned to our Online Help Desk fulfill multiple duties that include serving as a liaison between faculty, campus staff and students. The Online Help Desk Specialists also focus on additional activities that include assisting with Student and Faculty orientation by providing technical training, assisting with the importing of class material, and assisting with retention. The Help Desk Specialists also provide technical support during the day-to-day operations and management of the Online learning management platform. The activities of the Help Desk Specialists are then supplemented by our Student Success Coaches (SSCs).

The Student Success Coach provides our students with a direct contact with the College throughout their tenure as a student. Specifically, the SSCs have multiple responsibilities, but their primary function is to maintain pro-active and positive forms of communication with our students to account for any challenges or obstacles a student might encounter that hinder their ability to meet their goals. Further, the tone and approach of the SSC is to encourage student participation and a consistent form of engagement. The coaches also assist with student attendance management. The SSC's also keep the Online Director of Academic Affairs and VP, Education and Online Division abreast of any issues that may impact retention or academic success.

Finally, the third layer of student support can be found in our Online Director of Academic Affairs position. As described above in response to Question III, this position is focused on the tactical execution of the College's strategic educational objectives. In order to ensure the strategic objectives are met, the primary function of the Online DOAA is to oversee all academic activities, provide a secondary level of support for our Online staff and faculty on all student issues that require additional levels of support and, to work with our instructors on a daily basis on class design and instructional strategies. The Online DOAA will monitor classes daily and further, will provide a weekly checklist demonstrating the successful execution of key class measureable functions to ensure the total quality control of our classes and performance of the instructors.

V. Question: Admission Policies: describe any specific admission policies related to the proposed Bachelor programs.

The admissions process for the proposed Bachelor's degree program is consistent with the requirements for the other programs at Valley College:

Students applying for admission must meet the following requirements:

1. Be a high school graduate, or have obtained a General Education Development (GED) certificate/Test Assessing Secondary Completion ("TASC") or have obtained an equivalent home school credential.

2. Satisfactory completion of Valley College's Admissions Assessment.

3. Be at least 16 years old.

Application for Admission and Enrollment

To be considered for admission, prospective students must:

1. Submit a completed and signed Valley College Application.
2. Be individually interviewed by an Admissions Representative in order to gain better understanding of the College and receive a tour of the facilities. Online students who are able to be interviewed by an Admissions Representative at a Valley College campus will have a tour of the learning platform, Moodlerooms. If an applicant is unable to come to the campus, the applicant will have a telephone interview and will be able to view an electronic presentation describing the online classroom environment.
3. Provide the College with proof of standard high school graduation or successfully passing the GED/ TASC or supply a transcript showing all high school-level work, evaluated, signed and approved by a certifying home school agency or evaluator. If the applicant does not have proof of graduation readily available at the time of enrollment, the student must show proof that he or she has requested this necessary documentation from his or her high school transcript or transcript from the GED/TASC Testing Center. Continued enrollment in the program is contingent on Valley College's receipt of the proof of graduation documentation. Students may be required to submit an official high school or GED transcript to the College upon request.
4. Satisfactory completion of Valley College's Admissions Assessment. Valley College uses the Wonderlic Assessment. Valley College also accepts TABE (Tests of Adult Basic Education), ACT or SAT scores. Basic benchmarks scores for the Assessment (based on assessment evaluation tool) for all programs are as follows:

Wonderlic Assessment	TABE	ACT	SAT
15	10.0	17	1050

Admissions Assessment Test process: A designated (trained) Valley College staff /faculty member will administer the admissions assessment test on site or will set up a remote test. Valley College utilizes the online Wonderlic Assessment. A written version of the Wonderlic may be given if it is determined that the prospective student is experiencing computer anxiety or if the Wonderlic web site is not available due to technical reasons. The Wonderlic Admissions Assessment may be taken no more than three times. The prospective student must wait at least fifteen (15) minutes before he or she can take a Wonderlic retest.

Online applicants who are unable to come to the campus to take their Wonderlic assessment test may take it remotely. The designated person who sets up Wonderlic assessment tests for on-campus students may also set up the online assessment. The applicant will receive notification via email from Wonderlic when the assessment is set up

If the prospective student returns, at least six (6) weeks later to apply for the second time, he or she must complete the entire Admissions process. However, if the prospective student is not accepted in the program at that time, he or she must wait at least six (6) months before reapplying to the school for a third time. Variance from this is at the discretion of the Campus Director.

Graduates from Valley College programs are not required to take the admissions assessment if they enroll in a subsequent program. Reentry students (but not graduates) who are returning to finish their program are not required to retake an admissions assessment if their original assessment with passing scores is still on file and they meet the admissions requirements score in effect at the time of application.

- VI. Question. Financial resources: describe the institution's ability to provide adequate resources to support the proposed Bachelor programs. Demonstrate that the college has adequate financial resources to meet the following: maintenance of any specific facilities; staff and faculty payroll; books, supplies and other equipment utilized by the students; and general operating costs including materials for marketing and advertising.**

General Financial Stability

Audited financial results for Valley College for the one year period ending 12/31/16 demonstrate a financially stable and profitable institution. The Valley College U. S. Department of Education Financial Responsibility Composite Score was 1.9; anything over a 1.5 is considered "Financially Stable." The composite score takes into account a number of income statement and balance sheet parameters to ensure a financially stable institution. In addition, the college carries sufficient operating capital to ensure continuity of operations. As will be demonstrated in the narrative and "incremental" budget below the costs of rollout of the Bachelor of Science in Cybersecurity program require initial investments that are not material with respect to operating capital, will have a negligible effect in the first few months of operations after commencement and will generate sufficient net income by the end of the first quarter to cover initial investment and continuing operating costs.

Maintenance of any specific facilities

Because the Bachelor of Science degree in Cybersecurity is an Online program the campus and administration facilities we already capably manage at current enrollment levels have sufficient capacity in the near term (first 1-2 years) to house any additional staff (see below) needed to support enrollment growth. The Student Administrative System (CampusVue) has sufficient capacity to manage the incremental growth we expect from Cybersecurity. While the CampusVue administrative system can support well in excess of 100,000 students we expect to add between 50 and 100 students in year 1.

CampusVue licensing is purchased in increments of 100 students. If we add between 1 and 100 students, Valley College will pay an incremental \$17,000 per year (\$1,500 monthly) for the additional license. MoodleRooms is the Online Learning Management System (LMS) through which our programs are delivered to our Online students. We already pay for the minimum license level of 1,000 students and we currently have approximately 230 enrolled Online. By adding between 50 and 100 students in year 1 we will not require additional licensing for the Moodlerooms platform.

Facilities/Technology: \$17,000/year (anticipated at approximately \$1,500 per month for 12 month payment terms with vendor).

Staff and faculty payroll

The nature of an Online program allows incremental investment if/when needed in admissions, financial aid, academics delivery, student services and placement as well as quality management, financial management and compliance. Based on the initial assessment by Operations, Finance and the Valley College President current Operations and Online Support staff are sufficient to handle the initial ramp up of the BS in Cybersecurity program.

Many of the anticipated staffing increases have been already made in the area of Online Student Success Coaching and Online Technical Support to support initial growth of our OAS level online programs currently offered by the school. The original team of two Online Student Success Coaches and two Online Support Technical Support Specialists capably handled up to 200 students. As we have grown the Occupational Associates of Science Degree Cybersecurity program in the past year we have added one additional Student Success Coach which now provides us with the capacity for 300 students (we have approximately 230 presently). As the forecast for the BS program below shows, Valley College expects to add 50 BS in Cybersecurity students in the first 12 months of the program. So therefore the support resources will be sufficient for the BS program. At the same time, Valley College continually measures many aspects of student performance with a particular focus on grades, attendance and retention. The College also closely monitors performance, satisfaction and bandwidth of its staff to be sure staffing levels are sufficient to maintain proper support for the student body and to assure optimal but not over-burdensome workloads for its staff. This allows the College to anticipate and increase staff levels as those growth goals are approached, leaving ample time for on-boarding and training new staff in various roles.

On the academics delivery side, Valley College has already identified and interviewed several potential candidates for a position of a “Program Head” and will complete the hiring process while the school’s new program applications submitted to the state of West Virginia and ACCSC are being reviewed. The staffing model shown in the table below assumes we will start training BS students in month one (possibly graduates of our own OAS degree program) and then adds faculty as the BS students progress through the upper division courses and tiers of the BS program.

Books, supplies and other equipment utilized by the students

Students purchase books using Financial Aid so this expense is not something budgeted for by the College. For the BS in Cybersecurity supplies and equipment, Valley College will leverage technology simulators provided at no additional cost by the main publisher of educational content for the program, Cengage, as well as by the National Cyberwatch Center consortium of which Valley College has joined as a member. No other supplies or equipment are required for this Online program.

General operating costs including materials for marketing and advertising

Valley College will add incremental advertising expense to its already existing marketing model for the BS in Cybersecurity program. For one time costs, new brochures will be printed (\$2,000 one time and replenished quarterly), Google AdWords landing pages will be created (\$2,000 one time) and new TV commercials will be crafted from existing campus video shoots and complemented with new narrative (\$3,000 one time). For ongoing monthly costs, the “Pay per click” Google AdWords budget will be increased (\$5,000/month) and TV commercial spots will be increased (\$2,500/month). Valley College already employs a marketing manager to oversee the updated marketing rollout and contracts with an external marketing firm to assist with Google AdWords placement (budgeted above).

As noted above, for Online program rollouts incremental operating costs are minimal at the outset. Given that students provide their own computers, and the lack of demand on physical resources (i.e. specialized facilities and learning equipment) additional capital expenditures will be extremely limited and should not constitute an unsustainable burden on the College.

Marketing One Time Costs: \$7,000 (with quarterly replenishments at \$2,000)

Marketing Ongoing Costs: \$7,500/month

Valley College has developed a twelve-month “incremental” budget that includes all the areas mentioned above as follows:

Incremental Operating Income for BS Cybersecurity												
EXPENSE/MONTH	1	2	3	4	5	6	7	8	9	10	11	12
Technology	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
Marketing One Time/Qtrly	7000			2000			2000			2000		
Advertising PPC	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000
Advertising TV	2500	2500	2500	2500	2500	2500	2500	2500	2500	2500	2500	2500
Academics (Incremental Faculty)	1200	1200	1200	2400	2400	2400	3600	3600	3600	4800	4800	4800
Total Incremental Expense	17,200	10,200	10,200	13,400	11,400	11,400	14,600	12,600	12,600	15,800	13,800	13,800
REVENUE												
Students	10	14	18	22	26	30	34	38	41	44	47	50
Monthly Revenue/Student	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867
Total Incremental Monthly Revenue	\$ 8,667	\$ 12,133	\$ 15,600	\$ 19,067	\$ 22,533	\$ 26,000	\$ 29,467	\$ 32,933	\$ 35,533	\$ 38,133	\$ 40,733	\$ 43,333
Incremental Net Income	\$ (8,533)	\$ 1,933	\$ 5,400	\$ 5,667	\$ 11,133	\$ 14,600	\$ 14,867	\$ 20,333	\$ 22,933	\$ 22,333	\$ 26,933	\$ 29,533
Incremental Cumulative Net Income	\$ (8,533)	\$ (6,600)	\$ (1,200)	\$ 4,467	\$ 15,600	\$ 30,200	\$ 45,067	\$ 65,400	\$ 88,333	\$ 110,667	\$ 137,600	\$ 167,133

VII. Faculty credentials: provide evidence that each full-time and part-time faculty member holds appropriate academic credentials for the bachelor program in which the faculty member will teach.

As noted previously, Valley College commenced Online delivery of the Occupational Associates of Science in Cybersecurity in August 1st, 2016. As part of the development of that program, the Online division already has instructors for lower level classes (with course codes that number beginning in 100) that hold appropriate academic credentials for the courses and level being taught. Valley College has begun the recruitment of qualified faculty members who for the Bachelor's degrees should possess a minimum of four years of related practical work experience in the subject area(s) taught and possess a related degree at least at the same level of the course the faculty member is teaching as well as essential industry certifications.

Instructors who will be teaching academic general education courses in the Bachelor's degree program will be required to hold per ACCSC requirements at minimum a master's degree with a minimum of 15 semester credit hours (or the equivalent) in related subject areas which support the curriculum content.

APPLICATION FOR APPROVAL OF A BACCALAUREATE DEGREE PROGRAM

Accrediting Commission of Career Schools and Colleges (ACCSC)

To be submitted for Commission approval [Type a quote from the document or the summary of an interesting point. You can position the text box anywhere in the document. Use the Drawing Tools tab to change the formatting of the pull quote text box.]

prior to the implementation of a new baccalaureate degree program.

In addition, please note: A related degree program is defined as related to the approved degree program(s) currently offered by each school listed below.

SCHOOL #	SCHOOL NAME	TYPE		CITY	STATE	DEGREE GRANTING	
		MAIN:	<input type="checkbox"/>			YES:	<input checked="" type="checkbox"/>
		BRANCH:	<input type="checkbox"/>			NO:	<input type="checkbox"/>

CONTACT PERSON	PHONE	EMAIL

PROGRAM TITLE <i>(e.g. Business Administration)</i>	TYPE OF PROGRAM <i>(Check One)</i>		DEGREE TYPE <i>(Check One)</i>		LENGTH OF PROGRAM <i>(in Months)</i>	FULL CREDENTIAL & ABBREVIATION	PROPOSED START DATE
	<input type="checkbox"/>	RELATED	<input type="checkbox"/>	ACADEMIC		Select the Credential	
	<input type="checkbox"/>	UNRELATED	<input type="checkbox"/>	OCCUPATIONAL			

COURSE DISTRIBUTION <i>(Must match the Outline of a Degree Program form)</i>	STANDARDS SEMESTER/ QUARTER CREDIT HOUR REQUIREMENTS	CREDIT HOURS		EXTERNSHIP INFORMATION <i>(Externship hours as listed on the Outline of a Degree Program; may include multiple courses)</i>
		SEMESTER CREDIT HOURS	QUARTER CREDIT HOURS	
Technical/Occupational	60/90			Total Externship Clock Hours:
General Education	30/45			
Other	0/0			Total Externship Credit Hours:
Total	120/180			

I certify that the information herein and attached hereto is correct and that this degree program has not been described in the catalog, advertised or offered to students.

NAME	SIGNATURE	TITLE	DATE

ELECTRONIC SUBMISSION FORMAT REQUIREMENTS:

1. ***Electronic Submissions may not be transmitted to the Commission via e-mail.***
2. The school's response must be prepared in accordance with ACCSC's [Instructions for Electronic Submission](#) (e.g., prepared as one Portable Document Format ("PDF") file that has been prepared using Adobe Acrobat software (version 8.0 or higher) and which has a .pdf extension as part of the file name). The school will receive an e-mail confirmation that the file has been received within 24 hours of the submission.

APPLICATION FOR APPROVAL OF A BACCALAUREATE DEGREE PROGRAM

Accrediting Commission of Career Schools and Colleges (ACCSC)

3. ACCSC has issued the Blueprints for Success Series: [Organizing an Effective Electronic Submission](#). ACCSC encourages the school to review this module prior to submitting this application. More information is available under the [Resources section](#) at www.accsc.org.

REQUIRED SUPPORTING DOCUMENTATION:

1. Processing fee: Please mail a check directly to ACCSC for processing and include a statement identifying the corresponding applications(s).
 - 1ST School: \$1,500
 - Each Affiliated School (applications must submitted at the same time): \$750
2. Provide program approval from the state (or applicable regulatory agency) with the title and approved clock and credit hours. If the state requires Commission approval prior to final state approval, please provide a copy of the institutional recognition/licensure from the state (e.g. State licensure to operate an accredited institution, License by means of accreditation).
3. Is programmatic accreditation (*Section II (A)(1), Substantive Standards, Standards of Accreditation*) is necessary for graduates to seek licensure in the specific field (**check one**):

☐ **YES**

☐ **NO**

If the school checked “YES” - programmatic accreditation is necessary, provide the following:

- a. A narrative regarding the school's intent/plans for seeking such accreditation;
 - b. A timeline for obtaining accreditation;
 - c. Any specific hiring criteria for program chairs and/or faculty;
 - d. The programmatic accreditor's standards and requirements relative to licensure, if applicable.
4. **A related degree program is defined as related to the approved degree program(s) currently offered the school. ONLY if the proposed program is a **related program**, explain the relationship of the proposed related program to the programs currently offered at the school in the following areas: **curricula, educational and occupational outcomes, Program Advisory Committee, faculty, facilities and resources.****
5. Justification of the Proposed Degree Program (*Section II (A)(2), Substantive Standards, Standards of Accreditation*):
- a. Provide the school's current mission statement.
 - b. Explain how the curriculum is consistent with mission of the institution and other institutional goals and objectives.
 - c. Provide the following justification to support the proposed program:
 - i. A detailed narrative supporting the reasons to offer the proposed program, which includes an assessment of the program's viability (e.g., socioeconomic factors in the area that may affect the proposed program's outcomes, etc.); and
 - ii. An analysis of the demand for graduates from the program's area of study (e.g., employers, local employment outlook, earning potential for graduates, and the need for training).
 - iii. Provide a detailed justification as to how the completion of a bachelor degree will be more beneficial to graduates than the completion of an associate degree.
 - d. Did the school previously offer and discontinue the proposed program?

☐ **YES**

APPLICATION FOR APPROVAL OF A BACCALAUREATE DEGREE PROGRAM

Accrediting Commission of Career Schools and Colleges (ACCSC)

☐ NO

If yes, explain the reasons for the previous discontinuation of the program and describe how the school determined the success of the program going forward.

6. For schools applying for their first baccalaureate degree program, provide the following:

- a. Describe how the school enhanced the infrastructure to accommodate a degree program in each of the following areas: **Student services, learning resource system, faculty qualifications, faculty/student interaction, Director of Education, admission requirements, administrative support staff and other areas** that the school deems necessary.
- b. Describe how the school will continue to assess and improve the activities that will support of the proposed baccalaureate degree.

7. Program Design, Development, and Organization:

- a. An Outline of a Degree Program (available on the ACCSC website) and corresponding course descriptions for each course required for completion of the proposed degree program. (**Note:** *Course credit hours may only round down to the nearest whole or half credit.*)
- b. Describe the school's process for the design and development of the courses, course learning materials, curricula, student learning outcomes, and student assessment including the internal and external resources used (*Section II (A)(2)(a), Substantive Standards, Standards of Accreditation*).
- c. Explain how the school determined that the breakdown of the number of clock hours/credit hours for technical/occupationally related courses and general education courses is appropriate for didactic, supervised laboratory, and externship.
- d. Provide the institutional processes and procedures used to determine the average amount of time expected for outside of class preparation.
- e. Provide a narrative justifying the length of the proposed program and how the length of the program is appropriate to enable students to achieve the program objectives.
- f. Provide the estimated number of hours students will spend each week in class, lab, and on outside work (i.e. homework).

8. Program Evaluation:

- a. Describe the school's systematic and evidence-based process to evaluate programmatic curriculum and course content (*Section II (A)(4)(a), Substantive Standards, Standards of Accreditation*).
- b. Describe with details and supporting documentation the school's capacity to offer the proposed degree program in the following areas:
 - i. Future budget allocations: Provide proposed program budget showing the future allocation of financial resources to support the program including resources for faculty salaries, educational materials, learning resource materials, supplies/equipment, advertising and how this is sufficient to operate the new program.
 - ii. Facilities and equipment: Describe the specific **facilities and equipment** within the school that are to be used for the proposed program. How does the school plan to enhance the **facilities and equipment** to accommodate the offering of the proposed program?
 - iii. Does the school intend to expand existing facilities? If so, has the school submitted the appropriate and required report/application (e.g., Facility Expansion Report or Application for a Satellite Location)?

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- c. Provide a list of the local Program Advisory Committee members for each campus (**Note:** *Program Advisory Committees must be comprised of appropriately qualified representatives external to the institution (i.e., non-school employees)*) for each program or group of related programs, using the following chart.

SCHOOL NAME:			SCHOOL NUMBER:			
PROGRAM NAME:			CREDENTIAL:			
PROGRAM ADVISORY COMMITTEE						
ADVISORY COMMITTEE MEMBER'S NAME	TITLE COMPANY ADDRESS CITY, STATE	TELEPHONE NUMBER EMAIL ADDRESS	REVIEW RESPONSIBILITIES (check as applicable)			
			EMPLOYER / PRACTITIONER	EDUCATOR, REGULATOR, ETC.	MASTER'S DEGREE	DISTANCE EDUCATION

- d. Submit minutes of the PAC meeting(s) to demonstrate the committee's *review* and *comments* on the proposed degree program including the appropriateness of the **curriculum objectives, content, and length.** (*Section II (A)(6)(d)(iii), Substantive Standards, Standards of Accreditation*).
9. Describe how the training/instructional aids for the proposed degree program are sufficiently comprehensive and reflect current occupational knowledge and practice and include the following: A list of **textbooks (include publication year), supplies, equipment, and audio/visual aids that the school will utilize for the proposed degree program** (*Section II (A)(5), Substantive Standards, Standards of Accreditation*).
10. Learning Resource System:
- a. Provide a narrative regarding how the school's current learning resource system supports the education experience with materials commensurate with the level of education; and
 - b. Provide a narrative regarding how the school has enhanced its learning resource system to meet the objectives of the proposed program including elements such as relevant and current texts and periodicals; research journals and databases; standard works of reference; multi-media and/or electronic resources; electronic library resource technologies; and other resource materials necessary to adequately serve the student body (*Section II (A)(7)(a), Substantive Standards, Standards of Accreditation*).
 - c. Complete the following chart and demonstrate that the school has an individual qualified to oversee and supervise the learning resource system (*Section II (A)(7)(c), Substantive Standards, Standards of Accreditation*).

SCHOOL NAME:			SCHOOL NUMBER:		
LRS SUPERVISOR					
STAFF NAME	POSITION	DEGREE/CREDENTIAL EARNED (Year)	DESCRIPTION OF WORK EXPERIENCE AND/OR TRAINING FOR THE POSITION	FROM (MM/YY)	TO (MM/YY)

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- d. **If this information is not available, submit the specific hiring criteria to be used for the selection of the LRS Supervisor and the timeline for when the position will be filled.**

11. Faculty Qualifications:

- a. Complete the following chart by listing the faculty teaching technical and occupationally related courses in the baccalaureate degree program and demonstrate that faculty teaching in the baccalaureate program have a minimum of four years of related practical work experience in the subject area(s) taught **and** possess a related degree at least at the same level of the course the faculty member is teaching (*Section III (B)(7), Substantive Standards, Standards of Accreditation*). (**Note: Instructional experience does not qualify as practical work experience.**) In addition, provide the course title(s)/course number(s) for each course that the faculty member will teach in the proposed program.

SCHOOL NAME:			SCHOOL NUMBER:		
TECHNICAL/OCCUPATIONAL FACULTY					
INSTRUCTOR NAME	PROPOSED PROGRAM COURSE <i>Title(s) / Number(s)</i>	DEGREE EARNED <i>Include: Subject, Credential, Year & Institution(s)</i>	PRACTICAL WORK EXPERIENCE		
			<ul style="list-style-type: none"> o Minimum of four (4) years' work experience in the subject area o Possess a related degree at least at the same level of the course the faculty member is teaching o Instructional experience does not qualify as practical work experience 		
			JOB TITLE, PLACE OF EMPLOYMENT, AND DESCRIPTION OF WORK EXPERIENCE	FROM (M/Y)	TO (M/Y)

- b. **If faculty information is not available, submit the specific hiring criteria and timelines when faculty will be hired.**
- c. Complete the following chart by listing the faculty teaching academic general education courses in the baccalaureate degree program and demonstrate they have, at minimum, a master's degree with a minimum of 15 semester credit hours (or the equivalent) in related subject areas which support the curriculum content (*Section III (B)(8 & 9), Substantive Standards, Standards of Accreditation*). In addition, provide the course title(s)/course number(s) for each course that the faculty member will teach in the proposed program.

SCHOOL NAME:			SCHOOL NUMBER:			
FACULTY TEACHING GENERAL EDUCATION and OTHER COURSES						
INSTRUCTOR NAME	PROPOSED PROGRAM COURSE <i>Title(s) / Number(s)</i>	DEGREE EARNED <i>Include: Subject, Credential, Year & Institution(s)</i>	RELATED SUBJECT MATTER CREDITS EARNED			
			COURSE NUMBER & TITLE	CREDITS	TYPE (U/G)	YEAR

- d. **If faculty information is not available, submit the specific hiring criteria and timelines for when the school will hire faculty.**

12. Management and Administration:

- a. Complete the following chart to demonstrate that the school has sufficient educational administration to support the proposed degree program specific to the Director of Education and the Program Head (e.g., lead faculty, department chair, dean, etc.) (*Section III (A)(1), Substantive Standards, Standards of Accreditation*).

APPLICATION FOR APPROVAL OF A BACCALAUREATE DEGREE PROGRAM

Accrediting Commission of Career Schools and Colleges (ACCSC)

SCHOOL NAME:			SCHOOL NUMBER:		
MANAGEMENT PERSONNEL <i>(Include Director of Education and Program Head)</i>					
STAFF NAME	POSITION	DEGREE/ CREDENTIAL EARNED (Year)	DESCRIPTION OF WORK EXPERIENCE AND/OR TRAINING FOR THE POSITION	FROM (M/Y)	TO (M/Y)

- b. If information is not available for the Program Head and/or any other management personnel, submit the specific hiring criteria to be used and the timeline for when the position(s) will be filled.
13. Provide a draft catalog presentation of the proposed degree program as it will appear in the applicable sections of the catalog and include only the relevant items as listed below specific to the proposed degree program (**Do not include a copy of the school's complete current catalog.**) (*Section IV (C)(1), Substantive Standards, Standards of Accreditation*):
- a. Maximum number of students in a classroom or laboratory (Catalog Checklist, Item #7).
 - b. Admissions requirements (Catalog Checklist, Item #8).
 - c. A description of the proposed associate degree program (Catalog Checklist, Items #11, #12, and #15).
 - d. Graduation requirements (Catalog Checklist, Item #22).
 - e. The credential to be awarded upon completion of the proposed baccalaureate degree program (Catalog Checklist, Item #23).
14. Externship:
- a. Provide a written training plan or course syllabus that identifies the students' goals, as well as the applications and experiences that are to be accomplished during this specific externship (i.e., technical skills, knowledge) (*Section II (A)(8)(b), Substantive Standards, Standards of Accreditation*).
 - b. The on-site evaluation criteria (i.e., externship evaluation form) which will be utilized at an externship site to assist in grading the students' attainment of the training objectives in this specific externship.
 - c. Submit documentation to demonstrate external validation if the proposed program includes externship or equivalent (i.e. internship, clinical hours, practicum) hours greater than one-third of the total length of the program (*Section II (A)(8)(e), Substantive Standards, Standards of Accreditation*).
 - d. Provide the faculty or staff member who will supervise or coordinate this externship on the chart below (*Section II (A)(8)(c), Substantive Standards, Standards of Accreditation*).

SCHOOL NAME:			SCHOOL NUMBER:		
EXTERNSHIP SUPERVISOR / COORDINATOR					
INSTRUCTOR NAME	PROPOSED PROGRAM COURSE <i>Title(s) / Number(s)</i>	DEGREE EARNED <i>Include: Subject, Credential, Year & Institution(s)</i>	PRACTICAL WORK EXPERIENCE <i>(Note: Instructional experience does not qualify as practical work experience)</i>		
			JOB TITLE, PLACE OF EMPLOYMENT, AND DESCRIPTION OF WORK EXPERIENCE	FROM (M/Y)	TO (M/Y)

- e. If this information is not available, submit the specific hiring criteria to be used for the selection of the faculty or staff member and the timeline for when the position will be filled.

APPLICATION FOR APPROVAL OF A BACCALAUREATE DEGREE PROGRAM

Accrediting Commission of Career Schools and Colleges (ACCSC)

SUBMIT TO: Executive Director
Accrediting Commission of Career Schools and Colleges
2101 Wilson Boulevard / Suite 302
Arlington, Virginia 22201

Outline Of A Degree Program							CREDIT HOUR REQUIREMENTS																								
School Name: <u>Valley College - Martinsburg</u>		School Number: <u>M073029</u>		Program Title: <u>Cybersecurity</u>		Program Length: <u>30</u> (in months)		Credentia: <u>Baccalaureate</u>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th style="text-align: center;">Technical (Semester/ Quarter)</th> <th style="text-align: center;">General Ed (Semester/ Quarter)</th> <th style="text-align: center;">Total (Semester/ Quarter)</th> </tr> <tr> <td>Occupational Associate</td> <td style="text-align: center;">45/67.5</td> <td style="text-align: center;">9/13.5</td> <td style="text-align: center;">60/90</td> </tr> <tr> <td>Academic Associate</td> <td style="text-align: center;">30/45</td> <td style="text-align: center;">15/22.5</td> <td style="text-align: center;">60/90</td> </tr> <tr> <td>Baccalaureate</td> <td style="text-align: center;">60/90</td> <td style="text-align: center;">30/45</td> <td style="text-align: center;">120/180</td> </tr> <tr> <td>Masters</td> <td style="text-align: center;">24/36</td> <td style="text-align: center;">//////////</td> <td style="text-align: center;">30/45</td> </tr> </table>			Technical (Semester/ Quarter)	General Ed (Semester/ Quarter)	Total (Semester/ Quarter)	Occupational Associate	45/67.5	9/13.5	60/90	Academic Associate	30/45	15/22.5	60/90	Baccalaureate	60/90	30/45	120/180	Masters	24/36	//////////	30/45
	Technical (Semester/ Quarter)	General Ed (Semester/ Quarter)	Total (Semester/ Quarter)																												
Occupational Associate	45/67.5	9/13.5	60/90																												
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Baccalaureate	60/90	30/45	120/180																												
Masters	24/36	//////////	30/45																												
<i>Please refer to Appendix III of the Standards of Accreditation for additional information.</i>							Total Program Hours: 2220.00 Total Program Credits: 120.00		Credit Type (Enter X below) Semester X Quarter																						
CLOCK HOURS							CREDIT HOURS																								
Course Code <i>Example:</i> BIO 120	Course Titles <i>Anatomy and Physiology</i>	Didactic	Supervised Lab	Externship	Total Instructional Clock Hours	Additional Outside Work Clock Hours	Didactic	Supervised Lab	Externship	Total Credit Hours Round down to whole/half units																					
		45.00	30.00		75.00	60.00	2.00	1.00	0.00	3.50																					
Technical Courses																															
CSY100	Computer Applications	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY105	Introduction to Networking	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY235	IT Project Management	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY110	Networking Hardware	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY115	Routing & Security Protocols	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY125	Operating Systems	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY130	Network Security	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY200	Introduction to Programming	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY140	Network & Security Fundamentals	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY145	Advanced Network & Security Fundamentals	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY120	Network Application Support	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY210	Cloud Computing with Security	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY215	Information Security	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY205	Ethical Hacking and System Security	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY220	Secure Wireless Networks	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
BUS212	Business Ethics	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
COM260	Systems and IT Security Career Success	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY240	Digital Forensics	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY242	IT Help Desk	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY245	Security Countermeasures	60.00	0.00	0.00	60.00	120.00	2.67	0.00	0.00	4.00																					
CSY250	Database Management	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY252	Introduction to Cyber Crime and Homeland Security	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY255	Systems Analysis and Design	60.00	0.00	0.00	60.00	120.00	2.67	0.00	0.00	4.00																					
CSY262	Evaluating Emerging Technologies	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY265	Cyber Law	60.00	0.00	0.00	60.00	120.00	2.67	0.00	0.00	4.00																					
CSY268	Introduction to Scripting	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
CSY270	Biometric Systems	30.00	30.00	0.00	60.00	60.00	1.33	1.00	0.00	3.00																					
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Cybersecurity – Discussion with new Program Advisory Committee Members

Attendees:

- Justin Roberts, Business Owner, Compute-One
- Chase Cappellari, Business Owner, Compute-One
- Dr. Richard Lombardo, Ph.D., Valley College Director of Education

Discussion Questions and Subjects:

- 1. Based on your experience in the field, and after learning about the content of the Cybersecurity Program, do you see the value in this sort of program?**

Absolutely! Based on both known and unknown issues that all sorts of businesses and individuals face as it relates to information and privacy, there is a tremendous need for this type of program. This program could provide many types of industries with strong employees who have both technical skills and a good understanding of as to how to construct solutions for a number of different types of individuals and organizations.

- 2. Do you feel that our courses are aligned with the technical skills that a student will need to be successful as a Cybersecurity professional?**

The courses, as explained, provide a solid foundation for your students. There appears to be a good balance between networking, security, and programming. Additional focus was also noted on the Writing and Project Management courses as this could be a good tool to help with communication.

- 3. Once a student successfully completes our program, do you feel that our graduates will have a strong chance for Placement in the industry?**

Yes, there is a big need both now and as new technology continues to evolve, there will be a continued need for industry professionals. However, student should also focus on gaining additional certifications as a balance to their education as this is an industry expectation, regardless of the specialty or field. The key certifications noted were A+ Networking and A+ Security. The A+ Hardware was also cited as a strong certification.



Cybersecurity – Discussion with new Professional Advisory Council Members

Discussion Questions and Subjects, continued:

- 4. Do you feel that our core courses provide enough depth and further, enough coverage of essential elements required for a Cybersecurity professional?**

The key feedback provided here was the balance of our instructional approach. Both Justin and Chase were a bit unclear on this question initially and I explained that what I wanted to understand was whether our approach with the students as explained in our instructional methods were approach. Both individuals explained that the balance of theory, practical hands on exercises, case studies, and online simulations would be a solid approach. Further, both individuals confirmed that as opposed to simply focusing on theory, we should focus on problem-solving and finding ways to create solutions.

- 5. What are the additional skills that you feel a graduate should possess (in addition to the theoretical and practical skills provided in the program)?**

Both Justin and Chase confirmed the need for an individual to be organized, punctual with deadlines, and most important, able to multi-task. There was an additional question posed as a follow-up and we focused on the need for our students to become critical thinkers capable of working with complex issues that involved multiple elements. Therefore, going back to the previous question, both individuals once again confirmed that our instructional methods were a good balance.

- 6. Do you see the value and/or need for the General Education courses in the program?**

Both individuals understood the need and goals of this program and after reviewing the type of courses that we selected, both individuals felt we brought a good balance, especially with the Psychology and Ethics courses.

- 7. Looking ahead, would you be agree to be a member of our Professional Advisory Council for this new program?**

Both Justin and Chase have agreed to become members of the Professional Advisory Council for the Cybersecurity Degree Program.

Valley College Request for Approval to offer Baccalaureate Degrees
Questions from Dr. Mark Stotler
Valley College response

- I. **Question: Accreditation: Describe ACCSC policies regarding offering Bachelor degrees and the process for obtaining ACCSC approval.**

ACCSC POLICIES

As stated in the ACCSC Standards of Accreditation effective July 1, 2017, the policies for Baccalaureate Degree are as follows:

Section II (C) (3) - Program Requirements:

Baccalaureate Degrees:

a. A baccalaureate degree program must be designed and offered in a way that appropriately balances distinct types of education and training (i.e., technical and occupationally related courses and academic general education courses) and distinct levels of education and training (i.e., lower level and upper level courses), and must include a comprehensive curriculum with appropriate coursework to achieve the program objectives.

b. A baccalaureate degree program must be a minimum of 120 semester hours or 180 quarter hours. Baccalaureate degree programs may not exceed by more than 50% the minimum number of credit hours required to confer the degree by the appropriate regulatory agency in the state(s) in which the school operates. If such minimums have not been established, then generally accepted practices in higher education shall apply.

c. A baccalaureate degree program shall include a minimum of 30 semester hours or 45 quarter hours in academic general education courses. A baccalaureate degree program must include academic general education courses in written communication, oral communication, and quantitative principles. The remainder of the required academic general education courses must provide an appropriate balance of natural and physical sciences; social and behavioral sciences; and humanities and fine arts that are designed to develop essential academic skills for enhanced and continued learning.

d. A baccalaureate degree program shall include a minimum of 60 semester credit hours or 90 quarter credit hours that represent courses in the occupational field for which the degree is awarded. Within those occupationally related courses, a school may offer one or more concentrations, which provide a focused area of training and establish specialized learning experiences beyond the generalist level. Concentrations must consist of 18-24 semester credit hours (27-36 quarter credit hours) of occupationally specialized course work of which, at a minimum, nine semester credit hours (13.5 quarter credit hours) represent upper level coursework.

e. A school may offer a baccalaureate degree completion program where only upper level courses (i.e., 300 and 400 level) are required. A baccalaureate degree completion program must be

comprised of a minimum of 60 semester hours or 90 quarter hours of upper level coursework. In order to have a baccalaureate degree completion program approved, the school must require a student to have an earned associate, or higher level, degree from an accredited postsecondary educational institution that is related to the educational program objectives of the baccalaureate degree completion program and that the school considers appropriate to prepare students for matriculation into the upper level courses. Additionally, the school must maintain compliance with the general education and technical education requirements under Section II (A), Substantive Standards, Standards of Accreditation. Advertising of this type of degree program must make clear that it is a baccalaureate degree completion program.

Section II (A) (7c) – Program Requirements:

A school's learning resource system must be managed by qualified school personnel with sufficient experience to provide oversight and supervision. Schools that offer a baccalaureate degree or higher must have a learning resource system coordinated by an individual holding a Master's degree in either the library science or information specialist fields.

Section III (B) (7-9) - Faculty Qualifications:

Faculty teaching technical and occupationally related courses in an academic associate or baccalaureate degree program must have a minimum of four years of related practical work experience in the subject area(s) taught and possess a related degree at least at the same level of the course the faculty member is teaching. In exceptional cases, outstanding professional experience and contributions to the occupational field of study may be substituted for a formal degree. In such instances, the faculty member must possess a minimum of eight years of related practical work experience and the school must justify and document on an individual basis the outstanding professional experience and contributions to the occupational field.

Faculty teaching academic general education courses in a degree program or in a non-degree program that articulates to a degree program must have, at a minimum, a master's degree with appropriate academic coursework and preparation in the subject area(s) taught. Faculty teaching academic general education courses in a terminal non-degree program must have, at a minimum, a baccalaureate degree with appropriate academic coursework and preparation in the subject area(s) taught.

Section V(C) – Admissions Policies and Practices

The school must use appropriate techniques to assess whether applicants have the skills and competencies to benefit from the training provided at the undergraduate level. Students admitted to associate or baccalaureate degree programs must have earned at least a high school diploma or recognized equivalency certificate prior to starting class.

The Process for Obtaining ACCSC Approval. New Program Application.

ACCSC must be notified prior to the start of any new program and must issue its approval before an institution advertises, recruits, or enrolls students in the proposed program.

The ACCSC new program application process requires the institution to complete and submit an Application for Approval of a Baccalaureate Degree Program including the following documents:

- Proof of State Approval
- Justification of the Proposed Degree Program and Program Evaluation Description
- Narrative Regarding Enhanced Infrastructure to Accommodate a Baccalaureate Degree Program
- An Outline of a Degree Program
- A List of Textbooks, Supplies, Equipment, and Audio/Visual Aids
- Draft Catalog
- Faculty/ Staff Summary or Hiring Criteria Description
- Program Advisory Committee Members and Meeting Minutes

A brief description of the ACCSC Application for Approval of a Baccalaureate Degree Program (“Application”):

The Application asks the institution to provide information that addresses how the objectives of the new program conforms with the mission of the institution, the types of community or professional input that were used to develop the program and the resources that are needed and available to offer the program at full operation which includes both curriculum and existing and new physical resources at the campus. A school is asked to provide a detailed narrative supporting the reasons to offer the proposed program, which includes an assessment of the program’s viability, an analysis of the demand for graduates from the program’s area of study and justification as to how the completion of a Bachelor degree will be more beneficial to graduates than the completion of an associate degree. Schools applying for their first baccalaureate degree program are required to provide a description regarding how the school enhanced the infrastructure to accommodate a degree program in each of the following areas: student services, learning resource system, faculty qualifications, faculty/student interaction, Director of Education, admission requirements, administrative support staff and other areas that the school deems necessary. (Blank ACCSC Application for Approval of a Baccalaureate Degree Program Form is included as **Exhibit 1A.**)

An Outline of a Degree Program shows compliance with all ACCSC requirements and lists each of the courses in the proposed new program with each course code, title and a breakdown of the lecture, lab and total credit hours in the program. (Included as **Exhibit 1B.**)

The ACCSC staff reviews the submitted application once all required materials are submitted by an institution. An On-Site Evaluation Visit may be scheduled. Alternatively, new distance education programs may be reviewed by the Commission staff without an on-site evaluation though auditing the educational delivery at a distance, as deemed appropriate by ACCSC. Upon approval of a new program, Commission will provide written notice to the school. With the approval, the institution may begin to advertise, recruit and enroll students in the program.

