

**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**June 10, 2022 | 9:00 a.m. | West Virginia Regional Technology Park**

**Or Zoom: 1-646-558-8656 and enter meeting ID 814 4828 8083**

**AGENDA**

**I. Call to Order**

**II. Chairman's Report**

A. Nominating Committee Report and Election of Officers

**III. Chancellor's Report**

**IV. Updates from Constituent Groups**

A. Advisory Council of Classified Employees

**V. Consent Agenda (*Pages 3 – 82*)**

A. Approval of Minutes

B. Approval of Fiscal Year 2023 WVNET Budget

C. Approval of Fiscal Year 2023 Higher Education Policy Commission Division Operating Budgets and Higher Education Resource Assessment Projects

D. Approval of Sunset Date Extension for Series 12, Legislative Rule, Capital Project Management; Series 42, Legislative Rule, West Virginia Higher Education Grant Program; and Series 55, Legislative Rule, Human Resources Administration

**VI. Review of Tuition and Fees (*Pages 83 – 102*)**

**VII. Review of Institutional Operating and Capital Budgets and the Approval of Institutional Capital Budgets (*Pages 103 – 131*)**

**VIII. Approval of Institution Capital Assessments for Fiscal Year 2023 (*Pages 132 – 134*)**

**IX. Correction of December 2021 Program Productivity Review (*Pages 135 – 137*)**

**X. Approval of Annual Reauthorization of Four-Year Degree-Granting Institutions**  
*(Pages 138 – 139)*

**XI. Approval of Provisional Annual Reauthorization of Wheeling University**  
*(Pages 140 – 141)*

**XII. Approval of Bachelor of Science in Nursing** *(Pages 142 – 143)*

**XIII. Approval of Revisions to Series 2, Legislative Rule, Higher Education Finance Policy** *(Pages 144 – 166)*

**XIV. Approval of Revisions to Series 10, Procedural Rule, Policy Regarding Program Review** *(Pages 167 – 175)*

**XV. 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 176 – 190)*

**XVI. Approval of Revisions to Series 32, Legislative Rule, Tuition and Fee Policy**  
*(Pages 191 – 197)*

**XVII. Approval of Revisions to Series 52, Legislative Rule, Annual Reauthorization of Degree-Granting Institutions** *(Pages 198 – 212)*

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

A. Approval of Amendment to Chancellor's Contract

**XIX. Additional Board Action and Comment**

**XX. Adjournment**

## **DRAFT MINUTES**

### **WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**May 12, 2022**

#### **I. Call to Order**

Chairman Andrew A. Payne convened a meeting of the West Virginia Higher Education Policy Commission on May 12, 2022, at 9:00 a.m., in the Shawkey Dining Room of the Memorial Student Center on the campus of Marshall University in Huntington, West Virginia and by Zoom videoconference and conference call. The following Commission members participated: Clayton Burch, Ex-Officio; James W. Dailey; Michael J. Farrell; Andrew A. Payne; and Donna L. Schulte. Absent were Christina Cameron, Ex-Officio; and Diana Lewis Jackson. Other participants included state college and university representatives, Chancellor Sarah Armstrong Tucker, and Commission staff.

Chairman Payne secured a quorum and welcomed all participants to the meeting.

#### **II. Chairman's Report**

Chairman Payne thanked President Brad Smith and Marshall University for hosting the Commission. He shared his gratitude for the presidents of the institutions for their cooperative efforts on the funding formula and applauded Commission staff for their diligence during the Legislative Session.

Mr. Payne announced his appointment of Jim Dailey and Christina Cameron to the Nominating Committee. The committee will present a slate of officers for election at the June Commission meeting.

Mr. Payne shared the 2023 Commission meeting dates: April 26, June 9, September 15 and December 15.

#### **III. Chancellor's Report**

Chancellor Tucker shared her gratitude for the hospitality provided by President Smith and Marshall University staff. She provided updates about two programs the Division of Health Sciences is working on with Governor Justice's office: the West Virginia Nursing Workforce Expansion Program and the EMS careers recruitment initiative.

Dr. Tucker shared that while FAFSA completion numbers are down from last year, West Virginia is doing well compared to the national average. Financial Aid and Student Affairs staff have been doing incredible outreach work to improve completion rates.

Dr. Tucker also recognized six Commission and Council staff who were honored at

the annual Public Service Recognition Ceremony for achieving 20, 25,30, 35 or 40 years in public service, plus one staff member who was recognized for outstanding achievement with fewer than 20 years of service.

#### **IV. Updates from Constituent Groups**

##### **A. Advisory Council of Classified Employees**

The Advisory Council of Classified Employees did not provide an update.

##### **B. Advisory Council of Students**

Ms. Amaya Jernigan, Vice Chair of the Advisory Council of Students and a student at West Virginia University, reported on behalf of the students. Ms. Jernigan emphasized the importance of student mental health and the efforts being led by the Advisory Council of Students to bring attention to the mental health crisis, including the Green Bandana Initiative.

##### **C. Advisory Council of Faculty**

Dr. Joel Farkas, Chair of the Advisory Council of Faculty and professor at WVU Parkersburg, provided an update on behalf of faculty. Dr. Farkas stated that he is new to the role but the Advisory Council of Faculty is focused on strengthening communications with the Legislature, especially around matters of funding and public employees' insurance.

#### **V. Update from Council of Presidents**

The Council of Presidents did not provide an update.

#### **VI. Campus Update – Glenville State University**

President Mark Manchin from Glenville State University provided an update on the current state of the institution and plans for the future of the University.

#### **VII. Approval of Minutes**

Commissioner Farrell moved to approve the minutes of the Commission meetings held on December 10, 2021, January 5 and February 16, 2022. Commissioner Dailey seconded the motion. Motion passed.