- II. Question: Mission: Describe how the institutional mission accommodates the offering of Bachelor degrees and provide evidence that the institutional governing board has approved the offering degrees at the Bachelor level.**

Valley College's mission is to meet the educational and professional needs of the community by delivering quality degree and certificate programs, which are flexible and career oriented.

The online Cybersecurity Bachelor program's primary objectives are to fulfill the emerging needs of the Information technology job market, and more specifically, the immediate and long-term need for Cybersecurity professionals. The program's objectives conform to Valley College's mission because of the emphasis that Valley College places on its programs to ensure its' content and focus is geared towards providing students with tangible skills and knowledge that they can immediately apply to the workplace. The curriculum has been designed for delivery through a host of Active Learning/Learner-Centric activities. The objective of this approach is to ensure that students are provided with a balanced approach of theoretical and practical skills to complement a comprehensive foundation of knowledge in the given subject. As a result, Valley College graduates will gain the skills that are necessary to work in entry-level positions (or higher) in the Information Technology industry and specifically in the areas of network security and more generally Cybersecurity.

The ownership of Valley College (the governing board) has consulted with its Program Advisory Committee (PAC) made up of professionals working in and supporting the cyber security industry. These individuals have reviewed the proposed curriculum and determined that graduates that meet the program learning objectives would be prepared for success in the Cybersecurity field, which they believe to be a fast growing segment of the expanding Information Technology sector. (PAC Meeting Minutes are included under **Exhibit 2.**)

- III. Question: Institutional organization, administration and delivery sites: Identify the individuals who will have oversight of the Bachelor programs and describe any changes to the Administrative structure of the college. Describe program delivery methods and identify all sites where the program will be offered.**

Institutional Organization and Administration.

The Cybersecurity Bachelor's degree program will be offered and administered via distance education through Valley College-Martinsburg. Valley College intends to hire a person to serve as program administrator, Program Head, for the proposed Bachelor's degree in Cybersecurity. This person we will hire should hold a Master's degree in Computer Science or a related field, and at least five years of experience in Cybersecurity and/or Computer Network Management. The Program Head will be responsible for the guidance of the Program Advisory Committee, the selection of learning resources for the library, the assignment of instructors to courses and oversight of the instructors including their professional development and their participation in faculty meetings. He/she will also ensure that the quality delivery and smooth administration of courses meet the standards set forth by Valley College.

Beyond the planned addition of the program administrator, Valley College plans to enter into contract with the "Virtual Librarian Service" to provide additional support to online students with the access to learning resources. This service employs individuals each with a Masters of Library Science from an American Library Association-accredited University program recognized by the U.S. Department of

Education and will allow the College to meet requirements of having a qualified librarian available for both the faculty and students.

Beyond these additions, Valley College does not anticipate any major change to its Administrative structure to support the delivery of the Bachelor's degree program. We will however add resources to the current framework to support growth of the student body as noted in the financial section below.

The College Administration team will continue to provide additional oversight support to the campuses in the management of the Bachelor's program. The following staff members will play an important role in the daily operation of the new Bachelor's program:

- Dr. Richard Lombardo, Vice President of Education and Online Division is responsible for development of curriculum, faculty development and student success. Dr. Lombardo holds the Ph.D. in Adult Education and plays a pivotal role in oversight of Academic and Online Operations. Dr. Lombardo oversees academic operations of the College including responsibility for academic performance, retention and graduation rates. Dr. Lombardo, has established effective online instructor hiring, onboarding, support, and professional development processes; revised and enhanced existing educational processes, as well as created new ones. In addition, the College, based on Dr. Lombardo's recommendation, has implemented several student engagement initiatives based on active learning principles including video lectures by online faculty. Furthermore, to measure program and initiative performance, the College, also based on Dr. Lombardo's recommendation has refined the student survey process to provide more timely and relevant feedback to use in our program improvement process; and now conducts quantitative analysis of metrics like failed classes, timing of drops in program, grade distributions and GPA trends in order to provide more management insight into "hot spots," and student behaviors that lead to withdrawal. Dr. Lombardo continues to oversee each of these activities, measure effectiveness, and adjust as necessary with our Online Director of Academic Affairs, Shelly Smith.
- Ms. Shelly Smith, Director of Academic Affairs, Online Division. Ms. Smith holds the Juris Doctorate degree and has been in this role for 3 years. Ms. Smith supports each of the educational initiatives introduced by Dr. Lombardo and adopted by the College. Specifically, Ms. Smith manages the day to day Student Success Coaches and their work with their respective students, assists our instructors with the design and strategies used for all classes each block, oversees the day to day performance of each classroom, conducts student advisings for students identified as needing additional support, participates in the hiring and onboarding process for new instructors, and focuses on the overall performance of all Online classes as it relates to grades, participation, assessments, and overall quality control.
- Ms. Amy Cole, Director of Information Technology, provides technical expertise and will build the program in the student management system. Ms. Cole ensures the proper operation of the Student Management system and integrated platforms like the Learning Management System (LMS).

- Ms. Brandi Heslop, Registrar, oversees the registration of students and determines the students' satisfactory academic progress evaluation points. Ms. Heslop is also cross-trained as a Student Management System specialist and supports Ms. Cole on many technical initiatives.

At the campus level, Valley College-Martinsburg, Campus Director, Brandon Bowers will supervise the new program in that campus. As Campus Director, Mr. Bowers oversees the day-to-day operation of the campus and supervises the student processes including Admissions, Financial Aid, Career Services and Academics. He holds a Master of Science degree in Organizational Management and Leadership.

Program Delivery Method.

The proposed Bachelor of Science in Cybersecurity program is to be offered entirely via distance education. Valley College students and faculty will use the Moodle Learning Management System (LMS) as deployed by MoodleRooms. This is the platform currently and successfully used by Valley College to deliver all of its existing online Diploma and Occupational Associate Degree programs. MoodleRooms leverages high-availability servers and multiple backup layers to ensure an accessible and reliable environment. It is integrated with our CampusVue student administrative system for accurate, activity-weighted attendance monitoring as well as efficient schedule and grade management. Moodle allows learners to use activity modules, such as forums and databases, to build collaborative learning communities. The LMS allows the students participate in class, and communicate via electronic messages with instructors and other students. The online asynchronous delivery method enables the student to learn on his or her own time within a prescribed time schedule. The coursework is transmitted through a variety of interactive methods including e-lectures, electronic presentations and prerecorded eLecta video sessions.

The student is responsible for his or her own computer equipment, Internet connection, and any online charges he or she incurs. The online conferencing software and associated fees are included in the tuition. Valley College teaches computer classes using current Microsoft Office applications and Windows operating software. The College facilitates the access to the proper Microsoft software for students. The system requirements to run Microsoft products can be found at the Microsoft website, www.microsoft.com.

- IV. Question: Academic Programs: Identify the Bachelor programs proposed to be offered and include the curriculum for each program, including program hours. Describe any general education requirements of the ACCSC and indicate how these requirements are met through the proposed curricula. Describe specific learning resources and support services that will be required for the proposed programs and how the college will provide for them. Items to be considered may include, but not be limited to: library resources, laboratories and academic advising.**

Valley College is proposing to offer one new program at the baccalaureate level, a Bachelor's of Science in Cybersecurity. This program will consist of 120 semester credits, made up of 2,220 contact hours (1,380 lecture and 840 laboratory hours.) The program will take 30 months to complete. This program

is the baccalaureate degree completion portion of our existing Occupational Associates of Science degree in Cybersecurity which started being offered in August, 2016.

The primary objective of this new program is to fulfill the emerging needs of the IT job market, and more specifically, the immediate and long-term need for Cybersecurity professionals. A shortage of Cybersecurity professionals exists today and is expected to increase as the global threats to information security rise at an exponential rate. This means properly trained Cybersecurity graduates will be in demand and hence job prospects are extremely favorable. This program will focus on providing students with the ability to analyze, evaluate, and implement solutions to the security needs of individuals and organizations as it relates to hardware, mobile devices, wireless, cloud, and hard-lined networks and systems. This program will also enable students to recommend, create, and implement pre-emptive and re-active solutions.

This program is intended to provide students with the ability to conduct a full risk assessment of IT safety and security policies, contingencies and issues and with methods to investigate, trouble-shoot and create solutions. Further, this program will also teach students to think critically and work as a member of a team or as an individual contributor. Students will also learn how to execute, coordinate, and manage the implementation of the solution and create sustainable solutions for the maintenance of equipment, networks, and systems. In addition, this program will teach students how to create the processes and procedures for these solutions that both meet the needs of their organization and do not violate ethical, legal, regulation, or compliance standards.

Students will also be provided with skills that focus on identifying issues, system or network compromises, and intrusions in computer and network architecture. In addition, this program will provide students with additional technical skills that include and/or focus on programming, systems analysis, networking, telecommunications, mobile devices, cloud based applications, and security system design. Furthermore, this program will focus on the concepts and methods used to identify, search, seize and analyze digital media and to conduct cyber investigations against criminal and terrorist risks and activities. Finally, this program will also focus on network administration, accessing and analyzing files, reconstruction of systems and drives, hacking, network systems, cryptography, programming, investigative techniques, forensic imagery, web-based investigation methods, and cyberterrorism.

The program has 36 semester credit hours of general education course work in 10 courses, covering subjects of the Humanities, Social Sciences, Mathematics and the Sciences and meets ACCSC 'general education requirement to include *"a minimum of 30 semester hours or 45 quarter hours in academic general education course."*

Valley College subscribes to Gale online libraries to provide reference and research options to students. This resource gives students and faculty access to 33 different databases that contain materials including professional articles, periodicals and other current volumes on related topics. To support the use of the online library, Valley College will also enter into a partnership with the Virtual Librarian Service. VLS is a service of MLS librarians that support distance education students with orientation to

the online resources, monitor the usage of online databases and are involved with the catalog development to ensure materials available to the students are current and relevant to the course objectives.

In order to provide our students with meaningful and proactive support services, the College has employed three levels of support. The first level of support is provided by our Online Help Desk Specialists. The individuals assigned to our Online Help Desk fulfill multiple duties that include serving as a liaison between faculty, campus staff and students. The Online Help Desk Specialists also focus on additional activities that include assisting with Student and Faculty orientation by providing technical training, assisting with the importing of class material, and assisting with retention. The Help Desk Specialists also provide technical support during the day-to-day operations and management of the Online learning management platform. The activities of the Help Desk Specialists are then supplemented by our Student Success Coaches (SSCs).

The Student Success Coach provides our students with a direct contact with the College throughout their tenure as a student. Specifically, the SSCs have multiple responsibilities, but their primary function is to maintain pro-active and positive forms of communication with our students to account for any challenges or obstacles a student might encounter that hinder their ability to meet their goals. Further, the tone and approach of the SSC is to encourage student participation and a consistent form of engagement. The coaches also assist with student attendance management. The SSC's also keep the Online Director of Academic Affairs and VP, Education and Online Division abreast of any issues that may impact retention or academic success.

Finally, the third layer of student support can be found in our Online Director of Academic Affairs position. As described above in response to Question III, this position is focused on the tactical execution of the College's strategic educational objectives. In order to ensure the strategic objectives are met, the primary function of the Online DOAA is to oversee all academic activities, provide a secondary level of support for our Online staff and faculty on all student issues that require additional levels of support and, to work with our instructors on a daily basis on class design and instructional strategies. The Online DOAA will monitor classes daily and further, will provide a weekly checklist demonstrating the successful execution of key class measureable functions to ensure the total quality control of our classes and performance of the instructors.

V. Question: Admission Policies: describe any specific admission policies related to the proposed Bachelor programs.

The admissions process for the proposed Bachelor's degree program is consistent with the requirements for the other programs at Valley College:

Students applying for admission must meet the following requirements:

1. Be a high school graduate, or have obtained a General Education Development (GED) certificate/Test Assessing Secondary Completion ("TASC") or have obtained an equivalent home school credential.

2. Satisfactory completion of Valley College's Admissions Assessment.

3. Be at least 16 years old.

Application for Admission and Enrollment

To be considered for admission, prospective students must:

1. Submit a completed and signed Valley College Application.
2. Be individually interviewed by an Admissions Representative in order to gain better understanding of the College and receive a tour of the facilities. Online students who are able to be interviewed by an Admissions Representative at a Valley College campus will have a tour of the learning platform, Moodlerooms. If an applicant is unable to come to the campus, the applicant will have a telephone interview and will be able to view an electronic presentation describing the online classroom environment.
3. Provide the College with proof of standard high school graduation or successfully passing the GED/ TASC or supply a transcript showing all high school-level work, evaluated, signed and approved by a certifying home school agency or evaluator. If the applicant does not have proof of graduation readily available at the time of enrollment, the student must show proof that he or she has requested this necessary documentation from his or her high school transcript or transcript from the GED/TASC Testing Center. Continued enrollment in the program is contingent on Valley College's receipt of the proof of graduation documentation. Students may be required to submit an official high school or GED transcript to the College upon request.
4. Satisfactory completion of Valley College's Admissions Assessment. Valley College uses the Wonderlic Assessment. Valley College also accepts TABE (Tests of Adult Basic Education), ACT or SAT scores. Basic benchmarks scores for the Assessment (based on assessment evaluation tool) for all programs are as follows:

Wonderlic Assessment	TABE	ACT	SAT
15	10.0	17	1050

Admissions Assessment Test process: A designated (trained) Valley College staff /faculty member will administer the admissions assessment test on site or will set up a remote test. Valley College utilizes the online Wonderlic Assessment. A written version of the Wonderlic may be given if it is determined that the prospective student is experiencing computer anxiety or if the Wonderlic web site is not available due to technical reasons. The Wonderlic Admissions Assessment may be taken no more than three times. The prospective student must wait at least fifteen (15) minutes before he or she can take a Wonderlic retest.

Online applicants who are unable to come to the campus to take their Wonderlic assessment test may take it remotely. The designated person who sets up Wonderlic assessment tests for on-campus students may also set up the online assessment. The applicant will receive notification via email from Wonderlic when the assessment is set up

If the prospective student returns, at least six (6) weeks later to apply for the second time, he or she must complete the entire Admissions process. However, if the prospective student is not accepted in the program at that time, he or she must wait at least six (6) months before reapplying to the school for a third time. Variance from this is at the discretion of the Campus Director.

Graduates from Valley College programs are not required to take the admissions assessment if they enroll in a subsequent program. Reentry students (but not graduates) who are returning to finish their program are not required to retake an admissions assessment if their original assessment with passing scores is still on file and they meet the admissions requirements score in effect at the time of application.

- VI. Question. Financial resources: describe the institution's ability to provide adequate resources to support the proposed Bachelor programs. Demonstrate that the college has adequate financial resources to meet the following: maintenance of any specific facilities; staff and faculty payroll; books, supplies and other equipment utilized by the students; and general operating costs including materials for marketing and advertising.**

General Financial Stability

Audited financial results for Valley College for the one year period ending 12/31/16 demonstrate a financially stable and profitable institution. The Valley College U. S. Department of Education Financial Responsibility Composite Score was 1.9; anything over a 1.5 is considered "Financially Stable." The composite score takes into account a number of income statement and balance sheet parameters to ensure a financially stable institution. In addition, the college carries sufficient operating capital to ensure continuity of operations. As will be demonstrated in the narrative and "incremental" budget below the costs of rollout of the Bachelor of Science in Cybersecurity program require initial investments that are not material with respect to operating capital, will have a negligible effect in the first few months of operations after commencement and will generate sufficient net income by the end of the first quarter to cover initial investment and continuing operating costs.

Maintenance of any specific facilities

Because the Bachelor of Science degree in Cybersecurity is an Online program the campus and administration facilities we already capably manage at current enrollment levels have sufficient capacity in the near term (first 1-2 years) to house any additional staff (see below) needed to support enrollment growth. The Student Administrative System (CampusVue) has sufficient capacity to manage the incremental growth we expect from Cybersecurity. While the CampusVue administrative system can support well in excess of 100,000 students we expect to add between 50 and 100 students in year 1.

CampusVue licensing is purchased in increments of 100 students. If we add between 1 and 100 students, Valley College will pay an incremental \$17,000 per year (\$1,500 monthly) for the additional license. MoodleRooms is the Online Learning Management System (LMS) through which our programs are delivered to our Online students. We already pay for the minimum license level of 1,000 students and we currently have approximately 230 enrolled Online. By adding between 50 and 100 students in year 1 we will not require additional licensing for the Moodlerooms platform.

Facilities/Technology: \$17,000/year (anticipated at approximately \$1,500 per month for 12 month payment terms with vendor).

Staff and faculty payroll

The nature of an Online program allows incremental investment if/when needed in admissions, financial aid, academics delivery, student services and placement as well as quality management, financial management and compliance. Based on the initial assessment by Operations, Finance and the Valley College President current Operations and Online Support staff are sufficient to handle the initial ramp up of the BS in Cybersecurity program.

Many of the anticipated staffing increases have been already made in the area of Online Student Success Coaching and Online Technical Support to support initial growth of our OAS level online programs currently offered by the school. The original team of two Online Student Success Coaches and two Online Support Technical Support Specialists capably handled up to 200 students. As we have grown the Occupational Associates of Science Degree Cybersecurity program in the past year we have added one additional Student Success Coach which now provides us with the capacity for 300 students (we have approximately 230 presently). As the forecast for the BS program below shows, Valley College expects to add 50 BS in Cybersecurity students in the first 12 months of the program. So therefore the support resources will be sufficient for the BS program. At the same time, Valley College continually measures many aspects of student performance with a particular focus on grades, attendance and retention. The College also closely monitors performance, satisfaction and bandwidth of its staff to be sure staffing levels are sufficient to maintain proper support for the student body and to assure optimal but not over-burdensome workloads for its staff. This allows the College to anticipate and increase staff levels as those growth goals are approached, leaving ample time for on-boarding and training new staff in various roles.

On the academics delivery side, Valley College has already identified and interviewed several potential candidates for a position of a “Program Head” and will complete the hiring process while the school’s new program applications submitted to the state of West Virginia and ACCSC are being reviewed. The staffing model shown in the table below assumes we will start training BS students in month one (possibly graduates of our own OAS degree program) and then adds faculty as the BS students progress through the upper division courses and tiers of the BS program.

Books, supplies and other equipment utilized by the students

Students purchase books using Financial Aid so this expense is not something budgeted for by the College. For the BS in Cybersecurity supplies and equipment, Valley College will leverage technology simulators provided at no additional cost by the main publisher of educational content for the program, Cengage, as well as by the National Cyberwatch Center consortium of which Valley College has joined as a member. No other supplies or equipment are required for this Online program.

General operating costs including materials for marketing and advertising

Valley College will add incremental advertising expense to its already existing marketing model for the BS in Cybersecurity program. For one time costs, new brochures will be printed (\$2,000 one time and replenished quarterly), Google AdWords landing pages will be created (\$2,000 one time) and new TV commercials will be crafted from existing campus video shoots and complemented with new narrative (\$3,000 one time). For ongoing monthly costs, the “Pay per click” Google AdWords budget will be increased (\$5,000/month) and TV commercial spots will be increased (\$2,500/month). Valley College already employs a marketing manager to oversee the updated marketing rollout and contracts with an external marketing firm to assist with Google AdWords placement (budgeted above).

As noted above, for Online program rollouts incremental operating costs are minimal at the outset. Given that students provide their own computers, and the lack of demand on physical resources (i.e. specialized facilities and learning equipment) additional capital expenditures will be extremely limited and should not constitute an unsustainable burden on the College.

Marketing One Time Costs: \$7,000 (with quarterly replenishments at \$2,000)

Marketing Ongoing Costs: \$7,500/month

Valley College has developed a twelve-month “incremental” budget that includes all the areas mentioned above as follows:

Incremental Operating Income for BS Cybersecurity												
EXPENSE/MONTH	1	2	3	4	5	6	7	8	9	10	11	12
Technology	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
Marketing One Time/Qtrly	7000			2000			2000			2000		
Advertising PPC	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000
Advertising TV	2500	2500	2500	2500	2500	2500	2500	2500	2500	2500	2500	2500
Academics (Incremental Faculty)	1200	1200	1200	2400	2400	2400	3600	3600	3600	4800	4800	4800
Total Incremental Expense	17,200	10,200	10,200	13,400	11,400	11,400	14,600	12,600	12,600	15,800	13,800	13,800
REVENUE												
Students	10	14	18	22	26	30	34	38	41	44	47	50
Monthly Revenue/Student	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867	\$ 867
Total Incremental Monthly Revenue	\$ 8,667	\$ 12,133	\$ 15,600	\$ 19,067	\$ 22,533	\$ 26,000	\$ 29,467	\$ 32,933	\$ 35,533	\$ 38,133	\$ 40,733	\$ 43,333
Incremental Net Income	\$ (8,533)	\$ 1,933	\$ 5,400	\$ 5,667	\$ 11,133	\$ 14,600	\$ 14,867	\$ 20,333	\$ 22,933	\$ 22,333	\$ 26,933	\$ 29,533
Incremental Cumulative Net Income	\$ (8,533)	\$ (6,600)	\$ (1,200)	\$ 4,467	\$ 15,600	\$ 30,200	\$ 45,067	\$ 65,400	\$ 88,333	\$ 110,667	\$ 137,600	\$ 167,133

VII. Faculty credentials: provide evidence that each full-time and part-time faculty member holds appropriate academic credentials for the bachelor program in which the faculty member will teach.

Upper level classes will be taught exclusively by faculty holding a Master's degree and Master's-prepared faculty will make up at least 50% of all classes taught in the core of the proposed program. Valley College has begun the search for and recruitment of qualified faculty members who have a combination of the required credentials, at least 4 years of practical experience, as well as possess essential industry certifications.

Instructors who will be teaching academic general education courses in the Valley's Bachelor's degree program will be required to hold at minimum a Master's degree with a minimum of 15 semester credit hours (or the equivalent) in related subject areas which support the curriculum content.

Valley College Request for Approval to offer Baccalaureate Degrees
Additional Info Requested by Dr. Mark Stotler
Valley Responses (10/27/17)

• **“In your initial proposal, you stated that, “Upper level classes will be taught exclusively by Masters-prepared faculty and Masters-prepared faculty will make up at least 50% of all classes taught in the core of the proposed program.” That language did not carry over into the revised proposal. It appears that faculty teaching core courses will hold baccalaureate degrees. This may raise some flags with Commission members. Typically, faculty are expected to hold a degree one level above the level for which they are teaching. Can you elaborate on faculty credentials and why the language regarding faculty credentials was changed?”**

We have updated our proposal to meet the state requirements. Section VII on page 13 of our narrative has been revised as follows and is an attachment to this response:

Upper level classes will be taught exclusively by faculty holding a Master’s degree and Master’s-prepared faculty will make up at least 50% of all classes taught in the core of the proposed program. Valley College has begun the search for and recruitment of qualified faculty members who have a combination of the required credentials, at least 4 years of practical experience, as well as possess essential industry certifications.

Instructors who will be teaching academic general education courses in the Valley’s Bachelor’s degree program will be required to hold at minimum a Master’s degree with a minimum of 15 semester credit hours (or the equivalent) in related subject areas which support the curriculum content.

• **Will the program head be responsible for any teaching?**

The Program Head is expected to teach in the program.

• **What will be tuition and fees for this program? Will they be different from the associate degree programs?**

Tuition and fees for the Cybersecurity BS program will be approximately \$ 12,000 per academic year, which is the current rate for our Cybersecurity OAS degree program.

• **Will students be expected to have the associate degree for admission into the program?**

No, students can enter the BS degree program from the first course. In addition, some of Valley college’s OAS program graduates may want to continue their education and matriculate into the BS degree program with the Associate Degree.

• **The Advisory Committee is very small and contains only three individuals (two external to the institution who represent the same company). What are the credentials of the Advisory committee members and what makes them qualified to provide advice regarding program development and operations?**

In response to the state's inquiry regarding the Advisory Committee, Valley College accelerated a Program Advisory Committee meeting originally planned for later in November and held it on October 26, 2017. Valley has been continuously enhancing its pool of Program Advisory Committee members in order to obtain valuable feedback on the Cybersecurity BS degree program development and feasibility directly from industry experts. Please refer to the Program Advisory Committee Meeting Minutes for details regarding program development and operation, as well as for the qualifications of the Advisory Committee's members.

Introduction:

The following PAC meeting was conducted on Thursday, October 26, 2017. The purpose of this meeting was to review the feasibility of Valley College's proposed Cybersecurity Baccalaureate program currently under consideration. In order to review the feasibility of this program, Dr. Richard Lombardo, Ph.D., our Vice-President of Education and the Online Division coordinated efforts with Mr. Brandon Bowers, our Martinsburg-Online Campus Director to conduct the call.

After a brief introduction of the participants in the call along with an extension of thanks for their efforts and participation, Dr. Lombardo facilitated feedback in accordance with a questionnaire. The following information illustrates feedback from each of the questions along with some additional commentary from Dr. Lombardo that sheds some insight on Valley's position on the feedback in accordance with the design and intent of the program from either/or an educational or placement perspective.

Participants in the Call/Professional Background:

- The names of the participants of today's Cybersecurity PAC Review of the Proposed Bachelor Degree Program are as follows:
 - Dr. Richard Lombardo, Ph.D., Valley College Vice-President of Education and the Online Division and Mr. Brandon Bowers, Martinsburg Online Campus Director
 - Cybersecurity and Information Technology Professionals (*Credentials listed on the last pages of this document*)
 1. Mr. Scott Zimmerman
 2. Mr. Lucas Truax
 3. Mr. James Erb
 4. Mr. Kevin Sexton
 5. Mr. Ernie Edwards
 - One participant, Mr. Scott Zimmerman, is currently an Adjunct Cybersecurity instructor with Valley College. Mr. Zimmerman began teaching with the college with the August 2016 launch of the Valley College Occupational Associate of Science program.
 - In addition, please note, two planned participants, Mr. Kevin Sexton and Mr. Ernie Edwards, could not join this call but, did re-schedule this discussion with Dr. Lombardo for later in the day on October 26, 2017. Those calls were done on an individual basis. The notes from this call have also been attached at the conclusion of this document.

Meeting Minutes:

1. **Based on the course list do you feel that the courses included as Core Cybersecurity courses and General Education courses are the ideal courses for inclusion in the Bachelor Degree program and if so, why?**
 - **If not, which courses would you recommend and why?**
 - **All members on the call:** confirmed that the core and General Education courses are sufficiently detailed and relevant to industry needs and support the Bachelor's degree level program. Additional comments and suggestions were as follows:
 - **Jim:** Stated that it was "Refreshing to see the Networking focus. Some employees do not have these fundamentals." Looking at the list, Jim then inquired into the design and specific use of the IT Help Desk course.
 - **Dr. Lombardo:** Responded that some grads will start with and/or search out Help Desk positions based on our external research. As such, we thought this was an essential course.
 - Both Scott and Jim agreed with this point and felt that this course was a useful addition to the program.
 - **Lucas:**
 - Lucas stated that we might want to consider including a course or consider adding within proposed course (specifically programming classes) elements of Secure App Development.
2. **At what level would you hire someone who has completed the Bachelor Degree program and at what level would you hire someone that simply completed the Associate Degree program?**
 - **If the hiring levels would be the same, please explain why and what you feel we can do to improve the Bachelor Degree program to enable Bachelor Degree graduates to be hired at higher levels than Associate Degree graduates.**
 - **Jim:** Stated that the key difference of the hires would be found in the level of the hire. The example given by Jim was the Junior Analyst versus a Senior and/or mid-level analyst. The work that the student gained with the degree would expose them to a higher level of analysis and execution than an Associate Degree graduate would possess and therefore, this is where he would make the distinction.
3. **Would you hire someone who has completed the Bachelor Degree program (120 credits) over someone who has completed the Occupational Associate Degree program (60 credits)?**

- **Jim:** Emphatically stated that yes, the Bachelor Degree level would clearly differentiate the candidate from that individual with an Associate Degree level.
- **Scott:** Building on Jim's statement, Scott clarified that where he would certainly do so, if he were hiring for a junior position, one that did not have the expertise elements of a more senior based position, he would certainly consider the Associate Degree individual but again, at an entry level.
- **Lucas:** At the conclusion of Scott's statement, Lucas then echoed Scott's position and also stated that he would focus on the level of position and reiterated that the natural inclination is to hire the person with more experience and/or a higher level of education.

4. What job title or titles would a graduate from the Occupational Associate Degree program (60 credits) qualify for in your organization or other organizations like yours?

5. What job title or titles would a graduate from the Bachelor Degree program (120 credits) qualify for?

- **All Members of the Call:** Dr. Lombardo asked the participants to look at both of these questions together. Based on the question, Lucas, Jim, and Scott, indicated that the differentiating factor would be "Senior" versus "Junior", or, a position that required a much higher level of Problem-Solving, a deeper level of critical thinking that focused on analysis and evaluations, and the ability to work on more complex activities that involved more moving pieces.
- **All Members of the Call:** All agreed that the Associate Degree would generate a solid entry-level position however, they did see a higher level of input and execution from the graduate of a Bachelor Degree program due to the exposure of educational content.

Scott: Added that the Bachelor Degree also contained a stronger chance for upward mobility in a company.

6. Would you consider the Bachelor Degree program as in-demand in your geographical area?

- **Why or why not?**
- **All Members of the Call:** All PAC members answered with a unanimous and emphatic yes to this question. All members cited the extreme shortage of capable candidates in their field (supported by multiple studies like Burning Glass and SANS Institute and the recent announcement by the House Committee on Education and the Workforce: <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=402051>). As a result, there is a huge demand both now (a current shortage of over 209,000

Cybersecurity specialists is noted) and in the future for individuals to graduate with this degree and enter the field of Cybersecurity.

7. Are there any certifications or special accreditations you would recommend Valley implementing as part of this program to improve the employability of graduates from the Bachelor Degree program?

- **Dr. Lombardo:** In order to provide proper context, Dr. Lombardo discussed the CompTIA based Networking + Workshop that is being currently designed for the participants by Valley's academic team. This workshop is one that will run once a student graduates and further, places them in a position to obtain this certification within weeks after graduation. The goal for this sort of workshop is to enhance the overall educational experience and further, for our students to come away with a helpful tool that they can use to enhance their Job Search efforts.

Jim: The gold standard certification according to Jim is the Cybersecurity Service Provider Certification "CSSP". Jim also noted that students should consider Security Essentials and Forensics. Building on these two recommendations, Jim also suggested that we review the certifications offered in the site, www.GIAC.org.

- **Scott:** Scott indicated that earlier in his career he used that site to take the Intrusion Analyst certification, and it was the hardest one he's ever taken. However, while it was difficult, he did see the viability of this group as a certification provider and study location.
- **Lucas:** Based on the feedback of the members, Dr. Lombardo asked Lucas to weigh in and Lucas responded that he felt the A+, Security+, and Network+ are all very broad and excellent starting points for someone just graduating from college. As a great starting point, these may not be above the capability levels of the graduates as they complete the Bachelor Degree program. This was contrasted with CSSP which generally occurs after some field experience as the graduate's career matures
 - i. **Additional Note:** Based on a combination of industry research, vendor interaction, and additional feedback from the field, Valley's program already includes foundational courses for up to 6 industry certifications using the test publisher's material which the students can carry forward into their career and refer back to as they prepare for each exam.

8. What sort of key strategies would you recommend for our faculty to utilize in order to ensure the courses are delivered in a manner that builds essential core competencies for graduates?

- **Lucas:** Based on this question, Lucas indicated that the elements of hands-on is incredibly important. Students need to have that exposure and experience to help them gain the essential skills that our course concepts and principles could then be used to build on.
- **Jim:** Once Lucas noted his position, Jim and Scott both supported the position of hands on approach and how this was just as important as a theory, concept, and principle.
 - i. **Additional Note:** Dr. Lombardo shared with the team the current approach employed at Valley for additional confirmation. The approach was the inclusion of a supplemental Learning Management System, “LMS”, that is provided in coordination with our text books. Using this platform students are provided with a host of demos, labs, and simulations that enable them to obtain a hands on approach.
 1. Immediately hearing this, all members voiced their support of the approach and further, **Lucas** noted an additional point to ensure that with both the Scripting and Programming courses outlined in the course grids, the labs and demos for the students as the practical work would be an essential complement to the concepts presented in the textbook.

9. What sort of essential lessons would you recommend in a course that is dedicated on resume building, interviewing, and conducting an effective job search?

- **Jim:** Jim noted the absolute fear that many younger and less experienced people coming to him to interview possess. Therefore, he agreed with the context and premise of this class and reinforced the point about speaking and verbally communicating effectively with a wide range of individuals.
- **Scott:** Finally, Scott noted that both communication and presentation skills are very important. For example, Scott noted that historically, Cybersecurity and other Information Technology professionals are commonly referred to at conferences and other key industry events as poor communicators. In addition, Scott noted that “Resumes are so 2005!” Students need a digital social media presence/portfolio. Employers want to see who they are following online because it speaks to their relevance and knowledge of current topics. We should also include a how-to guide to navigate through digital job boards. The resume isn’t enough and as a result, we should be prepared to teach these to our students in this sort of class.

- i. **Additional Note:** Dr. Lombardo instructed the participants that Valley College plans to develop supplemental Online Career Development workshops served in the Community Resource Room for Cybersecurity students. All agreed these would be valuable resources.

10. Do you have any other recommendations for how Valley College can improve these programs overall?

- **Dr. Lombardo:** In this last section, Dr. Lombardo once again thanked the team for getting together as well as their candid and incredibly useful feedback. Building on this point, he asked the team if they had anything else to add.
- **Scott:** Scott confirmed that our selection of Network Security was a good choice. Further, Scott clarified for us that he defines this also as Software Programming, a key point that corresponds with an earlier point made by Lucas as it related to incorporating Software development into the curriculum. Lucas confirmed his agreement and added that a well-rounded background in the overall area of both Hardware and Software Programming is critical.
- **Jim:** Finally, Jim noted that all students will also need to know Linux and the Linux command line. In addition, Jim noted that we might want to look at Open Source and Incident Handling as two additional components of the program and consider layering them in to the syllabi of current courses but otherwise, the course outline and overall focus discussed on the call looked solid.
- **Dr. Lombardo:** In order to bring the meeting to a close Dr. Lombardo once again thanked everyone and asked if there were any final questions or points to discuss. Everyone agreed that the call was productive and Dr. Lombardo and Mr. Bowers both thanked the team again for their participation and the call was brought to a close at 9:15AM.

**Kevin Sexton Meeting Minutes, 1:00PM – 1:40PM, conducted exclusively by
Dr. Lombardo and Mr. Sexton**

**Mr. Ernie Edwards, 2:00PM – 2:40PM, conducted exclusively by
Dr. Lombardo and Mr. Edwards**

- 1. Based on the course list do you feel that the courses included as Core Cybersecurity courses and General Education courses are the ideal courses for inclusion in the Bachelor Degree program and if so, why?**
 - **If not, which courses would you recommend and why?**
 - **Kevin:** Kevin indicated that a Computer Information Title name with a concentration with Cybersecurity is more common. Dr. Lombardo explained that the Valley College curriculum has a higher degree of cyber-specific technical courses (i.e. the network-focus noted by Jim Erb) than “IT with concentration” programs as the latter have generally been developed from the foundation of non-cyber IT courses and still contain primarily IT courses. From a technical perspective, looking at his core activities and those core activities associated with the tasks of his employees, Kevin does not have any additional recommendations.
 - **Ernie:** Ernie stated that he thought this list was a very thorough list, lots of great areas covered.
- 2. At what level would you hire someone who has completed the Bachelor Degree program and at what level would you hire someone that simply completed the Associate Degree program?**
 - **If the hiring levels would be the same, please explain why and what you feel we can do to improve the Bachelor Degree program to enable Bachelor Degree graduates to be hired at higher levels than Associate Degree graduates.**
 - **Kevin:** Typically when someone comes in at the Associate Degree level, they are going to come out as a PC Tech, Hardware Maintenance Tech, and/or a focus on support and installation. Network Administrator or Technical Programmer will wind up coming at the Bachelor level and further, it will have more of a senior functionality that speaks to what all others reported.
 - **Ernie:** Based on my field, I see the Bachelor level graduate as someone that can take on a position that contains a greater level of comprehensive thinking. This is why Ernie believes that this level of educational experience will lead to someone who has both hands on experience and have a much more thorough set of capabilities as opposed to the

Associate Degree where we have a basic set of skills to be entry level, apprentice, much more supervision.

3. Would you hire someone who has completed the Bachelor Degree program (120 credits) over someone who has completed the Occupational Associate Degree program (60 credits)?

- **Kevin:** Key is what is required and what is available. We can look at their background and what is required for the job and then again, based on the required level, we can then make a decision. Kevin further confirmed that once we move to a more comprehensive need where there are multiple layers to the focus of the position, a Bachelor level program will be the most beneficial.
- **Ernie:** Depending on the clientele and job level, a higher position that would require a much more technical set of proficiencies would be better served by someone with a higher level of credentials. Network Administrator versus say a Field Technician would be a good comparison and further, this individual will have to be able to focus on a lot more variables and as a result, possess the knowledge to handle these sorts of problems and challenges that they might face with a Network versus a solitary or smaller range of issue(s).

4. What job title or titles would a graduate from the Occupational Associate Degree program (60 credits) qualify for in your organization or other organizations like yours?

- **Kevin:** The differentiator in the job titles will be Senior versus Junior, Manager and/or Director versus those taking direction or working on a portion of the problem with others.
- **Ernie:** Junior Field Tech for Associates, full-fledged Field Tech would be for Bachelor.

5. What job title or titles would a graduate from the Bachelor Degree program (120 credits) qualify for?

- **Kevin:** Based on the nature of Kevin's feedback, he again touched on the level and referenced answers going back to questions 3 and 4 that focused on a range. Kevin noted that the difference he would explain would place the Associate student in the Field Technician but in comparison, the Bachelor level student would have a title that could include a Network Administrator, Full-Fledged Field Technician, Manager and/or Director who is leading the Associate level graduate who is the more Field Tech.
- **Ernie:** This point was again expressed by Ernie who described the Manager/Team Leader role where a Network Administrator, System Analyst, and/or Project Leader that focuses on Networking, Security, Administration-based projects that account not only for

individual systems, but various elements of networks that could include wireless based systems.

6. Would you consider the Bachelor Degree program as in-demand in your geographical area?

- **Why or why not?**
- **Both Kevin and Ernie concurred:** The highest concentration of pure Cybersecurity specialist jobs will be in larger markets like Charleston, WV and Roanoke, VA in the south and Maryland, DC and Virginia in the north. In smaller markets cybersecurity skills will need to be integrated into a host other IT based activities (Administration and Networking as an example). Dr. Lombardo noted that the Valley College program purposely provides this breadth of technical training to provide graduates ample employment opportunities in various types of markets.

7. Are there any certifications or special accreditations you would recommend Valley implementing as part of this program to improve the employability of graduates from the Bachelor Degree program?

- **Kevin:** In this area, Kevin noted that Microsoft and Cisco based certifications that are tied back to industry proven certifications that demonstrate the ability of a student to perform. This shows what the student knows “right now, and you can’t limp through these certifications without really know what you are doing”. Kevin also supports CompTIA and feels that these would be beneficial as well.
- **Ernie:** Normally, Ernie stated he looks for hardware/software and specifically looks at Cisco and Microsoft, cited some elite certifications, any sort of certification is huge, this is what jumps out and more and more jobs require the certification. When hiring, Ernie would look to someone with the certification that is essential and demonstrates their mastery of a given subject.

8. What sort of key strategies would you recommend for our faculty to utilize in order to ensure the courses are delivered in a manner that builds essential core competencies for graduates?

- **Kevin:** Kevin stated that he personally likes the real life scenarios and practical areas of need such as the Ransom-Ware issues that impacted a local hospital in the Beckley area. Therefore, the ability to work through real life and actual issues, Kevin noted instructors should incorporate methods where the students gain some form of experiences in the classroom to immediately help their employer both react and pro-actively work through these issues. Case studies, simulations, labs with practical situations that support the

concept or theory. When you're building security systems, what is a good way to build multiple solutions for a host of issues that give you options? This would be a great tool.

- **Ernie:** Ernie stated that he would gear the approach to what the employers want the new hires to be able to do.

9. What sort of essential lessons would you recommend in a course that is dedicated on resume building, interviewing, and conducting an effective job search?

- **Kevin:** How to prepare for an interview. Many are simply unprepared to answer the standard and basic questions. They should review and be prepared to know something about the company. In addition, can they interview with a team in a group interview setting? This would be a good indicator of their ability to work together in an office.
- **Ernie:** Differentiator to Ernie is the personality of the person he is interviewing, meaning, we need to be able to help the student understand how to relate to their audience. They simply need to be able to connect and feel comfortable talking with customers.

10. Do you have any other recommendations for how Valley College can improve these programs overall?

- **Kevin:** The key factor is to build a program where the graduates come to me and they have the skills and knowledge that they profess to have and further, that you have stated you built. Content, strong lessons, and activities that feed their ability to function is key. Strong feedback on program layout and course selection. However, don't layout the classes in a manner that does not run the students out the door, make sure they can do it with a progressive approach where lessons build upon one another.
- **Ernie:** Ernie felt that unless a graduate can communicate, the student will fail when they hit the real world. Therefore, we need to make sure that they communicate with end-users, and Public-Speaking would be a huge help and would demonstrate how to talk to customers and co-workers.