#### **VIII. Marshall University Rural Surgical Residency Accreditation**

Dr. Cynthia Persily, Vice Chancellor for Health Sciences, provided an update on Marshall University's recently accredited rural surgery residency program. Representatives of the program and medical school were in attendance and were recognized for their hard work and dedication to improving access to health care for rural West Virginians.

## **IX. Approval to Offer Courses at a New Location**

Dr. Randall Brumfield, Vice Chancellor for Academic Affairs, gave an overview of the collaborative effort between Marshall University and Glenville State University to offer the Bachelor of Science in Nursing program on the campus of Glenville State University.

Commissioner Farrell moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission Marshall University's request to offer the Bachelor of Science in Nursing degree on the campus of Glenville State University, effective fall 2023.

Commissioner Dailey seconded the motion. Motion passed.

## **X. Approval of University Status**

Dr. Brumfield provided information regarding Bluefield State College's request to be granted university status.

Commissioner Farrell moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the designation of university status for Bluefield State College.

Commissioner Dailey seconded the motion. Motion passed.

## **XI. Approval of Bond Refunding**

Dr. Ed Magee, Vice Chancellor for Finance, provided an overview of Concord University's request for approval of bond refunding. Commissioners requested that the refunding resolution include minimum savings and duration of approval.

Commissioner Farrell moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the refunding of the Concord University Board of Governors Revenue Bonds, Series 2014, and authorizes and confirms the financing of the costs of these refundings and the related expenses through the issuance of refunding revenue bonds in the aggregate principal amount of not more than \$15 million with conditions. The refunding should result in minimum net present value savings of at least three percent and approval expires in 12 months.

Commissioner Dailey seconded the motion. Motion passed.

## **XII. Approval of Presidential Compensation – West Virginia State University**

Ms. Kristin Boggs, General Counsel, reviewed the request from West Virginia State University to approve compensation for their recently appointed president.

Commissioner Farrell moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the compensation package for President Ericke S. Cage, JD, LLM as proposed by the West Virginia State University Board of Governors.

Commissioner Dailey seconded the motion. Motion passed.

## **XII. Approval of Presidential Compensation – Glenville State University**

Ms. Kristin Boggs, General Counsel, reviewed the request from Glenville State University to approve compensation for President Manchin.

Commissioner Farrell moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves compensation for President Mark Manchin as President of Glenville State University as proposed by the institutional Board of Governors.

Commissioner Dailey seconded the motion. Motion passed.

## **XVII. Additional Board Action and Comments**

There was no further action or comment.

## **XVIII. Adjournment**

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

---

Andrew A. Payne, Chairman

---

Diana Lewis Jackson, Secretary

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Approval of Fiscal Year 2023 WVNET Budget

**INSTITUTION:** West Virginia Network for Educational  
Telecomputing

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2023 West Virginia Network for Educational Telecomputing budget.

**STAFF MEMBER:** Carl Powell

**BACKGROUND:**

The West Virginia Network for Educational Telecomputing (WVNET) provides networking and computing services for West Virginia public colleges and universities, K-12 schools, public libraries, and county courthouses, as well as the Commission and the West Virginia Community and Technical College System. Formed in 1975, WVNET is one of the oldest Research and Education Networks (REN) in the nation.

WVNET provides powerful cloud-based data services, high-speed Internet, significant software discounts, and access to Internet2 for educational institutions. WVNET also provides services to over 100 state agencies and non-profit organizations.

Without WVNET, each institution would pay higher software costs, higher maintenance fees, and higher personnel costs. With a staff of fewer than 50 people, WVNET provides statewide Internet, database, software and technical support services with exceptional customer service, targeted specifically at education entities, often with unique or customized needs.

**State Appropriations**

WVNET received a Fiscal Year (FY) 2023 general revenue appropriation of \$1,817,992. This is an increase of \$70,166 (4 percent) from FY 2022. The state appropriation is used entirely for staffing and covers approximately one-third of WVNET's personnel budget.

The remainder of WVNET's budget is comprised of fee-based services to colleges and universities, schools, libraries, municipalities and several state agencies.

**Combined Budget (Chart 1)**

The WVNET budget consists of two main categories of revenues and expenditures: (1) an operating budget (including personnel costs), and (2) a pass-through budget, providing

a discounted software purchasing service for West Virginia's public colleges and universities.

The FY 2023 proposed combined budget for these two categories is \$13,255,773. This is an increase of \$402,729 (3.13 percent) from the FY 2022 budget proposal.

### **Operating Budget (Chart 2)**

WVNET operating revenues are derived from the state appropriation, contracts, services, reserve and interest income.

WVNET's projected FY 2023 revenues are \$9,205,217. This is an increase of \$832,875 (9.95 percent) from the FY 2022 budget proposal.

During FY 2022, WVNET successfully migrated its hosted Oracle databases to Oracle's cloud infrastructure. This not only provides WVNET and its customers with enhanced security and expanded database services, but also provides WVNET and its customers more flexibility in licensing, since Oracle's costs are based on database usage and not potential database users. With this migration, the Oracle cloud infrastructure is in the operating budget beginning FY 2023.

WVNET continues generating revenue for the agency through the centralized hosting of higher education software such as the Banner student information system, Degree Works academic progress, and Argos reporting. Other services provided include high-speed Internet access, connectivity to Internet2, email anti-virus and spam filtering, web design and hosting, Oz problem management software, help desk and technical support, and virtual machines and co-location services. In FY 2023, the annual Argos Hosting, Banner Hosting, Support Services and Help Desk Hosting were increased.