Participant Credentials

Scott Zimmerman:

Education and Certification

- Certified Information Systems Security Professional (CISSP)
- Information System Security Engineering Professional (ISSEP)
- SANS Certified Intrusion Analyst (GCIA, exp. 2005)
- SANS Network Forensics
- SANS Auditing
- Massachusetts Institute of Technology (Tackling Challenges of Big Data), 2014
- DePaul University (Graduate courses, Hadoop, NoSQL, MongoDB, Cassandra, Cloud computing Technologies), 2013-2014
- BS Management Information Systems, Kennedy-Western University, 1998
- AS Electronic/Computer Technology, Electronics Institute, 1993
- Department of Homeland Security Infrastructure Protection, Cybersecurity for Industrial Control Systems (ICS), 2015
- NIST Risk Management Framework (Cybrary, August 2016)
- Amazon Web Services (Solutions Architecture)

Lucas Truax:

Education and Certification:

- Liberty University, Lynchburg, VA
 - B.S. Computer Management Information Systems
- West Virginia University, Morgantown, WV
 - M.S. Software Engineering
- Microsoft Certified Technology Specialist (MCTS) Certified for SQL Server 2005
- Microsoft Certified IT Professional (MCITP) DBA for SQL Server 2005
- SQL Server Administration for SQL Server 2005 courses administered by Microsoft internal trainer
- Microsoft Access 2007 certified.
- SANS - GIAC Response and Industrial Defense (GRID) • SANS – GIAC Critical Controls Auditor (GCCC)
- Certified Information Systems Security Professional (CISSP) (Using self-study and without “boot camp” assistance)

Jim Erb:

Education and Certification:

- BS, COMPUTER SCIENCE, 1991, UNIV OF PITTSBURGH, JTNW
- ITIL Foundation, Loyalist Certification Services
- ITIL Intermediate Examination: Intermediate Lifecycle Stream Service Strategy
- APM Group CTC-Certified Project Manager

- CTC University CTC-Certified Line Manager
- CTC University ITIL IT Service Management
- Office of Government Commerce (OGC) Mirantis
- Certified Administrator for OpenStack, Mirantis

Kevin Sexton:

Education and Certification:

- Concord University Athens, WV, Bachelor of Science in Computer Science
 - 23 years in Information Technology
 - 21 years as Hospital Information Systems Director
 - 2 years on Lifepoint Health's Information Technology Leadership Council

Ernie Edwards:

Education and Certification:

- Concord University Athens, WV, Bachelor of Science in Computer Science
 - 21 years in Information Technology
 - 15 years IT Consulting Firm Business Owner

West Virginia Higher Education Policy Commission
Meeting of November 17, 2017

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

INSTITUTIONS: All

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

STAFF MEMBER: Corley Dennison

BACKGROUND:

With the passage of House Bill 2815 that became effective on April 8, 2017, the following revisions are necessary to bring Series 11, Procedural Rule, Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs, into compliance with West Virginia Code, §18-1B-4. The policy revisions significantly reduce the amount of time in the submission and approval process of new academic programs for the regional institutions. Key changes in the policy include the following:

- Section 3.7 – Removes the West Virginia School of Osteopathic Medicine as a regional institution.
- Section 5 – Specifies new time frame and procedures for intent to plan submissions.
- Sections 7.1 through 7.4 – New language outlines time frame and procedures for Chancellor and Commission's review of new programs submitted for approval.

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

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

§133-11-1. General.

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

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

1.3. Filing Date. -- ~~November 18, 2016.~~

1.4. Effective Date. -- ~~December 18, 2016.~~

1.5. ~~Modification of Existing Rule~~ Repeal of Former Rule. -- Repeals and replaces Title 133, Series 11, Procedural Rule of the West Virginia Higher Education Policy Commission dated July 24, 2011 December 18, 2016.

§133-11-2. Background.

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

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

§133-11-3. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

4.2. Proposals to add new degree programs shall be submitted to the Chancellor a minimum of ninety (90) days prior to the intended date of implementation for baccalaureate or graduate/professional programs.

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

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

4.5. If the proposal is to add a new teaching specialization, such proposal shall be submitted to the Chancellor a minimum of ninety (90) days prior to the date intended for implementation.

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

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

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

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

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

§133-11-5. Intent to Plan.

5.1. Intent to Plan: An institution must express to the Chancellor by a statement of intent to plan a new baccalaureate or graduate/professional degree program ~~ninety (90) days before submission of a full proposal (i.e., six (6) months prior to the intended date of implementation).~~ Early consultation allows exploration of such fundamental concerns as needs analyses, consistency with institutional mission, resource requirements, and other issues prior to engaging in extensive and detailed planning.

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

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

5.1.a. The intent to plan shall be submitted electronically to the Chancellor and vice chancellor for academic affairs offices. The email must be sent from the institutional president or provost or contain a letter from either office indicating official approval.

5.1.b. Once received at the Commission office, the intent to plan is to be posted electronically for comment among the Commission's regional institutions for five (5) working days.

5.1.c. After the comment period, the Chancellor will indicate approval or rejection of the intent to plan within five (5) working days. Any rejection shall contain an explanation for the rejection. If there are comments

that raise serious concerns, the Chancellor may ask that those concerns be addressed and the intent to plan resubmitted.

5.1.d. Institutions may revise a rejected intent to plan and resubmit or if the Chancellor rejects the plan a second time, may appeal through the Chancellor, to the Commission.

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

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

5.2.b. A brief description of the program.

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

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

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

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

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

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

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

The cover page should include the following:

Name of Institution

Date

Category of Action Required

Title of Degree or Certificate

Location

Effective Date of Proposed Action

Brief Summary Statement

6.2. Program Description

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

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

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

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

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

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

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

6.2.e.1. The content and length of the proposed academic program shall follow practices common to institutions of higher education. The commonly accepted program length is: 120 semester credits for bachelor's degrees, 30 semester credits beyond the bachelor's degree for master's degrees, 30 semester credits beyond the master's degree for doctorates.

6.2.e.2. All proposed undergraduate degree programs shall include a coherent general education component that is consistent with the institution's mission and appropriate to its educational programs. The undergraduate general education component shall be documented.

6.2.e.3. The minimum requirement for general education for all undergraduate programs delivered through the traditional distributed curricula is 24 for transfer associate's degrees, and 30 for bachelor's degrees. If the general education component is delivered through integrated, embedded, interdisciplinary, or other accepted models, institutions must demonstrate that the program meets minimum requirements equivalent to the distributed model.

6.3. Program Need and Justification

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

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

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

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

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

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

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

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

6.4. Program Implementation and Projected Resource Requirements

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

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

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

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

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

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

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

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

6.5. Program Evaluation

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

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

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

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

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

7.1. A copy of the new program proposal is electronically submitted by the president or provost, to the Chancellor and the vice chancellor for academic affairs with documentation of the institutional board of governor's approval.

7.1.a. The vice chancellor for academic affairs will review the proposal confirming proper format and make a recommendation for approval or disapproval to the Chancellor.

7.1.b. New programs that constitute a substantive change and/or change of mission for the institution may require consultation with an out-of-state expert in the field prior to confirming format and issuing a recommendation to the Chancellor. This may extend the time needed for a final decision.

7.2. Once a recommendation by the vice chancellor for academic affairs is submitted to the Chancellor, he/she has five (5) working days to forward a copy of relevant documents including the program proposal and recommendation to the Commissioners.

7.2.a. Commissioners have five (5) working days to review the program proposal and address any concerns.

7.2.a.1. If no concerns are reported by the Commissioners to the Chancellor, a recommendation for approval will be forwarded to the president and provost of the institution.

7.2.a.2. If there are concerns by any Commissioner, that Commissioner may request a special meeting to address the program concerns and consider the program for approval or rejection.

7.3. Program proposals received and approved for proper format by the vice chancellor for academic affairs within 30 days of the deadline for posting the agenda for a regularly scheduled Commission meeting shall be placed on the agenda for that scheduled meeting.

7.4. Programs approved prior to a regularly scheduled meeting of the Commission shall be included as a public information item in the Chancellor's report at the next regularly scheduled meeting of the Commission.

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

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

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

§133-11-8. Termination of a Program.

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

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

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

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

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

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

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

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

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

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

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

FIVE-YEAR PROJECTION OF PROGRAM SIZE

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

FIVE-YEAR PROJECTION OF TOTAL OPERATING RESOURCES REQUIREMENTS*

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

FIVE-YEAR PROJECTION OF TOTAL OPERATING RESOURCES REQUIREMENTS*

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

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

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

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Approval of Revisions to Series 22, Procedural Rule, Grade Point Average for Associate and Baccalaureate Degrees

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the revisions to Series 22, Procedural Rule, Grade Point Average for Associate and Baccalaureate Degrees to be filed with the Secretary of State for the thirty-day public comment period and if no substantive comments are received, the Commission extends its final approval.

STAFF MEMBER: Corley Dennison

BACKGROUND:

Commission policy, Series 22, Procedural Rule, Grade Point Average for Associate and Baccalaureate Degrees, has not been reviewed or revised since 2002. Provosts at several institutions felt it was time to revise the D and F repeat provisions of the rule.

Specific revisions include the following:

Section 3.1 - removing language establishing that students may repeat any course prior to the 60th hour and replacing it with language allowing students to repeat courses up to a 21 credit hour cap at any time prior to the issuance of the bachelor's degree. The rationale is that 21 credit hours allows a reasonable amount of time to correct any academic difficulties and the student may repeat a course during the junior or senior year.

This revised policy may be of benefit to a student needing a particular grade in a specific upper division course to gain admission to a graduate or professional program.

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

**SERIES 22
GRADE POINT AVERAGE for ASSOCIATE and BACCALAUREATE DEGREES**

§133-22-1. General.

1.1. Scope - Rule regarding grade-point average required for associate and baccalaureate degrees.

1.2. Authority - West Virginia Code §18B-1-1A; 18B-1-4.

1.3. Filing Date - ~~July 2, 2002~~

1.4. Effective Date - ~~August 1, 2002~~

1.5. Repeal of Former Rule -~~Revises~~ Repeals and replaces Title ~~428~~ 133, Series ~~202~~, and Title ~~131, Series 20~~, dated ~~March 30, 1986~~ August 1, 2002.

§133-22-2. Grade-Point Average Required For Graduation.

2.1. Quality points are based on the following point values for each semester hour of credit: "A" - 4, "B" - 3; "C" - 2; "D" - 1 and "F" - 0. The grade point average to be computed for graduation purposes (not necessarily each semester) shall be based upon all work for which the student has registered with the following exceptions:

2.1.1a. Courses with grades of "W" and "WP".

2.1.2b. Courses in remedial and/or developmental education.

2.1.3c. Courses taken on a credit/no credit, pass/fail or satisfactory/unsatisfactory basis where a passing grade is earned.

2.1.4d. Courses taken on an audit basis.

2.1.5e. Courses which have been repeated under the "D/F Repeat Provisions" of this policy.

2.1.6f. Courses which are covered under the "Discretionary Academic Forgiveness Provisions" of this policy.

§133-22-3. D and F Repeat Provisions.

3.1. If a student earns a grade of "D" or "F" (including failures due to regular and/or irregular withdrawal) on ~~any a~~ a course taken ~~no later than the semester or summer term during~~

which the student attempts the sixtieth semester hour, and if that student repeats this course prior to the receipt of a baccalaureate degree, and if that student repeats this course prior to the receipt of the baccalaureate degree, the original grade shall be disregarded and the grade or grades earned when the course is repeated shall be used in determining his/her the grade point average. The original grade shall not be deleted from the student's record. In upper division courses, a student may formally repeat up to eight credit hours, a of grade of "C", with the written permission of the appropriate head of the academic unit where the student's major is housed. The privilege of the "D" and "F" repeat is capped at 21 credit hours including any request for a "C" repeat in an upper division course.

§133-22-4. Discretionary Academic Forgiveness Provisions.

4.1. For purposes of grade-point average required for graduation, public colleges and universities shall have discretionary authority to establish academic forgiveness in addition to the "D/F" repeat provisions. However, institutionally established provisions must be consistent with this rule. If institutions elect to disregard prior "D" and/or failing grades, such action must accommodate the following minimal conditions:

4.1.4a. Students must not have been enrolled in college on a full-time basis during any semester or term in the last four consecutive years.

4.1.2b. Only grades for courses taken at least four years prior to the request for academic forgiveness may be disregarded for grade-point average computation.

4.1.3c. In cases where grades may be disregarded for grade-point average computation, these grades shall not be deleted from the student's permanent record.

4.1.4d. In instances where students request and gain academic forgiveness from one college or university and then transfer to another institution, the receiving institution is not bound by the prior institution's decision to disregard grades for grade-point average computation.

4.2. The provisions included herein shall be considered as minimum standards for extending academic forgiveness provisions. Consistent with institutional policies and mission, individual colleges and universities may impose more stringent provisions in the area of disregarding prior grades for grade-point average computation for graduation.

4.3. Institutional policies regarding academic forgiveness for grade-point average computation shall be stated in the institutional catalog. In addition to providing information on the manner in which such provisions may be applied at that institution, the catalog and/or such other publications as are appropriate shall inform students that academic forgiveness extended by one institution may or may not be recognized by other institutions in which the student may transfer.

§133-22-5. Application Only to Graduation Requirements.

5.1. Institutional officials shall make clear to students the fact that this regulation pertains only to graduation requirements and not to such requirements for professional certification which

may be within the province of licensure boards, external agencies, or the West Virginia Board of Education.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Report on Textbook Affordability

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Matt Turner and Corley Dennison

BACKGROUND:

In response to a 2009 report by the Statewide Taskforce on Textbook Affordability, the Commission created Series 51, Procedural Rule, Bookstores and Textbooks. This directs institutions to adopt rules governing the selection of textbooks and course materials and setting specific requirements to be included in those rules.

Series 51 requires each institution to report to the Commission for the prior fiscal year:

1. The deadlines established for faculty to be assigned to courses.
2. The deadlines for textbooks and course materials to be selected.
3. The percentages of those deadlines met.
4. The dates the listing of assigned textbooks and course materials were posted.

In 2014 and 2015, the Commission convened a regulatory reporting workgroup to assess the necessity for a variety of statutorily and commission-required reports. One of the recommendations of the workgroup was to streamline the textbook affordability report. In response, the Commission created a simplified, one-page form to gather the information required by Series 51, due November 1 of each year. Institutions were asked to identify specific ways they are working to reduce textbook costs for their students.

A summary of the institutional reports follows.

Bluefield State College

- Most faculty were assigned to courses by the deadline date, meeting the timeframe 97 percent to 100 percent of the time for each of the four terms, summer 2017 through spring 2018.
- Deadline dates for textbooks and course material selection were not as high, ranging from 60 percent to 80 percent for the same semesters, although the posting of assigned textbooks were about a week after the deadline date.

- Supporting efforts:
 - Securing more used textbooks from multiple suppliers.
 - Daily buyback opportunities for students to sell unwanted books, making more used books available for other students.
 - Faculty encouraged to use books for more than one course within the same discipline.
 - Use of e-books as an alternative.
 - Lab instructors asking students to share resources as lab partners.
 - Textbook information available during Early Registration time.

Concord University

- 95 percent of faculty were assigned to the courses by the deadline date of March 6, 2017, for the fall 2017 semester.
- 55 percent of the assigned textbooks and course materials were posted by the April 15 deadline date for textbook and course material selection.
- Supporting efforts:
 - Increased use of e-books.
 - Textbook rental programs.

Fairmont State University

- Faculty assignments to courses met the deadline 100 percent of the time.
- Required textbooks and course material selection met the required deadline 96 percent to 100 percent from last summer through spring.
- Supporting efforts:
 - Textbook rental program saves students an estimated \$300,000 each semester.
 - Textbook buyback program is highly publicized.
 - Three-year adoption cycle allows more used books to be available.
 - Increased use of online/digital materials.
 - Fewer customized materials.
 - Textbooks available for checkout in library.
 - Textbook ISBN numbers provided on website.

Glenville State College

- Glenville is doing a great job of assigning faculty to their courses on time, with ranges from 90-97 percent and as high as 100 percent on time for the summer session.
- Glenville also reached 89 percent and 87 percent on-time assignment of textbooks and course materials for the spring and fall semesters. For the summer, text selection was 100 percent on time.
- Supporting efforts:
 - Listing of required textbooks and their costs available at the time of registration.

- ISBN numbers and other relevant text information posted by the bookstore and the College via a web link tied to the course schedule.
- **More than 99 percent of textbook adoptions occurred by the start of class.**
- Academic departments must have default textbooks in case a textbook order was not submitted in a timely manner.
- **35 percent of courses offered required textbooks and 82 percent of them used the same title from the previous term.**
- More than 90 percent of the books in the campus bookstore may be rented.
- **Faculty are encouraged to use Open Education Resources.**

Marshall University

- For fall 2017, faculty were assigned to courses by the deadline at an average of 87.6 percent on time.
- The actual date assigned textbooks and course materials were posted was nine days later than the deadline.
- Supporting efforts:
 - On-campus bookstore vendor, Follett, provides various programs to help reduce the expense of textbooks for students, including:
 - Text rental at up to 80 percent off the purchase price of a new book
 - Guaranteed price match against select competitors.
 - Electronic adoption form used by all faculty allows for earlier adoption of course materials.
 - Strong relationship with the provost and deans to encourage early adoption.

Shepherd University

- *Shepherd did not provide information about the deadlines or its percentage of meeting the deadlines for faculty to be assigned to courses.*
- For the spring semester 2017, Shepherd met the deadline for textbook and course material selection 33.7 percent of the time.
- For the summer semester 2017, the deadline for selecting textbook and course material was met 86.3 percent of the time.
- For the fall semester 2017, the deadline for selecting textbook and course material was met 82.3 percent of the time.
- *Shepherd did not provide any additional information about efforts to support textbook affordability.*

West Liberty University

- Deadline for faculty to be assigned to courses:
 - The percentage of on-time assignment was not provided but the deadlines are as follows

- August 20, 2016 for fall 2016
- January 14, 2017 for spring 2017
- May 15, 2017 for summer 2017
- Percentage of on-time posting of ranged from 39 percent to 47 percent; however, it should be noted that all materials are posted within 24 hours of receiving the information from the faculty.
- Supporting efforts:
 - West Liberty's on-campus bookstore promotes textbook rental and online course materials as cost-effective options for students.

West Virginia School of Osteopathic Medicine

- Faculty are assigned to courses by July 21 and the deadline was met 100 percent of the time.
- Course materials were due to be posted by March 3 and the deadline was met 100 percent of the time.
- Supporting efforts:
 - WVSOM library procured unlimited online portals which enable students to digitally access all reference books free of charge.
 - Library has acquired at least one copy of every required book to have on reserve for students.
 - Campus store keeps mark up on textbooks at 20 percent, which is well below the state maximum allowance.
 - Students have access to electronic versions of textbooks.
 - Faculty may only require textbooks that are necessary and adhere to the 50 percent rule of usage in Series 51.

West Virginia State University

- Faculty were assigned by the February 29 and September 30 deadlines 100 percent of the time.
- Required course materials and textbooks were posted by March 30 and October 30, but missed the March 15 and March 30 deadline.
- Supporting efforts:
 - WVSU's textbook affordability committee comprises faculty, staff and students who meet to address issues related to textbook prices.
 - WVSU bookstore offers book rentals, e-books and textbook buyback.
 - All textbooks and coursework materials are assigned before the beginning of each semester and complete textbook information is posted at the student union and on the official website, bookstore.wvstateu.edu.

West Virginia University

- WVU met the dates for faculty to be assigned to courses 100 percent of the time.
- Course materials and textbook information is posted 24 hours after receiving it from faculty.
- Materials were posted by the deadline 91-92 percent on time.

- Supporting efforts:
 - Institutional deadline for course material selection is the textbook buyback deadline. If a text is re-selected before the buyback period, students receive more money for their used books and more used books are available for new students to purchase.
 - WVU bookstore posts the ISBN number for each book and this information is available as soon as it is received from faculty.
 - WVU bookstore website is able to generate a booklist, itemized by course based on a student's schedule.
 - Committee studied the practice of adopting customized textbooks with the goal to reduce this costly practice when the customization does not add educational value.
 - Created a textbook affordability website that shows how faculty members can help increase affordability for their students.
 - Increased accessibility to used textbooks and textbook rentals – 26 percent of all sales are used books or rentals.
 - WVU sends reminder memos to faculty and to deans about textbook affordability and timely text selection.
 - WVU encourages faculty to use earlier editions of textbooks and outlines procedures designed to make books more affordable and ethical provisions in working with textbook publishers.
 - **WVU has a default textbook adoption process that is strictly enforced. If faculty have not posted specific texts for their courses by the deadline, a department chair can apply a default textbook selection procedure. If no textbook has been selected and no default procedure is in place, a university-wide default is applied, using the course materials from the last time the course was taught.**
 - **WVU bookstore has an online textbook adoption platform, FacultyEnlight, that allows faculty to research course materials, compare text costs and identify format options before they adopt them.**

Discussion on future initiatives to encourage more affordable textbooks

Dr. Corley Dennison recently attended the Southern Regional Education Board chief academic officers meeting in Atlanta. A prominent topic of discussion at the meeting focused on efforts to reduce the rising cost of textbooks. A number of states are working to offset increased course material costs through OER (open educational resources). The State of Georgia now requires a certain number of statewide general education courses to use OER course materials.

Commission staff would like to begin the transition from a simple textbook affordability report to an enhanced initiative to encourage West Virginia public institutions to explore increased use of less-expensive but equally effective course materials.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Fall 2017 Enrollment Report

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Chris Treadway

BACKGROUND:

The presentation will consist of trend enrollment data through fall 2017 for the state's public four-year institutions. The data for this presentation are still in the process of being collected from the institutions and reviewed for accuracy at this time. It is anticipated that enrollment data will be fully available by the Commission meeting date.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Statewide College Access and Success Initiatives Report

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Adam Green

BACKGROUND:

The Division of Student Affairs coordinates several projects aimed at assisting students in navigating college processes and pathways. Staff will provide an update on recent and upcoming college access and student success initiatives, including the following:

College Foundation of West Virginia (CFWV): Collaborative partnership between the Commission, West Virginia Community and Technical College System, Office of the Secretary of Education and Arts, and the West Virginia Department of Education aimed at helping West Virginia students plan, apply, and pay for an education and/or training beyond high school. Focal to this work is the statewide college and career exploration portal www.cfwv.com that is free to all users in West Virginia. In the 2016-17 academic year, CFWV.com had more than 55,000 active accounts.

To ensure usage of the portal and the promotion of a college going culture in our K-12 schools, partners work together to provide professional development for school counselors, educators, and college access providers. One example of this effort is the annual Student Success Summit in Morgantown, WV. The 2017 Student Success Summit hosted approximately 400 educators from across the state to offer professional development opportunities and chances for educators to collaborate all across the K-12 continuum.

CFWV staff members visited 150 classrooms to teach students and school faculty how to utilize CFWV.com. Students learned how to use tools appropriate for their respective ages and grade levels, such as interest profilers for middle school students and the scholarship finder for high school students. CFWV staff members also presented information about the portal to community members during 20 presentations across the state.

CFWV staff members attended all scheduled college fairs as part of the West Virginia Association of College Registrars and Admissions Officers' (WVACRAO's) College Day Tour. The purpose of the tour is to give high school students across the state college planning information close to home. CFWV staff members supported the information admissions officers from West Virginia's colleges and universities gave to students by discussing state and federal financial aid opportunities.

College Planning Pathway Events: Through its CFWV outreach initiative, the Commission's Division of Student Affairs coordinates three annual statewide college planning pathway events to assist families in planning, applying, paying, and preparing for postsecondary programs.

1. The first event, College Application and Exploration Week, occurs annually in the fall after the launch of the Free Application for Federal Student Aid (FAFSA). The focus of the week is to help students explore their postsecondary options and submit college applications. Last year's celebration was held in schools across the state from October 31 through November 4. Nearly 450 schools and adult basic education centers participated in 2016, and more than 66,000 West Virginia students participated in events throughout the week.
2. The second in the series of events include multiple financial aid awareness and assistance events that help families complete financial aid application forms including the FAFSA. Additionally, through a grant funded by the National College Access Network (NCAN), Commission staff worked closely with Kanawha County high schools to pilot a series of unique financial aid and FAFSA completion interventions. These efforts led to the second highest FAFSA completion increase of all NCAN grantees.

Efforts to increase FAFSA completion and financial aid awareness through innovative interventions and multiple partnerships have proven to be successful. In 2012 when data first became available to measure FAFSA completion by high school, our State's completion rate was 48%. We are pleased to announce that our FAFSA completion rate for the past academic year was 63%.

3. The third event, College Decision Day, celebrates college-bound seniors while providing them and their families with information and resources to help students transition to college. This year's celebration was held during the months of April, May and June. The Commission's 15 to Finish initiative, which encourages college students to take at least 15 credit hours per semester to stay on track to graduate, was highlighted during these celebrations.

GEAR UP Federal Grant (2014-2021): West Virginia GEAR UP is a \$21 million federally funded program that helps students in 10 counties prepare to succeed in education and training beyond high school. "GEAR UP" stands for "Gaining Early Awareness and Readiness for Undergraduate Programs," and the program's goal is to help more students pursue their dreams of earning a college diploma or skillset certificate. Annually, the program serves more than 5,000 students in 10 high need counties in Central and Southern WV. Services include tutoring, mentoring, college campus visits, financial aid workshops, an annual college prep summer academy known as GEAR UP U, leadership development opportunities, and career exploration activities.

West Virginia GEAR UP is managed by the Commission, in collaboration with the West Virginia Community and Technical College System, the West Virginia Department of

Education, the Office of the Secretary of Education and the Arts and many other community partners. The GEAR UP program operates on seven-year cycles.

College Counseling Via Text Message. In 2014, the Commission received a \$225,000 grant from the Kresge Foundation to launch a program to provide college counseling and reminders to complete key college tasks via text messaging. In the initial year, the program was limited to those schools served by the GEAR UP program. It is now a statewide offering, providing services and support to more than 11,000 students. External evaluation results indicate that students who received support through text messaging in the project's first and second year were more likely to attempt and complete a higher number of college courses and to earn slightly higher grade point averages. Year 2 external evaluation results indicate that treated students were 6-6.7 percentage points more likely to persist throughout their first year of college. A recent working paper regarding the Commission's texting initiative by University of Virginia researchers (Dr. Ben Castleman and Katherine Meyer) states "...our paper provides the first suggestive evidence of which we are aware that low-touch, behaviorally-informed outreach to underrepresented college freshman from rural areas can lead to improvements in students' first-year academic persistence and credit loads."

Student Leadership Conference: Each spring, the Commission partners with all public four- and two-year colleges to provide a three-day Student Leadership Conference for a team of student government leaders and their advisors from each campus. In addition to leadership training and an opportunity for students to exchange ideas, this event provides Commission staff an early opportunity to acquaint newly elected student government officers with their roles with the legislative mandated State Advisory Council of Students.

Office of Veterans Education and Training 5 Star Challenge: Last year, the Commission and the West Virginia Community and Technical College System launched a public recognition campaign to encourage public institutions to adopt and implement a set of standards aimed at creating an environment that supports student veterans and accommodates the unique needs of this population.

The campaign, the "5 Star Challenge," is based on the military tradition of issuing "challenge coins" within military units. Challenge coins are symbolic tokens given to individuals who exemplify the values, goals and culture of the unit.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Expansion of the West Virginia Regional Technology Park Board of Directors Membership

INSTITUTION: West Virginia Regional Technology Park

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission directs the West Virginia Regional Technology Park Board of Directors to amend its by-laws to allow for up to twelve directors.

Further Resolved, that the West Virginia Regional Technology Park Board shall establish a Tenant Advisory Committee.

STAFF MEMBER: Paul Hill

BACKGROUND:

The Commission is charged by West Virginia Code §18B-1F-1 with selection and oversight of the West Virginia Regional Technology Park Board of Directors for purposes of operation and management of the campus. Currently, the by-laws of the extant Board of Directors, previously appointed by the Commission, is limited to nine members. The Commission has the authority however, under State Code, to name as many or as few as it deems appropriate for the operation and management of the facility.

Should the Commission move to add new perspectives and energies by adding new members or reappointing existing members, the twelve-member board will provide this flexibility and opportunity to do so. Potential tie votes by members on important business and management issues would be decided by the Chair.

The growing number and diversity of tenants in the West Virginia Regional Technology Park also presents important new perspectives and views ranging from policy to infrastructure and services provided. The establishment of a Tenant Advisory Committee for this purpose could enhance communication on an array of common issues relevant to those policies and services and could potentially expand amenities and services in the future. The Tenant Advisory Committee would provide recommendations to and meet with the Board of Directors from time to time to address tenant related matters.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Approval of Appointments to the West Virginia Regional Technology Park Board of Directors

INSTITUTION: West Virginia Regional Technology Park

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the appointments to the West Virginia Regional Technology Park Board of Directors.

STAFF MEMBER: Paul Hill

BACKGROUND:

On March 12, 2011, the Legislature approved Senate Bill (SB) 484, which provided for a new corporation to be established for operation and development of the West Virginia Regional Technology Park, a 258-acre property located in South Charleston. SB 484 authorized the appointment of a Board of Directors comprised of a majority membership from the business and technology community. As a result, the Commission made appointments to the Board of Directors on April 29, 2011, June 22, 2011, April 26, 2013 and again on August 7, 2015.

At an initial West Virginia Regional Technology Park Board of Directors meeting, by-laws were approved. On April 26, 2013, the Commission directed the Board of Directors to amend its by-laws to allow for staggered terms of one, two and three year term cohorts of appointed directors.

Based on current West Virginia Code and the Board of Directors by-laws, the Commission is to appoint board members at the last regularly scheduled meeting of the fiscal year or when vacancies exist. Although current members may serve after the expiration of their terms or until they are replaced or reappointed by the Commission, many of the current Director's terms are now expired or have been vacated.

A slate of new candidates for Directors is being prepared and will be presented during the Commission meeting. Confirmation of willingness to serve is being confirmed at this time.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Approval of Revisions to Series 33, Interpretive Rule, Anatomical Board

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the revisions to Series 33, Interpretive Rule, Anatomical Board, to be filed with the Secretary of State for a thirty-day public comment period and if no substantive comments are received, the Commission extends its final approval.

STAFF MEMBER: Laura Boone

BACKGROUND:

Senate Bill 671, passed during the 2017 Regular Legislative Session, amended West Virginia Code §18B-4-8 governing the West Virginia Anatomical Board (Anatomical Board). The Commission is required to update the interpretive rule governing the program in order to bring the rule into compliance with the statute. The major changes to the rule include the following:

- Revises the Anatomical Board membership to: the dean of the West Virginia University School of Dentistry, the dean of the West Virginia University School of Medicine, the dean of the Marshall University School of Medicine, and the dean of the West Virginia School of Osteopathic Medicine, or those individuals' designees. The previous language included the departments of anatomy at West Virginia University and Marshall University and both institutions no longer have departments of anatomy and instead include anatomy within other departments.
- Clarifies that although the Anatomical Board has the authority to appoint its own officers and agents, the Chancellor oversees the administration of the Anatomical Board. This operational structure is current practice, but prior to the statute revision, the relationship between the Anatomical Board and the Chancellor and the Commission was less clearly defined.
- Allows the Anatomical Board to develop its own Administrative Guidelines separate from the Interpretive Rule. The Anatomical Board currently has its own Rules and Regulations included as Appendix A to Series 33. The current proposal strikes the Appendix A Rules and Regulations from the rule with the intention that the Anatomical Board will transform its Appendix A Rules and

Regulations into Administrative Guidelines. These Administrative Guidelines also will be updated to align with the changes made to the statute.

- Removes language related to bonding requirements of the Anatomical Board members. This language was removed from the statute because all members of the Anatomical Board are state employees and covered by the West Virginia Board of Risk and Insurance Management (BRIM).
- Makes extensive technical copy edits to update the rule to conform with current style requirements and remove repetitive or outdated language.

Staff recommends approval of the revised Series 33 for filing with the Secretary of State and final approval if no substantive comments are received during the public comment period.

**TITLE 133
INTERPRETIVE RULE**

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

**SERIES 33
ANATOMICAL BOARD**

§133-33-1. Section 1. General.

1.1. Scope: This rule establishes the government and operations of the West Virginia Higher Education Policy Commission Anatomical Board.

1.2. Authority: ~~W. Va.~~ West Virginia Code §§18B-1-6, §18B-4-8.

1.3. Filing Date: ~~August 7, 2002~~

1.4. Effective Date: ~~September 6, 2002~~

1.5. Repeal of Former Rule: Repeals and Replaces Title ~~428~~133, Series ~~58~~33, dated ~~March 8, 1991~~
September 6, 2002.

§133-33-2. Section 2. Purpose.

2.1. ~~The West Virginia Higher Education Policy Commission hereby establishes the West Virginia Anatomical Board. In accordance with the provisions of W. Va. Code §18B-4-8, the Anatomical Board shall have full power to establish rules and regulations for its own governance and for the requisition, use, disposition, and control of such dead human bodies as may come under its authority by way of gift. The West Virginia Anatomical Board (Anatomical Board) is established for receiving, recordkeeping and making disposition of dead human bodies for the scientific and educational uses and purposes of higher education institutions within the state and elsewhere.~~

2.2. The Anatomical Board shall operate consistent with the Revised Anatomical Gift Act (West Virginia Code §16-19-1).

§133-33-3. Section 3. Appointments of Members.

3.1. ~~The West Virginia Anatomical Board shall consist of the following four members or their designees: (1) the dean of the school of dentistry, of the West Virginia University School of Dentistry; (2) the chairperson of the department of anatomy, dean of the West Virginia University, School of Medicine; (3) the chairperson of the department of anatomy, dean of the Marshall University, School of Medicine; and (4) the dean of the school of medicine, West Virginia School of Osteopathic mMedicine.~~

3.1.1. ~~The West Virginia Anatomical Board shall have the authority to appoint such officers, and agents as may be necessary to carry out the purposes for which the Anatomical Board is organized.~~

3.1.2. ~~Because membership on the Anatomical Board for the most part is specified in the statute and is tied to certain positions within the state's school of dentistry and schools of medicine, members of necessity may be reappointed to membership on the Anatomical Board. Members of the Anatomical Board may be represented by a designee from their respective institution with right of proxy.~~

§133-33-4. Section 4. Compensation of Board Members.

4.1. All members of the Anatomical Board ~~by statute~~ shall be members of the state's schools of medicine and dentistry and shall not be entitled to, or receive, any compensation for services rendered in their capacity as members of the Anatomical Board. ~~Anatomical Board members may be reimbursed for incidental expenses, subject to applicable state and Higher Education Policy Commission regulations.~~

§133-33-5. Section 5. Budget.

5.1. The ~~West Virginia~~ Anatomical Board shall have no budget and, therefore, shall receive no direct allocation of state funds because its functions are financed by the state's medical and dental schools as an element of their educational expense. ~~The current practice, whereby the functions of the Anatomical Board are financed by the state's three medical schools as an element of their educational expense, shall continue.~~

5.2. ~~Each school currently operates~~ Marshall University, West Virginia School of Osteopathic Medicine, and West Virginia University each currently operate a Human Gift Registry subject to the Administrative Guidelines of the Anatomical Board. These registries shall be financed as an educational expense of each medical and/or dental school.

§133-33-6. Section 6. Promulgation of Rules and Regulations. Administration and Operations

6.1. ~~The West Virginia Anatomical Board is vested by statute with the authority to establish its own rules and regulations pursuant to W. Va. West Virginia Code §18B-4-8. The Chancellor of the West Virginia Higher Education Policy Commission (Commission) oversees the administration of the Anatomical Board.~~

6.2 The Anatomical Board shall have the authority to appoint such officers and agents as may be necessary to carry out its operations. The chairperson of the Anatomical Board (the Chairperson), the administrative staff of the Anatomical Board, and location of the administrative office shall be reviewed at each annual meeting.

~~6.2.~~ 6.3. The Anatomical Board ~~has adopted~~ shall adopt and transmitted transmit to the ~~Higher Education Policy Commission a copy of rules and regulations by the Anatomical Board its Administrative Guidelines.~~ Higher Education Policy Commission These rules and regulations are included as Appendix A of this rule. By enacting this rule, the Policy Commission specifically adopts, as its own, the ~~current rules and regulations~~ Administrative Guidelines of the ~~West Virginia~~ Anatomical Board. ~~Such rules and regulations shall be in effect until superseded by new rules and regulations adopted by the West Virginia Anatomical Board and approved by the Higher Education Policy Commission.~~

~~6.3.~~ 6.4. ~~The rules and regulations~~ Administrative Guidelines of the Anatomical Board may be amended ~~or replaced in whole or in part~~ by the Anatomical Board ~~at its pleasure.~~ When such changes are made, however, the revised ~~rules and regulations~~ Administrative Guidelines shall be forwarded to the ~~West Virginia Higher Education Policy Commission for inclusion as Appendix A of this rule.~~

~~6.4.~~ 6.5. The Anatomical Board is charged under ~~W. Va.~~ West Virginia Code §18B-4-8 with keeping a full and complete record of its transactions, indicating (among other things) every dead human body coming under its authority and giving the name, sex, age, date of death, place from which received, and when and from whom received. This record must be open at all times to the Attorney General of West Virginia and to any prosecuting attorney within the state. ~~Accordingly, a single numbering system shall be established, and the central record-keeping system for the Anatomical Board shall be continued as currently established and functioning under the rules and regulations of the West Virginia Anatomical Board.~~

~~6.5. 6.6. In order for the Anatomical Board to more fully comply with its statutory duties relating to the keeping of records, each~~ Each institution which receives bodies under the Anatomical Board's authority shall, upon receipt of such body, file with the ~~Board's Secretary~~ Anatomical Board a copy of the Death Certificate and a copy of the Donor Registration Form or Relative Release Form. ~~Further, each institution which receives executed Donor Registration Forms and bodies under the Board's authority shall file monthly reports with the Board's Secretary giving the name, date of birth or Social Security number, sex, age, date of death, place from which received, and when and from whom received (in the case of donated body) and a copy of the Donor Registration Form (in the case of newly registered donors). In addition, each~~ Each institution in possession of bodies under the Anatomical Board's authority shall annually submit to the Anatomical Board the status of each body, ~~or a copy of the Disinterment-Reinterment Permit or some other documentation indicating final disposition.~~ The Department of Neurobiology and Anatomy at West Virginia University currently serves as the Administrative Office for the West Virginia Anatomical Board. The Chair of the Department serves as the Chair of the Anatomical Board. The Secretary of the Anatomical Board is designated by the Chair of the Anatomical Board and is currently a designated office staff in the Department. ~~Notification of the Higher Education Policy Commission is required in the event of changes in the administrative organization of the Anatomical Board.~~

~~6.6. The West Virginia Code requires that members of the Anatomical Board file a bond with the Clerk of the Circuit Court of Kanawha County or to prove to such Clerk that the members of the Anatomical Board be covered by a suitable bond in the amount of at least one thousand dollars (\$1,000). Accordingly, the West Virginia Higher Education Policy Commission shall communicate with the State Board of Risk and Insurance Management and with the Circuit Court of Kanawha County to record the filing of such bond.~~

§133-33-7. Section 7. Reporting Requirements.

7.1. The Anatomical Board shall record the minutes of its regular and special ~~meeting~~ meetings and shall forward copies of these minutes to the Chancellor of the ~~West Virginia Higher Education Policy Commission.~~ The minutes should include a report of major actions taken, issues discussed, transactions accomplished, and recommendations requiring action by the Commission.

7.2. ~~The Anatomical Board shall submit to the West Virginia Higher Education Policy Commission an annual report of major actions taken, issues discussed, transactions accomplished, and recommendations requiring action by the Policy Commission.~~

~~APPENDIX A~~

~~WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION~~

~~WEST VIRGINIA ANATOMICAL BOARD RULES AND REGULATIONS~~

~~Institutions and individuals using human bodies for scientific study, as authorized by state statutes, are required thereby to comply with the Rules and Regulations prescribed by the West Virginia Anatomical Board. The West Virginia Anatomical Board shall meet at least annually to review its Rules and Regulations and make appointments. The chairperson of the Board, secretary of the Board, and location of the administrative office shall be reviewed at each annual meeting. Advance public notice through the news media shall be given for all regularly scheduled meetings of the Board and for all special meetings except for an emergency requiring immediate official action.~~

~~The Rules and Regulations prescribed by the West Virginia Anatomical Board apply to the use of all bodies, whether requisitioned by the West Virginia Anatomical Board or donated under the provisions of the uniform Anatomical Gift Act (W.Va. Code §16-19). It is noted that two (2) general categories of dead human bodies are recognized by state statutes: First, those which are requisitioned by the West Virginia Anatomical Board (for example, certain bodies that must be buried at public expense) and second, those donated under the provisions of the Uniform Anatomical Gift Act to the West Virginia Anatomical Board for utilization in scientific or medical research or education. Institutions utilizing human bodies of either category must designate a person at the institution, acceptable by the Board, who will assume responsibility for assuring full compliance with the following Rules and Regulations. A written copy of such assurance, designating the name of the responsible person and signed by the chief officer of that institution, is to be submitted to the Board prior to usage of human bodies. Authorized individuals who are not associated with institutions must submit written assurance of compliance with these Rules and Regulations prior to usage of a human body or bodies.~~

- ~~1. All human bodies used by an authorized institution or individual for scientific study must be channeled through the West Virginia Anatomical Board prior to usage of the body or bodies. This may be carried out by direct correspondence and does not necessarily require that the body itself be delivered to the Board. All bodies under the jurisdiction of the West Virginia Anatomical Board are to be numbered using a single numbering system administered by the Secretary of the Board.~~
- ~~2. All bodies donated for scientific or medical study at an authorized institution or by an authorized person (for example, not requisitioned by the Board) require a properly signed and witnessed Donor Registration or Donation and Release Form. At the time of delivery of the body to such institution or person, a copy of the Death Certificate and Donor Card or Donation and Release Form shall be forwarded to the Board.~~
- ~~3. Postnatal bodies delivered to institutions or to authorized individuals require a Burial Transit Permit if delivery of the body is made from outside the county in which that institution or other authorized recipient is located. Within a county, a permit is not ordinarily required if the Death Certificate stipulates that the institution or authorized individual is to receive the body. If the body, or any part of the body, or the ashes are removed to any other location, within or outside the county, a Disinterment Reinterment Permit is then required at the time of removal. Modes of transportation must be appropriate in consideration of the dignity of the human body.~~
- ~~4. Following the usage of a body or bodies, it is the responsibility of the institution or authorized individual utilizing the body to properly dispose of the remains by cremation, unless some other proper manner of disposal is agreed upon by correspondence with the Board. Postnatal bodies must be cremated individually. A suitable crematory other than that used for animal remains is~~

~~required. Ashes from each postnatal body must be interred in an identified, individual container in a manner that ensures dignity and respect. Upon request by the next of kin at the time of donation, ashes will be delivered as a courtesy and not as a lawful obligation to the next of kin in a suitable container using a proper mode of delivery. In all respects, the feelings and the concern of the family will be given reasonable consideration.~~

- ~~5. A body may be donated to a specific institution. However, while reasonable efforts will be made to consider such requests of the donor, the Board may, in its discretion, authorize the use of the body or any part thereof by any authorized institution or person. A body or any part of a body which is in the care of an authorized institution or person may be removed to another authorized institution or person with the written consent of the West Virginia Anatomical Board.~~
- ~~6. All costs involved in the transportation of a body or bodies, embalming, cremation, and burial by the Board are to be assumed by the institution or authorized person utilizing the body or bodies. Such institutional costs shall include all administrative costs involved in the above, as well as cost incurred for memorial services, certificates and urns.~~
- ~~7. Confidentiality of the identity of all bodies must be assured, including anonymity for student usage.~~
- ~~8. Predoctoral and postdoctoral students are authorized to utilize human bodies for anatomical study if enrolled in appropriate anatomical courses of medicine, dentistry, or allied health sciences at institutions authorized by state statutes, subject to the Rules and Regulations prescribed by the Board, and such persons may be allowed access to the locations where bodies are utilized for anatomical study without further specific approval by the Board. Faculty members, resident students and appropriate nonfaculty medical, dental or allied health practitioners not enrolled in a course at an authorized institution also may utilize human bodies in the care of such institution for study if given permission by the responsible person designated by that institution, and if the study is carried out in the approved areas given to this purpose within that institution, as described below.~~
- ~~9. A body or bodies must be utilized in specific locations approved by the Board. Such locations are to be construed as restricted areas and must be designed to ensure the proper security of the body, prevent unauthorized access or usage, contain facilities required for the proper manner of scientific usage and remain in a securely locked condition when not in immediate use.~~

~~Places for body storage, such as a departmental morgue, are to be construed as restricted areas, and access is to be limited to the faculty and appropriate staff of that department or unit. All other individuals must secure the permission of the responsible person designated by that institution for admission to this restricted area, and only applications giving legitimate reasons for access shall be approved.~~
- ~~10. Photographs of a body or any of its parts are not to be made for any reason without the express written consent of the Board or the responsible person designated by the institution. The Board retains the right to edit, with respect to propriety, all photographs utilizing gross anatomical human material intended for publication, and the Board must be notified of intention to public such material.~~
- ~~11. No institution or individual may "Buy" or "Purchase" a human body. However, human bodies may be secured from and/or transferred to other authorized institutions, with priority in West Virginia, or in other states should the need arise. Such schools shall be reimbursed for all reasonable costs.~~

- ~~12. The West Virginia Anatomical Board emphasizes the importance of maintaining the continuing good will of the public. Students who will utilize bodies for anatomical study are to be thoroughly instructed in the proper manner of professional conduct. No action is to be made, in public or private, that in any way will demean the human body. Conversational improprieties and any other manner of unprofessional or unethical conduct are strictly prohibited. The need for genuine and sincere respect for the dignity of the deceased human body and the obligation to treat the body in a responsible and professional manner are to be regarded as essential. While authorized students or others approved by the Board, or by the responsible person of an institution, have access to locations for body usage, such individuals do not have the authority in turn to grant admission or visitation privileges for guests not approved by the responsible person designated by the institution. Only persons having legitimate purpose shall be granted admission or the privilege of usage. All guests granted admission to locations for anatomical study must comply with the professional standards outlined herein.~~
- ~~13. The proper physical care of each body is to be maintained throughout the period of usage.~~
- ~~14. Nonliving human fetuses may be utilized for scientific study, subject to the following constraints:~~
- ~~(a) Fetuses of less than twenty (20) weeks gestational age require no death certificate or Burial Transit permit. However, the West Virginia Anatomical Board requires a Donation and Release Form signed by a parent or next of kin and by two (2) witnesses releasing the fetus for scientific study and disposal. Such a statement is required for all in state, as well as out of state, fetuses. Fetus usage and disposition are to be carried out in accordance with the standard procedures pertaining to the usage and disposition of all postnatal human bodies as prescribed by state statutes and subject to the Rules and Regulations of the West Virginia Anatomical Board.~~
 - ~~(b) Nonliving fetuses exceeding twenty (20) weeks gestational age require a death certificate and Burial Transit permit in compliance with state statutes. A Donation and Release Form, signed by a parent or next of kin and by two (2) witnesses is required by the West Virginia Anatomical Board, whether the gift is made in state or out of state. A Burial Transit permit or a Disinterment Reinterment Permit, whichever applies, is required following the same guidelines prescribed for postnatal bodies. Fetus usage and disposition are to be carried out in accordance with standard procedures pertaining to the usage and disposition of all postnatal human bodies, in compliance with state statutes, and subject to the Rules and Regulations of the West Virginia Anatomical Board.~~
- ~~15. Full records are to be maintained by all institutions and authorized persons having prenatal and postnatal human bodies in their care. These records shall show all transactions and the name, sex, age, date of death, place from which received, when and from whom received, the West Virginia Anatomical Board number assigned, and other information relevant for each individual body. Records shall be open at all times to inspection by the Attorney General, any prosecuting attorney in the state, and the West Virginia Anatomical Board.~~

~~In order for the Anatomical Board to more fully comply with its statutory duties relating to the keeping of records, each institution which receives bodies under the Board's authority shall, upon receipt of such body, file with the Board's secretary a copy of the Death Certificate and a copy of the Donor Registration Form or Relative Release Form. Further, each institution which receives executed Donor Registration Forms and bodies under the Board's authority shall file monthly reports with the Board's Secretary giving the name, date of birth or Social Security number, sex, age, date of death, place from which received, and when and from whom received (in the case of a donated body) and a copy of the Donor Registration Form (in the case of a newly registered donors). In addition, each institution shall annually submit to the Board the status of each body, or a copy of the Disinterment Reinterment Permit or some other documentation indicating final disposition.~~

- ~~16. The propriety of any usage of the deceased human body for purposes other than for teaching and research must be approved in advance by the Board.~~
- ~~17. The West Virginia Anatomical Board requires that a personal copy of the Rules and Regulations be provided for each and every individual student, faculty member, secretary, technician, authorized guests, custodial maintenance, and security staff member, and for all other persons having authorized access to locations designated by the Board as "Restricted," or otherwise having occasion to participate, in any manner, in the use of dead human bodies or parts of bodies for anatomical study or research. This copy of the Rules and Regulations is to be received by each individual person named above, prior to his or her initial entrance into restricted facilities, or prior to any participation in any act of anatomical study or research utilizing deceased human bodies or part thereof. This paragraph shall not be construed to include the use of human skeletal material purchased through commercial supply houses, but does include all skeletal material derived from any body coming under the authority of the West Virginia Anatomical Board.~~

West Virginia Higher Education Policy Commission
Meeting of November 17, 2017

ITEM: Approval of Revisions to Series 12, Legislative Rule, Capital Project Management

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the revisions to Series 12, Legislative Rule, Capital Project Management to be filed with the Secretary of State for the thirty-day comment period.

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

STAFF MEMBER: Ed Magee

BACKGROUND:

Series 12, Legislative Rule, Capital Project Management, is the policy that establishes the development of a state-level facilities plan and funding mechanism for all public institutions except for those institutions defined by the West Virginia Code as “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.

The proposed revisions to Series 12, summarized below, align the rule with the requirements enacted by House Bill 2815 during the 2017 legislative session. A summary of significant revisions is as follows:

1. The exempted schools are not subject to the provisions of this rule.
2. Some actions formerly requiring approval by the Commission now require “confirmation”. Confirmation is defined as action in which substantial deference is allocated to the governing authority of a governing board under its jurisdiction and the action of the Commission is to review whether the proposed institutional action is consistent with law and established policy. These actions are:

- a. Campus Development Plan
 - b. Sale and lease back transactions
- 3. The name of the System Capital Development Plan was changed to the System Capital Development Oversight Policy.
- 4. The floor for deferred maintenance projects included in the Campus Development Plans is now \$75,000. No previous minimum was established by the West Virginia Code.
- 5. The minimum threshold for Commission approval of a project by an institution that is not exempt from the rule was changed to \$3 million.
- 6. The Commission, Council and institutions must provide written notice to the county commission and municipalities in the county in which the real estate property is located and all members of the Legislature ten days prior to the placement of the Class II legal advertisement for all real property with a proposed sale price of \$50,000 or greater.
- 7. Instead of depositing the net proceeds from the sale, lease, or conveyance or other disposal of real property into a special revenue account in the State Treasury to be appropriated by the Legislature, the proceeds will be credited to the Commission, Council, or governing board that sold, conveyed or otherwise disposed of the property.
- 8. In addition to the existing requirements for sale and lease back transactions, governing boards must:
 - a. Provide notice to the public in the county in which the real property is located by a Class II legal advertisement pursuant to section two, article three, chapter fifty-nine of this code;
 - b. Hold a public hearing on the issue in the county in which the real property is located;
 - c. Provide written notice to the county commission and municipalities in the county in which the real estate property is located and all members of the Legislature ten days prior to the placement of the Class II legal advertisement for all real property with a proposed sale price of \$50,000 or greater.

Staff recommends approval of the revisions to Series 12, Legislative Rule, Capital Project Management, for filing with the Secretary of State and submission to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no substantive comments are received.

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

**SERIES 12
CAPITAL PROJECT MANAGEMENT**

§133-12-1. General.

1.1. Scope. This rule establishes the policy for the strategic planning, financing, development, and maintenance of public higher education capital assets.

1.2. Authority. West Virginia Code §18B-1-6 and §18B-19-17.

1.3. Filing Date. ~~March 31, 2015.~~

1.4. Effective Date. ~~April 30, 2015.~~

1.5. ~~Repeal of Former Rule. Repeals and replaces Title 133 Series 12, Capital Project Management, filed November 20, 2001 and effective December 25, 2001.~~ Sunset Date. – This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§133-12-2. Purpose.

2.1. The purpose of this rule is to provide the West Virginia Higher Education Policy Commission (Commission) and the West Virginia Council for Community and Technical College Education (Council) authority to establish policies and procedures to meet the legislative objective stated in West Virginia Code §18B-1D-3 for the development of a state-level facilities plan and funding mechanism except for the exempt institutions that are not subject to this rule. The plan and funding mechanism must reduce the obligation of students and parents to bear the cost of higher education capital projects and facilities maintenance. The implementation of the plan must result in the following outcomes:

2.1.a. Development by the Commission and Council of a compact with elected state officials to fund a significant portion of higher education capital project needs from dedicated state revenues;

2.1.b. Development by the Commission and Council of a system to establish priorities for institution capital projects in a manner that is consistent with state public policy goals for higher education;

2.1.c. Implementation of facilities maintenance plans by institutions to ensure that maintenance needs are not deferred inappropriately;

2.1.d. Efficient use of existing classroom and other space by institutions;

2.1.e. New capital funding is applied effectively to projects that have a demonstrated need for new facilities or major renovations;

2.1.f. The cost of operating and maintaining the facilities and physical plants of institutions are appropriate for the size and mission of the institution; and

2.1.g. Capital and facilities maintenance planning that gives careful consideration to the recommendations arising from the committee established by the Joint Committee on Government and Finance for the purpose of making a specific and detailed analysis of higher education capital project and facilities maintenance needs.

§133-12-3. Definitions.

3.1. ADA. Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.*

3.2. Alteration. Projects addressing changing use of space.

3.3. Asset preservation. Projects that preserve or enhance the integrity of building systems or building structure, or campus infrastructure.

3.4. Auxiliary enterprise. An entity that exists to furnish goods or services to students, faculty, staff or others; charges a fee directly related to, although not necessarily equal to, the cost of the goods or services; and is managed as essentially self-supporting.

3.5. Auxiliary facility. A building or structure that is used for an auxiliary enterprise including, but not limited to, residence halls, food services, parking, intercollegiate athletics, faculty and staff housing, student unions, bookstores and other service centers.

3.6. Auxiliary fees. Funds derived from, but not limited to, the following sources:

3.6.a. Parking fees received from any source;

3.6.b. Revenues received from athletic events, including ticket sales, television revenues and skybox fees;

3.6.c. Bookstore revenues except revenues from bookstore commissions from a private entity, which must be set aside for non-athletic scholarship funds;

3.6.d. Student union vendor and user fees;

3.6.e. Donations or grants from any external source;

3.6.f. Facility rental fees; and

3.6.g. Fees assessed to students to support auxiliary enterprises.

3.7. Board of Governors. The board of governors of public higher education institutions not defined as “exempt schools” as defined in this rule.

3.78. Building envelope. Any work done to the exterior of an individual building, including windows, brick repointing, exterior doors and other exterior components.

3.89. Building systems. Any work done on the mechanical, HVAC, electrical, plumbing, and other building systems within individual buildings.

~~3.910~~. Capital planning. A purposeful activity that focuses attention on long term physical plant objectives which should be accomplished in a logical sequence over time as opportunities arise and resources become available.

~~3.101~~. Capital project management. Planning, designing, bidding and providing construction administration and oversight of architectural, engineering and construction contracts and projects.

~~3.142~~. Capital projects. The construction or renovation of a fixed asset, including buildings, fixed equipment and infrastructure.

3.13. Confirmation. when used in reference to action by the Commission, means action in which substantial deference is allocated to the governing authority of a governing board under its jurisdiction and the action of the Commission is to review whether the proposed institutional action is consistent with law and established policy.

~~3.124~~. Cost. The total dollar amount of a capital improvement including real property acquisition, legal fees, construction and labor, whether consisting of state dollars or alternative third party financing.

~~3.135~~. Debt structure. The mix of an institution's long term debt. Debt includes bond issues, notes payable and capital leases payable.

~~3.146~~. Deferred maintenance. Repair, maintenance and renewal of capital facilities which should be part of normal maintenance management, but which have been postponed to a future budget cycle or until funds become available.

~~3.157~~. Economic operations. Projects that result in a reduction of annual operating costs or capital savings.

~~3.168~~. Educational and general capital fees. The fees collected from students to pay debt service for capital improvement bonds issued by the Commission and governing boards for educational and general facilities, for the maintenance of those facilities and to fund capital improvements in those facilities on a cash basis.

~~3.179~~. Educational and general facility. A building or structure used for instruction and instructional support purposes, and includes classroom, laboratory, library, computer laboratory, faculty and administrative office and other academic support spaces.

3.20. Exempted Schools. 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.

~~3.4821~~. Extraordinary circumstance. A situation involving life-safety issues, issues that would result in extensive damage to a facility if not addressed immediately, any unforeseen opportunity to use external funds, or any other situation the Commission or Council determines should warrant special consideration.

~~3.4922~~. Facilities maintenance expenditures. The expenditures for activities related to routine repair and maintenance of buildings and other structures, including normally recurring repairs and preventive maintenance.

3.203. Facilities maintenance to capital expenditure ratios. The annual facilities maintenance expenditures divided by the capital expenditures reported in the institution's annual financial statements capital assets footnote.

3.244. Grounds infrastructure. Any work done to the hardscape and softscape on campus. Examples include signage, sidewalks, roads and flower beds.

3.225. Governing board, state institution of higher education, and institution under the jurisdiction of the Commission or Council. All state institutions of higher education including Marshall University and West Virginia University and their respective governing boards.

3.236. Life-safety. A condition existing on a campus that, if not corrected immediately, would jeopardize the safety and property of students, faculty, staff and the visiting public.

3.247. Life/Safety/Code. Code compliance issues and institutional safety priorities or items that are not in conformance with current codes, even though the system is "grandfathered" and exempt from current code.

3.258. Maintenance. The work necessary within a budget cycle to realize the originally anticipated life of a fixed asset, including buildings, fixed equipment and infrastructure.

3.269. Modernization. The replacement of components before the end of their life expectancy.

3.2730. New construction. The creation of new stand-alone facilities or the creation of an addition to an existing facility.

3.2834. Physical plant age ratio. The annual financial statement's accumulated depreciation divided by depreciation expense. The ratio estimates institutional deferred maintenance as well as the operating efficiency of the existing plant facilities.

3.2932. Physical plant package. The type of renovation or improvement.

3.303. Program improvement. Projects that improve the functionality of space, primarily driven by academic, student life and athletic programs or departments. These projects are also issues of campus image and impact.

3.344. Project backlog. The list of capital projects that have not been funded.

3.325. Reliability. Issues of imminent failure or compromise to the system that may result in interruption to program or use of space.

3.336. Repair/Maintenance. The replacement of components that have failed or are failing, or planned replacement at the end of a component's life expectancy.

3.347. Replacement value. The cost to replace an item on the present market.

3.358. Renovation. Enhancements made to restore or renew a building or building component.

3.369. Space renewal. Any work done on interior spaces that does not impact any of the building's core systems. This would include painting, carpet replacement, fixture replacement and furniture renewal.

3.3740. Staffing ratios. The facilities management staffing ratios defined by the American Association of Physical Plant Administrators to calculate facilities performance indicator.

3.3841. State capital funding. Financial resources provided from state government revenues or debt financing exclusive of funds from higher education sources.

3.3942. Synthetic financial products. Financial products that are primarily used to manage interest rate risk or asset/liability balance.

3.403. Transitional. Physical facilities that require a full renovation, adaptive reuse or demolition.

3.414. Utility infrastructure. Projects completed on components of the energy distribution systems outside of the building. This would include steam lines, central plant, water lines and electrical lines and other utility components.

§133-12-4. System Capital Development Planning.

4.1. By December 31, 2014~~7~~, the Commission and Council shall, jointly or separately, develop a system capital development ~~plan~~ oversight policy for approval by the Legislative Oversight Commission on Education Accountability. This ~~plan~~ oversight policy must include the following constraints:

4.1.a. State capital funding will focus on educational and general capital improvements, not capital projects.

4.1.b. Renovations of existing buildings will generally receive greater consideration for state funding than new construction.

4.1.c. Institutions will fund maintenance and deferred maintenance needs as the Legislature increases funding for new education and general capital improvements and major renovations and supplants existing educational and general debt.

4.1.d. The effect of additional debt loads on students and the financial health of institutions will be considered.

4.1.e. State capital funding and institutional capital fees will be used primarily for maintenance and deferred maintenance needs.

4.1.f. Institutions will not be rewarded with state capital funding if they neglect to address facilities maintenance needs or do not prudently manage their capital resources.

4.2. At a minimum, the system capital development ~~plan~~ oversight policy will include the following:

4.2.a. System goals for capital development.

4.2.b. An explanation of how system capital development goals align with established state goals, objectives and priorities and with system master plans.

4.2.c. A ~~process~~ description of how the Commission and Council will prioritize their recommendations for prioritizing capital projects for state funding based on their ability to further state goals, objectives and priorities and system capital development goals. The following data elements will be used for this process:

4.2.c.1. Physical plant needs segregated by the following asset groups:

4.2.c.1.A. Education and general.

4.2.c.1.B. Auxiliary.

4.2.c.1.C. Transitional.

4.2.c.2. Physical plant needs by project category:

4.2.c.2.A. Repair/ Maintenance.

4.2.c.2.B. Modernization.

4.2.c.2.C. Alteration.

4.2.c.2.D. New Construction.

4.2.c.3. Physical plant investment needs segregated by the following categories:

4.2.c.3.A. Reliability.

4.2.c.3.B. Asset Preservation.

4.2.c.3.C. Program Improvement.

4.2.c.3.D. Economic Operations.

4.2.c.3.E. Life/Safety/Code.

4.2.c.3.F. New Construction.

4.2.c.4. Physical plant package needs segregated by the following categories:

4.2.c.4.A. Building Envelope.

4.2.c.4.B. Building Systems.

4.2.c.4.C. Life/Safety/Code.

4.2.c.4.D. Space Renewal.

4.2.c.4.E. Utility Infrastructure.

4.2.c.4.F. Existing Grounds Infrastructure.

4.2.c.4.G. New Construction.

4.2.d. A building renewal formula to calculate a dollar benchmark that shall be collected annually and invested in facilities to minimize deferred maintenance and to provide the Commission and Council

objective information to determine if the investments in maintenance are occurring. The following components will be included in the formula:

4.2.d.1. A net asset value for each building determined by using the following formula:

$$NAV = \frac{ReplacementValue - ProjectBacklog}{ReplacementValue}$$

4.2.d.2. Space utilization percentage.

4.2.d.3. Square feet.

4.2.d.4. Needs segregated by:

4.2.d.4.A. Asset Group.

4.2.d.4.B. Project Category.

4.2.d.4.C. Investment Needs.

4.2.d.4.D. Physical Plant Package.

4.2.d.5. Funding will be prioritized for each institution in accordance with approved institutional plans.

4.2.d.6. Facility utilization rates will be used to prioritize capital projects across the systems.

4.2.d.7. Institutions with overall net asset values and capacity utilization rates that exceed or equal thresholds set annually by the Commission and Council may request funds for new facilities. If these projects do not replace an existing facility, they would be included in the Program Improvement category.

4.2.d.8. Capital project funds will be distributed to institutions for capital projects in the following investment category order:

4.2.d.8.A. Reliability.

4.2.d.8.B. Life/Safety/Code.

4.2.d.8.C. Asset Preservation.

4.2.d.8.D. Program Improvement.

4.2.d.8.E. Economic Operations.

4.2.d.8.F. New Construction.

4.2.d.9. Institutions may request funding for new facilities that replace aged and obsolete structures. The investment categories will be used to analyze the cost of the improvements resulting from the new construction.

4.2.d.10. An aggregate net asset value percentage change resulting from the proposed funding will be calculated for each institution.

4.2.e. A process for governing boards to follow in developing and submitting campus development plans to the ~~Commission and~~ Council for approval and confirmation by the Commission; and

4.2.f. A process for governing boards to follow to ensure that sufficient revenue is generated for and applied toward facilities maintenance. This process will incorporate the following benchmark comparisons:

4.2.f.1. Facilities maintenance expenditures.

4.2.f.2. Facilities maintenance to capital expenditure ratios.

4.2.f.3. Net Asset Value.

4.2.f.4. Facility staffing ratios.

4.2.f.5. Physical plant age ratios.

4.3. The system capital development plan shall be created in consultation with governing boards and appropriate institution staff. Before approving the system capital development plan, the Commission and Council shall afford interested parties an opportunity to comment on the plan through a notice-and-comment period of at least thirty days. ~~The Commission will approve capital development plans for Council institutions only after the Council has approved these plans.~~

4.4. The Commission and Council shall update its system capital development plan at least once in each ten-year period.

§133-12-5. Campus Development Plan.

5.1. Each governing board shall update its current campus development plan and submit the updated plan to the ~~Commission or~~ Council for approval or the Commission for confirmation by June 30, 2015. A campus development plan shall be developed for a ten-year period and shall align with criteria specified in the following sources:

5.1.a. The system capital development ~~plan~~ oversight policy;

5.1.b. The institution's approved master plan and compact; and

5.1.c. The current campus development plan objectives.

5.2. Campus development plans are intended to be aspirational; however, an institution's plan shall be appropriate to its size, mission, and enrollment and to the fiscal constraints within which the institution operates. At a minimum the campus development plan shall include the following:

5.2.a. The governing board's development strategy;

5.2.b. An assessment of the general condition and suitability of buildings and facilities using the following data elements:

5.2.b.1. Physical plant needs segregated by the following asset groups:

5.2.b.1.A. Educational and general.

5.2.b.1.B. Auxiliary.

5.2.b.1.C. Transitional.

5.2.b.2. Physical plant package needs segregated by the following by project categories:

5.2.b.2.A. Repair/Maintenance.

5.2.b.2.B. Modernization.

5.2.b.2.C. Alteration.

5.2.b.2.D. New Construction.

5.2.b.3. Physical plant package investment needs segregated by the following categories:

5.2.b.3.A. Reliability.

5.2.b.3.B. Asset Preservation.

5.2.b.3.C. Program Improvement.

5.2.b.3.D. Economic Operations.

5.2.b.3.E. Life Safety/Code.

5.2.b.3.F. New Construction.

5.2.c.3. Physical plant package needs segregated by the following categories:

5.2.b.4.A. Building Envelope.

5.2.b.4.B. Building Systems.

5.2.b.4.C. Life/Safety/Code.

5.2.b.4.D. Space Renewal.

5.2.b.4.E. Utility Infrastructure.

5.2.b.4.F. Grounds Infrastructure.

5.2.c. An assessment of the impact of projected enrollment and demographic changes on building and facility needs;

5.2.d. A comprehensive list of deferred maintenance projects individually exceeding \$75,000 that need to be addressed for each campus by building or facility including an estimated cost for each;

5.2.e. ~~An list~~ analysis as to all ~~of existing~~ buildings and facilities ~~in~~ as to the need of for renovations, additions, demolition or any combination thereof;

5.2.f. A list of major site improvements that are needed, including vehicular and pedestrian circulation, parking and landscaping;

5.2.g. ~~An list~~ analysis of telecommunications, utilities and other infrastructure improvements that are needed;

5.2.h. A delineation of clear property acquisition boundaries that are reasonably appropriate for campus expansion;

5.2.i. A list of proposed new facilities and building sites;

5.2.j. A list of capital projects in priority order;

5.2.k. Estimates of the timing, phasing and projected costs associated with individual projects;

5.2.l. If an institution has multiple campuses within 50 miles of each other, a delineation of how the campuses should interact and support each other to minimize duplication of facilities, improve efficiency and be aesthetically compatible;

5.2.m. A statement of the impact of the plan upon the local community and the input afforded local and regional government entities and the public with respect to its implementation;

5.2.n. An estimate of the plans' impact on the institution's capacity utilization, operating costs including depreciation, and projected financial status; and

5.2.o. Any other requirement established by the Commission and Council in these rules.

5.3. Campus development plans shall incorporate all current and proposed facilities, including educational and general and auxiliary facilities.

5.4. ~~At~~ Not later than the next regularly scheduled meeting of the Commission or Council following the fifth anniversary date after the Commission confirms ~~and~~ or the Council approves, as appropriate, the development plan of a governing board, the governing board shall report on the progress made in the first five years to implement the campus development plan for each campus under its jurisdiction. In addition, the governing board shall report on its plans to implement the remaining five-year period of its campus development plan.

5.5. Each governing board shall update its campus development plan at least once during each ten-year period and any update is subject to the ~~approval~~ confirmation of the Commission ~~and~~ or approval by the Council.

5.6. A governing board may not implement a campus development plan or plan update that has not been approved by the Commission or Council, as appropriate. The purchase or acquisition of any property for the construction of a facility that is not included in the campus development plan creates an update to

the campus development plan that must be approved by the Commission or Council prior to its purchase or acquisition.

~~5.7. Campus development plans that are in progress as of the effective date of this rule are subject to the provisions of the previous capital rule.~~

§133-12-6. Capital Appropriation Requests.

6.1. The Commission and Council each shall submit a prioritized capital appropriation request annually to the state budget office in accordance with state law consisting of major capital projects and maintenance projects. The dollar value threshold distinguishing major projects from other projects will be set annually by the Commission and Council for their respective institutions.

6.2. The Commission, Council, and governing boards shall use the following process in reviewing and submitting a list of major educational and general capital projects so that a prioritized major capital project list, approved prepared by the Commission in conjunction with the Council may be submitted to the state budget office by the applicable deadline:

6.2.a. The governing board's major capital project list shall be submitted in accordance with timelines established by the Commission and Council and include the following items:

6.2.a.1. Projects identified in the governing board's approved campus development plan or plans. A project may not be included which is not contained in the approved plan, except when extraordinary circumstances otherwise warrant;

6.2.a.2. A current estimate of each project's estimated cost accounting for inflation since completion of the campus development plan and the estimated cost of operation and maintenance and if an existing facility, the estimated cost of repair and renovation, if applicable, of the facility. The size and scope of the project may not change unless the campus development plan has been updated and confirmed or approved as provided in accordance with West Virginia Code §18B-19-4 and section four of this rule; and

6.2.a.3. Any additional information required to be provided by the Commission, Council, or state budget office.

6.2.b. The Commission and Council each shall rank the major capital projects submitted by the governing boards according to priority consistent with the criteria outlined in the system capital development plan. Such criteria shall include but not be limited to the cost of the project, its conformity to the mission of the institution, the future maintenance and operational costs, the cost of any renovation or repair if an existing facility, and other criteria as determined by the Commission and Council.

6.3. The Commission, Council, and governing boards shall adhere to the following process in submitting a list of major maintenance projects so that a prioritized maintenance project list, approved by the Commission and Council may be submitted to the state budget office by the applicable deadline.

6.3.a. The Commission and Council shall provide each governing board annually a recommended building renewal calculation that identifies the funds that should be collected and invested in its buildings and facilities during the next fiscal year to maintain them and minimize deferred maintenance.

6.3.b. As soon as the governing board receives the building renewal calculation, each governing board shall make realistic revenue estimates of the funds available for maintenance projects from educational and general capital fees, from auxiliary and auxiliary capital fees and from any other revenue

that may be used for maintenance projects, as well as any anticipated reserves. The governing boards then shall identify and submit to the Commission or Council proposed major maintenance projects, consistent with its campus development plan or plans, to be funded from these revenues for projects more than \$13 million, ~~or \$15 million for Marshall University and West Virginia University~~ for institutions subject to oversight by the Commission and \$500,000 for those subject to oversight by the Council.

6.3.c. The Commission and Council each shall report to the Legislative Oversight Commission on Education Accountability on the revenue available to governing boards for educational and general and auxiliary maintenance projects, as well as any shortfalls based on building renewal formula calculation, and major maintenance projects that institutions propose to undertake during the upcoming fiscal year.

6.3.d. The Commission and Council shall work with institutions under their respective jurisdiction to ensure that adequate funds are generated to fund maintenance and build adequate reserves from educational and general and auxiliary capital fees and other revenue consistent with the building renewal formula.

§133-12-7. Capital Project Financing.

7.1. The Commission and governing boards, jointly or singly, may issue revenue bonds for capital project financing in accordance with West Virginia Code §18B-10-8.

7.2. A governing board may seek funding for and initiate construction or renovation work ~~in excess of \$1 million~~ only for projects contained in an confirmed or approved campus development plan.

7.3. A governing board may fund capital improvements on a cash basis, through bonding or through another financing method that is approved by the Commission or Council.

7.3.a. If the cost of an improvement project for ~~any institution, except Marshall University or West Virginia University, exceeds~~ an institution subject to oversight by the Council exceeds \$1 million, the governing board first shall obtain the approval of the ~~Commission or Council~~, as appropriate. If the cost of an improvement project for ~~Marshall University or West Virginia University exceeds \$15~~ an institution subject to the oversight of the Commission and the provisions of this rule exceeds \$3 million, the governing board ~~first~~ shall first obtain the approval of the Commission. In determining cost, all dollars associated with the project, whether state or private funds, will be calculated. Subject to the provisions of this section, the governing board will submit a completed Financial Feasibility Study in the format required by the Commission or Council sixty days in advance of the deadline for submitting agenda items to the Commission or Council (Appendix A).

7.3.b. Each institution will establish a Debt Policy to ensure that debt is prudently used to meet the goals of institutional strategic and capital plans. The policy will include the following components:

7.3.b.1. Debt Structure.

7.3.b.2. Debt Ratios.

7.3.b.3. Synthetic Financial Products.

7.3.c. Prior to approving bonding or any alternative financing method, the Commission or Council, as appropriate, shall evaluate the following issues:

7.3.c.1. The institution's debt capacity and ability to meet the debt service payments for the full term of the financing;

7.3.c.2. Compliance with the institution's debt policy;

7.3.c.3. The institution's capacity to generate revenue sufficient to complete the project;

7.3.c.4. The institution's ability to fund ongoing operations and maintenance;

7.3.c.5. The impact of the financing arrangement on students; and

7.3.c.6. Any other factor considered appropriate.

7.4. A governing board shall notify the Joint Committee on Government and Finance at least thirty days before beginning construction or renovation work on any capital project in excess of \$1 million.

7.5. The Commission and Council may pledge all or part of the fees of any or all state institutions of higher education as part of a system bond issue.

7.6. Any fee or revenue source pledged prior to the effective date of this section for payment of any outstanding debt remains in effect until the debt is fully repaid or refunded.

§133-12-8. Capital Project Management.

8.1. The Commission, Council, and governing boards shall ensure that capital funds are spent appropriately and that capital projects are managed effectively. Project management shall be conducted in all respects according to sound business practices and applicable laws, and rules.

8.2. The Commission shall employ a sufficient number of competent facilities staff experienced in capital project development and management that is suitable for the number, size and complexity of the capital projects being managed. By December 31, 2013, and continuing thereafter, at least one employee shall be Leadership in Energy and Environmental Design (LEED) certified.

8.3. An institution that has entered into construction contracts averaging more than \$50 million over the most recent rolling five-year period is responsible for capital project management at that institution if it meets the following additional conditions:

8.3.a. The governing board shall employ a facilities staff experienced in capital project development and management that is suitable for the number, size and complexity of the capital projects being managed and, by December 31, 2013, and continuing thereafter, at least one of these employees shall be Leadership in Energy and Environmental Design (LEED) ~~certified~~;

8.3.b. The governing board shall promulgate and adopt a capital project management rule in accordance with West Virginia Code §18B-1-6 ~~which is consistent with the capital management rules of the Commission and Council~~. The capital project management rule shall include at least the following items:

8.3.b.1. Delineation of the governing board's responsibilities with respect to capital project management and the responsibilities delegated to the institution's president;

8.3.b.2. A requirement for the use of the state's standard contract documents for architectural, engineering, construction, construction management and design-build services as appropriate to a particular project;

8.3.b.3. The governing board's requirements for the following procedures:

8.3.b.3.A. Monitoring and approving project designs to ensure conformance with the state and system goals, objectives and priorities and the governing board's master plan, compact and campus development plan;

8.3.b.3.B. Approving project budgets, including a reasonable contingency reserve for unknown or unexpected expenses and for bidding;

8.3.b.3.C. Approving architectural, engineering and construction contracts exceeding an amount to be determined by the governing board;

8.3.b.3.D. Approving contract modifications and construction change orders;
and

8.3.b.3.E. Providing a method for project closeout and final acceptance of the project by the governing board.

8.3.c. The institutional capital project management rule shall be filed with the Commission no later than one hundred eighty days following the effective date of this rule required of the Commission and Council in West Virginia Code §18B-19-17.

8.3.d. The Commission may review or audit projects greater than \$5 million periodically to ascertain that appropriate capital project management practices are being employed.

8.4. For institutions that have entered into construction contracts averaging at least \$20 million, but not more than \$50 million, over the most recent rolling five-year period:

8.4.a. The governing board, with assistance as requested from the Commission, shall manage all capital projects if the governing board meets the following conditions:

8.4.a.1. Employs at least one individual experienced in capital project development and management; and

8.4.a.2. Promulgates and adopts a capital project management rule in accordance with West Virginia Code §18B-1-6 that is approved by the Commission. The capital project management rule may be amended at the discretion of the governing board, but amendments shall be submitted to the Commission for review and approval before becoming effective.

8.4.b. The capital project management rule of the governing board shall include at least the following items:

8.4.b.1. Delineation of the governing board's responsibilities with respect to capital project management and the responsibilities delegated to the institution's president;

8.4.b.2. A requirement for the use of the state's standard contract documents for architectural, engineering, construction, construction management and design-build services as appropriate to a particular project; and

8.4.b.3. The governing board's requirements for the following procedures:

8.4.b.3.A. Monitoring and approving project designs to ensure conformance with the state and system goals, objectives and priorities and the governing board's master plan, compact and campus development plan;

8.4.b.3.B. Approving project budgets, including a reasonable contingency reserve for unknown or unexpected expenses and for bidding;

8.4.b.3.C. Approving architectural, engineering, construction and other capital contracts exceeding an amount to be determined by the governing board;

8.4.b.3.D. Approving contract modifications and construction change orders;
and

8.4.b.3.E. Providing a method for project closeout and final acceptance of the project by the governing board.

8.4.c. If an institution does not meet the provisions of this subsection, the Commission shall manage all capital projects exceeding \$1 million.

8.4.d. The Commission staff shall review and audit periodically all projects greater than \$1 million to ascertain that appropriate project management practices are being employed. If serious deficiencies are identified and not addressed sufficiently within ninety days, Commission staff may assume management of all projects. Institutions must inform the Commission of any decisions to undertake a capital project in excess of \$1 million.

8.5. For institutions that have entered into construction contracts averaging less than \$20 million over the most recent rolling five-year period and for all community and technical colleges, the Commission and Council shall manage capital projects exceeding \$1 million. The following procedures shall be utilized in the planning, development and execution of capital projects:

8.5.a. After review and recommendation by the governing board, the Commission and Council shall monitor and if acceptable, approve project designs to ensure conformance with the state and system goals, objectives and priorities and the governing board's master plan, compact and campus development plan;

8.5.b. After review and recommendation by the governing board, the Commission and Council shall, if acceptable, approve project budgets, including a reasonable contingency reserve for unknown or unexpected expenses and for bidding;

8.5.c. After review and recommendation by the governing board, the Commission and Council shall, if acceptable, approve architectural, engineering, construction and other capital contracts;

8.5.d. After review and recommendation by the governing board, the Commission and Council shall, if acceptable, approve contract modifications and construction change orders; and

8.5.e. After review and recommendation by the governing board, the Commission and Council shall, if acceptable, provide a method for project closeout and final acceptance of the project by the governing board.

§133-12-9. Maintenance.

9.1. Each governing board shall ensure that facilities under its jurisdiction are maintained and that a listing of any major deferred maintenance projects is provided annually to the Commission and Council.

9.2. Each governing board shall strive to invest annually an amount for maintenance that is consistent with the building renewal formula developed and approved by the Commission and Council and to generate a reserve sufficient to address unexpected maintenance needs.

9.3. The Commission and Council shall determine whether a governing board is devoting sufficient resources for maintenance based on the following criteria:

9.3.a. The amount of maintenance expenditures compared to building renewal formula estimates of appropriate expenditures; and

9.3.b. Periodic evaluations of the conditions of facilities at the institution and its performance and effectiveness in maintaining its facilities.

§133-12-10. Higher Education Facilities Information System.

10.1. The Commission and Council shall develop and maintain a higher education facilities information system. The higher education facilities information system shall serve as a vehicle for carrying out the following functions:

10.1.a. Acquisition of statewide data;

10.1.b. Statewide ~~standardization~~ analysis of space use and classification based on nationally recognized standards and measurements to facilitate comparisons among postsecondary education institutions within the state and in the region and nation; and

10.1.c. Other purposes as determined by the Commission and Council without burdening or interfering unnecessarily with the governance responsibilities which are placed upon the governing boards.