In FY 2022, WVNET successfully migrated its hosted customers from the Blackboard learning management system to D2L's Brightspace LMS platform.

FY 2023 is the second year of the five-year agreement with the West Virginia Department of Education for high-speed Internet and web hosting for all K-12 schools.

In FY 2022, WVNET fully staffed its Network Operation Center and Tel Com staff. It also filled, with in-house staff, the Project Manager of IT, Client Services Manager, Systems Administration Supervisor and the Information Systems Specialist.

### **Pass-Through Budget (Chart 3)**

The pass-through budget enables the consortium of institutions to obtain lower overall costs on technology purchases. This budget depends largely on purchases made by institutions from WVNET contracts with key software vendors (such as Ellucian, D2L, and Microsoft). WVNET is the central billing site for vendors and manages allocations and chargebacks to the appropriate institutions. With the aforementioned Oracle migration,



the Oracle cloud infrastructure is in the operating budget.

For FY 2023, WVNET's projected pass-through budget is \$4,050,556. This is a decrease of \$430,146 (-9.6 percent) from the FY 2022 proposed budget.

Chart 1  
West Virginia Network for Educational Telecomputing  
Proposed FY 23  
Combined Budget

	FY 2022	FY 2022	FY 2023	FY 2023
	Budget	YTD	Proposed Budget	Proposed Budget Change from FY 22 Budget
<b><u>Revenue</u></b>	<b>\$12,853,044</b>	<b>\$6,691,933</b>	<b>\$13,255,773</b>	<b>\$402,729</b>
State Appropriation	1,747,826	1,310,868	1,817,992	70,166
HERA	100,000	0	0	(100,000)
Other Revenue	11,005,218	5,381,065	11,437,781	432,563
<b><u>Expenditures</u></b>	<b>\$12,853,044</b>	<b>\$6,851,562</b>	<b>\$13,255,773</b>	<b>\$402,729</b>
Personnel	3,405,461	2,154,393	3,854,000	448,539
Benefits	730,440	500,636	846,000	115,560
Current Expenses	7,329,484	3,907,054	6,972,339	(357,145)
Repairs and Alterations	91,041	93,167	93,000	1,959
Assets Equipment	796,618	196,312	679,434	(117,184)
Assets Other	500,000	0	811,000	311,000
<b><u>Balance</u></b>	<b>0</b>	<b>-159,629</b>	<b>0</b>	<b>0</b>

Chart 2  
West Virginia Network for Educational Telecomputing  
Proposed FY 23  
Operating Budget

	<b>FY 2022</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2023</b>
	<b>Budget</b>	<b>YTD</b>	<b>Proposed Budget</b>	<b>Proposed Budget Change from FY 22 Budget</b>
<b><u>Revenue</u></b>	<b>\$8,372,342</b>	<b>\$4,663,313</b>	<b>\$9,205,217</b>	<b>\$832,875</b>
State Appropriation	1,747,826	1,310,868	1,817,992	70,166
HERA	100,000	0	0	(100,000)
Contracts and Services	6,524,516	3,352,445	7,387,225	862,709
<b><u>Expenditures</u></b>	<b>\$8,372,342</b>	<b>\$4,822,942</b>	<b>\$9,205,217</b>	<b>\$832,875</b>
Personnel	3,405,461	2,154,393	3,854,000	448,540
Benefits	730,440	500,636	846,000	115,560
Current Expenses	2,848,783	1,878,434	2,921,783	73,000
Repairs and Alterations	91,041	93,167	93,000	1,959
Asset Equipment	796,618	196,312	679,434	(117,184)
Asset Other (Software)	500,000	0	811,000	311,000
<b><u>Balance</u></b>	<b>0</b>	<b>(159,629)</b>	<b>0</b>	<b>0</b>

Chart 3  
West Virginia Network for Educational Telecomputing  
Proposed FY 23  
Pass Through Budget

	FY 2022	FY 2022	FY 2023	FY 2023
	Budget	YTD	Proposed Budget	Proposed Budget Change from FY 22 Budget
<b>Revenue</b>	<b>\$4,480,702</b>	<b>\$2,028,620</b>	<b>\$4,050,556</b>	<b>(\$430,146)</b>
Banner Consulting General	500,000	46,866	500,000	0
Banner TCP Software Maintenance Renewals, including DWTE	2,223,392	1,058,295	2,479,283	255,891
Blackboard	192,499	0	0	(192,499)
Sign Now	0	0	21,600	21,600
Educause	14,149	14,888	15,600	1,451
Microsoft Campus Agreement	379,502	351,627	376,481	(3,021)
Oracle	323,753	303,638	0	(323,753)
Learning Management System LMS Lic Renewals	250,000	0	231,000	(19,000)
Domain Registration, Security Site	37,406	1,874	1,592	(35,814)
Ellucian Add On Licenses	560,000	251,432	425,000	(135,000)
<b>Expenditures</b>	<b>\$4,480,702</b>	<b>\$2,028,620</b>	<b>\$4,050,556</b>	<b>(\$430,146)</b>
Banner Consulting General	500,000	46,866	500,000	0
Banner TCP Software Maintenance Renewals, including DWTE	2,223,392	1,058,295	2,479,283	255,891
Blackboard	192,499	0	0	(192,499)
Sign Now	0	0	21,600	21,600
Educause	14,149	14,888	15,600	1,451
Microsoft Campus Agreement	379,502	351,627	376,481	(3,021)
Oracle	323,753	303,638	0	(323,753)
Learning Management System LMS Lic Renewals	250,000	0	231,000	(19,000)
Domain Registration, Security Site	37,406	1,874	1,592	(35,814)
Ellucian Add On Licenses	560,000	251,432	425,000	(135,000)
<b>Balance</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Approval of Fiscal Year 2023 Higher Education Policy Commission Division Operating Budgets and Higher Education Resource Assessment Projects

**INSTITUTION:** West Virginia Higher Education Policy Commission

**RECOMMENDED RESOLUTION:** Resolved, that the West Virginia Higher Education Policy Commission approves the Fiscal Year 2023 division operating budgets and Higher Education Resource Assessment projects.