10.2. At a minimum, the higher education facilities information system shall serve the following purposes:

10.2.a. Develop and maintain a statewide inventory of higher education facilities, including those acquired by long-term lease, lease-purchase or other arrangement whereby the institution has long-term beneficial use. The inventory shall include, but is not limited to, the institution and campus location of the facility, the construction date, the original cost, square footage, floor plans, type of construction, ownership status, the purposes for which it is used, the current replacement cost and any other data the Commission and Council considers appropriate;

10.2.b. Develop and maintain an inventory of all rooms within each facility, which includes, but is not limited to, the room number, the square footage, room usage, number of student stations and any other data the Commission and Council considers appropriate;

10.2.c. Provide a vehicle for institutions to submit capital appropriation requests to the Commission and Council;

10.2.d. Provide a vehicle to track the status and cost of institution capital projects from inception to completion, including major maintenance and deferred maintenance projects; and

10.2.e. Provide information on facilities needed to calculate the building renewal formula.

10.3. The Commission or Council, as appropriate, shall establish benchmarks for space use including an analysis of utilization for the fall of each academic year. The benchmarks will calculate density by measuring the number of occupants per 100,000 gross square feet. This calculation will include faculty, staff, students and visitors. Separate calculations will be made for education and general and auxiliary facilities.

10.4. Each governing board and any institution under its jurisdiction shall participate and cooperate with the Commission and Council in all respects in the development and maintenance of the higher education facilities information system.

10.5. The higher education facilities information system may be used for other purposes set forth by the Commission and Council as specified by these rules.

§133-12-11. Authorization to Sell Property; Use of Proceeds.

11.1. The Commission, Council, and governing boards each may sell all or part of any real property that it owns, either by contract or at public auction, and retain the proceeds of the transaction provided the following steps are taken:

11.1.a. Providing for property appraisal by two independent licensed appraisers. The property may not be sold for less than the average of the two appraisals;

11.1.b. Providing notice to the public in the county in which the real property is located by a Class II legal advertisement pursuant to West Virginia Code §59-3-2;

11.1.c. Holding a public hearing on the issue in the county in which the real property is located;
and

11.1.d. For real property with a proposed sale price of \$50,000 or greater, ten days prior to the placement of the Class II legal advertisement, providing written notice to the county commission and municipalities in the county in which the real estate property is located and all members of the legislature, and

11.1.e. In case of the Commission, notifying the Joint Committee on Government and Finance.

11.2. The Commission, Council or a governing board may not lease real property for an annual amount of greater than \$50,000 without satisfying the obligations of 11.1.b through 11.1.d.

11.23. The Commission, Council, or a governing board shall deposit the net proceeds from the sale, lease, conveyance or other disposal of real property into a special revenue account in the State Treasury to be appropriated by the Legislature in the annual budget bill for the purchase of additional real property, equipment or technology, or for capital improvements or maintenance at the institution that sold the surplus real property.

11.34. For purposes that further the state goals, objectives and priorities for higher education set out in State code, the Commission, Council and each governing board may lease, as lessor, any real property that it owns, either by contract or at public auction, and retain the proceeds of the lease. The Commission, Council and each governing board may convey, transfer or exchange any real property it owns to any other public body.

§133-12-12. Authorization to Lease-Purchase.

12.1. The Commission and Council may enter into lease-purchase agreements for capital improvements, including equipment, on behalf of, or for the benefit of, a state institution of higher education or the Commission or Council.

12.2. After the Commission or Council has granted approval for a lease-purchase agreement, which is \$1.5 million or higher for institutions subject to oversight by the Commission and \$500,000 or higher for those subject to oversight by the Council, to a governing board, the board may enter into a lease-purchase agreement for capital improvements, including equipment.

~~12.3. The governing boards of Marshall University and West Virginia University may enter into lease-purchase agreements without seeking the approval of the Commission.~~

12.43. A lease-purchase agreement constitutes a special obligation of the State of West Virginia. The obligation may be met from any funds legally available to the Commission, Council, or the institution and shall be cancelable at the option of the Commission, Council, or governing board at the end of any fiscal year. The obligation, or any assignment or securitization of the obligation, never constitutes an indebtedness of the State of West Virginia or any department, agency or political subdivision of the state, within the meaning of any constitutional provision or statutory limitation, and may not be a charge against the general credit or taxing powers of the state or any political subdivision of the state. The facts shall be plainly stated in any lease- purchase agreement.

12.54. A lease-purchase agreement shall prohibit assignment or securitization without consent of the lessee and the approval of the agreement as to form by the Attorney General. Proposals for any agreement shall be requested in accordance with the requirements of this section and rules of the Commission. In addition, any lease-purchase agreement that exceeds \$100,000 total shall be approved as to form by the Attorney General.

12.65. The interest component of any lease-purchase obligation is exempt from all taxation of the State of West Virginia, except inheritance, estate and transfer taxes. It is the intent of the Legislature that if the requirements set forth in the Internal Revenue Code of 1986, as amended, and any regulations promulgated pursuant thereto are met, the interest component of any lease- purchase obligation also is exempt from the gross income of the recipient for purposes of federal income taxation and may be designated by the governing board or the president of the institution as a bank-qualified obligation.

§133-12-13. Authorization to Lease.

13.1. The Commission, Council, and governing boards may lease, or offer to lease, as lessee, any grounds, buildings, office or other space in the name of the state.

13.2. The Commission, Council, and governing boards have sole authority to select and to acquire by contract or lease all grounds, buildings, office space or other space, the rental of which is required necessarily by the Commission, Council, or institutions.

13.3. Before executing any rental contract or lease, the Commission, Council, or a governing board shall determine the fair market value for the rental of the requested grounds, buildings, office space or other space, in the condition in which they exist, and shall contract for or lease the premises at a price not to exceed the fair market value.

13.4. The Commission, Council, and each governing board may enter into long-term agreements for buildings land and space for periods longer than one fiscal year but not to exceed forty years.

13.5. Any lease shall contain, in substance, all the following provisions:

13.5.a. The Commission, Council, or governing board, as lessee, has the right to cancel the lease without further obligation on the part of the lessee upon giving thirty days' written notice to the lessor at least thirty days prior to the last day of the succeeding month;

13.5.b. The lease is considered canceled without further obligation on the part of the lessee if the Legislature or the federal government fails to appropriate sufficient funds for the lease or otherwise acts to impair the lease or cause it to be canceled; and

13.5.c. The lease is considered renewed for each ensuing fiscal year during the term of the lease unless it is canceled by the Commission, Council, or governing board before the end of the then current fiscal year.

13.6. The Commission, Council, or institution that is granted any grounds, buildings, office space or other space leased in accordance with this section may not order or make permanent changes of any type thereto, unless the Commission, Council, or governing board has first determined that the change is necessary for the proper, efficient and economically sound operation of the institution. For purposes of this section, a "permanent change" means any addition, alteration, improvement, remodeling, repair or other change involving the expenditure of state funds for the installation of any tangible thing that cannot be economically removed from the grounds, buildings, office space or other space when vacated by the institution.

13.7. Leases and other instruments for grounds, buildings, office or other space, once approved by the Commission, Council, or governing board, may be signed by the chief executive officer, or designee, of the Commission, Council, or institution.

13.8. Any lease or instrument exceeding \$100,000 annually shall be approved as to form by the Attorney General. A lease or other instrument for grounds, buildings, office or other space that contains a term, including any options, of more than six months for its fulfillment shall be filed with the State Auditor.

§133-12-14. Real Property Contracts and Agreements.

14.1. Except as provided elsewhere in the capital projects law, any purchase of real estate, any lease-purchase agreement and any construction of new buildings or other acquisition of buildings, office space or grounds resulting from these transactions, shall be approved by the Commission or Council, and provided to the Joint Committee on Government and Finance for prior review, if the transaction exceeds \$1 million.

14.2. Notwithstanding any provision of this rule to the contrary, any acquisition, bequest, donation or construction of new buildings, office space or grounds exceeding \$1 million in appraised value or requiring \$1 million in repairs and renovation or lease payments over the life of the lease, made or accepted by an

institution's research corporation established by West Virginia Code §18B-12 or an affiliated foundation of an institution under the jurisdiction of the Council, shall receive prior approval by the Council.

14.23. The Commission, Council, and each governing board shall provide the following to the Joint Committee on Government and Finance:

14.23.a. A copy of any contract or agreement to which it is a party for real property if the contract or agreement exceeds \$1 million; and

14.23.b. A report setting forth a detailed summary of the terms of the contract or agreement, including the name of the property owner and the agent involved in the sale.

14.34. The copy and report required by 14.2.b. of this section shall be provided at least thirty days before any sale, exchange, transfer, purchase, lease-purchase, lease or rental of real property, refundings of lease-purchases, leases or rental agreements, construction of new buildings, and any other acquisition or lease of buildings, office space or grounds.

14.45. A contract or agreement that is for the lease purchase, lease or rental of real property, where the costs of real property acquisition and improvements are to be financed, in whole or in part, with bond proceeds, may contain a preliminary schedule of rents and leases for purposes of review by the committee.

14.56. For renewals of contracts or agreements required by this section to be reported, the Commission, Council, or governing board shall provide a report to the Joint Committee on Government and Finance setting forth a detailed summary of the terms of the contract or agreement, including the name of the property owner.

14.67. The Joint Committee on Government and Finance shall meet and review any contract, agreement or report within thirty days of receipt.

14.78. Each governing board shall provide to the Commission or Council a copy of any contract or agreement submitted to the Joint Committee on Government and Finance pursuant to this section.

§133-12-15. Authorization for Sale Lease-Back.

15.1. A governing board may sell any building that is on unencumbered real property to which the board holds title and may lease back the same building if the governing board obtains approval of the ~~Commission or Council~~ or confirmation of the Commission before incurring any obligation. The board shall deposit the net proceeds of the transaction into a special revenue account in the State Treasury to be appropriated by the Legislature for the use of the institution at which the real property is located. Prior to such action, the board shall take the following steps:

15.1.a. Provide for the property to be appraised by two licensed appraisers. The board may not sell the property for less than the average of the two appraisals; and

15.1.b. Providing notice to the public in the county in which the real property is located by a Class II legal advertisement pursuant to section two, article three, chapter fifty-nine of this code;

15.1.c. Holding a public hearing on the issue in the county in which the real property is located;

15.1.d. For real property with a proposed sale price of \$50,000 or greater, ten days prior to the placement of the Class II legal advertisement, providing written notice to the county commission and

municipalities in the county in which the real estate property is located and all members of the legislature, and

15.1.e. Retain independent financial and legal services to examine fully all aspects of the transaction.

15.2. The sale may be made only to a special purpose entity that exists primarily for the purpose of supporting the institution at which the building is located.

§133-12-16. Construction and Operation of Auxiliary Facilities; Fees for Auxiliary Enterprises.

16.1. A governing board may provide, construct, erect, improve, equip, maintain and operate auxiliary facilities, as defined in section three of this rule for students, employees and visitors on land it owns or leases.

16.2. The cost of construction, erection, improvement or equipment may be paid with the proceeds of revenue bonds authorized by this code or by any other financing method provided in law and approved by the Commission or Council. The issuance of revenue bonds is subject to the approval of the Commission or Council.

16.3. A governing board may engage experts in engineering, architecture and construction and other experts as it considers necessary and may specify the payment and contract terms which are included in the cost of the project.

16.4. A governing board may promulgate and adopt rules and charge fees for use of its facilities. The fees and other amounts charged shall be structured so as to generate funds sufficient for the following purposes:

16.4.a. To maintain payment of the principal of and interest on any revenue bonds, and for reserves for the revenue bonds;

16.4.b. To operate the auxiliary enterprise;

16.4.c. To satisfy annual building renewal formula requirements; and

16.4.d. To build a reserve for major renovation or replacement.

16.4.e. All moneys collected for the use of auxiliary facilities shall be paid to the credit of and expended by the governing board of that institution in accordance with West Virginia Code §18B-10-13.

§133-12-17. Condemnation Generally.

17.1. The Commission, Council, and governing boards each may acquire land or buildings by condemnation for the use and benefit of any state institution under its jurisdiction. A condemnation proceeding conducted pursuant to this section is governed by Chapter 54 of the West Virginia Code.

17.2. The Commission, Council, and governing boards each may condemn any interest, right or privilege, land or improvement, which in its opinion is necessary, in the manner provided by law for the acquisition by this state of property for public purposes. The state is under no obligation to accept and pay for any property condemned and may pay for the property only from the funds provided for that purpose.

17.3. In any proceeding to condemn, the order shall be made by the court having jurisdiction of the suit, action or proceedings. A bond or other security may be required by the court securing the property owner against any loss or damage to be sustained by reason of the state's failure to accept and pay for the property. The bond or security may not impose liability or debt on or of the state as contemplated by the Constitution of the State in relation to state debt.

§133-12-18. Reporting.

18.1. ~~By July 1, 2014 and annually thereafter, t~~The Commission and Council shall annually provide a general status report to the Legislative Oversight Commission on Education Accountability on the progress being made in implementing the state-wide capital development plan and on the progress of the governing boards in implementing the objectives of institutions' campus development plans. The report will include current and proposed projects.

18.2. ~~Beginning November 1, 2016 t~~The governing boards shall report to the Commission or Council on an annual basis their progress in implementing the objectives of institutions' campus development plans. Said reports shall include a copy of the campus development plan and their specific progress in meeting the objectives of the plan. For objectives not met, the institution shall provide a reasonable timeline to meet said objectives and a method to measure their progress in the future toward meeting the objectives.

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

FINANCIAL FEASIBILITY STUDY

This Financial Feasibility Study is being submitted for the following project *(must be submitted 60 days in advance of the deadline for submitting agenda items to the Commission or Council)*:

Submission Date _____

Name of Institution _____

Project Name _____

Project Amount \$ _____

Project Type *(check one)*:

- ☐ Education & General (E&G) Project
☐ Auxiliary Enterprise Project
☐ Property Acquisition
☐ Public/Private Development or Design/Build
☐ Other(specify):

Proposed Financing Arrangement *(check one)*:

- ☐ No Debt - Paid from Institution Cash On-Hand or from Reserves
☐ Revenue Bond by Institution
☐ Capital Lease
☐ Alternative Financing Method
☐ Other(specify)

Requested Type of Financing *(should not exceed 30 years)*:

- | | |
|---|------------------|
| <input type="checkbox"/> Educational & General (E&G) Capital Fee Financing | Amount: \$ _____ |
| <input type="checkbox"/> Auxiliary & Auxiliary Capital Fees Financing | Amount: \$ _____ |
| <input type="checkbox"/> Debt secured by revenue stream – identify source and provide
Code citation that authorizes the pledge of this revenue stream
for issuance of revenue bonds or to incur debt. | Amount: \$ _____ |

Prepared by:

Name: _____
 Title: _____
 E-mail: _____
 Telephone No.: _____
 Fax No.: _____

The attached Financial Feasibility Study has been prepared using information and projections believed to be reliable and accurate for the purpose of estimating the demand and affordability of the proposed capital project.

Signature (Chief Financial/Fiscal Officer)

Forward original to:

West Virginia Higher Education Policy Commission
1018 Kanawha Boulevard, East, Suite 700
Charleston, WV 25301
Attn: Richard Donovan
Email: Donovan@hepc.wvnet.edu

Section 1 - General Information – To be completed for all projects.

1. Describe the project in sufficient detail so that an uninformed reader has a clear understanding of the project. Indicate whether the project is new construction, renovation/addition to an existing facility or is property acquisition.
2. Describe how the project is essential to fulfilling the institution's mission. Address the alternatives available if the project is not undertaken.
3. Is the project identified in the institution's capital appropriation request for this fiscal year? If yes, what is its priority in relation to the other projects? If no, why was it not included and why is being proposed now?
4. Is the project included in the institution's approved Ten Year Campus Masterplan? If so, what is the priority in relation to other projects in Masterplan and what is the estimated project cost identified in the Masterplan? If it is not included in the Masterplan, why is it being proposed ahead of the projects in approved in the Masterplan?
5. Describe the effect the project will have on those students or users who will financially support the project.
6. Explain how the project will affect the institution's need for student financial aid.
7. Describe the probable effects of the project on the community and environment, including changes to the value of property as a result of the project.
8. Explain how the project and its impact have been conveyed to local officials and their reaction/response.
9. Describe any other positive or negative effects the project may have.
10. Briefly describe the financing proposal. Indicate if this proposal is for a revenue bond financing, a capital lease or lease purchase, or some other less traditional financing arrangement. Indicate anticipate closing date.
11. Are specific revenues planned to support debt service or lease payments? (If so, please complete Section 3.)

___ Yes ___ No

12. What impact does the construction of this project have on the institution's compliance with federal Title IX requirements?

Private Use

13. Will any person or entity other than the institution provide (directly or indirectly) any part of debt service on the portion of the bonds issued for the project? For example, will a private business entity, private foundation or federal agency be required (or expected) to make an annual contribution toward the payment of debt service.

☐ Yes ☐ No. If yes, please identify the person or entity and the percent of debt service to be provided.

14. Do you anticipate that any person or entity other than the institution will have a contractual right, different from the rights available to the general public or students, to use any part of the project or to use or buy goods or services produced at the project? For instance, have you contracted parking spaces in a parking deck to a nearby corporate office?

☐ Yes ☐ No. If yes, briefly summarize the planned contractual agreement.

15. Do you contemplate any part of the project being managed or operated by any person or entity other than the institution under a management or service contract, incentive payment or other "privatized" arrangement? Examples include contracts for food service, parking service, dormitory management, bookstore management, etc.

☐ Yes ☐ No. If yes, summarize the anticipated contractual arrangement (i.e., contract term, renewal options, compensation arrangements, etc.).

Note: These arrangements may impact whether the project is eligible for tax-exempt financing. Once tax-exempt bonds have been issued, entering into this type of contract or arrangement may affect the bond's tax-exempt status and as a result, could have an adverse affect on the bondholders. **So long as the bonds are outstanding**, the terms of any such arrangement must be reviewed and approved by the Bond Counsel and the Policy Commission staff prior to the execution of any contract.

Property Acquisition by Purchase, Lease or Lease Purchase

Property acquired by purchase, lease or lease/purchase exceeding \$1 million (\$15 million for Marshall University and West Virginia University) must be approved in advance by the Commission or Council as applicable.

16. What is the purchase price of the property? What is the appraised value of the real property and improvements? The institution must engage a licensed appraiser experienced and certified for the property being appraised. Attach a copy of the appraisal.

17. Does the institution have a Phase 1 Environmental Study for the property? If so, please provide a copy. Does the Phase 1 Study identify the need for a Phase 2 Environmental Study? If so, please provide a copy to the Phase 2 Study.

☐ Yes ☐ No. If yes, please provide a copy. If no, this study must be performed by a firm experienced and qualified to perform this study prior to purchase. Include contact person with WV DEP.

18. Has a title search been performed? If so, are there any issues preventing the institution obtaining a general warranty deed? Are there any easements, encroachments, or encumbrances affecting the property? A title search must be performed prior to purchase.

☐ Yes ☐ No. If yes, please provide a copy. If no, a title search must be performed prior to purchase.

19. Is the property within the property acquisition boundaries of the approved Ten Year Campus Masterplan?

☐ Yes ☐ No. If no, the acquisition must be approved in advance by the Commission or Council as applicable no matter the dollar value.

20. Has there been an architectural/engineering firm retained for any portion of the project (feasibility study, site selection, schematic drawings)?

☐ Yes ☐ No.

21. If so, was the firm selected and retained following West Virginia Code §18B-19-7?

☐ Yes ☐ No.

22. If a firm has been selected, will this firm be retained as the project continues?

☐ Yes ☐ No.

23. If a selected firm will not be retained as the project continues, will there be a separate RFP distributed to select an Architectural /Engineering firm for the next phase?

☐ Yes ☐ No.

24. If a design firm has been selected for schematic design and/or feasibility study and/or site selection are they aware of their role, and that they will have their responsibility either fulfilled or will continue upon completion of this phase? Explain if necessary.

☐ Yes ☐ No.

25. If a firm has been retained, have the necessary drawings and specifications been submitted to the HEPC Central Office?

☐ Yes ☐ No.

26. Does this project fall under West Virginia Code §18B-19-8 and was it submitted as required?

___ Yes ___ No.

27. If this project is taking precedent over a deferred maintenance project submitted previously, explain here.

Section 2 – Cost Information (complete for all projects)

28. Do you anticipate the need for capitalized interest on any bond financing (i.e., to pay interest during construction)? If so, for how many months? When is construction to begin and completed? *(Interest cannot be capitalized more than six months post construction)*

29. Itemize the capital costs of the project. Estimate the costs of issuance at 2% of the cost of the project if it is to be financed by a bond issue. Please subtotal project costs net of the 2% cost of issuance and then show a gross cost of project including the cost of issuance. Note that the total cost should be used as the AMOUNT BORROWED field of the worksheet. Attach the CO-2 estimate or further estimate of project cost, if available.
(Note: The term of any financing plan or arrangement should be for 30 years or less.)

A & E	\$
Land Acquisition	
Sitework/Utilities	
Construction	
Equipment/Furnishings	
Other Costs	
Contingencies	
Subtotal	0
Costs of Issuance (2% of Subtotal above)	
Capitalized Interest (Estimate)	
Debt Service Reserve Fund	
Original Issue Discount	
Management Fee	
Other (specify)	
Subtotal	0
Less Planned Equity Contribution by Institution	

30. What is the anticipated useful life of the project?

31. Discuss the need for a **Reserve Fund** to support the proposed project, any anticipated uses of the reserve during the life of the bonds, and the plan for replenishment of the reserve. The Reserve Fund Limit in the spreadsheet should be approximately 10% of the project cost.

32. List and describe any initial **Non-Recurring Costs** related to the project and the source of funding for each of these items.
33. List and estimate the **Incremental Annual Operating Expenses**. Provide any supporting documentation and illustrate how your estimate was made. These expenses include personnel costs, utilities, contractual services, supplies and materials, indirect costs, equipment, etc.

Section 3 - Revenue Information. (Complete for all revenue-producing projects)

34. Describe the Revenue Sources that will be used for payment of debt service and the expenses associated with these revenues. Consider what other expenses are planned to be supported by the revenues, and how much revenue will actually be available for debt service. (*Note: The term of any financing plan or arrangement should be for 30 years or less.*)
35. If revenues will be derived from a group of similar facilities (a system) and an increase in system revenues will be used to support the debt, provide justification for any system contribution and any marginal increase in system-wide fees.
36. If revenues will be derived from just one facility of several similar facilities in a campus system, show all fees for all similar facilities and justify any differential in pricing between the facilities.
37. Will project revenues or revenues pledged to the payment of debt service be available prior to completion of the project? Describe the timing of revenues and when they will be available and sufficient to begin servicing the debt.
38. What studies have been completed to demonstrate the demand for the facility and the reliability of the revenue stream? (Attach copies if available.)
39. If any portion of the revenues are already pledged or otherwise committed to other debt service payments, provide a schedule of debt service payments (by issue) and cumulatively. Clearly identify the portion of the revenue source that is committed or being used to pay debt service.
40. If any revenues are projected to increase, explain how the projections were calculated. Do not use an automatic growth rate.

41. If institutional reserves are to be used to service the debt, include the source of funds, balances for the last five years, and impact on future balances. Identify the authorization for using these funds to pay debt service and other costs.

42. If any amounts currently used for debt service are expected to be available and used for debt service on this project (i.e., the existing debt will be retired), provide the name(s) of the existing project(s), the bond series, and the annual amount to be available. Address the status of the existing facility's physical condition and plans for repair or maintenance. Conversely, explain why any such amounts scheduled to be available are not planned for use for debt service on this project.

43. Provide a copy of the institution's debt policy approved by the Board of Governors

Using the information described above, complete Spreadsheet #2 – Revenue Components

Section 4 - General Financial Condition - Complete this section for all projects.

Provide the following FTE enrollment and admissions information

	Last 5 years				
Enrollment	FY __	FY __	FY __	FY __	FY __
Undergraduate					
Graduate & 1st Prof.					
Total	0	0	0	0	0
On-Campus					
Off-Campus					
Admissions					
Applications Received					
Applications Accepted					
Students Enrolled					
Acceptance Rate	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Matriculation Rate	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

44. What is the estimated enrollment change resulting from this project?

45. Provide the following ratios and Composite Financial Index for the current year budget as adjusted for the project, the current year budget excluding the new project, and the two preceding fiscal years.

	Adjusted Budget FY 20__	Budgeted FY 20__	Actual FY 20__	Actual FY 20__
Ratios (Excluding OPEB liability):				
Primary Reserve Ratio	0.000	0.000	0.000	0.000
Net Operating Revenue Ratio	0.000	0.000	0.000	0.000
Return on Net Assets	0.000	0.000	0.000	0.000
Viability Ratio	0.000	0.000	0.000	0.000
Composite Financial Index	0.00	0.00	0.00	0.00

Section 5 - Capital Lease Projects – Complete only if the financing involves a capital lease.

46. Discuss the alternatives that were considered before deciding that the capital lease structure was the best option.
47. Who is the Lessor (full name and address)? Who is the Lessee (full name and address)?
48. Who will manage the facility during and after construction?
49. Who will be issuing bonds or otherwise financing the project? Will it be tax-exempt debt?
50. If debt is issued, what portion will not be tax-exempt?

Section 6 - Public/Private Partnership & Design Build – Complete this section only if the financing involves a public/private partnership or is a design build project.

51. Discuss the alternatives that were considered before deciding on a public/private partnership or design build as the best option.
52. Design build projects are subject to the “Design Build Procurement Act,” West Virginia Code §5-22A. The provisions of this Act must be used to select design-builders for authorized projects that are constructed and owned, potentially owned, or ultimately owned by any agency/state institution of higher education. Please describe your plans for complying with the Design Build Procurement Act.

53. If this is a public/private partnership, please describe the nature of the arrangement and the parties involved.

54. What type of financing vehicle will be used to fund the project? (Please describe in detail)

Section 7 - Sustainability and Energy Efficiency

55. Do you have access to the most current version of the HEPC's standards for sustainability and energy efficiency?

☐ Yes ☐ No

56. Will this project be proposed as a LEED project?

☐ Yes ☐ No

57. If it is to be a LEED project, have you engaged with the necessary professionals to enter the process?

☐ Yes ☐ No

58. If you have not engaged the necessary professionals, do you need assistance?

☐ Yes ☐ No

59. If is not proposed as a LEED project are you aware of the minimal guidelines required to insure the project is completed using the most current guidelines and standards? (ASHRE 90.1, LEED – see USGBC.org website)

60. Have you explored any potential existing energy rebates available from your local utilities specific to this project?

61. Do you need further assistance in proceeding with any of the answers required in this application?

Definitions of Terms

Auxiliary and Auxiliary Capital Fees Bonds (W. Va. Code §18B-10): Revenue bonds issued to finance the planning, design, construction and equipping of an auxiliary facility i.e., Student Unions and Recreation Facilities, Residence Halls, Dining Halls, Athletic Facilities, Bookstores, Faculty and Staff Housing and other facilities not considered E&G Facilities. Auxiliary fees are pledged to pay debt service for these revenue bonds.

Capital Lease: In accordance with the Financial Accounting Standards Board (FASB), capital leases are defined as leases which meet any one (or more) of the following criteria:

- 1) Transfer of ownership of the property to the lessee at the end of the lease term;
- 2) Bargain purchase option at the end of the lease term;
- 3) Lease term equal to 75% or more of the estimated economic life of the leased property; and
- 4) Present value of the net minimum lease payments equal to or exceeding 90% of the fair market value of the property.

Capital leases are considered long-term obligations for accounting purposes.

Capitalized Interest: Interest to be paid on the bonds during the period of construction that is financed as part of the bond issue (i.e., paid with bond proceeds). Capitalizing interest increases the overall cost of borrowing, but may be necessary in cases where project revenues are to be used to pay debt service. Conversely, where revenues are already being collected (i.e., a fee or fee increase has already been implemented), the use of capitalized interest may not be appropriate.

Educational and General (E&G) Capital Fees Bonds (W. Va. Code §18B-10): Revenue bonds issued to finance the planning, design construction and equipping of E&G facilities Fees collected by the institutions to support existing and future system-wide debt and institutional debt, capital projects funded on a cash basis, campus and building renewal, and repairs and alterations of E&G Facilities.

Educational and General (E&G) Facility: A building or structure used for instruction and instructional support purposes, and includes classroom, laboratory, library, computer laboratory, faculty and administrative office and other academic support spaces.

Incremental Annual Operating Expenses: The increase in operating costs attributable to the project. For example, a new dormitory added to a dormitory system would presumably increase system operating costs (e.g., supplies & material, utilities, personnel (janitorial, maintenance), equipment, etc.)

Non-recurring costs: One-time project costs (e.g., land acquisition, special utility fees, etc.) required for project completion.

Other: Debt secured by another revenue stream than those identified above. Please identify source and provide Code citation that authorizes the pledge of this revenue stream for issuance of revenue bonds or to incur debt.

Private Use: Private use means any use (directly or indirectly) by a trade or business that is carried on by persons or entities other than state or local governmental entities. Such use could involve ownership, management, service or incentive payment contracts, research agreements, leases, subleases, loans, or any other arrangement that conveys special legal entitlements or economic benefit to the non-governmental entity from the beneficial use of the project.

Reserve Fund: An amount set aside, usually from project revenues or bond proceeds, to mitigate the impact of interruptions in the ability of the project to generate sufficient net revenues to pay debt service (e.g., debt service reserve, repair and replacement reserve). In certain circumstances, the presence of a reserve can enhance the credit. For the purposes of the feasibility study, reserve funds are generally for debt service and are funded from project or institutional revenues. 9(c) projects are expected to generate sufficient revenues to fund a reserve at an amount equal to approximately 10% of the amount financed.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Approval of the System Capital Development Oversight Policy

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the System Capital Development Oversight Policy if no substantive comments are received at the end of a thirty-day comment period.

STAFF MEMBER: Ed Magee

BACKGROUND:

The name of Commission's System Facilities Development Plan was changed to the System Capital Development Oversight Policy by House Bill 2815, which was enacted in 2017. In addition to this change, 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 are no longer required to submit data for inclusion in the Higher Education Facilities Information System (HEFIS).

The policy has been updated to reflect the name change and the exclusion of the above mentioned institutions from the data submission requirements for the HEFIS system.

Staff will provide interested parties with an opportunity to comment on the proposed policy during a thirty-day comment period.

West Virginia Higher Education Policy Commission

System Facilities Plan Capital Development Oversight

Policy

March 2016 November 2017

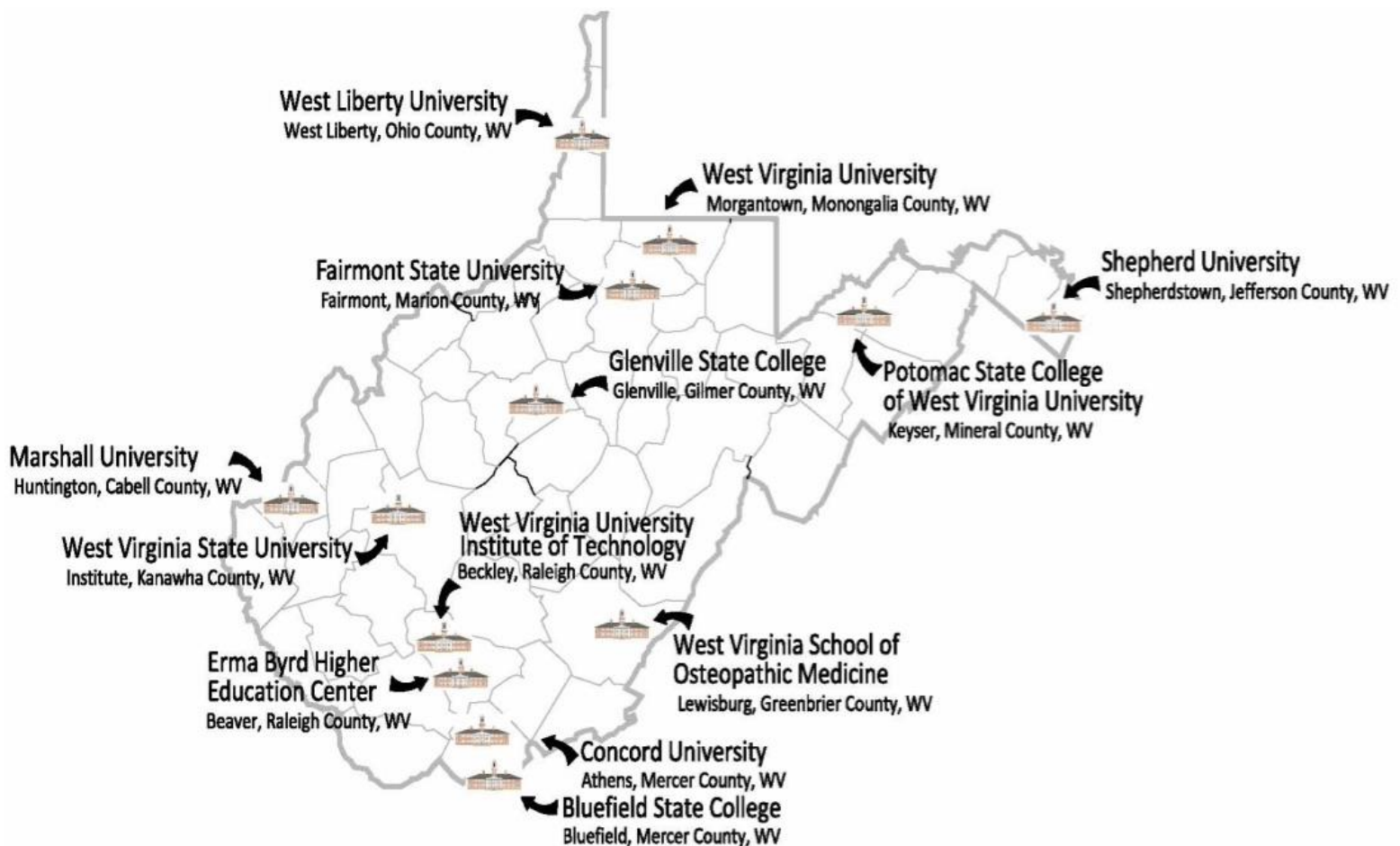


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Introduction

The West Virginia Higher Education Policy Commission System Capital Development Oversight Policy ~~Facilities Plan~~ is one of the public higher education facilities planning and administration components required by West Virginia Code §18B-19-1. In addition to this ~~plan~~ policy, the Code requires the Commission to update Series 12, Legislative Rule, Capital Project Management, and create the Higher Education Facilities Information System (HEFIS). It also requires the colleges and universities to complete institutional facility master plans in conformance with the Capital Development Oversight Policy ~~System Facilities Plan~~. The Capital Development Oversight Policy, ~~System Facilities Plan~~ Legislative Rule, HEFIS and the institutional facility master plans form the structure for the oversight of higher education facilities. West Virginia University, including West Virginia University Potomac State College and West Virginia Institute of Technology; Marshall University; and the West Virginia School of Osteopathic Medicine are not subject to the legislative rule and are not required to submit data for the HEFIS system.

The West Virginia Higher Education Policy Commission

The West Virginia Higher Education Policy Commission (Commission) develops and oversees a public policy agenda for West Virginia's four-year colleges and universities. Comprised of a 10-member board, the Commission works with institutions to accomplish their missions and carry out state procedures. A source of support for institutions and students, the Commission's work includes academic affairs, administrative services, finance and facilities, financial aid, health sciences, human resources, legal services, policy and planning, science and research, and student affairs.

Institutions

Bluefield State College



Mission: “The mission of Bluefield State College is to provide students an affordable, accessible opportunity for public higher education. A historically black institution, Bluefield State College prepares students for diverse professions, graduate study, informed citizenship, community involvement, and public service in an ever-changing global society. The College demonstrates its commitment to the student’s intellectual, personal, ethical, and cultural development by providing a dedicated faculty and staff, quality educational programs, and strong student support services in a nurturing environment.”

Concord University



Mission: “The mission of Concord University is to provide quality, liberal arts based education, to foster scholarly activities, and to serve the regional community. Concord University provides rigorous programs, primarily at the baccalaureate level, which prepare students to pursue various graduate study and career options and to assume leadership and professional roles in a multicultural society. In keeping with its tradition of service to the region, the University will offer a limited number of carefully selected graduate degrees. While we incorporate a variety of educational methodologies/technologies, our size and the caring dedication of our faculty, staff and administration are the principal assurances of a quality educational opportunity at Concord University.”

Fairmont State University



Mission: “The Mission of Fairmont State University is to provide opportunities for individuals to achieve their professional and personal goals and discover roles for responsible citizenship that promote the common good.”

Glenville State College



excellence in learning, teaching, cultural vitality, and economic development in a global community.”

Mission: “Glenville State College provides a tradition of high quality education through innovation in the design, delivery, and evaluation of programs and services, workforce development, and comprehensive student services; a community of active learners dedicated to lifelong learning, effective teaching, applied scholarship, creative activities, and service; leadership that promotes

Marshall University



Mission: “Marshall University is a multi-campus public university providing innovative undergraduate and graduate education that contributes to the development of society and the individual. The University actively facilitates learning through the preservation, discovery, synthesis, and dissemination of knowledge.”

Potomac State College of West Virginia University



Mission: “As an integrated division of West Virginia University, Potomac State College provides a broad range of high quality associate degree programs as well as baccalaureate degree programs at a reasonable cost with an historic focus on teaching and learning and a commitment to providing access to a better life for all West Virginians.”

Shepherd University



Mission: “Shepherd University, a West Virginia public liberal arts university, is a diverse community of learners and a gateway to the world of opportunities and ideas. We are the regional center for academic, cultural, and economic opportunity. Our mission of service succeeds because we are dedicated to our core values: learning, engagement, integrity, accessibility, and community.”

West Liberty University



Mission: “To provide our students the opportunity for a high quality undergraduate, graduate, and professional education.”

West Virginia School of Osteopathic Medicine



Mission: “The mission of the West Virginia School of Osteopathic Medicine (WVSOM) is to educate students from diverse backgrounds as lifelong learners in osteopathic medicine and complementary health related programs; to advance scientific knowledge through academic, clinical and basic science research; and to promote patient-centered, evidence based medicine. WVSOM is dedicated to serve, first and foremost, the state of West Virginia and the special health care needs of its residents, emphasizing primary care in rural areas.”

West Virginia State University



Mission: “Founded in 1891, West Virginia State University is a public, land-grant, historically black university, which has evolved into a fully accessible, racially integrated, and multi-generational institution. The University, ‘a living laboratory of human relations,’ is a community of students, staff, and faculty committed to academic growth, service, and preservation of the racial and cultural diversity of the institution. Its mission is to meet higher

education and economic development needs of the state and region through innovative teaching and applied research.”

West Virginia University



Mission: “As a land-grant institution in the 21st century, West Virginia University will deliver high-quality education, excel in discovery and innovation, model a culture of diversity and inclusion, promote health and vitality, and build pathways for the exchange of knowledge and opportunity between the state, the nation, and the world.”

West Virginia University Institute of Technology



Mission: “West Virginia University Institute of Technology provides an accessible and supportive environment in which students are guided to be active and contributing members of society by fostering intellectual and personal growth through comprehensive educational experiences.”

Higher Education Collaborative – Erma Byrd Higher Education Center



The Erma Byrd Center for Public Higher Education provides students with the convenience of taking a variety of college classes offered by different state colleges and universities in one location.

Legislative Intent

West Virginia Code §18B-19-1 describes the intent of the legislation passed to address the planning, management and funding of public higher education facilities:

1. Dedicated state funding sources shall be designated to finance construction and renovation of educational and general facilities at state institutions of higher education from time to time;
2. Capital project lists submitted by institutions to the commission or council, as appropriate, and capital project lists submitted by the commission and council to the state budget office, Legislative Oversight Commission on Education Accountability, and Joint Committee on Government and Finance for consideration for state funding shall be reasonable requests that align with state and system goals, objectives and priorities and ones which reasonably could be funded if approved;
3. As the Legislature increases its responsibility for financing new educational and general facilities and major renovations, the commission, council and institutions shall ensure that sufficient capital revenues are available for maintenance and that the facilities are maintained adequately;
4. Ongoing state funding shall be dedicated to supplement capital fees available for maintenance at community and technical colleges; and
5. Once a system capital plan is in place, institutions shall set aside adequate funding annually to ensure that ongoing facilities maintenance needs are met.

Strategic Approach

Over the next ten years, the West Virginia Higher Education Policy Commission will need to expend \$500 million to maintain the current renovation backlog level. It is estimated that approximately \$230 million will be available from student capital fees after payment of debt service over the next ten years to fund capital improvements. It does not appear that the traditional sources of revenue will be sufficient to fund the remaining capital expenditure need. It is likely that state appropriations will not increase significantly. Because of market constraints, colleges and universities have limited capacity to substantially raise tuition and fees. Future bond issues will not be funded from lottery revenues due to competition from other states for gambling dollars.

To determine how to finance the anticipated expenditures, a review of the overall higher education market, potential enrollment strategies, student debt, and institutional characteristics is required. Using this information a strategic facilities analysis may be performed for each institution. From this analysis the System Capital Development Oversight Policy ~~Facilities Plan~~ may be developed.