**STAFF MEMBER:** Ed Magee

**BACKGROUND:**

The Commission's operating budget is funded from State appropriations, grants and contracts, student fees, and investment income.

From the \$174.5 million budget, about \$11.2 million is allotted for Commission operating expenses; \$16.3 million is designated for debt interest payments; about \$1.8 million is provided to support the operations of the West Virginia Regional Technology Park; and the balance is to be expended for financial aid and institutional support activities.

The operating expenses include personal services, employee benefits, totaling \$7.1 million, or 63.7 percent, of the Commission Office operating budget. Other fixed operating costs such as building rent, telecommunications, and on-going contractual services total \$4.1 million, or 36.3 percent. Of the budget for Supplies and Other Services, about 80 percent of the expenditures are budgeted in the following object codes.

<b>Expense</b>	<b>Amount</b>
Advertising and Promotional	\$154,521
Building Rent Expense	\$422,576
Computer Services External	\$426,755
Contractual, Professional and Consultant and Security Services	\$1,623,027
Employee Travel	\$130,314
Energy Expense- Utilities	\$55,000
Office Expenses	\$63,039
Hospitality	\$88,150
Routine Maintenance Contracts	\$90,325
Routine Maintenance of Buildings	\$45,522
Software Licenses	\$117,035
Training and Development	\$57,400

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

- Table 1 provides the Commission's total budget
- Chart 1 details the various funding sources that contribute to the total Commission Office operating budget
- Chart 2 provides the distribution of operating expenses for FY 2023

Table 1

West Virginia Higher Education Policy Commission						
FY 2023 Budget						
	Total	Operating Expenses	Institution Support	Financial Aid	West Virginia Regional Technology Park Support	Debt Service
<b>Appropriations and Revenues</b>						
General Revenue and Lottery Appropriations	\$129,107,642	\$6,670,032	\$5,063,962	\$95,613,394	\$1,760,254	\$20,000,000
Grants and Contracts						
Federal	4,480,000	2,459,688	2,020,312			
State	33,734,631	1,520,145	32,214,486			
Private	0	0				
<b>Total Operating Appropriations and Revenues</b>	<b>167,322,273</b>	<b>10,649,865</b>	<b>39,298,760</b>	<b>95,613,394</b>	<b>1,760,254</b>	<b>20,000,000</b>
<b>Operating Expenses</b>						
Salaries and Wages	5,818,695	5,818,695				
Fringe Benefits	1,318,701	1,318,701				
Supplies and Other	5,100,083	4,073,584	1,026,499			
Utilities	0	0				
<b>Total Operating Expenses</b>	<b>12,237,479</b>	<b>11,210,980</b>	<b>1,026,499</b>			
<b>Nonoperating Revenues (Expenses)</b>						
Investment Gain	104,876	104,876				
Institutional Debt Interest Payments:						
Interest	6,591,121					6,591,121
Other	456,239	456,239				
Interest on Indebtedness	(16,340,091)					(16,340,091)
Student Financial Aid and other payments *	(135,645,909)		(38,272,261)	(95,613,394)	(1,760,254)	
<b>Total Nonoperating Revenues (Expenses)</b>	<b>(144,833,764)</b>	<b>561,115</b>	<b>(38,272,261)</b>	<b>(95,613,394)</b>	<b>(1,760,254)</b>	<b>(9,748,970)</b>
<b>Revenues in Excess of Expenditures</b>	<b>\$10,251,030</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,251,030</b>

Chart 1

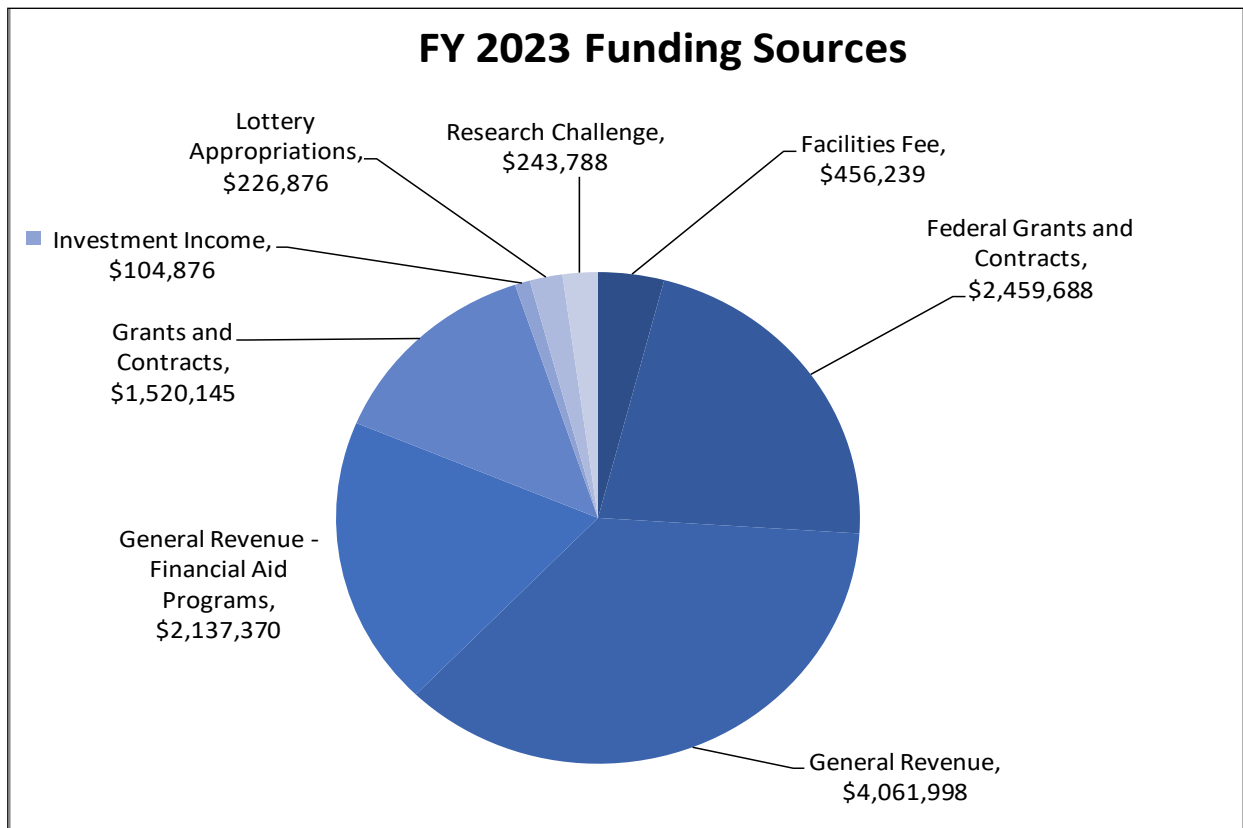
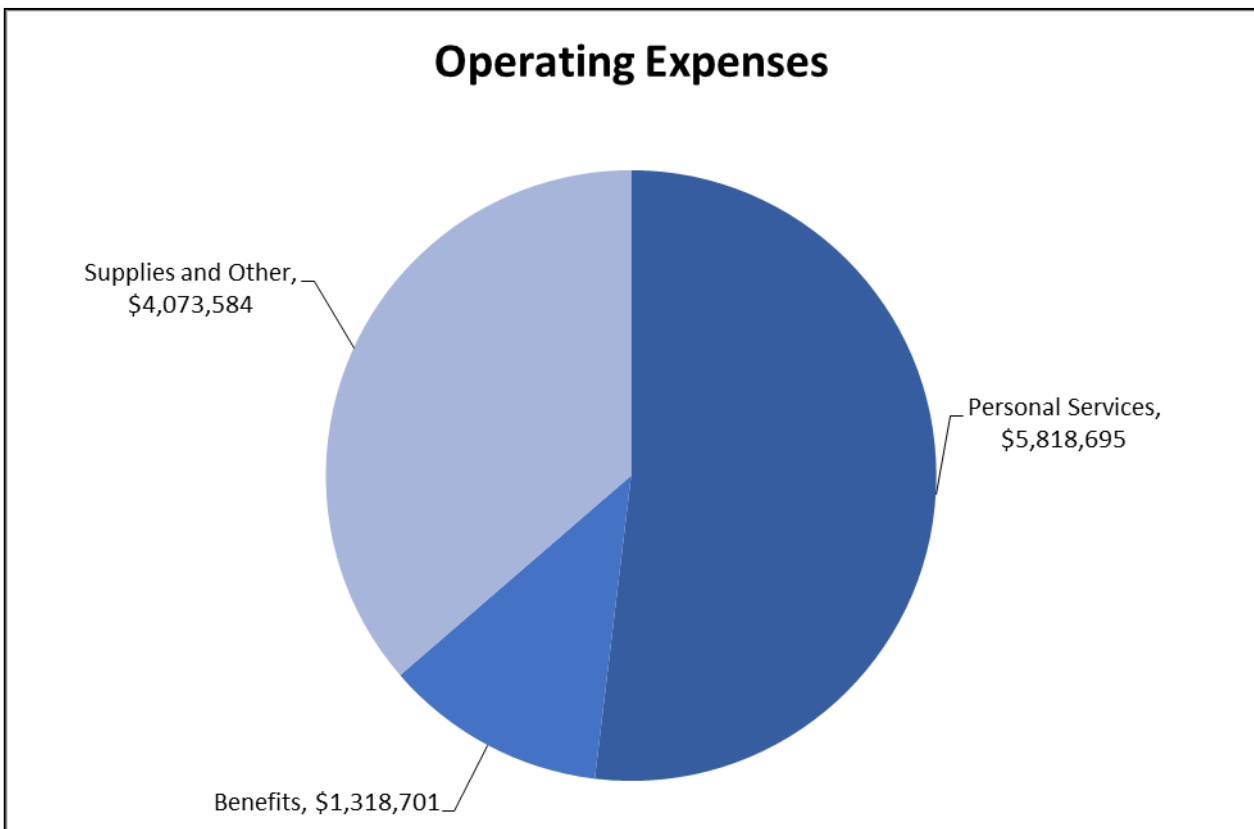


Chart 2





## HERA Funds

The Commission receives \$1.6 million annually to fund Higher Education System Initiatives. The West Virginia Community and Technical College System (CTCS) will collect about \$569,000 from institutional Higher Education Resource Assessment payments. Of this amount, \$120,000 is transferred to the Commission for administrative costs. The CTCS transfers funds to pay for its portion of the shared HERA programs and operating costs. The portions are allocated by the systems' fall headcount enrollments. The CTCS share of the fall 2021 enrollment was about 18.2 percent.