Higher Education Market

The higher education industry has changed drastically during the first years of this century. More students are nontraditional. Instead of attending college immediately after high school, the nontraditional student may find a job and start a family. Students who do enter college immediately after high school often work part-time or full-time jobs to pay tuition and living expenses. Online courses allow these students more flexibility to study when time is available.

International education has grown, with more students studying abroad or enrolling in massively open online courses. Many institutions have recognized that a strong market exists for the education of students from other countries.

The migration of rural populations to urban centers is a worldwide trend. Because West Virginia is a primarily rural state, it is not unaffected by this trend. According to Population Trends in West Virginia through 2030, the state will lose approximately 19,500 people (or 1.05 percent) between 2010 and 2030. More significant population decreases in some areas of the state will be offset by areas with no change or growth.

Potential Enrollment Strategies

The Commission's institutions enrollments decreased 4.5 percent from the fall of 2012 to the fall of 2016. In light of the above mentioned higher education market changes and West Virginia's

projected population decline, enrollment will continue to decline unless new strategies are employed.

The strategy to increase enrollments of out-of-state students has been utilized by some West Virginia public institutions for some time; however more students are going to college in their home states. This strategy may not be effective for those institutions that are not close to the State's borders. The numbers of high school graduates in Maryland, Pennsylvania, Kentucky and Ohio are projected to decrease through 2030. Virginia is expected to have a slight increase in the number of high school graduates. Several other strategies are worthy of consideration:

- Increasing the international student population may be a viable strategy to increase capacity utilization and revenues. Tuition charges must reflect the additional costs associated with the accommodation of international students.
- If the colleges and universities retain more students, their enrollments will increase given that other enrollment metrics remain constant. It is much cheaper to retain an enrolled student than it is to recruit a replacement. Most of the Commission institutions have significant capacity for change in this area.
- Growth opportunities may not be available for some institutions. As a result, reductions in facilities may be necessary to maintain financial sustainability.

If institutions plan to increase enrollments, they must commit to a viable strategy. The chosen strategy will determine an institution's needed physical capacity.

Student Debt

The decline in governmental support over the past several decades has created a change in the fundamental nature of public higher education. Instead of choosing majors that interest them, students increasingly select majors that will ensure a postgraduate income sufficient to repay loans. When tuition was low and financial aid was more readily available, giving low performing students a chance at higher education was an acceptable risk for all parties. With increasing student debt loads, the enrollment of and extension of loans to those students who have little chance to graduate and repay their debt must be reconsidered. Institutions must fulfill their purpose to promote an enlightened population and economic growth; however, they must take reasonable care not to cause more harm than the good that they do.

Funding Strategies

Increase Student Enrollments. The excess capacity at some institutions can be reduced by enrolling more international students. The incremental revenues realized from the improvements in capacity utilization could be used to fund deferred maintenance projects.

Increase the Number of Students per Class. By increasing the average class size to levels that maintain the quality of academic instruction, institutions can reduce the number of classrooms and faculty required to serve their students. It may be possible to demolish existing buildings that need significant renovations if enough classrooms can be eliminated

Initiate Central Scheduling. Often classrooms or entire buildings will be assigned to academic departments. By instituting a central scheduling function, classrooms can be assigned more efficiently. This gain in efficiency could reduce the number of classrooms needed to meet student needs.

Demolish Unnecessary Existing Structures. The majority of the institutions have excess physical capacity. The annual deferred maintenance funding requirements can be reduced by eliminating some buildings that require significant renovations. In addition, operating costs can be reduced by eliminating the utility and maintenance costs associated with these structures.

Redirect Appropriated Funds from other Agencies. Allocations of Appropriations to state agencies should be based upon the agencies contributions to economic and social development. Each agency should identify the value that it provides the State in exchange for tax dollars. Those programs that are a detriment to the state or that provide no value should be identified and eliminated or cut. Higher Education makes significant contributions to economic and social development and should be a top funding priority.

Reduce or Eliminate Operational Funding for Programs that are not Mission Centric and Increase Funding for Deferred Maintenance. Capital support for programs that are mission centric is needed to ensure financial sustainability. If capital fees were increased to adequate levels without any corresponding reductions in other fees, total tuition and fees may exceed market values.

System Capital Development Facilities Planning Process

An institution's strategic plan must be grounded in reality. The condition and size of facilities as well as the efficiency and efficacy of its processes will contribute to the success or failure of the plan. Before major facilities investments are made, institutions must demonstrate that they have the capabilities necessary to succeed.

Key Performance Indicators (KPIs) measure facilities condition and utilization as well as brand and financial strength. The following are recommended KPIs for Commission institutions:

Facilities

- Strategic Value
- User Density
- Residence Hall Utilization
- Renovation Age by Building

Brand

- Headcount and Full-Time Equivalent (FTE) Enrollment Trends
- Retention Rates
- Graduation Rates
- Household Income
- Service Area Population Change
- Student Credit Hours Taught by Full-Time Faculty
- Faculty and Staff Salaries
- Faculty Education Level
- Minority Faculty as a Percentage of Total Faculty
- Annual Development Collections
- Admissions Statistics

Financial

- Composite Financial Index
- Cost per Full-Time Equivalent Student
- Student/Faculty and Student/Staff Ratios
- Resident Students as a Percentage of Enrollments
- Student Loan Default Rate

From a strictly financial perspective, it has been most advantageous for institutions to attract well-prepared students who can enhance academic quality. With well-prepared students, a college or university can attract high quality faculty. On average, institutions that can attract well-

prepared students will have better retention and graduation rates; higher alumni and donor contributions and tuition levels; better brands; and better financial health.

The attainment of KPI statistics that result in optimal financial profiles may not coincide with the State's needs. If West Virginia is going to increase the proportion of college graduates within its population, more students who require additional academic services will need to become college graduates. If only well-prepared students are enrolled in colleges and universities, the proportion of college graduates will decline.

Institutions that serve students that need additional academic services will need to adopt innovative models to ensure financial sustainability. They cannot depend upon increases in tuition and fee charges to maintain their financial health. Cutting edge approaches to increase retention and graduation rates will need to be implemented.

For the purposes of this ~~plan~~ policy, strategic value is defined as the degree to which an asset or action is important or useful in relation to the institution's mission. For public colleges and universities, the strategic value to the State must also be considered.

Because optimal KPI statistics will vary by institution, only those statistics that will drive the ultimate success of all state public colleges and universities will be addressed in the funding formula.

Facilities

Strategic Value

Renovation Age by Building

User Density

Brand

Headcount and Full-Time Equivalent (FTE) Enrollment Trends

Retention Rates

Graduation Rates

Financial

Composite Financial index

Cost per Full-Time Equivalent Student

Student/Faculty and Student/Staff Ratios

Student Loan Default Rate

Institutions' overall management strength should be analyzed. An engaged and responsible Board of Governors is critical for success. In addition, the strategic plan must be grounded in reality and achievable. The colleges and universities must also recognize that technology is a

strategic asset that must be cultivated to maintain a competitive advantage. The budgets must be sufficiently detailed but devoid of unnecessary complexity to permit appropriate financial analysis. The development process for the budgets must align it with the strategic plans and include participants from a broad cross section of the campus communities. The level of management strength may be evaluated through the internal audit process.

The KPIs must be considered in light of the unique circumstances facing each college or university. They can be used to obtain an overall view of an institution's capabilities. This view permits the Commission to determine the appropriate level of investment for each institution.

Strategic Facility Analysis

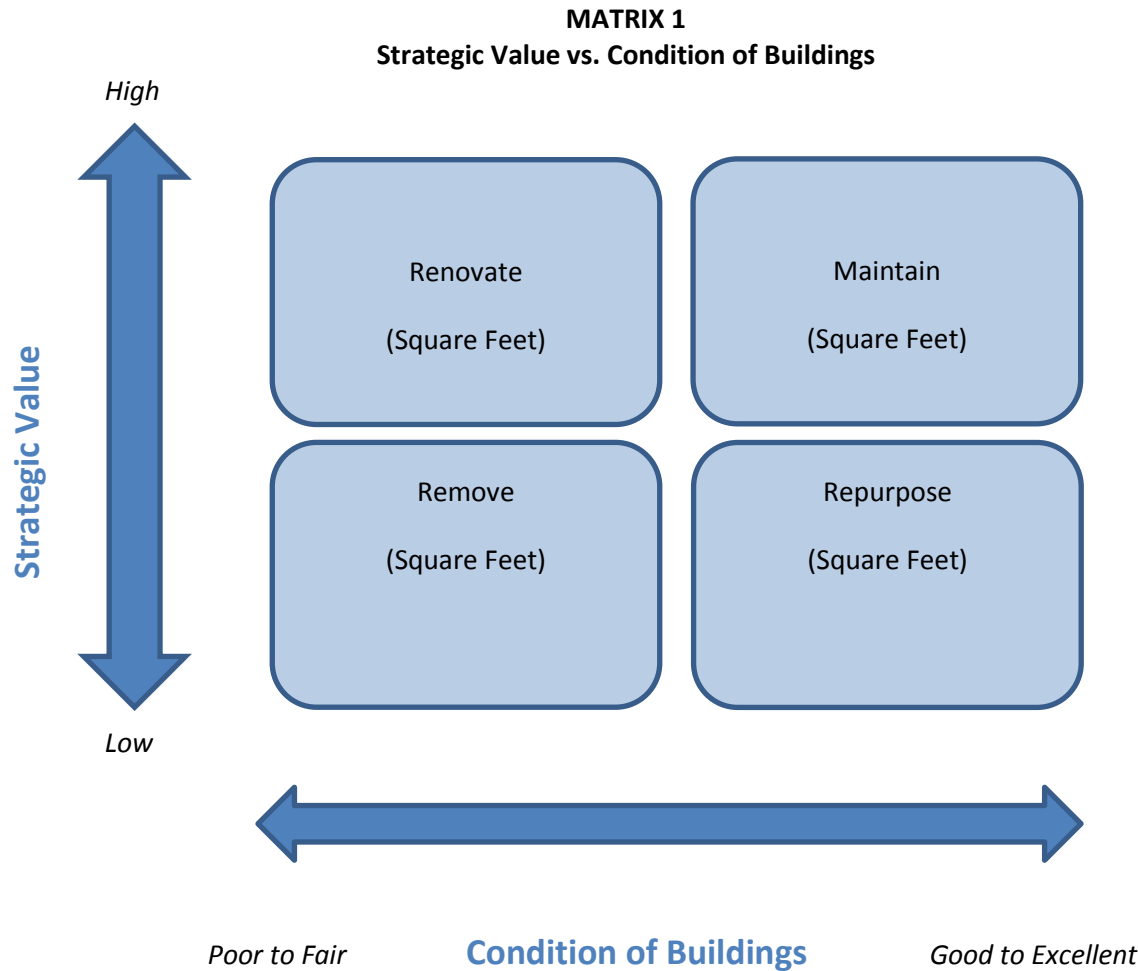
An analysis of the institutions' buildings must be conducted to complete the system capital development policy ~~facilities plan~~. It is unlikely that most of the colleges and universities will be able to remain financially sustainable unless their facilities are aligned with their strategic plans and operational processes. The Commission cannot count on additional funds from the state or increased enrollments for all institutions to fund the anticipated \$500 million backlog of facility needs.

An institution's assets and processes support its ability to provide educational and other services. To maintain viability, the assets and processes that are chosen must align with an institution's strategic plan. For a public institution the challenge is to deliver a high level of quality while operating efficiently and as close to full capacity as possible. If a high level of quality is achieved, an optimal level of revenue may be obtained from state and federal governments, donors and students.

Decision matrices may be employed to determine alignment of assets and processes with the institutions' strategic plans. The first two matrices are derived from facilities data and institutional strategic plans. The third, fourth and fifth matrices use enrollment data as well as information collected through the strategic planning and budgeting processes. Concepts described in Strategic Financial Analysis for Higher Education (Seventh Edition), jointly developed and sponsored by Prager, Sealy & Co., LLC, KPMG, LLP and BearingPoint., Inc. were used to develop these matrices.

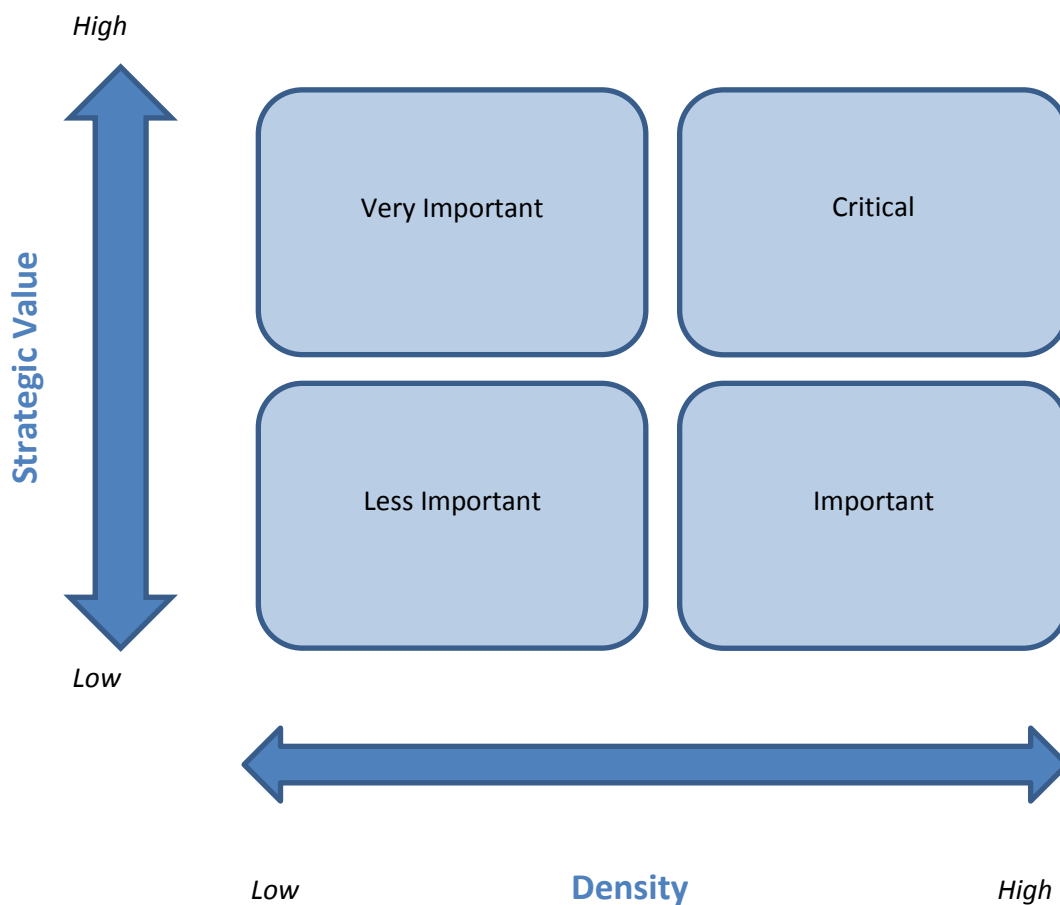
The first matrix considers the relationship between strategic value and the condition of a building or infrastructure asset. Structures of high strategic value that are in good condition need to be maintained. Those structures that are in good condition but are not of high strategic value should be repurposed. Buildings of high strategic value and poor condition should be renovated. Finally, facilities of limited strategic value and poor condition should be considered for demolition.

For buildings, the alignment of programs to the institutional mission determines their strategic value. Strategic plan and budgeting processes should be aligned to identify the relative importance of programs. Enrollment data may also be reviewed to support a program’s relative importance.



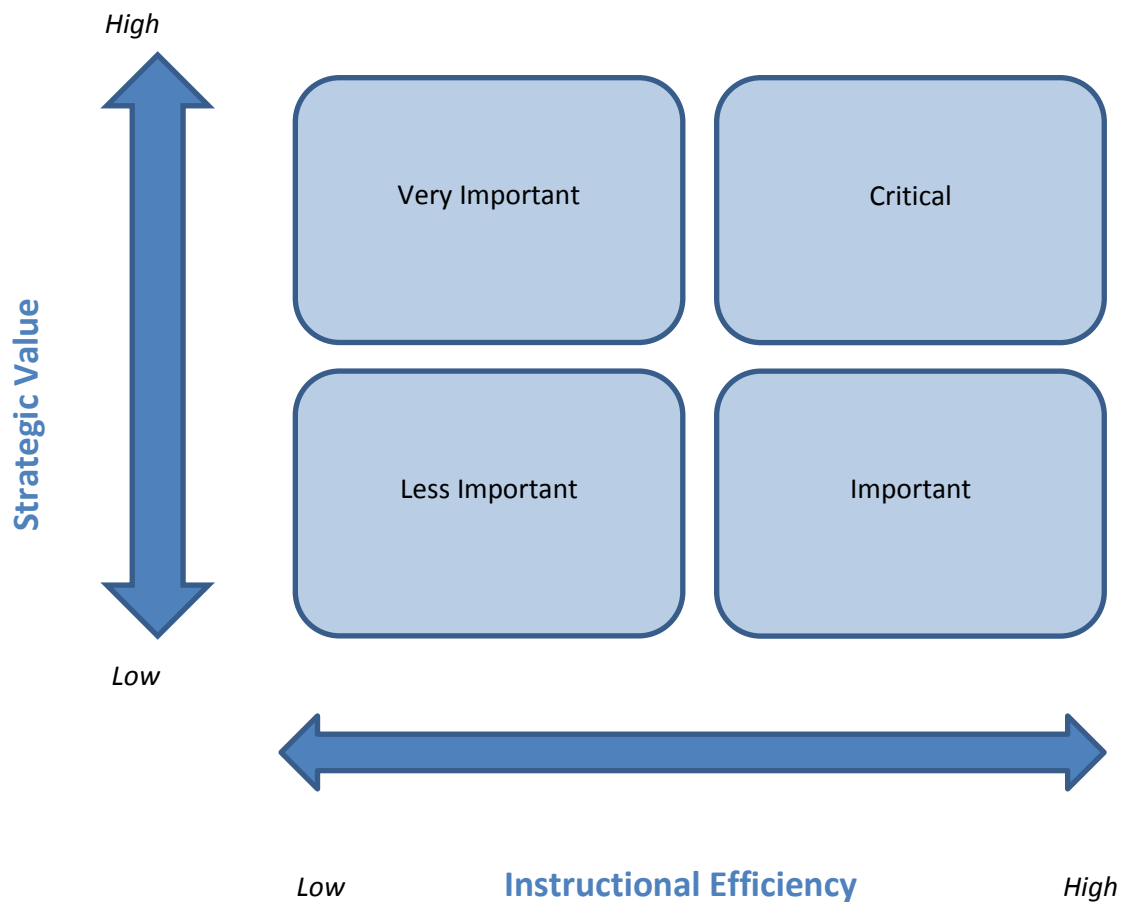
The second matrix addresses the relationship between a building's density and its strategic value. Buildings of high strategic value and high density are critical to the success of the institution. Those buildings with high strategic value and low density are very important. Buildings that are of low strategic value but are high density are still important to the institution's success. Buildings with no strategic importance and little density are not important. The relative strategic value and density should be considered in the prioritization of capital expenditures.

MATRIX 2
Strategic Value vs. Density

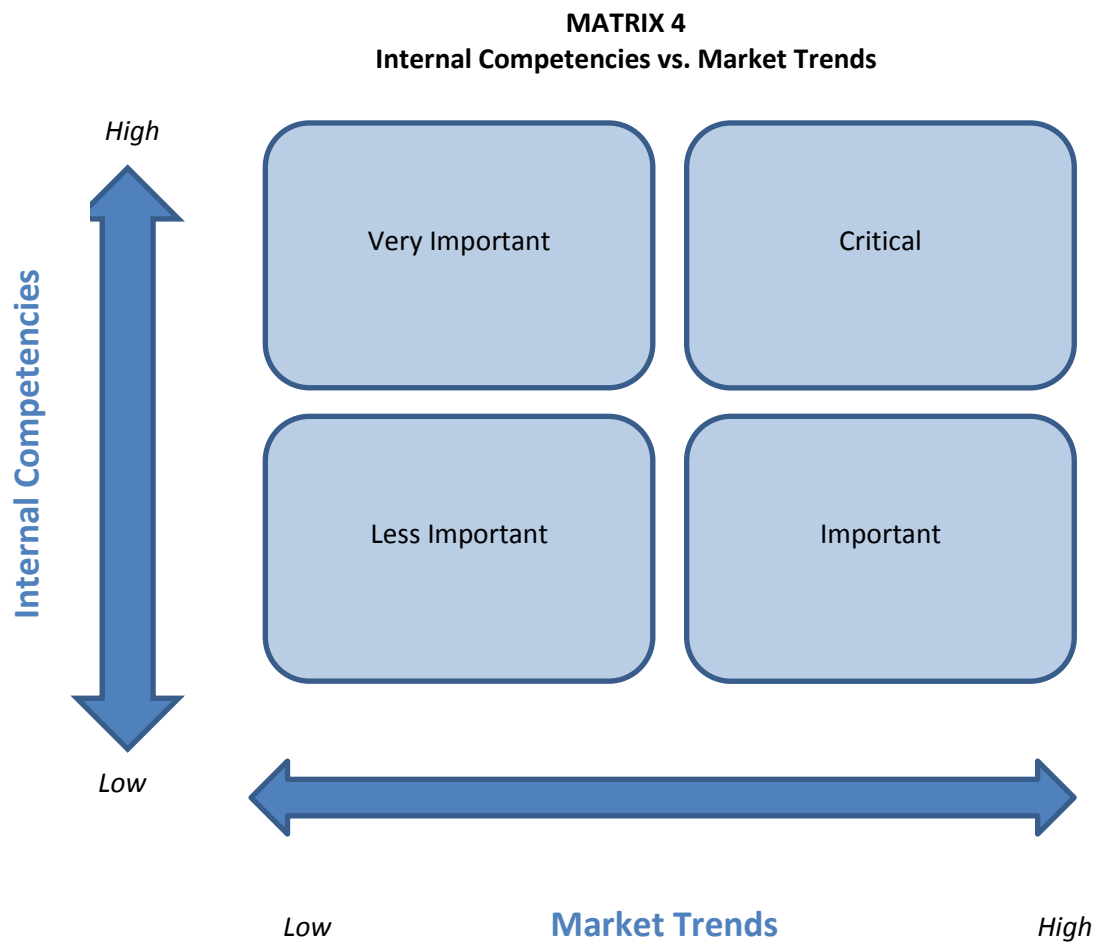


The level of an institution's instructional efficiency will influence its building density. This is the relationship examined in the third matrix. The ratio of students to faculty must be maintained at an optimal level to ensure quality and efficiency. A building that houses classrooms filled with students in programs of high strategic value is critical to an institution's success. A building with low efficiency that houses programs of high strategic value is very important. Buildings with programs of low strategic value that fill their classrooms are important. Buildings that do not have filled classrooms and are of low strategic value are not important

MATRIX 3
Strategic Value vs. Instructional Efficiency

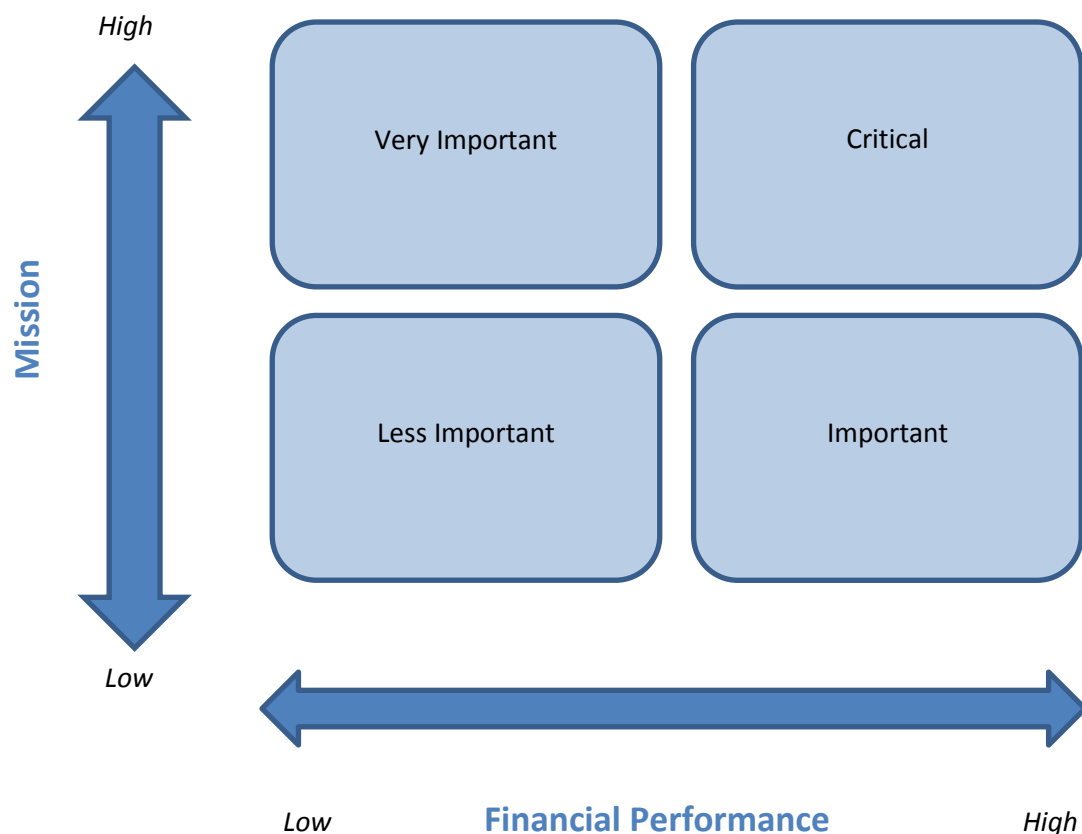


The programs that are housed within buildings must be evaluated to determine their importance. Colleges and universities must maintain the internal capabilities to respond to the needs of their students. The relative demand for an institution's offerings must be understood as well as its capacity to deliver quality instruction in those disciplines. The fourth matrix explores this relationship. High demand programs that the institution has the ability to deliver well are critical to its success. Lower demand programs that are of high quality are very important. High demand programs that are not high quality are important. Those programs with little demand and poor quality are not important to the institution's success.



The fifth matrix examines the relationship between their mission importance of programs and their financial performance. Programs that are central to the mission of an institution and perform well financially are critical to its success. Those programs that are mission centric but do not perform well financially are very important. To achieve their vision, higher education institutions often must provide programs that are mission centric but do not perform well financially. The development of the enlightened citizenry is not possible without financially weak programs such as those found in the humanities. Programs that are not central to the mission but bring in significant financial resources are important. Finally, those programs that provide a low level of financial resources and are not mission centric are not important.

MATRIX 5
Mission vs. Financial Performance



By using these five matrices, the Commission may determine whether or not the assets and processes align with institutions strategic plans. If the weighted average renovation age is collected by each building, a detailed financial projection of capital expenditure needs may be developed. Specific buildings can be identified that are in poor condition and of low strategic value. If these buildings are removed, the projected annual capital expenditure can be reduced.

The Higher Education Facility Information System (HEFIS) will be used to compile data to support capital strategic analysis. HEFIS will use a parametric estimating model that will be constructed to determine the deferred maintenance (DM) backlog. Parametric cost estimating is used by contractors and governmental agencies to the capital acquisition planning and budgeting purposes. Parametric cost estimating ensures that meaningful data are collected in a cost effective manner.

Higher Education Facilities Information System

HEFIS will draw data from multiple sources. Institutional data reported to the West Virginia Board of Risk and Insurance Management (BRIM) will be used to provide basic data by building or structure including the current replacement value (CRV). Facilities staff on each campus will provide facility condition indexes for each building with an insured value exceeding \$100,000. National construction data from RSmeans Online (RSmeans) will also be utilized to determine the DM backlog. These data will be used to determine composition percentages by major system for all buildings and structures. In addition, the RSmeans data will be used to assign a CRV percentage to each system and condition index combination for each building.

The following process must be performed to determine the DM backlog:

- The building or structure compositions by system condition CRV percentages are determined.
- The system percentages for each building are multiplied by the total CRV for each building to determine the CRV percentage for each system.
- The CRV percentage is multiplied by the system CRV to determine the system DM amount.
- The total DM values for each system are added to determine the buildings DM amount.

To compile the data, building and structure components will be categorized by the following major systems:

- **Roofing:** Roof coverings, roof openings, gutters and flashing.
- **Exterior:** Exterior coatings and sealants, windows, and doors.
- **Interior Finishes:** All interior finishes on walls, ceilings, floors, and stairways, as well as interior doors.
- **HVAC Systems:** Heat, ventilating and air conditioning systems including controls; may include exhaust fans, or other mechanical equipment associated with indoor air quality.
- **Electrical Systems:** Electrical service and distribution within five feet of the facility, lighting, communications systems (phone, LAN), security and fire protection wiring and controls.
- **Plumbing Systems:** Water, sewer and fire protection piping, including bathroom fixtures.
- **Conveyance Systems:** Elevators, escalators, cranes, hoists, or other lifting mechanisms.

System Condition ratings from 5 to 1 for each facility system will be based on a systematic visual assessment by institutional facility personnel. The general definitions for each rating are:

- **5: Excellent.** Only normal scheduled maintenance required.
- **4: Good.** Some minor repairs needed. System normally functions as intended.
- **3: Fair.** More minor repairs and some infrequent larger repair required. System occasionally unable to function as intended.
- **2: Poor.** Significant repairs required. Excessive wear and tear clearly visible. Obsolete. System not fully functional as intended. Repair parts not easily obtainable. Does not meet all codes.
- **1: Not Usable.** Major repair or replacement required to restore function. Unsafe to use.
- **0: Non-existent.** The zero rating identifies that this system does not exist within the facility.

The system condition CRV percentage is based on the assigned condition rating for each system. The system condition CRV percentages are based on existing engineering data used by NASA to prepare their Deferred Maintenance Parametric Estimating Guide. These data may be adjusted over time as additional data are acquired or direct experience would indicate a better estimate would result from such a change. These percentages increase as the condition of the system gets lower ratings, creating a larger DM estimate. Using Table 1 as an example, if the structure of a facility receives a 5 rating, its contribution to DM is zero percent because there is typically no deferred maintenance for this rating. However, if the structure received a 3 rating its contribution

to the deferred maintenance will be 10 percent of the CRV of the building. The system condition percentages also vary by system. A 3 rating for the electrical system will contribute 13 percent of the CRV to the DM, or the plumbing system with a 2 rating will contribute 57 percent of the CRV to DM. These percentages vary by system, and are provided in Table 1. The renovation age for each building will be its useful life multiplied by the CRV for the building.

TABLE 1
Estimated System Condition CRV by System Rating

System	5	4	3	2	1
Structural	0%	1%	10%	25%	150%
Exterior	0%	1%	10%	50%	101%
Roof	0%	9%	38%	75%	150%
HVAC	0%	2%	13%	63%	133%
Electrical	0%	2%	13%	63%	133%
Plumbing	0%	2%	10%	57%	121%
Conveyance	0%	2%	13%	50%	100%
Interior Finishes	0%	1%	10%	50%	101%

Table 2 provides a sample deferred maintenance estimate for a facility with a CRV of \$10 million.

TABLE 2
Deferred Maintenance Calculation by System

System	System Percent	CRV Total	System Rating	System Condition CRV percent	Deferred Maintenance
Structural	18%	\$1,800,000	5	0.00%	\$0
Exterior	17%	1,700,000	4	1.00%	17,000
Roof	5%	500,000	4	9.00%	45,000
HVAC	16%	1,600,000	3	13.00%	208,000
Electrical	18%	1,800,000	4	2.00%	36,000
Plumbing	5%	500,000	3	10.00%	50,000
Conveyance	6%	600,000	5	0.00%	0
Interior Finishes	15%	1,500,000	3	10.00%	150,000
Total	100%	\$10,000,000			\$506,000

The deferred maintenance estimates for utility infrastructure and grounds infrastructure will be calculated using the same condition rating scale.

Funding Formula

Buildings will be prioritized for each campus by the following parameters:

- Structure Demolition
- Strategic Value
- Renovation Age by Building

The projects within these parameters will be further defined by the following categories:

- Structure Demolition
- Reliability
- Safety/Code
- Asset Preservation
- Program Improvement
- Economic Operations
- New Construction

If an institution has excess space capacity, the demolition of structures must be addressed as a top priority before any other projects will be considered. Excess capacity will be determined annually by calculating the number of users per square feet at the campus level. Initially, the minimum density level will initially be 250 and will be adjusted as needed in subsequent years. Projects will be ranked by the percentage of campus square feet being demolished. Institutions may use the Water and Energy Savings Loan Fund to finance structure demolitions.

These categories will be further segregated by major system priorities in the following order:

Building Envelope

- Structural
- Exterior
- Roof

Building Systems

- HVAC
- Electrical
- Plumbing
- Conveyance
- Interior Finishes

Utility Infrastructure
Ground Infrastructure
New Construction

Those institutions that exhibit strength through the improvement of their KPIs will receive credit through the formula. For improvement in the following KPIs, each institution will be awarded one point. The capital requests within the categories described above will be the total institution rank score. If an institution has multiple projects that fall within a category, those projects will be prioritized by institutional ranking.

Facilities

- Strategic Value
- Renovation Age by Building
- User Density

Brand

- Headcount and Full-Time Equivalent (FTE) Enrollment Trends
- Retention Rates
- Graduation Rates

Financial

- Composite Financial index
- Cost per Full-Time Equivalent Student
- Student/Faculty and Student/Staff Ratios
- Student Loan Default Rate
- Program Reduction

The future of public higher education in West Virginia depends upon its ability to serve the State's needs and become financially sustainable. The anticipated expenditure of \$500 million over the next ten years to maintain the current status of West Virginia's public higher education facility portfolio may appear to be overwhelming. Each institution is unique and will require an approach that involves expansion, contraction or maintenance of the status quo. With sufficient data, a meaningful Facilities Master Plan can be developed by each institution to ensure that capital assets support operating processes in an efficient and effective manner.

Campus Development Plans

Each governing board shall update its current campus development plan and submit the updated plan to the Commission for approval. A campus development plan shall be developed for a ten-year period and shall align with criteria specified in the following sources:

1. The system capital development policy plan;
2. The institution's approved master plan and compact; and
3. The current campus development plan objectives.

Campus development plans are intended to be aspirational; however, an institution's plan shall be appropriate to its size, mission, and enrollment and to the fiscal constraints within which the institution operates. HEFIS data will be used to develop the campus development plans. The matrices structure identified in the system capital development policy plan should be used to campus development plans.

Campus Development Plan Structure

- I. History of the College or University
 - A. Description of History
 - B. Overview of Institution
- II. Goal Formulation
 - A. Institutional Mission Statement and Strategic Plan
 - B. Goals and Issues for Future Academic Program
- III. Existing Campus Conditions
 - A. Campus Grounds
 1. Campus Physical Setting
 2. Land Use
 3. Building Use and Condition
 4. Open Space and Pedestrian Circulation
 5. Vehicular Circulation and Parking
 6. Athletic and Recreational Facilities
 - B. Campus Infrastructure

- 1. Utilities
 - 2. Storm Water
 - 3. Communications
 - C. Community Setting
 - 1. Regulatory Issues
 - 2. Environmental Issue
- IV. Future Campus Requirements
 - A. Description of Future Academic Program
 - B. Space Needs Analysis to Target Year
 - 1. Student Enrollment Assumptions
 - 2. Faculty and Staff Projections
 - 3. Academic Space Projections
 - 4. Academic Support Facilities Projections
 - C. Parking Space Projections
 - D. Athletic and Recreational Facilities Projections
 - E. Campus Infrastructure Projections
 - F. Proposed Land Acquisition/Disposition
- V. Preliminary Development Plan
 - A. Alternative Concepts
 - 1. Land and Building Use
 - 2. Open Space and Pedestrian Circulation
 - 3. Vehicular Circulation and Parking
 - 4. Athletic and Recreational Facilities
 - 5. Campus Infrastructure
 - B. Preliminary Cost Estimates
 - 1. Capital
 - 2. Operating
 - C. Identification of Preliminary Revenue Sources to Fund Capital Costs

- D. Comparative Assessment of Alternatives
- E. Alignment of Alternatives to Strategic Plan
 - 1. Improvements to financial institution's sustainability
 - 2. Improvements to Instructional and program efficiencies
 - 3. Elimination of excess physical capacity
 - 4. Reduction of deferred maintenance
- F. Selection of Preferred Alternative
- VI. Campus Development Plan
 - A. Land and Building Use
 - B. Vehicular Circulation and Parking
 - C. Open Space and Pedestrian Circulation
 - D. Athletic and Recreational Facilities
 - E. Campus Infrastructure
 - F. Comprehensive Plan
- VII. Implementation
 - A. Revenues sources for Building, Infrastructure and Site Improvements
 - B. Cost Estimates for Building, Infrastructure and Site Improvements
 - C. Capital Improvement Program and Phasing Plan
 - D. Development Plan Design Standards
 - E. Planning and Review Process

Higher Education Facilities Information System

Data Elements

Board of Risk and Insurance Management Data

Customer Type	Cust_type
Account	Account
Customer Name	Customer Name
Division Number	Div_num
Location Number	Loc_num
Community Number	Comm_num
Location Type	Loc_type
Structure Name	Structure_name
Structure City	Structure_city
Structure Street	Structure_street
Structure zip code	Structure_zip
Structure County	Structure_county
Structure Located in Incorporated Area	Structure_in_incorporated
Building Type	Type_building
Sprinkler	Sprinkler
Year Constructed	Year_constructed
Protection Class	Protection_class
Engineer	Engineer
Report Number	Report_num
Construction Type	Const_type
Structure Use	Structure_use
Basement	Basement
Structure Levels	Structure_levels
Structure Area	Structure_area
Alarm	Alarms
Flood Zone	Flood_zone
Underground Coal Mine	Underground_coal_mine
Fire Class Code Maximum Foreseeable Loss	Fire_mfl
Fire Class Code Probable Maximum Loss	Fire_pml
Building Insured Amount	Amount_building
Building Contents Insured Amount	Amount_contents
Building Time Insured Amounts	Amount_time_elements
Comments	Comments
Addition Date	Add_date
Update Date	Update_date
Asbestos	Asbestos

Institutional Data Related to BRIM data

Strategic Value	Strategic Value
Number of Employee Occupants	Number of Employee Occupants
Number of Resident Hall Beds End of Fall Term	Number of Resident Hall Beds End of Fall Term
Roofing	Roofing
Exterior	Exterior
Interior Finishes	Interior Finishes
HVAC Systems	HVAC Systems
Electrical Systems	Electrical Systems
Plumbing Systems	Plumbing Systems
Conveyance Systems	Conveyance Systems

Banner Data:

Course Number	CRN
Subject	SUBJ
Course	CRSE
Sequence	SEQ
Title	TITLE
Campus	CAMPUS
Maximum Enrollment	MAX_ENRL
Actual Enrollment	ACT_ENRL
Building	BUILDING
Room	ROOM
Days	DAYS
Start Time	Start Time
End Time	End Time
Hours Minutes	Hours:Mins

Institutional Related to Banner Data:

Classroom Square Feet
Institution
Program
Average Class Size
Number of Majors
Degrees Awarded
Prospective Student Applications
ACT Score
Retention
Program Accreditation

Banner SQL Statement

```
SELECT SSBSECT_CRN CRN,
       SSBSECT_SUBJ_CODE SUBJ,
       SSBSECT_CRSE_NUMB CRSE,
       SSBSECT_SEQ_NUMB SEQ,
       F_GET_SECTION_TITLE('201610', SSBSECT_CRN) TITLE,
       SSBSECT_CAMP_CODE CAMPUS,
       SSBSECT_MAX_ENRL MAX_ENRL,
       SSBSECT_ENRL ACT_ENRL,
       SSRMEET_BLDG_CODE BUILDING,
       SSRMEET_ROOM_CODE ROOM,
       CASE WHEN SSRMEET_MON_DAY IS NOT NULL THEN 'M' ELSE NULL END ||
       CASE WHEN SSRMEET_TUE_DAY IS NOT NULL THEN 'T' ELSE NULL END ||
       CASE WHEN SSRMEET_WED_DAY IS NOT NULL THEN 'W' ELSE NULL END ||
       CASE WHEN SSRMEET_THU_DAY IS NOT NULL THEN 'R' ELSE NULL END ||
       CASE WHEN SSRMEET_FRI_DAY IS NOT NULL THEN 'F' ELSE NULL END ||
       CASE WHEN SSRMEET_SAT_DAY IS NOT NULL THEN 'S' ELSE NULL END ||
       CASE WHEN SSRMEET_SUN_DAY IS NOT NULL THEN 'U' ELSE NULL END DAYS,
       SSRMEET_BEGIN_TIME || CASE WHEN SSRMEET_BEGIN_TIME IS NOT NULL THEN '-' ELSE
NULL END || SSRMEET_END_TIME TIME
FROM SSBSECT, SSRMEET
WHERE SSBSECT_TERM_CODE = '201610'
AND SSBSECT_SSTS_CODE = 'A'
AND SSRMEET_CRN = SSBSECT_CRN
AND SSRMEET_TERM_CODE = SSBSECT_TERM_CODE
ORDER BY 2, 3, 4
```

APPENDICES

**TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
SERIES 12
CAPITAL PROJECT MANAGEMENT**

The current version of Series 12, Legislative Rule, Capital Project Management may be found on the West Virginia Higher Education Policy Commission website:

www.wvhpc.edu/resources/rules-and-policies

Definitions of Terms

Auxiliary and Auxiliary Capital Fees Bonds (W. Va. Code §18B-10): Revenue bonds issued to finance the planning, design, construction and equipping of an auxiliary facility i.e., Student Unions and Recreation Facilities, Residence Halls, Dining Halls, Athletic Facilities, Bookstores, Faculty and Staff Housing and other facilities not considered E&G Facilities. Auxiliary fees are pledged to pay debt service for these revenue bonds.

Capital Lease: In accordance with the Financial Accounting Standards Board (FASB), capital leases are defined as leases which meet any one (or more) of the following criteria:

- Transfer of ownership of the property to the lessee at the end of the lease term;
- Bargain purchase option at the end of the lease term;
- Lease term equal to 75% or more of the estimated economic life of the leased property; and
- Present value of the net minimum lease payments equal to or exceeding 90% of the fair market value of the property.

Capital leases are considered long-term obligations for accounting purposes.

Capitalized Interest: Interest to be paid on the bonds during the period of construction that is financed as part of the bond issue (i.e., paid with bond proceeds). Capitalizing interest increases the overall cost of borrowing, but may be necessary in cases where project revenues are to be used to pay debt service. Conversely, where revenues are already being collected (i.e., a fee or fee increase has already been implemented), the use of capitalized interest may not be appropriate.

Educational and General (E&G) Capital Fees Bonds (W. Va. Code §18B-10): Revenue bonds issued to finance the planning, design construction and equipping of E&G facilities Fees collected by the institutions to support existing and future system-wide debt and institutional debt, capital projects funded on a cash basis, campus and building renewal, and repairs and alterations of E&G Facilities.

Educational and General (E&G) Facility: A building or structure used for instruction and instructional support purposes, and includes classroom, laboratory, library, computer laboratory, faculty and administrative office and other academic support spaces.

Incremental Annual Operating Expenses: The increase in operating costs attributable to the project. For example, a new dormitory added to a dormitory system would presumably increase system operating costs (e.g., supplies & material, utilities, personnel (janitorial, maintenance), equipment, etc.)

Non-recurring costs: One-time project costs (e.g., land acquisition, special utility fees, etc.) required for project completion.

Other: Debt secured by another revenue stream than those identified above. Please identify source and provide Code citation that authorizes the pledge of this revenue stream for issuance of revenue bonds or to incur debt.

Private Use: Private use means any use (directly or indirectly) by a trade or business that is carried on by persons or entities other than state or local governmental entities. Such use could involve ownership, management, service or incentive payment contracts, research agreements, leases, subleases, loans, or any other arrangement that conveys special legal entitlements or economic benefit to the non-governmental entity from the beneficial use of the project.

Reserve Fund: An amount set aside, usually from project revenues or bond proceeds, to mitigate the impact of interruptions in the ability of the project to generate sufficient net revenues to pay debt service (e.g., debt service reserve, repair and replacement reserve). In certain circumstances, the presence of a reserve can enhance the credit. For the purposes of the feasibility study, reserve funds are generally for debt service and are funded from project or institutional revenues. 9(c) projects are expected to generate sufficient revenues to fund a reserve at an amount equal to approximately 10% of the amount financed.

**West Virginia Higher Education Policy Commission
Meeting of November 17, 2017**

ITEM: Approval of Fiscal Year 2018 Capital Project Priorities

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the prioritized capital project list for Fiscal Year 2018 and directs staff to report the capital project priorities to the Legislative Oversight Commission on Education Accountability in January as statutorily required.

STAFF MEMBER: Ed Magee

BACKGROUND:

West Virginia Code §18B-1B-4(a) (11) requires the Commission to establish a formal process for identifying needs for capital investments and for determining priorities for those investments. The Commission must also report annually its priorities for capital investment to the Governor and Legislature.

The Commission's appropriation request submitted to the State Budget Office on September 1, 2017, once again included a one-time request of \$10 million for high priority code compliance and deferred maintenance projects. If the appropriation is authorized, it will be distributed between the two systems. Of the total appropriation, 80 percent or \$8 million will be distributed to the Commission's institutions and the remainder will be distributed to Council for Community and Technical College Education institutions. Consistent with prior practice, institutions will be required to match the state's capital investment with institution or private funds.

Staff use the code compliance and deferred maintenance projects from the institutions' capital appropriation requests received in late August to prepare the proposed list of projects for funding. Table 1 summarizes \$16 million in projects which have been identified. If approved by the Commission, this list of prioritized projects will be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) in January as required by law.

The following process was used to select the projects:

As described in the Commission's System Facilities Master Plan, projects were prioritized in the following order:

- 1: Structural Demolition
2. Reliability
3. Safety/Code
- 4 Asset Preservation
5. Program Improvement
6. Economic Operations
7. New Construction

To create a project list within the appropriation request dollar amount, additional criteria were applied:

1. Projects that were funded and underway were eliminated.
2. Auxiliary projects were eliminated.
3. Projects costing less than \$100,000 were eliminated.
4. Projects in excess of \$1 million were eliminated.

Table 2 contains the entire capital appropriation requests from the institutions which includes both Educational and General (E&G) and Auxiliary Enterprise code compliance, deferred maintenance, renovation (building renewal) and new building projects. Auxiliary Enterprise projects are typically funded from user fees, such as room and board and parking fees, and include residence halls, dining halls, student unions, parking garages, etc. Major E&G projects, large renovations, additions and new facilities have been funded in the past by Lottery revenue bonds, or a combination of Lottery bond proceeds and institution E&G capital fees. Table 2 also identifies the projects that are fully funded and will be under design or construction in Fiscal Year 2018, as required by the State Budget Office.

Table 1

Institution and Project Priority	Capital Project Name	Project Class	Total Requested	Institutional Match	HEPC Match
FAIRMONT STATE UNIVERSITY			\$600,000	\$300,000	\$300,000
9	MUSICK LIBRARY HVAC AHU #1 REPLACEMENT	Reliability	200,000	100,000	100,000
15	MUSICK LIBRARY ELEVATOR UPGRADES	Reliability	150,000	75,000	75,000
20	HARDWAY HALL ELEVATOR UPGRADE	Reliability	100,000	50,000	50,000
32	MERCHANT STREET ELEVATOR UPGRADE	Reliability	150,000	75,000	75,000
GLENVILLE STATE COLLEGE			900,000	450,000	450,000
3	CAMPUSWIDE ELECTRICAL UPGRADE AND POWER DISTRIBUTION	Reliability	150,000	75,000	75,000
8	ELEVATOR UPGRADE/REPLACEMENT	Reliability	350,000	175,000	175,000
9	UPGRADE FIBER NETWORK AND HARD WIRE CAMPUS PHONE SYSTEM	Reliability	150,000	75,000	75,000
14	FINE ARTS BUILDING STAGE LIGHTS REPLACEMENT	Reliability	250,000	125,000	125,000
MARSHALL UNIVERSITY			2,050,000	1,025,000	1,025,000
9	OLD MAIN ELEVATOR	Reliability	900,000	450,000	450,000
12	OLD MAIN ROOF REPLACEMENT AND EXTERIOR REPAIRS	Reliability	950,000	475,000	475,000
48	MUMC HVAC	Reliability	200,000	100,000	100,000
SHEPHERD UNIVERSITY			175,000	87,500	87,500
4	BUTCHER CENTER ELEVATOR REPLACEMENT	Reliability	175,000	87,500	87,500
WEST LIBERTY UNIVERSITY			925,000	462,500	462,500
6	LIBRARY ELEVATOR	Reliability	200,000	100,000	100,000
7	ELEVATOR-MULTIPLE BUILDINGS	Reliability	725,000	362,500	362,500
WEST VIRGINIA STATE UNIVERSITY			1,735,000	867,500	867,500
1	COLE COMPLEX HVAC UPGRADES	Reliability	350,000	175,000	175,000
2	HILL HALL HVAC UPGRADES AND BOILER	Reliability	300,000	150,000	150,000
3	FERGUSON LINCOLN BOILER REPLACEMENT	Reliability	175,000	87,500	87,500
7	UPGRADE CAMPUS ELEVATORS TO ADA AND FIRE MARSHALL STANDARD	Reliability	175,000	87,500	87,500
14	HAMBLIN HALL HVAC UPGRADE	Reliability	475,000	237,500	237,500
15	UNDERGROUND ELECTRICAL UPGRADE	Reliability	150,000	75,000	75,000
17	PHYSICAL FACILITIES BOILER REPLACEMENT	Reliability	110,000	55,000	55,000
WEST VIRGINIA UNIVERSITY			9,535,000	4,767,500	4,767,500
2	ROOFTOP AIR HANDLERS (HSC)	Reliability	600,000	300,000	300,000
7	HVAC FOR ACADEMIC INSTRUCTIONAL GYMNASIUM (PSC)	Reliability	250,000	125,000	125,000
8	NORTH/SOUTH ELECTRICAL FEED (HSC)	Reliability	530,000	265,000	265,000
20	GROUND FLOOR AIR HANDLER REPLACEMENT	Reliability	450,000	225,000	225,000
21	BASEMENT FLOOR AIR HANDLER REPLACEMENT (HSC)	Reliability	650,000	325,000	325,000
22	REPLACE AIR HANDLER GLYCOL HEATER SYSTEM (HSC)	Reliability	240,000	120,000	120,000
28	WISE LIBRARY WV COLLECTION PASSENGER ELEVATOR MODERNIZATION	Reliability	350,000	175,000	175,000
29	REPLACE SECONDARY CHILLED WATER PUMP (HSC)	Reliability	270,000	135,000	135,000
33	ELEVATOR ENCLOSURE AT MING HSIEH HALL	Reliability	200,000	100,000	100,000
34	ENGINEERING SCIENCES BLDG PASSENGER ELEVATOR MODERNIZATION	Reliability	900,000	450,000	450,000
43	MOTOR CONTROLS (HSC)	Reliability	470,000	235,000	235,000
44	REPLACE LAB EXHAUST FANS (HSC)	Reliability	675,000	337,500	337,500
50	WHITE HALL HOT WATER BOILER FOR REHEAT SYSTEM	Reliability	150,000	75,000	75,000
52	DOWNTOWN STEAM TUNNEL CABLE TRAY REPLACEMENT	Reliability	500,000	250,000	250,000
56	ESB REPLACE AHU E1 AND E2	Reliability	800,000	400,000	400,000
57	CLARK HALL REPLACE SF1	Reliability	750,000	375,000	375,000
59	REPLACE STEAM AND CONDENSATE LINES FROM VAULT #3 TO CAC	Reliability	350,000	175,000	175,000
60	REPLACE STEAM AND CONDENSATE LINES FROM ENGINEERING TO MRB	Reliability	500,000	250,000	250,000
61	REPLACE STEAM AND CONDENSATE LINES FROM NRCCE TO ENGINEERING	Reliability	500,000	250,000	250,000
62	REPLACE 1 OF 7 AIR HANDLERS IN ROOM 4616A (HSC)	Reliability	400,000	200,000	200,000
HIGHER EDUCATION POLICY COMMISSION			80,000	40,000	40,000
1	OTHER CAPITAL PROJECTS	Reliability	80,000	40,000	40,000
Grand Total			\$16,000,000	\$8,000,000	\$8,000,000

Table 2

Institution and Project		Capital Project Name	Total Requested
Priority			
BLUEFIELD STATE COLLEGE			\$80,750,000
1		RESIDENTIAL HOUSING	28,000,000
2		PARKING GARAGE	16,500,000
3		SIDEWALK/STEP REPAIRS	850,000
4		ROOF REPLACEMENTS-MULTIPLE BUILDINGS	8,000,000
5		LEASE OF GAS COMPANY LOT/UPGRADE	750,000
6		STUDENT CENTER ELEVATOR	600,000
7		CAMPUS RESTROOM RENOVATION	1,100,000
8		ADA COMPLIANCE BASIC/DICKASON	500,000
9		ROADWAY PROPERTY UPGRADE	4,000,000
10		INSTITUTIONAL ENERGY/ELECTRICAL HVAC EVALUATION AND UPGRADE	2,700,000
11		HARDWAY LIBRARY RENOVATION	5,000,000
12		SITE LIGHTING & CONTROL UPGRADE	350,000
13		CAMPUS KEY REPLACEMENT	600,000
14		ELECTRICAL/HVAC UPGRADE PHASE II	2,000,000
15		STUDENT CENTER AIR CONDITIONING	600,000
16		CAMPUS WINDOW REPLACEMENT PHASE I	900,000
17		CULTURAL/CYBER CENTER	3,000,000
18		REPAINTING CAMPUS BUILDINGS	400,000
19		CAMPUS WINDOW REPLACEMENT PHASE I	900,000
20		ELECTRICAL/HVAC UPGRADE PHASE III	3,000,000
21		ATHLETIC FIELD UPGRADE	1,000,000
FAIRMONT STATE UNIVERSITY			36,572,173
2		HUNT HAUGHT HALL HVAC AHU #1 & CHILLER REPLACEMENT	400,000
6		HARDWAY HALL ROOF RENEWAL	640,000
7		PARKING LOT PAVING	1,000,000
9		MUSICK LIBRARY HVAC AHU #1 REPLACEMENT	200,000
10		FALCON CENTER ELEVATOR ADDITION	180,000
11		KILN BUILDING UPGRADES	250,000
12		COLEBANK HALL MEMBRANE ROOF REPLACEMENT	150,000
13		PARKING GARAGE ELEVATOR ADDITION	300,000
15		MUSICK LIBRARY ELEVATOR UPGRADES	150,000
16		PHYSICAL PLANT WINDOW REPLACEMENT	100,000
17		COLEBANK HALL EXTERIOR CLEANING AND WATERPROOFING	300,000
18		FEASTER CENTER HVAC UPGRADES (LOBBY)	250,000
19		FEASTER CENTER WINDOWS & DOORS	200,000
20		HARDWAY HALL ELEVATOR UPGRADE	100,000
21		JAYNES HALL WINDOWS	610,000
22		ENGINEERING TECHNOLOGY WINDOW REPLACEMENT (1ST & 2ND FLOOR)	100,000
23		PHYSICAL PLANT ANNEX - ROOF RENEWAL	100,000
24		HUNT HAUGHT HALL ROOF RENEWAL	500,000
25		COLEBANK HALL BOILER	150,000
26		JAYNES HALL EXTERIOR CLEANING AND WATERPROOFING	370,000
27		INFRASTRUCTURE DEVELOPMENT SOUTH LOCUST AVENUE (DRAINAGE)	1,000,000
28		MUSICK LIBRARY EXTERIOR CLEANING AND WATERPROOFING	300,000
29		FACILITIES-CAMPUS SECURITY PARKING OFFICE EXPANSION	160,000
30		MERCHANT STREET ROOF RENEWAL	300,000
31		MERCHANT STREET HVAC	700,000
32		MERCHANT STREET ELEVATOR UPGRADE	150,000

33	MERCHANT STREET FIRE ALARM UPGRADE	100,000
34	MERCHANT STREET SPRINKLER SYSTEM	200,000
35	INFRASTRUCTURE - MERCHANT STREET SIDEWALK REPAIRS	150,000
36	MORROW HALL RENOVATIONS	10,375,859
37	MORROW HALL ROOF RENEWAL	450,000
38	PENCE HALL RENOVATIONS	7,272,292
39	PENCE HALL ROOF RENEWAL	250,000
40	PRICHARD HALL RENOVATIONS	8,864,022
41	PRICHARD HALL ROOF RENEWAL	250,000
GLENVILLE STATE COLLEGE		19,000,000
1	CAMPUSWIDE COMMUNICATION AND EMERGENCY NOTIFICATION SYSTEM	0
2	PICKENS HALL RENOVATION	500,000
3	CAMPUSWIDE ELECTRICAL UPGRADE AND POWER DISTRIBUTION	150,000
4	NEW CLASSROOM BUILDING	15,000,000
5	ROOF REPLACEMENTS	200,000
6	CAMPUS SIGNAGE	100,000
7	SIDEWALK AND PAVER REPLACEMENTS	200,000
8	ELEVATOR UPGRADE/REPLACEMENT	350,000
9	UPGRADE FIBER NETWORK AND HARD WIRE CAMPUS PHONE SYSTEM	150,000
10	NORTH ENTRANCE	1,000,000
11	CAMPUS PAVING AND PARKING UPGRADES	500,000
12	HANDRAIL REPLACEMENT	450,000
13	RETAINING WALL REPLACEMENT	150,000
14	FINE ARTS BUILDING STAGE LIGHTS REPLACEMENT	250,000
MARSHALL UNIVERSITY		368,760,000
1	JENKINS HALL ADA RENOVATIONS/HVAC	4,500,000
2	MEMORIAL STUDENT CENTER RENOVATIONS	25,000,000
4	FORENSIC SCIENCE CENTER ANNEX BUILDOUT	1,200,000
5	MULTI-USE MEDICAL EDUCATIONAL/RESEARCH BUILDING	50,000,000
6	MARSHALL PLAZA-HAL GREER	7,900,000
7	CLASSROOM RENOVATIONS CAMPUSWIDE	2,000,000
8	LAIDLEY HALL DEMOLITION	350,000
9	OLD MAIN ELEVATOR	900,000
10	OLD MAIN INTERIOR REPAIRS	4,235,000
11	EMERGENCY GENERATORS	1,040,000
12	OLD MAIN ROOF REPLACEMENT AND EXTERIOR REPAIRS	950,000
13	JOAN C. EDWARDS STADIUM STRUCTURAL IMPROVEMENTS	1,000,000
14	PRICHARD HALL RENOVATIONS	5,600,000
15	PARKING EXPANSION-5TH AVE AND 21ST STREET	500,000
16	INTRAMURAL FIELD SPACE	900,000
17	HENDERSON CENTER HVAC	3,000,000
18	ERMA ORA BYRD CLINICAL CENTER SKILLS EQUIPMENT	500,000
19	HIGH TECHNOLOGY/ACADEMIC INSTRUCTIONAL FACILITY	29,750,000
20	BASEBALL FIELD	14,000,000
21	GULLICKSON GYMNASIUM HVAC	1,000,000
22	FULL TECHNOLOGY ENHANCED CLASSROOM INITIATIVE	1,500,000
23	LAND PURCHASE/DEMOLITION	2,000,000
24	SCIENCE BUILDING AND ANNEX RENOVATION PROJECT	15,000,000
25	MEMORIAL GARDEN	525,000

26	RURAL HEALTH & RESIDENCY EDUCATION CENTER	1,500,000
27	STUDENT CAREER CENTER	6,000,000
28	CORBLY HALL RENOVATIONS	10,000,000
29	TWIN TOWERS BATHROOM RENOVATIONS	3,500,000
30	TEAYS CENTER	7,000,000
31	MEDICAL EDUCATION BUILDING RENOVATION (PHASE III)	3,500,000
32	CENTER FOR MUSIC/MUSIC EDUCATION	40,300,000
33	FOOTBALL STADIUM EXPANSION	24,000,000
34	STORMWATER IMPROVEMENTS PHASE I	325,000
35	CAMPUSWIDE WIRELESS BUILD OUT	1,500,000
36	IT INFRASTRUCTURE UPGRADES	2,000,000
37	TENNIS COMPLEX INDOOR COURTS	6,000,000
38	DRINKO RENOVATIONS	1,000,000
39	HENDERSON CENTER ELEVATOR REPLACEMENT	900,000
40	JOAN C. EDWARDS STADIUM RESTROOM RENOVATION	800,000
41	BASKETBALL PRACTICE FACILITY	14,000,000
42	OUTDOOR TRACK FACILITY	6,000,000
43	ATHLETIC AND BUILDINGS AND GROUNDS EQUIPMENT STORAGE	350,000
44	HOLDERBY HALL DEMOLITION	750,000
45	RESIDENCE HALL 1A	8,600,000
46	RESIDENCE HALL 1B	22,300,000
47	SMITH HALL ELEVATORS	1,400,000
48	MUMC HVAC	200,000
49	LOCKER ROOM RENOVATION-CROSS COUNTRY, M/W GOLF	350,000
50	AUX SWIMMING LOCKER ROOMS RENOVATIONS	250,000
51	EAST HALL ADDITION	2,500,000
52	PRICHARD HALL ROOF REPLACEMENT	250,000
53	HENDERSON CENTER SOUTHSIDE ROOF	250,000
54	CDC BUILDING MECHANICAL RENOVATIONS	500,000
55	CDC BUILDING ARCHITECTURAL RENOVATIONS	1,000,000
56	FINE ARTS RENOVATIONS	1,500,000
57	WAYFINDING	385,000
58	REPLACE GULLICKSON GYM FLOOR	350,000
59	SUBSTANCE ABUSE TREATMENT CENTER	18,500,000
60	OBESITY RESEARCH CENTER	5,000,000
61	DOUGLASS CENTRE RENOVATION	1,900,000
64	MORROW LIBRARY ADA UPDATES	750,000
SHEPHERD UNIVERSITY		40,425,000
1	FIRE ALARM SYSTEM UPGRADE	30,000
2	EMERGENCY EGRESS LIGHTING	175,000
4	BUTCHER CENTER ELEVATOR REPLACEMENT	175,000
5	INTERIOR AND EXTERIOR DOOR LOCKS	250,000
6	PEDESTRIAN ACCESS SIDEWALKS	120,000
7	ACCESS TO STUDENT CENTER FOR TRUCK TRAFFIC	150,000
8	PEDESTRIAN AND VEHICLE CIRCULATION	250,000
10	ROOF REPLACEMENT-MULTIPLE BUILDINGS	750,000
11	FRANK CENTER ROOF EQUIPMENT SCREEN	200,000
12	BUTCHER CENTER RENOVATION	1,100,000
13	FRANK CENTER RENOVATION	17,550,000
14	SYNDER ANNEX RENOVATION	500,000
15	CAMPUS ENTRANCES AND BORDERS DEFINITIONS	500,000

16	NEW MAINTENANCE FACILITY	4,400,000
17	DEMOLITION OF SARA CREE AND SITE RESTORATION	1,000,000
18	PARKING STRUCTURE	10,000,000
19	FIELD HOUSE AND RESTROOMS FOR SOFTBALL/BASEBALL FIELDS	200,000
20	TECHNOLOGY UPGRADE/VOIP ARCHITECTURE	375,000
30	SECURITY CAMERAS	250,000
90	KING STREET PEDESTRIANIZATION	2,450,000
WEST LIBERTY UNIVERSITY		30,485,000
1	TRACK AROUND SOCCER FIELD	2,500,000
2	ROGERS HALL RENOVATIONS	250,000
4	ADA COMPLIANCE GROUNDS	60,000
5	ADA COMPLIANCE BUILDINGS	50,000
6	LIBRARY ELEVATOR	200,000
7	ELEVATOR-MULTIPLE BUILDINGS	725,000
8	SHOTWELL HALL RENOVATIONS	1,000,000
9	BOYD HALL RENOVATIONS	100,000
10	CAMPBELL HALL FOURTH FLOOR BUILDOUT	2,000,000
11	BLATNIK HALL WINDOW REPLACEMENTS	250,000
12	LIBRARY WINDOW REPLACEMENT	250,000
13	HUGHES HALL WINDOW REPLACEMENT	250,000
14	KRISE HALL WINDOW REPLACEMENT	450,000
15	MARKETPLACE GENERATOR	150,000
16	MYERS MAINTENANCE BUILDING ROOF	150,000
17	STUDENT RECREATION CENTER & DINING FACILITY	5,400,000
18	ARNETT HALL RENOVATION	3,500,000
19	MAIN HALL RENOVATIONS	800,000
20	LIBRARY PARKING LOT	400,000
21	CAMPBELL HALL NEW PARKING LOT	10,000,000
22	STUDENT UNION RENOVATION	2,000,000
WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE		3,293,000
1	MAIN BUILDING B EXTERIOR RESTORATION	400,000
2	MAIN BUILDING C EXTERIOR RESTORATION	300,000
3	LIBRARY/OMM LAB ROOF REPLACEMENT	300,000
4	MAIN BUILDING B-ROOF REPLACEMENT	400,000
5	MAIN BUILDING C-ROOF REPLACEMENT	293,000
6	CAMPUS ENERGY, LIGHTING, & BEAUTIFICATION	1,600,000
WEST VIRGINIA STATE UNIVERSITY		58,280,000
1	COLE COMPLEX HVAC UPGRADES	350,000
2	HILL HALL HVAC UPGRADES AND BOILER	300,000
3	FERGUSON LINCOLN BOILER REPLACEMENT	175,000
4	EDUCATION BUILDINGS ROOF REPLACEMENT	2,500,000
5	LIGHTING UPGRADE OF PLAZAS, SIDEWALKS, AND PARKING LOTS	125,000
6	REPLACE WATER HEATERS AND FIRE HYDRANTS	1,350,000
7	UPGRADE CAMPUS ELEVATORS TO ADA AND FIRE MARSHALL STANDARD	175,000
8	UPGRADE EXISTING PARKING LOTS	650,000
9	UPGRADE EXISTING SIDEWALKS	125,000
10	UPDATE ACADEMIC CLASSROOM TECHNOLOGY IN BUILDING	550,000
11	FERRELL HALL HVAC UPGRADES AND BOILER	40,000
12	DRAIN-JORDAN LIBRARY HVAC UPGRADES	10,000
13	DAVIS FINE ARTS HVAC UPGRADES	35,000

14	HAMBLIN HALL HVAC UPGRADE	475,000
15	UNDERGROUND ELECTRICAL UPGRADE	150,000
16	STORM WATER MANAGEMENT	110,000
17	PHYSICAL FACILITIES BOILER REPLACEMENT	110,000
18	BUILDINGS WEATHER PROOFING	425,000
19	FERRELL HALL ADA ACCESSIBILITY	3,500,000
20	WALLACE HALL WINDOW REPLACEMENT	2,500,000
21	BUILDING UPGRADES FOR ENERGY CONSERVATION	325,000
22	LAKIN FIELD UPGRADES	350,000
23	CAPITOL CENTER SPRINKLER SYSTEM	325,000
24	SULLIVAN HALL EAST ELEVATOR REPLACEMENT	250,000
25	SULLIVAN HALL HVAC UPGRADE	575,000
26	SULLIVAN HALL AIR HANDLER	175,000
27	CAMPUS WIDE CLASSROOM FURNITURE UPGRADES	250,000
28	CAPITOL CENTER ELEVATOR UPGRADE	275,000
29	WEST CAMPUS LAND ACQUISITION & PARKING LOT	1,100,000
30	EAST CAMPUS LAND ACQUISITION AND PARKING LOT	1,000,000
31	RESEARCH/SCIENCE BUILDING	18,000,000
32	ACADEMIC/TECHNOLOGY CLASSROOM BUILDING	11,000,000
33	NATATORIUM	11,000,000
WEST VIRGINIA UNIVERSITY		206,020,000
1	STEM/LAB BUILDING (PSC)	20,000,000
2	ROOFTOP AIR HANDLERS (HSC)	600,000
3	HODGES RENOVATION	20,000,000
4	MULTIPLE SECTIONS OF ROOF REPLACEMENT (HSC)	2,700,000
5	ADMISSIONS & RECORDS FIRE ALARM & SPRINKLER SYSTEM	450,000
6	ENGINEERING RESEARCH ROOF REPLACEMENT	575,000
7	HVAC FOR ACADEMIC INSTRUCTIONAL GYMNASIUM (PSC)	250,000
8	NORTH/SOUTH ELECTRICAL FEED (HSC)	530,000
9	IT INFRASTRUCTURE (HSC)	5,000,000
10	IT NETWORK REVITALIZATION	25,000,000
11	STEWART HALL SPRINKLERS	600,000
12	CHARLESTON DIVISION BUILDING INFRASTRUCTURE (HSC)	10,000,000
13	CHITWOOD FIRE ALARM UPGRADE	500,000
14	AG SCIENCE ANNEX ROOF REPLACEMENT	550,000
15	CHURCH MCKEE ARTS CENTER STAGE FIRE CURTAINS (PSC)	350,000
16	PURITAIN HOUSE FIRE ALARM UPGRADE	300,000
17	CHARLESTON CENTER LIFE SAFETY AND ADA ISSUES	3,000,000
18	ENGINEERING SCIENCES BRICK FACADE REPAIRS	12,000,000
19	RESEARCH LABORATORIES BMRC (HSC)	6,000,000
20	GROUND FLOOR AIR HANDLER REPLACEMENT	450,000
21	BASEMENT FLOOR AIR HANDLER REPLACEMENT (HSC)	650,000
22	REPLACE AIR HANDLER GLYCOL HEATER SYSTEM (HSC)	240,000
23	ENGINEERING SCIENCE FIRE ALARM REPLACEMENT	1,200,000
24	EQUINE EDUCATION FACILITY FIRE PUMP, SPRINKLER, AND ALARM	300,000
25	CONNECTOR BRIDGE RENOVATIONS AND WINDOWS (HSC)	560,000
26	UPGRADE SPRINKLER/FIRE ALARM AG SCIENCE ANNEX	400,000
27	KNAPP HALL FIRE ALARM SYSTEM UPGRADE	500,000
28	WISE LIBRARY WV COLLECTION PASSENGER ELEVATOR MODERNIZATION	350,000
29	REPLACE SECONDARY CHILLED WATER PUMP (HSC)	270,000
30	CAMPUS EXTERIOR AND GROUNDS LIGHTING (PSC)	225,000

31	CANCER CENTER LAB (HSC)	10,000,000
32	CAMPUS DRIVE AND PARKING AREA PAVING (PSC)	300,000
33	ELEVATOR ENCLOSURE AT MING HSIEH HALL	200,000
34	ENGINEERING SCIENCES BLDG PASSENGER ELEVATOR MODERNIZATION	900,000
35	ADMISSIONS AND RECORDS RENOVATION	3,000,000
36	STEWART HALL CHILL WATER TIE IN	800,000
37	HOSTLER AUDITORIUM (HSC)	500,000
38	DOWNTOWN CHILLER PLANT ADD 4TH CHILLER	1,500,000
39	EVANSDALE PARKING GARAGE	42,000,000
40	REPLACE HEAT EXCHANGERS (HSC)	1,260,000
41	NEW AIR HANDLER UNITS (HSC)	11,100,000
42	REPLACE 1 CHILLER (HSC)	1,000,000
44	REPLACE LAB EXHAUST FANS (HSC)	675,000
45	UPGRADE ACCESS CONTROL (HSC)	580,000
46	NEW ELECTRICAL TRANSFORMER, FUSES AND BREAKERS (HSC)	6,700,000
47	E-MOORE HALL WINDOW REPLACEMENT	750,000
48	CAMPUS EMERGENCY ALERTING SYSTEM (PSC)	100,000
49	KNAPP HALL BUILDING WINDOW UPGRADES	1,100,000
50	WHITE HALL HOT WATER BOILER FOR REHEAT SYSTEM	150,000
51	BUSINESS AND ECONOMICS BUILDING FACADE REPAIRS	3,000,000
52	DOWNTOWN STEAM TUNNEL CABLE TRAY REPLACEMENT	500,000
53	AIRPORT HANGAR INSTALL FIRE ALARM AND SPRINKLER SYSTEM	155,000
54	EMOORE HALL REPLACE FIRE ALARM SYSTEM& INSTALL SPRINKLER SYS	700,000
55	CAMPUS SUPPORT SERVICES INSTALL SPRINKLER SYSTEM	400,000
56	ESB REPLACE AHU E1 AND E2	800,000
57	CLARK HALL REPLACE SF1	750,000
58	CLARK HALL REPLACE 12 AIR HANDLERS	1,800,000
59	REPLACE STEAM AND CONDENSATE LINES FROM VAULT #3 TO CAC	350,000
60	REPLACE STEAM AND CONDENSATE LINES FROM ENGINEERING TO MRB	500,000
61	REPLACE STEAM AND CONDENSATE LINES FROM NRCCE TO ENGINEERING	500,000
62	REPLACE 1 OF 7 AIR HANDLERS IN ROOM 4616A (HSC)	400,000
Grand Total		\$843,585,173

West Virginia Higher Education Policy Commission
Meeting of November 17, 2017

ITEM: Approval of Revisions to Series 32, Legislative Rule, Tuition and Fee Policy

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the revisions to Series 32, Legislative Rule, Tuition and Fee Policy to be filed with the Secretary of State for the thirty-day public comment period.

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

STAFF MEMBER: Ed Magee

BACKGROUND:

Series 32, Legislative Rule, Tuition and Fee Policy, is the policy that establishes the assessment of tuition and fees at West Virginia undergraduate public institutions of higher education.

The proposed revisions to Series 32, summarized below, align the rule with the requirements enacted by House Bill 2815 during the 2017 legislative session. A summary of significant revisions is as follows:

1. The annual minimum percentage increase subject to Commission approval is being increased from 5 percent to 10 percent and the Commission must approve increases in excess of a 7 percent three-year rolling average.
2. Institutions may establish rates applicable to tuition and fees for online course delivery without regard to limitations contained in §18B-10-1.
3. Exempted schools as defined by the legislation 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.

4. Exempted schools are not subject to this rule.
5. The governing boards for exempted schools may authorize a mandatory auxiliary fee without seeking approval from the Commission.
6. In addition to considering the degree to which non-exempted schools achieve the benchmarks identified in their institutional compacts, the Commission may also consider the degree to which exempted schools achieve the benchmarks identified in their master plans.
7. A governing board shall require by rule all fees be due not later than the end of the academic term, and shall provide for appropriate measures to provide for collections of fees past due.
8. The rule does not define conditions under which a governing board may offer tuition and fee deferred payment plans itself or through third parties.

Staff recommends approval of the revisions to Series 32, Legislative Rule, Tuition and Fee Policy, for filing with the Secretary of State and submission to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no substantive comments are received.

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
Meeting of November 17, 2017**

ITEM:	Fiscal Year 2017 Consolidated Audit Presentation
INSTITUTIONS:	All
RECOMMENDED RESOLUTION:	<i>Resolved,</i> That the West Virginia Higher Education Policy Commission accepts the audited financial report for the Higher Education Fund for the Fiscal Year ending June 30, 2017.
STAFF MEMBER:	Ed Magee

BACKGROUND:

The Commission is statutorily charged with the preparation of audited financial statements for West Virginia's Higher Education Fund (Fund). The Fund is made up of all activity related to institutional operations of Commission and Council member institutions. Each institution is independently audited as part of the Fund Statement. The Commission is charged only with approving the Fund Statement. The Fund audit is completed by CliftonLarsonAllen, LLP under a contractual arrangement with the Chancellor's Office.¹

Staff compiled this report with three goals in mind:

1. To provide the Commission with an understanding of the audit process;
2. To provide information on audit findings contained within the fund; and,
3. To provide ratio analysis of data contained within the Fund Statement and the statements of the member institutions.

Staff believes that the overall status of the fund is sound, although there are areas that should be monitored to ensure its continued viability. Financial ratios for several institutions indicate deterioration in their financial status. A discussion of these ratios is provided below.

The Audit Process

Independent Auditors' Reports on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Governmental Auditing Standards were issued for all financial reports.

¹ CliftonLarsonAllen, LLP subcontracted with Hayflich and Steinberg, PLLC, and Suttle and Stalnaker, PLLC, to complete audits for several institutions. The ultimate responsibility for performance is with CliftonLarsonAllen, LLP.

The reports included management comments, which identify significant deficiencies that left unchecked, could rise to the level of a “material weakness.”

The combined financial statements, as well as the financial statements for each institution, the Commission, and the Council can be viewed on the Commission’s website at <http://www.wvhepc.edu/finance>.

Summary of Financial Results

A summary of the financial information for the Fund is provided in this section. As a point of reference, the dollar amounts numbers are presented in thousands.

Net Position

The Net Position is the total assets and deferred outflows of resources less the total liabilities and deferred inflows of resources of the Fund. The net position of the Fund increased in fiscal year 2017 by \$18.1 million. This follows an increase of \$101.0 million in fiscal year 2016. The majority of this change is attributable to activities related to investments in capital assets. Increases in capital assets and decreases in bonds payable were partially offset by decreases in investments and noncurrent cash and cash equivalents. Investments and noncurrent cash and cash equivalents were liquidated to pay construction costs.

Net Assets (Dollars in Thousands) - FY 2017	
	Change
Net Position	\$18,084
Accounts Receivable	\$7,625
Noncurrent cash and cash equivalents	-\$15,996
Investments	-\$30,915
Capital assets - Net	\$46,355
Accounts Payable	\$20,913
Unearned Revenue	-\$5,670
Notes Payable	-\$15,086
OPEB liability	-\$9,306
Bonds Payable	\$19,604

Bond and Capital Lease Activity

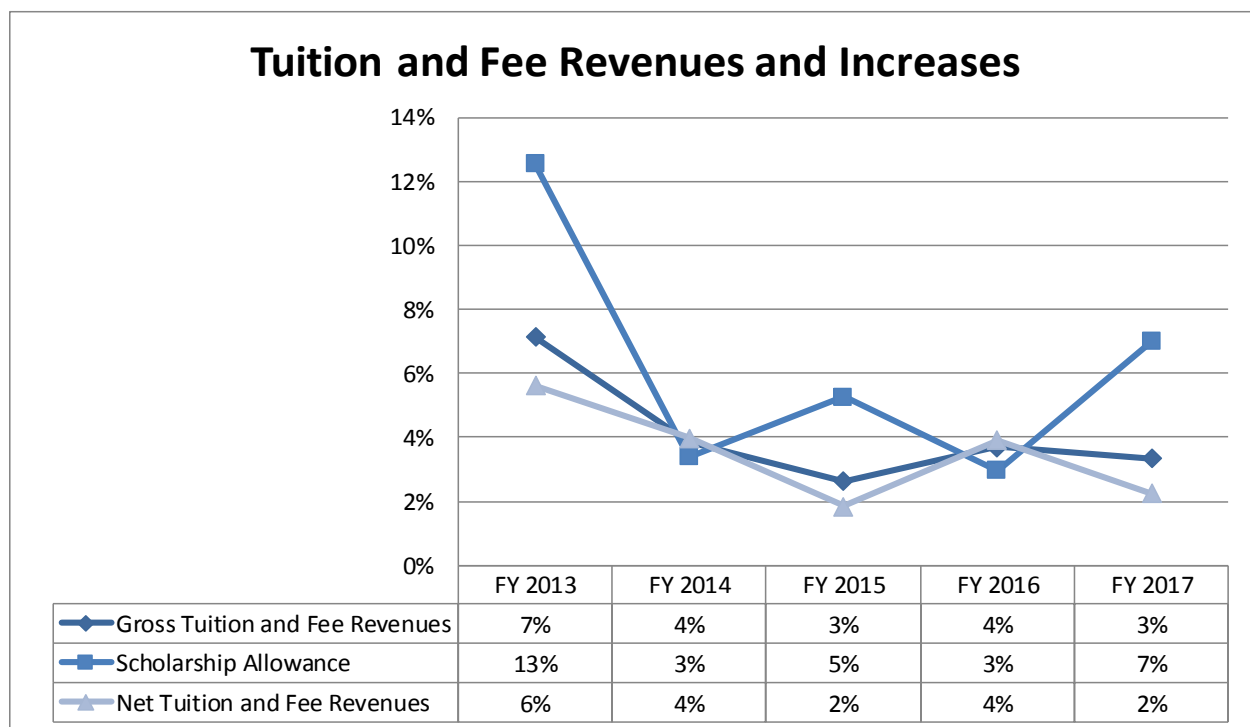
During FY 2017 and FY 2016 Bonds Payable decreased \$19.6 million and \$37.3 million primarily because debt service payments were made. The Bonds Payable amount for West Virginia University increased \$19.3 million as a result of the 2016 Series A Improvement Revenue Bonds.

In June 2016, the WVU Research Corporation received a short-term (90-day note) loan in the principal amount of \$12.0 million from United Bank, Inc. The loan proceeds were

used to reimburse the University for the acquisition and start-up costs of the new campus in Beckley, West Virginia. The note would have ended on September 27, 2016 but was extended until December 27, 2016 for the same amount under the same terms. On December 15, 2016, the West Virginia Research Corporation closed on a note with United Bank for \$36.1 million. The proceeds of the loan were used to pay the 90 day note in full and to reimburse West Virginia University for the purchase of the Beckley campus as well as for capital improvements to the campus. During FY 2017, West Virginia University Innovation Corporation (WVUIC), a blended component of West Virginia University, received a loan for \$3 million to pay the WVUIC's equipment lease/purchase agreement in full.