For FY 2023, the Commission's system initiative funds and the Council's HERA funds will be categorized by marketing strategy elements. Marketing strategy elements are commonly used across many industries. The elements first proposed by Robert F. Lauterborn are:

**Consumer Wants and Needs:** Making a product based on what the consumer needs and desires

**Cost:** Price, as well as lost opportunities, time to acquire a good or service, and other costs

**Convenience:** Method of delivery may be a physical location, online or a combination of methods

**Communication:** This includes advertising, public relations, personal selling, and web development

The production of a single degree serves more than one consumer. Higher education's consumers can be identified by their contributions of financial resources. In addition to student payments, public higher education receives financial support from governments and donors. The external sources of revenue in support of students reflect national, state, and local financial investments in the development of citizens' capabilities. Public higher education's market consists of students and these investors, and its productive output is funded by them. For the purposes of this discussion, Consumer Wants and Needs is being substituted by Capabilities.

For FY 2023, the Commission's HERA funds will be categorized by Capabilities, Cost, Convenience and Communications. The proposed initiatives include:

HERA Initiatives	
Row Labels	Total Cost
<b>Capabilities</b>	<b>\$1,170,720</b>
Academic Planning	20,000
Academic Research and other Sponsored Research	100,000
Annual Title IX Training	33,000
Board of Governors Training	45,000
Boards of Governors / Staff Training	25,000
Chancellor's Initiatives	53,000
Chancellor's Scholars: Marshall University	55,000
Chancellor's Scholars: West Virginia University	140,000
College Access Outreach Counselors	44,720
Data Policy Advisory Council Professional Develop.	20,000
Diversity for Equity Grants	75,000
Institutional Professional Development	30,000
Institutional Research Support	75,000
Instrumentation & Opportunity Grants	120,000
Online Tutoring Brainfuse	100,000
Single Statewide Audit	40,000
Sponsorship for Annual Training Conference	5,000
Statewide College Access & Student Success	75,000
Statewide Txt 4 Success Project	60,000
Student Leadership Conference	30,000
Student Success Summit	25,000
<b>Communications</b>	<b>207,500</b>
College Ambassador Program	48,000
Health Sciences Podcast Project	74,500
Statewide Marketing	50,000
Statewide Postsecondary College Awareness Campaign	35,000
<b>Convenience</b>	<b>425,000</b>
Capital Project Management	0
Distance Learning via WVROCKS	40,000
International Education Projects	85,000
Strategic Course Scheduling and Advance Analytics	300,000
<b>Cost</b>	<b>260,000</b>
Open Education Resources Grants and Repository	240,000
Student Loan Default Management	20,000
<b>Grand Total</b>	<b>2,063,220</b>

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Approval of Sunset Date Extension for Series 12, Legislative Rule, Capital Project Management; Series 42, Legislative Rule, West Virginia Higher Education Grant Program; and Series 55, Legislative Rule, Human Resources Administration

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves a five-year Sunset Date Extension for Series 12, Legislative Rule, Capital Project Management; Series 42, Legislative Rule, West Virginia Higher Education Grant Program; and Series 55, Legislative Rule, Human Resources Administration.

**STAFF MEMBER:** Kristin Boggs

**BACKGROUND:**

In 2016, the Legislature declared that all new or revised legislative rules would require a five-year sunset provision for the purpose of promoting agency review to either revise, renew, or revoke rules. Series 12 and Series 55 will sunset on June 4, 2023; Series 42 will sunset on August 4, 2022. Commission staff have reviewed the rules and concluded that the rules do not need to be revised and remain necessary.

Series 12 establishes the policy for the strategic planning, financing, development, and maintenance of public higher education capital assets.

Series 42 establishes guidelines and procedures that will direct the operation of the West Virginia Higher Education Grant Program, which is designed to guarantee that the most able and financially disadvantaged students from all sectors of the State are given the opportunity to continue their programs of study at the State's institutions of higher education.

Series 55 establishes policy in a number of areas regarding human resources administration for Commission employees and the public institutions of higher education under the jurisdiction of the Commission. It also provides guidelines for institutional governing boards pertaining to public higher education employees.

**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.-- ~~June 4, 2018~~.

1.4. Effective Date. -- ~~June 4, 2018~~.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on ~~June 4, 2023~~.

**§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, while maintaining an appropriate deference to the value judgments of the institutional governing boards;

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.

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

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

3.10. 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.

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

3.12. 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.

3.14. 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.

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

3.16. 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.

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

3.18. 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.

3.19. 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.

3.21. 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.

3.22. 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.

3.23. 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.

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

3.25. 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.

3.26. 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.

3.27. 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.

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

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

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

3.31. 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.

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

3.33. 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.

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

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

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

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

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

3.39. 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.

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

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

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

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

3.44. 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, 2017, the Commission and Council shall, jointly or separately, develop a system capital development oversight policy for approval by the Legislative Oversight Commission on Education Accountability. This 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 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 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 institutional plans confirmed by the Commission or approved by the Council.

4.2.d.6. Facility utilization rates will be an important factor in prioritizing 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 are the presumptive priority 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 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.

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 Council for approval or the Commission for confirmation. 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 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 analysis as to all buildings and facilities as to the need 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 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. Not later than the next regularly scheduled meeting of the Commission or Council following the fifth anniversary date after the Commission confirms 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 confirmation of the Commission or approval by the Council.

5.6. A governing board may not implement a campus development plan or plan update that has not been confirmed by the Commission or approved by the 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 confirmed by the Commission or approved by the Council prior to its purchase or acquisition. In the case of institutions governed by the Council, this provision applies equally to property acquired by any means, whether by purchase or otherwise.

#### **§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, 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 \$3 million 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 only for projects contained in a 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 an institution subject to oversight by the Council exceeds \$1 million, the governing board first shall obtain the approval of the Council, as appropriate. If the cost of an improvement project for an institution subject to the oversight of the Commission and the provisions of this rule exceeds \$3 million, the governing board 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. A governing board under the jurisdiction of the Commission is exempt from the provisions of subsections 8.5 and 8.6 of this rule, and its capital projects management shall be governed by the provisions of subsection 8.4 of this section regardless of the rolling five-year construction expenditures, if it meets each of the following criteria:

8.3.a. Employs at least one Leadership in Energy and Environmental Design (LEED) certified administrator; and

8.3.b. Employs at least one Certified Facilities Manager (CFM) as credentialed by the International Facility Management Association or employs at least one Project Management Professional (PMP) as certified by the Project Management Institute.

8.4. 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:

8.4.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);

8.4.b. The governing board shall promulgate and adopt a capital project management rule in accordance with West Virginia Code §18B-1-6. The capital project management rule 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;

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 and construction 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. 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.

8.4.d. The Commission may review or audit projects greater than \$5 million periodically to ascertain that appropriate capital project management practices are being employed.

8.5. 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:

8.5.a. The governing board, with assistance as requested from the Commission, shall manage all capital projects if the governing board meets the following conditions:

8.5.a.1. Employs at least one individual experienced in capital project development and management; and

8.5.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.

8.5.b. The capital project management rule of the governing board shall include at least the following items:

8.5.b.1. Delineation of the governing board's responsibilities with respect to capital project management and the responsibilities delegated to the institution's president;

8.5.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

8.5.b.3. The governing board's requirements for the following procedures:

8.5.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;

8.5.b.3.B. Approving project budgets, including a reasonable contingency reserve for unknown or unexpected expenses and for bidding;

8.5.b.3.C. Approving architectural, engineering, construction and other capital contracts exceeding an amount to be determined by the governing board;

8.5.b.3.D. Approving contract modifications and construction change orders;  
and

8.5.b.3.E. Providing a method for project closeout and final acceptance of the project by the governing board.

8.5.c. If an institution does not meet the provisions of this subsection, the Commission shall manage all capital projects exceeding \$1 million.

8.5.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.

8.6. 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:

8.6.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;

8.6.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;

8.6.c. After review and recommendation by the governing board, the Commission and Council shall, if acceptable, approve architectural, engineering, construction and other capital contracts;

8.6.d. After review and recommendation by the governing board, the Commission and Council shall, if acceptable, approve contract modifications and construction change orders; and

8.6.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 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;

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.

11.3. 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.

11.4. 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. 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.

12.4. 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.

12.5. 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.

14.3. The Commission, Council, and each governing board shall provide the following to the Joint Committee on Government and Finance:

14.3.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

14.3.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.

14.4. 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.

14.5. 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.

14.6. 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.

14.7. The Joint Committee on Government and Finance shall meet and review any contract, agreement or report within thirty days of receipt.

14.8. 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 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. 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. 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

**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				
<b>Enrollment</b>	FY __	FY __	FY __	FY __	FY __
Undergraduate					
Graduate & 1st Prof.					
Total	0	0	0	0	0
On-Campus					
Off-Campus					
<b>Admissions</b>					
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.

	<b>Adjusted Budget FY 20__</b>	<b>Budgeted FY 20__</b>	<b>Actual FY 20__</b>	<b>Actual FY 20__</b>
<b>Ratios (Excluding OPEB liability):</b>				
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.

**TITLE 133**  
**LEGISLATIVE RULE**  
**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**  
  
**SERIES 42**  
**WEST VIRGINIA HIGHER EDUCATION GRANT PROGRAM**

**§133-42-1. General.**

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

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

1.3. Filing Date: -- ~~July 5, 2017.~~

1.4. Effective Date: -- ~~August 5, 2017.~~

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 on.~~

**§133-42-2. Purpose and Effect.**

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

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

**§133-42-3. Definitions.**

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

3.2. Commission. West Virginia Higher Education Policy Commission.

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

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

3.5. Dependent Student. A student who is required to provide parental information on the free application for federal student aid because the student does not meet the criteria to be classified an

independent student contained in the Higher Education Act of 1965 as amended and implementing regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

3.18.a. A student who is enrolled in a program that results in the awarding of a bachelor's and master's degree simultaneously and continues to meet the eligibility guidelines for the federal Pell grant

program shall be considered an undergraduate student if he or she is in his or her first four years of full-time post-secondary education and has not previously received a bachelor's degree.

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

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

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

#### **§133-42-4. Administration.**

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

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

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

#### **§133-42-5. Institution Eligibility.**

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

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

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

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

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

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

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

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

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

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

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

#### **§133-42-6. Student Eligibility.**

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

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

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

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

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

6.1.c. Have earned a high school diploma or passed a state approved high school equivalency exam; and

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

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

6.1.f. Demonstrate financial need.

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

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



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

6.2.c. An applicant who has earned the high school equivalent within the last five years prior to enrollment and has not earned college credits after passing the high school equivalent exam demonstrates academic promise if his or her score meets the minimum score approved by the Higher Education Student Financial Aid Advisory Board.

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

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

6.3.a. If the student received a two-semester award, the student must have earned at least the minimum number of credit hours within the academic year as defined by the Higher Education Student Financial Aid Advisory Board for renewal; or

6.3.b. If the student received a single-semester award, the student must have earned at least the minimum number of credit hours within the academic year as defined by the Higher Education Student Financial Aid Advisory Board.

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

6.4. An applicant demonstrates financial need if:

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

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

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

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

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

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

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

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

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

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

#### **§133-42-6. Awards.**

##### **7.1. Maximum Award.**

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

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

7.1.b. For a student attending an institution identified in Section 5.1.d. of this rule, no higher education grant award may exceed the maximum grant award provided for in the reciprocity agreement.