Tuition and Fee Revenue

As a result of increases in fee rates that offset the negative effect of enrollment declines, total student tuition and fee revenues net of the scholarship allowance increased \$13.5 million in fiscal year 2017. The \$26.2 million increase in gross tuition and fees revenues was offset by a \$12.7 million increase in the scholarship allowance.



Operating Expenses

Operating expenses increased \$4.9 million over FY 2016. Total salaries and wages as well as benefits increased as a result of new faculty positions and limited salary increases provided during the year. Supplies and other services expenses decreased over the previous year. Scholarships and Fellowships decreased because students received less institutional financial aid. The Utilities increase was related to the utilization of new facilities funded by recent debt issues.

Operating Expenses			
	FY 2016	FY 2017	Change
Salaries and Wages	\$850,837	\$866,409	\$15,572
Benefits	246,304	255,542	\$9,238
Supplies and Other Services	443,339	419,698	-\$23,641
Utilities	59,025	62,755	\$3,730
Student Financial Aid- Scholarships and Fellowships	108,669	106,164	-\$2,505
Depreciation	139,037	138,312	-\$725

Operating Expenses Percent Increases		
	FY 2016	FY 2017
Salaries and Wages	2.02%	1.83%
Benefits	-0.09%	3.75%
Supplies and Other Services	5.69%	-5.33%
Utilities	-0.35%	6.32%
Scholarships and Fellowships	1.67%	-2.31%
Depreciation	5.13%	-0.52%

Reporting Entities

The institutional financial statements include data from affiliated organizations under their control. The financial statements for organizations that are not controlled by an institution, but are significant to the fund, are discretely presented. If an institution is not its only significant beneficiary, an affiliated organization's data are not presented. The following organizations are controlled by their affiliated college or university:

- Concord University Research and Development Corporation
- Glenville State College Research Corporation
- Glenville State College Housing Corporation
- Marshall University Research Corporation (MURC)
- Shepherd University Research and Development Corporation
- West Virginia State University Research and Development Corporation
- West Virginia University Research and Development Corporation

The following affiliated organizations are not controlled by an institution:

- Institutional foundations
- Bluefield State College Research and Development Corporation
- Provident Group-Marshall LLC

Because they do not entirely or almost entirely benefit one organization or are not material to the fund, the following organizations' financial data was excluded:

- West Virginia University Foundation, Inc.
- The Bridgemont Community and Technical College Foundation, Inc.
- The Eastern West Virginia Community and Technical College Foundation, Inc.
- The Higher Education Foundation, Inc.
- The Kanawha Valley Community and Technical College Foundation, Inc.
- Mountwest Foundation, Inc.
- Tech Foundation, Inc.

Other Post Employment Benefits

Beginning in Fiscal Year 2008, the Fund adopted GASB Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions*. This statement provides standards for the measurement, recognition, and reporting of other postemployment benefit (OPEB) expenditures, assets, and liabilities. To address the issues raised by this Statement, the legislature created a postemployment trust fund for all State agencies. The Fund participates in this multiple employer cost-sharing plan, administered by the Public Employee's Insurance Agency (PEIA).

The recognition of OPEB expenditures and liabilities has created a substantial burden for institutions across the system. As a result of 2012 legislation, this liability will continue to increase until FY 2022, when the liability will begin to be reduced as a result of credits applied to previously billed annual required contributions. The liability is estimated to be funded by 2034.

Analysis: Ratios and Financial Information

The purpose of this section is to provide a summary and analysis of the data included in the financial statements. Only financial information is provided; therefore, this information should be combined with key performance indicators in other areas such as academics, and student and faculty satisfaction to acquire a more complete understanding of institutional strength.

To ascertain the financial health of a college or university, four questions should be asked:

1. Are resources sufficient and flexible enough to support the mission?
2. Does financial asset performance support the strategic direction?
3. Do operating results indicate the institution is living within available resources?
4. Is debt managed strategically to advance the mission?

To answer these questions, objective financial data should be analyzed within the context of the institutions' strategic plans. These plans are often influenced by the political and economic environment within which the institutions operate. In West Virginia, state appropriations as well as tuition and fee levels are below national averages. Instead of funding capital improvements with state appropriations, projects have been funded primarily by student fees. These economic factors discourage the accumulation of reserves and promote the acquisition of debt to build facilities.

To address the four questions listed above, a financial analysis is presented using the Composite Financial Index (CFI) and several other ratios.²The CFI calculation uses the primary reserve, net operating revenues, return on net position, and viability ratios. These ratios are converted into strength factors which in turn are weighted to allow summing of the four resulting ratio scores into a single, composite value. The strength factors are limited to a scale of -4 to 10.

The primary reserve ratio and viability ratio are measures of financial condition based on expendable net position. These ratios are each weighted 35 percent in the calculation. The net operating revenues ratio measures an institution's ability to live within its means on a short term basis, and it is assigned a weight of 10 percent. The return on net position assesses a school's capacity to generate overall return against all net resources, and its weight is 20 percent. The West Virginia School of Osteopathic Medicine has no capital project-related debt and Bluefield State College does not have significant capital project-related debt; consequently, a viability score was not calculated for these schools. The primary reserve, net operating revenues and return on net position ratios for both institutions were assigned weights of 55 percent, 15 percent and 30 percent respectively. Because its scores were unusually high, a separate chart was completed for the West Virginia School for Osteopathic Medicine. Because the liability was substantial, the CFI was calculated with and without the OPEB information as well as the pension liability and its related expenses.

Other ratios were calculated to provide additional insight into the schools' financial health. Because the CFI primary reserve indices for some institutions were relatively low, the number of day's cash on hand was also determined. The age of the physical plant for each institution was estimated to assess the physical resources available to advance the schools' missions.

The CFI is designed to measure financial performance (income statement) and financial position (Statement of Net Position). The Statement of Net Position components comprise 70 percent of the index, focusing primarily on debt and reserves. The operating margin and net position return are highlights of the income statement analysis.

Although the CFI is a very useful tool for analysis, its limitations should be considered. The index only describes financial health and does not provide an indication of an

²The CFI methodology is described in the *Strategic Financial Analysis for Higher Education* (Seventh Edition), jointly developed and sponsored by Prager, Sealy & Co., LLC, KPMG, LLP and BearingPoint, Inc.

institution's success in realizing its mission. A high score may indicate that an institution is not taking advantage of opportunities to invest in operations and facilities or use debt to leverage the institution's assets. The component unit data has been excluded for this analysis; therefore, the scores will differ from those provided to the Higher Learning Commission which requires the inclusion of component units.

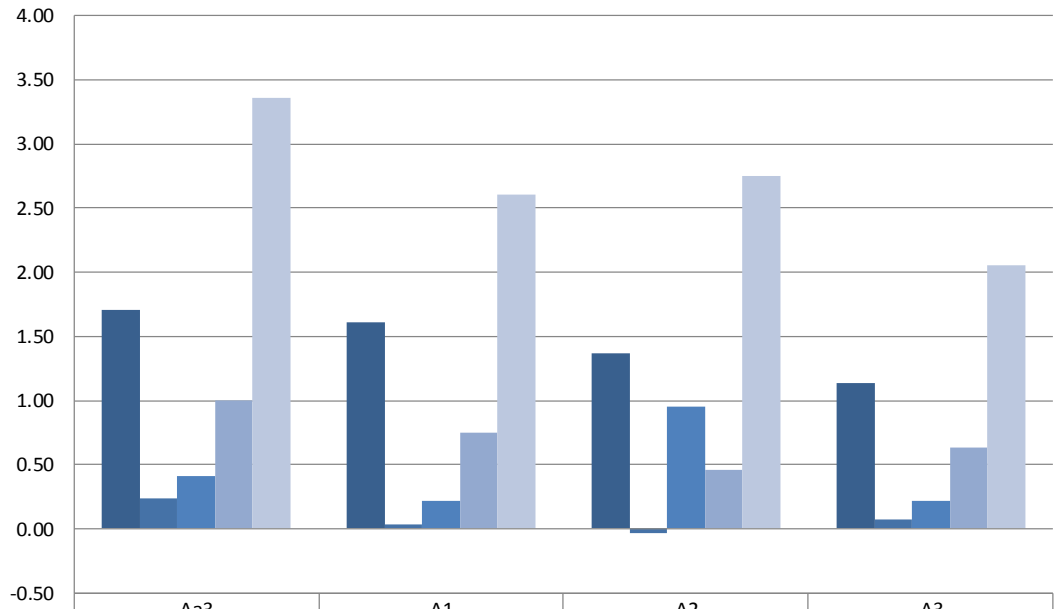
Because colleges and universities have unique missions, funding compositions and phases of growth, inter-institutional comparisons may not be valid. West Virginia institutions primarily self-fund capital needs while other public institutions receive direct state funding for these needs.

The *FY2016 U.S. Public College and University Medians* published by Moody's Investors Service was utilized to provide benchmark data for comparison purposes. The report includes median ratios for each rating category and provides data for the following entities:

Institution/Agency	Rating
Concord University	Baa3
Fairmont State University	A2
Glenville State College	B1
Marshall University	A1
Shepherd University	A3
West Virginia Higher Education Policy Commission	Aa3
West Virginia State University	B1
West Virginia University	Aa3

The rating categories Aa3, A1, A2, and A3 and Baa3 and B1 included 53, 75, 36, 27, 4, and 2 and institutions, respectively. Glenville State College and West Virginia State University were the only institutions that were rated B1. It should be noted that Moody's reviews many additional institutional characteristics such as management performance, market factors to determine their ratings. Moody's did not calculate median ratios for the Baa3 and B1 categories, The CFI strength factors were applied to the Moody's median ratios to derive scores for the ratings assigned to West Virginia institutions.

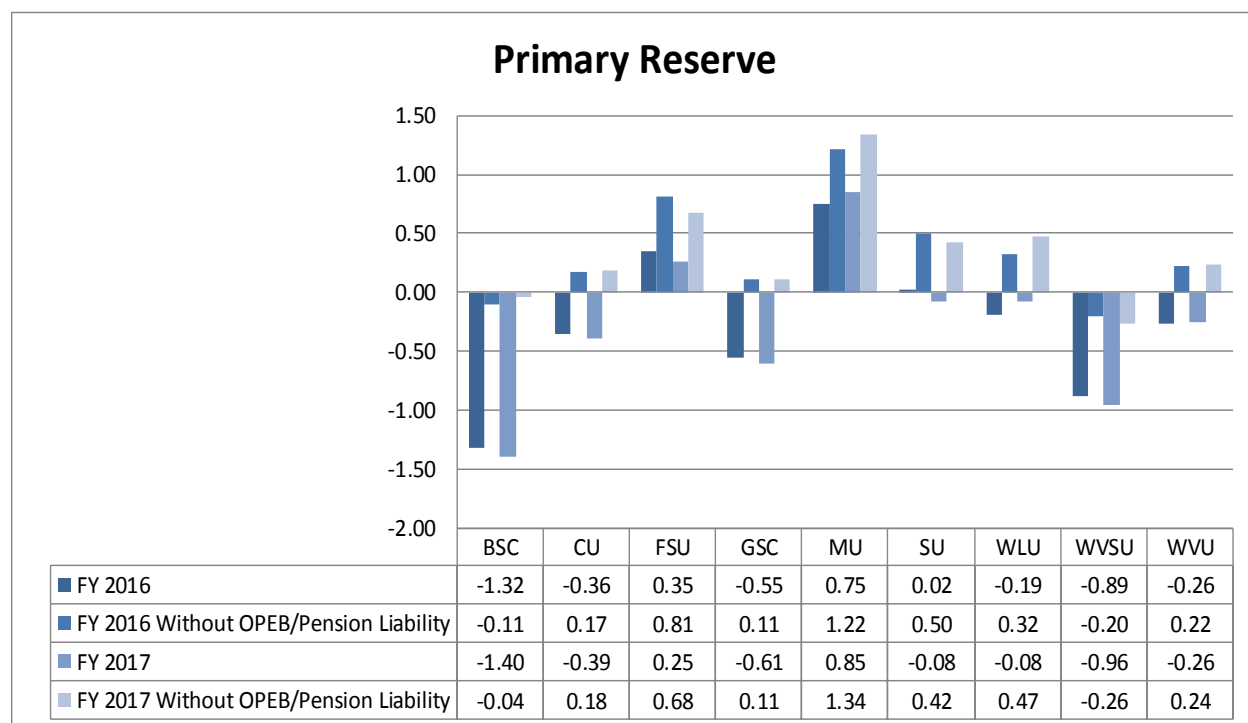
Moody's Ratios



	Aa3	A1	A2	A3
Primary Reserve Ratio Score	1.71	1.61	1.37	1.13
Net Operating Revenue Score	0.24	0.04	-0.03	0.07
Return on net position Score	0.41	0.22	0.95	0.22
Viability Ratio Score	1.00	0.75	0.46	0.64
Composite Financial Index	3.36	2.61	2.75	2.06

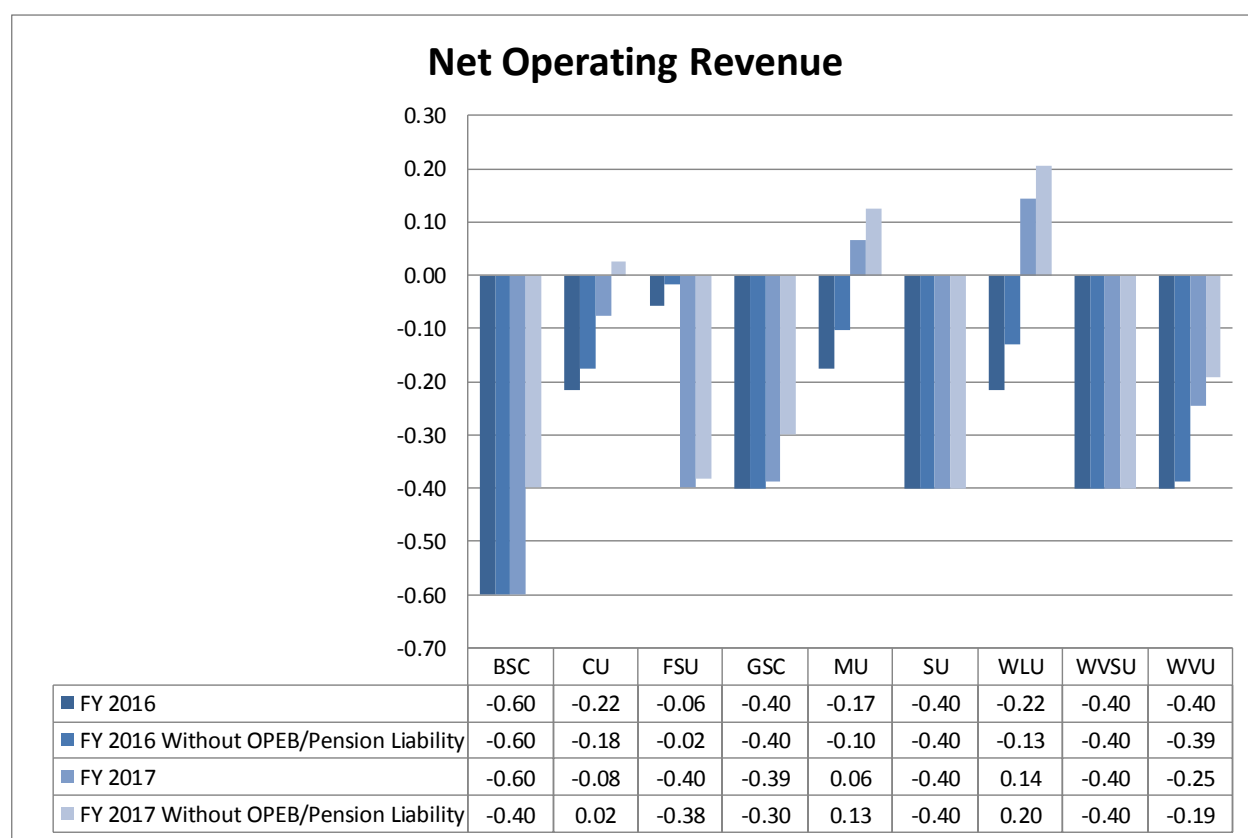
Primary Reserve Ratio

The primary reserve ratio used to calculate the primary reserve score. It is determined by dividing expendable net position into expenses and applying the appropriate strength factor. The results indicate that, excluding the OPEB and pension liabilities, amounts held in reserve did not keep pace with increases in expenditures for most of the colleges and universities. The increased OPEB and pension liabilities reduced the schools' primary reserves. Excluding the OPEB and pension liabilities, the score for Glenville State College remained the same. All of the other institutions experienced increases in reserves as a percentage of operating expenses excluding the OPEB and pension liabilities except for Fairmont State University, Shepherd University and West Virginia State University. The primary reserve score for the majority of the institutions were below the scores calculated for the schools included in the Moody's report. The scores calculated for all of the institutions are significantly less than their associated rating level scores calculated from the Moody's data.



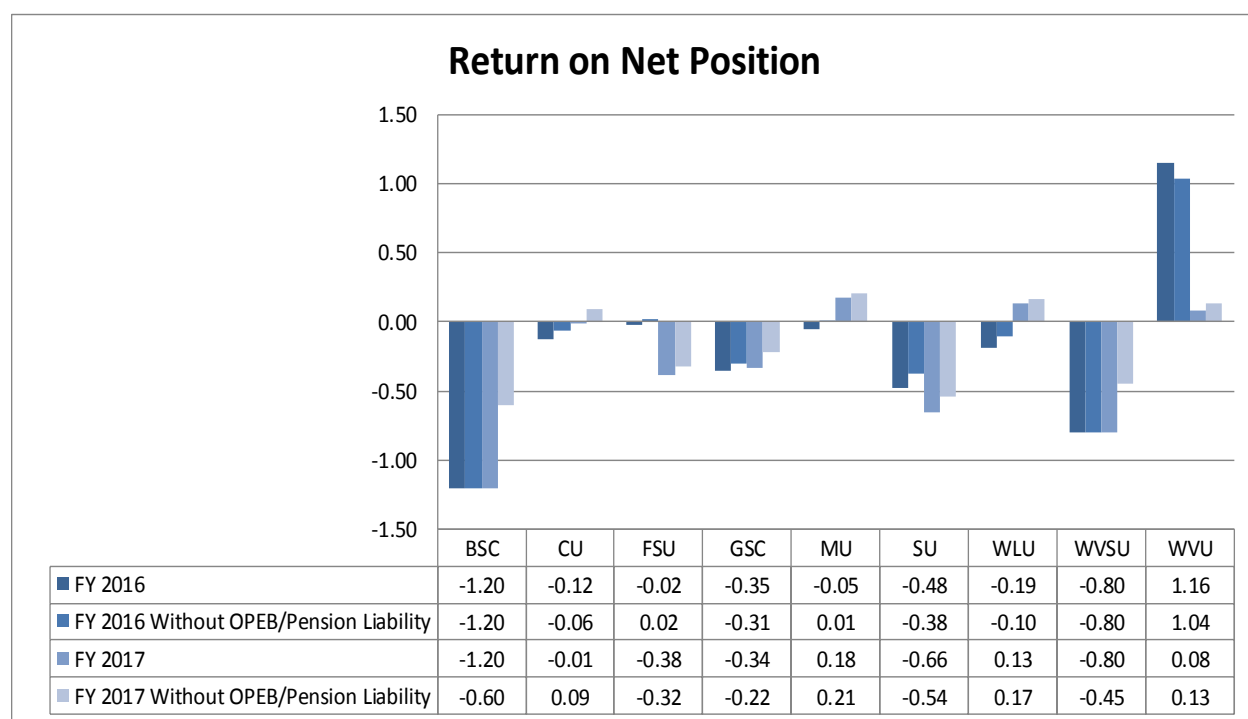
Net Operating Revenue

The increase or decrease in net position resulting from on-going operations is divided into the revenues from on-going operations to determine the net operating ratio. Excluding the OPEB and pension liability related expenses, all of the institutions except for Fairmont State University, Shepherd University, and West Virginia State University experienced an increase in net operating revenues over FY 2016. The majority of the institutions have net operating revenue scores that are significantly below the scores calculated for the Moody's report after the exclusion of the OPEB and pension liability related expenses. The operating results indicate the most of the institutions are not generating enough resources and they are depleting reserves.



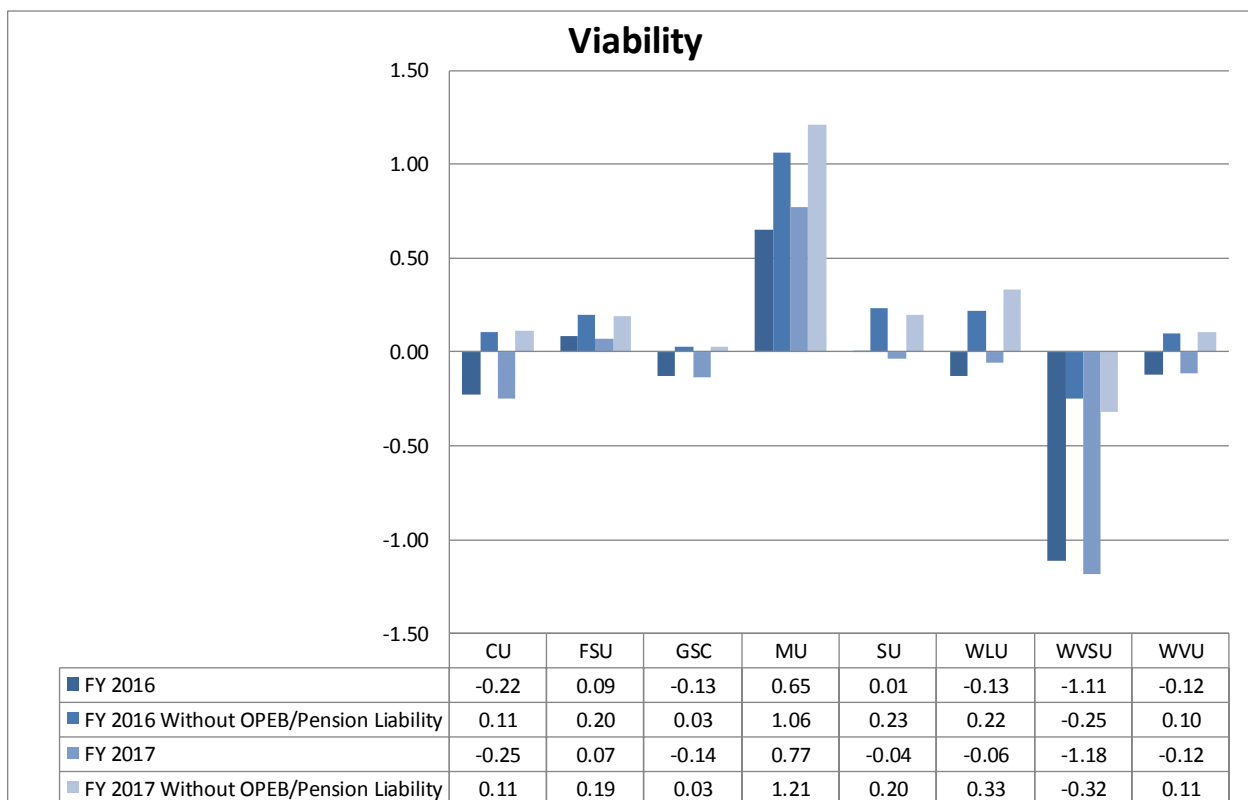
Return on Net Position

The return on net position ratio is calculated by dividing the change in net position by the beginning net position. The resulting ratio is used to determine the return on net position score. This score is influenced by income, capital grants and gifts, and capital bond proceeds. The scores excluding the OPEB and pension liability related expenses declined for all institutions except for Fairmont State University, Shepherd University, and West Virginia University. For the majority of institutions across the system, the performance of financial assets provides insufficient support for their respective core missions.



Viability

To determine the viability ratio, the expendable net position is divided into capital project-related debt. The result of this calculation is used to determine the viability score for each institution. As stated above, Bluefield State College is not included because it has minimal debt. An institution's market position and capacity to raise fees to support debt service will influence its level of debt. For most institutions, a high level of debt is required to maintain adequate facilities because the State has not consistently supported capital funding. Tuition and fee rates for resident students are limited; consequently, some institutions are not in a position to incur additional debt. Without the ability to incur debt, aging facilities are not renewed or replaced. The excessive dependency upon student fees for capital improvements reduces institutions' debt capacity for strategic mission advancement. All of the institutions except for Marshall University have net viability scores that are significantly less than the scores calculated for the Moody's report after the exclusion of the OPEB and pension liability related expenses.



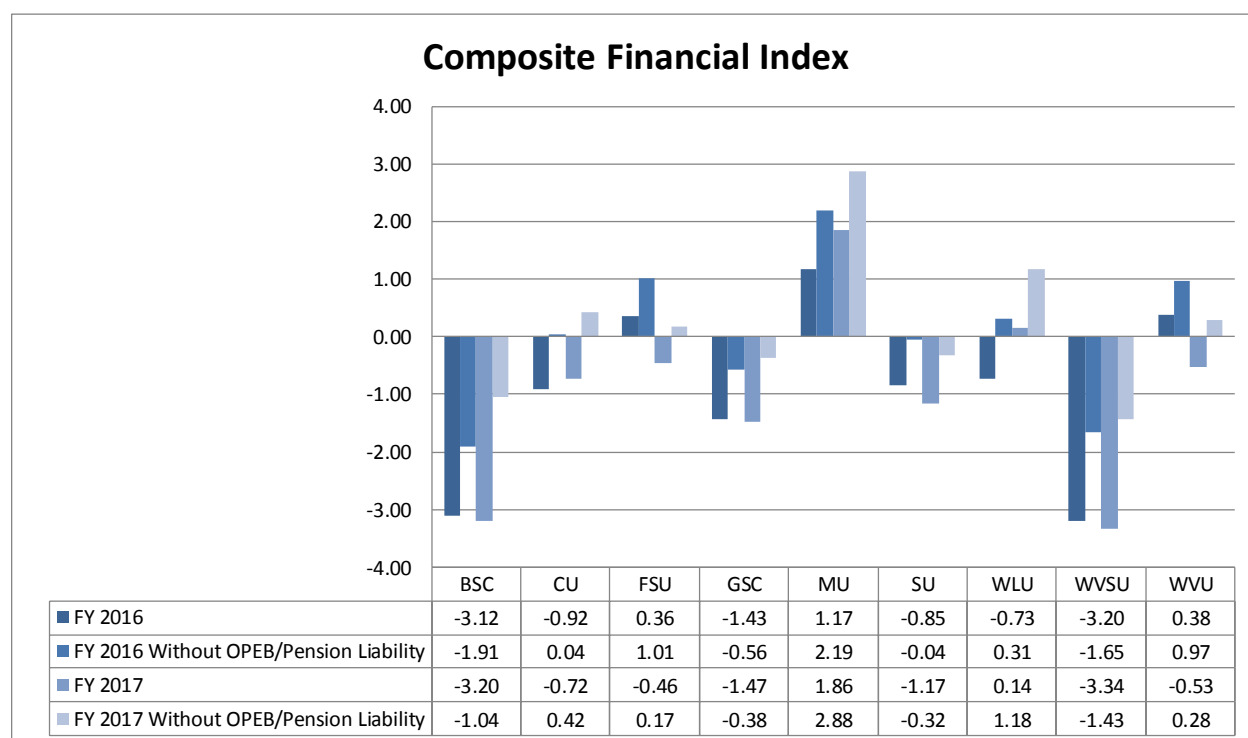
Composite Financial Index

The four ratio scores were combined to determine the CFI. A composite value of 1.0 is equivalent to weak financial health. A value of 3.0 signifies relatively strong financial health and scores above 3.0 indicate increasingly stronger financial health

The CFI must be assessed in light of the strategic direction for each institution. Strong financial results are not beneficial unless resources are deployed effectively to advance mission specific goals and objectives. These indices are best used to track institutional performance, both historically and as a planning tool, over a long time horizon, rather than compare to other institutions as each institution is unique in terms of specific goals, objectives and funding composition.

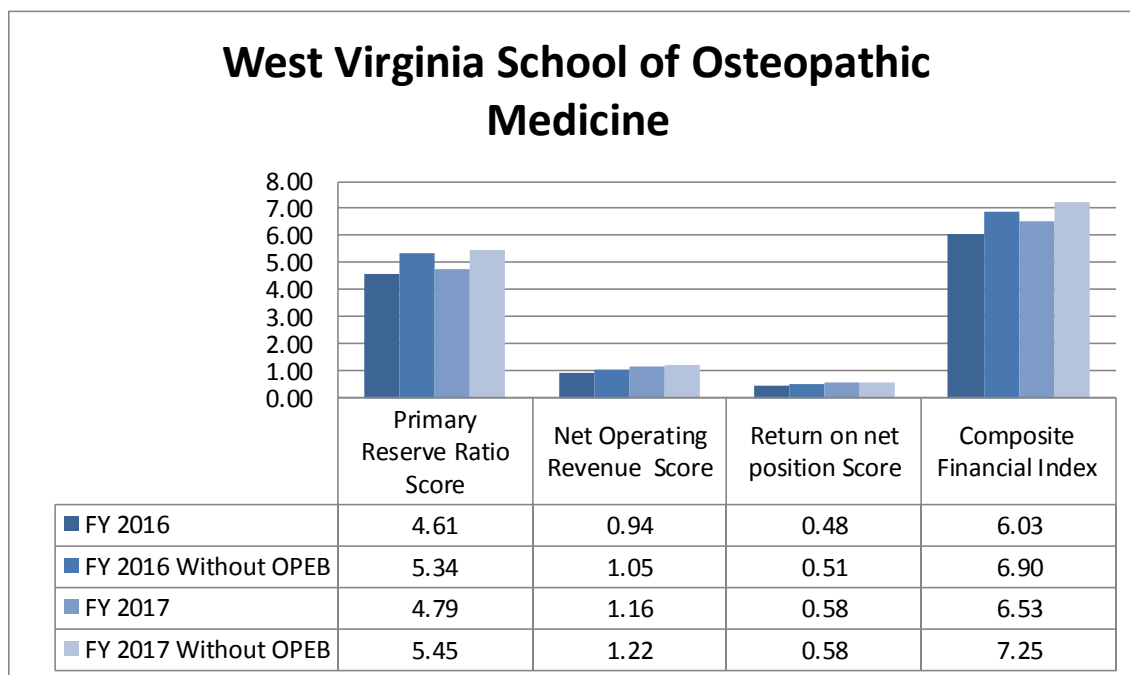
In the chart below, the impact of the OPEB liability on the CFI is clear. All of the institutions experienced increases in the CFI calculated without the OPEB and pension related expenses and liabilities except for Fairmont State University, Shepherd University, and West Virginia University. The inclusion of the OPEB and pension liabilities results in scores that indicate poor financial health for the institutions except for Marshall University.

The Composite Financial Indices for most of the institution demonstrate that resources are not sufficient and flexible enough to support the schools' missions. In addition, their missions are not adequately supported by financial asset performance. Operating results do not support the accumulation of adequate financial resources. Because capital costs are primarily funded by student fees, the accumulation of significant debt loads is common. The financial strength for all institutions has deteriorated under the strain imposed by continuous state budget cuts.



West Virginia School of Osteopathic Medicine

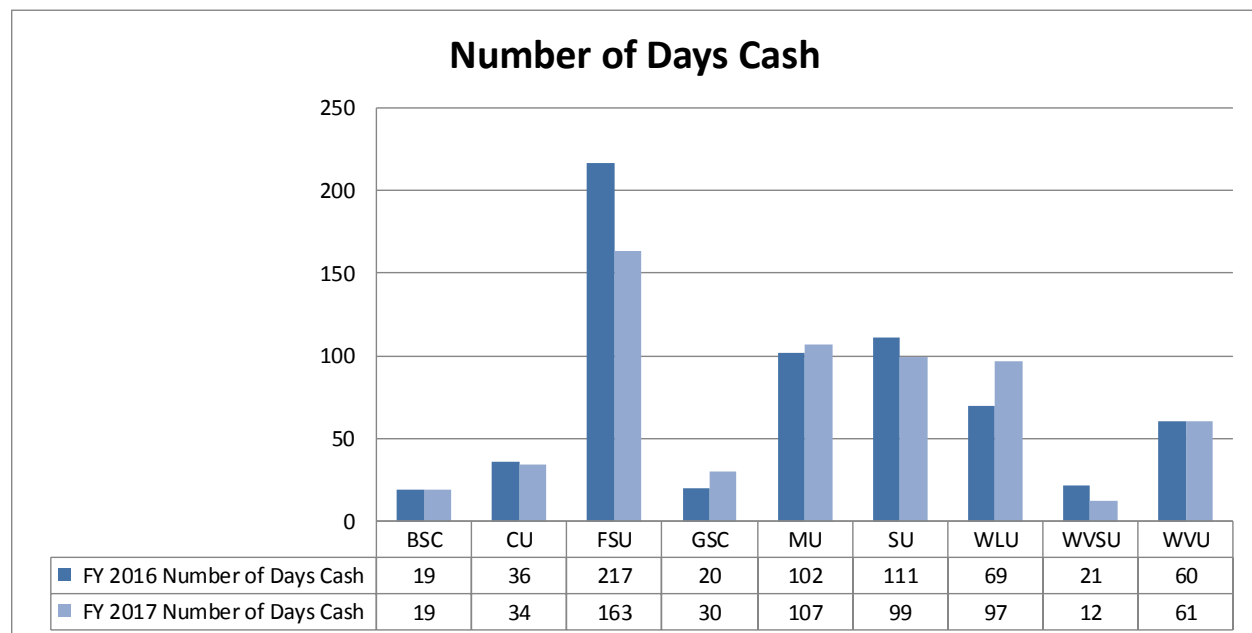
The scores for all components of the CFI for the West Virginia School of Osteopathic Medicine indicated unusual financial strength. Its exceptional financial health must also be reviewed in light of its strategic mission.



Number of Days Cash

The number of day's cash ratio was calculated to provide additional liquidity analysis. This ratio is calculated by multiplying the institutions' June 30 cash balances by 365 and dividing the result into total expenses less depreciation and the OPEB and pension liability related expenses. Data for discrete component units was not included in this calculation. Bluefield State College, Concord University, Glenville State College, West Virginia State University and West Virginia University have comparatively low ratios. The Moody's number of day's cash ratios for ratings Aa3, A1, A2 and A3 are 163, 164, 141, and 105 respectively. Fairmont State University exceeds the amount for the A2 Moody's ratio.

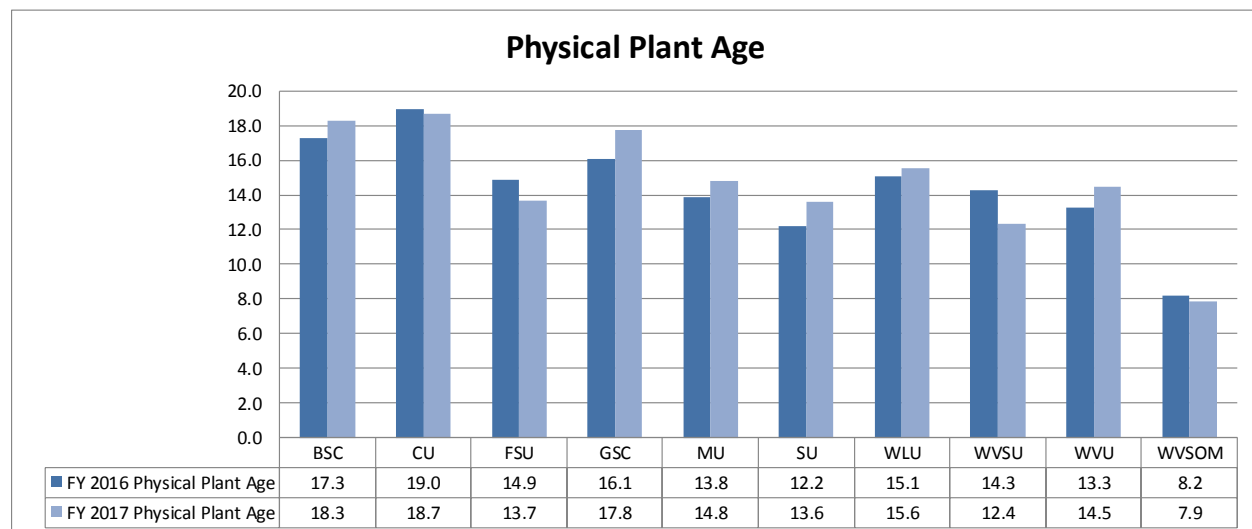
The West Virginia School of Osteopathic Medicine is not included in the chart because its characteristics as an outlier distort the presentation. With 402 days cash as of June 30, 2017, it could fund about one year of operating expenses at FY 2017 levels from its cash reserves.



Physical Plant Age

The physical plant age was calculated to estimate the adequacy of institutions' physical resources. This ratio is computed by dividing the annual depreciation expense by the accumulated depreciation. Generally, institutions that have received capital appropriations, borrowed funds or used institutional resources for capital projects reflect a lower physical plant age. The Moody's ratios for ratings Aa3, A1, A2 and A3 are 13.36, 13.82, 13.39, and 15.24 respectively. As mentioned above, institutional borrowing capacity is related to market position and the ability to increase fee revenues to pay debt service.

The results of this calculation demonstrate that dependency upon student fees for capital improvements does not produce adequate facilities. Schools that do not have the capacity to increase student fees to pay debt service are not in a position to improve their facilities.



Conclusion

The net position of the West Virginia Higher Education fund increased over FY 2017. Because most of the colleges and universities under the Commission exhibit poor or limited financial health, the adequacy of financial resources is a significant concern. Appropriations as well as tuition and fee revenues are relatively low; consequently, the ability to build adequate reserves is limited. The dependency upon student fees for capital needs has produced aged facilities at some institutions. If state funding continues to decline the negative impact on the institutions' financial viability will persist.

West Virginia Higher Education Policy Commission
Meeting of November 17, 2017

ITEM: Approval of Series 55, Legislative Rule, Human Resources Administration

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 55, Legislative Rule, Human Resources Administration to be filed with the Secretary of State for a thirty-day public comment period.

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

STAFF MEMBER: Patricia Humphries

BACKGROUND:

House Bill 2542, passed during the 2017 Regular Legislative Session, repealed and/or amended sections of West Virginia Code relating to higher education human resources administration. Prior to the 2017 Legislative Session, Commission staff had been working on completing a new compensation and classification program. In addition to the requirements to promulgate a rule to properly implement the Compensation Management Program, rules applicable to human resources administration in West Virginia higher education had become outdated.

Once final, the proposed legislative rule will repeal and replace Series 8, Procedural Rule, Personnel Administration, Series 39, Procedural Rule, Classified Employees, and Series 53, Legislative Rule, Human Resources Administration as many of the provisions of these rules have been incorporated into the new proposed rule, Series 55. Major areas of the rule include the following:

- Combined content from Series 8, Series 39 and Series 53 into one rule.
- Incorporated Implementation of the West Virginia Higher Education Employee Compensation Management Program.
- Deleted reference to employee bumping and recall.

- Deleted requirement to promote minimally qualified current non-exempt classified employees into non-exempt position vacancies.
- Deleted outdated definitions.
- Deleted outdated compensation practices that were based on point factor and the years of service step salary schedule.
- Deleted reference to the point factor method of classifying jobs.
- Increased the hours allowed for a casual employee from 240 hours to 450 hours per year.
- Modified the definitions of classified and nonclassified employees.
- Deleted the limit on the number of nonclassified employees allowed at institutions.
- Added flexibility provisions of HB 2542 for institutional rule writing.
- Removed faculty representation on the Compensation Planning and Review Committee because faculty are not an affected constituent group.
- Updated training and development section to reflect requirements of West Virginia Code.
- Removed the requirement to conduct reviews of institutional HR functions every five years.
- Made multiple wording changes to reflect changes made to West Virginia Code (i.e. HR training is not “mandated”, but is “promoted”; the “statewide human resources system” became “basic human resources policies capable of assisting the governing boards”; “implementing best practices” became “enhancing the sharing of best practices”; “ensure” became “promote”; etc.

Staff recommends approval of Series 55, Legislative Rule, Human Resources Administration, for filing with the Secretary of State for a thirty-day public comment period. If no substantive comments are received, staff will forward the rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

**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, including Marshall University, West Virginia University and West Virginia School of Osteopathic Medicine. 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 part-time employees solely to avoid the payment of benefits or in lieu of full-time employees and shall provide all classified employees with less than twelve month appointments with the opportunity to accept part-time or full-time summer employment before new persons are hired for the part-time or full-time 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 institution-specific procedures concerning the use of flexible work schedules, job sharing, and four-day work weeks; discourage temporary, non-emergency 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 hour-for-hour 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 non-exempt 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 one-half (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 non-exempt 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. Full-time regular classified employees shall serve a six-month probationary period beginning at the original date of employment.

13.2. At the end the six-month 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. $\text{Range penetration} = (\text{Salary} - \text{Range Minimum}) \div (\text{Range Maximum} - \text{Range Minimum})$ 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.