##### **7.2. Award Cycles.**

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

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

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

##### **7.3. Award Selection.**

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

##### **7.4. Award Use.**

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

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

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

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

### 8.3. Funding Priorities.

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

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

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

### **§133-42-9. Post-Award Changes.**

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

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

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

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

### **§133-42-10. Payments.**

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

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

### **§133-42-11. Waivers.**

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

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

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

11.1.c. Other comparable extenuating circumstance.

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

**§133-42-12. Appeals.**

12.1. An applicant or institution may appeal in writing the decline of an initial award or renewal award or any other decision within fifteen (15) days of receiving notification to the Director of State Financial Aid Programs. The Director may consult with the appeals committee comprised of financial aid staff, and the Director shall issue a written decision upholding or reversing the initial decision within fifteen (15) days of receipt of the appeal.

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

12.3. Any appeal to the review committee must be filed within fifteen (15) days of notification to the applicant that his or her initial appeal was denied. The review committee may require additional evidence or materials be submitted. The review committee shall issue a written decision upholding or reversing the Director's decision within twenty (20) days of receipt of the appeal. The decision of the review committee is final.

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

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

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

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

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

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

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

13.3. Participating institutions under Sections 5.1.b, 5.1.c, and 5.1.d of this rule shall provide the Vice Chancellor for Administration with an audited financial statement annually. These statements shall be treated as confidential trade secrets and shall not be subject to Freedom of Information Act requests.

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

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

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

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

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

**TITLE 133**  
**LEGISLATIVE RULE**  
**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**  
  
**SERIES 55**  
**HUMAN RESOURCES ADMINISTRATION**

**§133-55-1. General.**

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

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

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

1.3. Filing Date. -- ~~June 4, 2018.~~

1.4. Effective Date. -- ~~June 4, 2018.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on ~~June 4, 2023.~~

**§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; and

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 twenty 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 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 situated 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 2<sup>nd</sup> 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.

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Review of Tuition and Fees

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information item

**STAFF MEMBER:** Ed Magee

**BACKGROUND:**

The 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.

As in previous years, the institutions were asked to align prices with internal strategic and state goals regarding affordability, quality of instruction, retention, and financial strength. These goals were reviewed in relation to the institutions' relative market positions that will affect their pricing flexibility. In considering changes to non-resident tuition and fees, capacity utilization and revenue maximization strategies influence a decision to increase prices.

Institutions' state appropriations increased 4.12 percent on average for Fiscal Year 2023. The Higher Education Price Index increased 2.7 percent for 2021.

## West Virginia Higher Education Policy Commission

### Summary of Regular Tuition and Fees - 2022-23 Academic Year

#### Resident Undergraduate Students

Institution	Tuition and Fees 2021-22	Tuition and Fees 2022-23	Increase Over 2021-22	Percentage of Increase
Bluefield State University	\$ 8,084	\$ 8,840	\$ 756	9.4%
Concord University	\$ 8,130	\$ 8,540	\$ 410	5.0%
Fairmont State University	\$ 7,892	\$ 8,208	\$ 316	4.0%
Glenville State University	\$ 7,886	\$ 8,044	\$ 158	2.0%
Marshall University	\$ 8,552	\$ 8,604	\$ 52	0.6%
Shepherd University	\$ 7,784	\$ 8,282	\$ 498	6.4%
West Liberty University	\$ 8,546	\$ 8,716	\$ 170	2.0%
West Virginia State University	\$ 7,912	\$ 8,108	\$ 196	2.5%

West Virginia Higher Education Policy Commission

Regular Tuition and Fees - 2022-23 Academic Year  
Undergraduate Students

Institution	Tuition and Fees 2021-22	Tuition and Fees 2022-23	Increase Over 2021-22	Percentage of Increase	Estimated Revenue Increase	Estimated Number of Students 2022-23
<b>Bluefield State University</b>						
Resident	\$ 8,084	\$ 8,840	\$ 756	9.4%	\$ 736,800	1,531
Metro	\$ 11,290	\$ 11,930	\$ 640	5.7%		
Non-Resident	\$ 15,282	\$ 16,030	\$ 748	4.9%		
<b>Concord University</b>						
Resident	\$ 8,130	\$ 8,540	\$ 410	5.0%	\$ 661,496	1,601
Discount Rate						
Non-Resident	\$ 17,880	\$ 18,780	\$ 900	5.0%		
<b>Fairmont State University</b>						
Regular Undergraduate						
Resident	\$ 7,892	\$ 8,208	\$ 316	4.0%	\$ 43,320	2,166
Metro	\$ 11,840	\$ 12,314	\$ 474	4.0%		
Non-Resident	\$ 17,150	\$ 17,836	\$ 686	4.0%		
Virtual Undergraduate						
Resident	\$ 6,440	\$ 7,080	\$ 640	9.9%	\$ 192,000	200
Non-Resident	\$ 6,440	\$ 7,080	\$ 640	9.9%		
<b>Glenville State University</b>						
Resident	\$ 7,886	\$ 8,044	\$ 158	2.0%	\$ 737,608	967
Metro	\$ 9,514	\$ 9,704	\$ 190	2.0%		
Non-Resident	\$ 9,514	\$ 9,704	\$ 190	2.0%		
<b>Marshall University</b>						
Resident	\$ 8,552	\$ 8,604	\$ 52	0.6%		
Metro	\$ 14,636	\$ 14,688	\$ 52	0.4%		
Non-Resident	\$ 19,606	\$ 19,658	\$ 52	0.3%		
<b>Tuition and Program Fees:</b>						
College of Arts & Media - Fine Arts						
Resident	\$ 9,212	\$ 9,264	\$ 52	0.6%		
Metro	\$ 15,456	\$ 15,508	\$ 52	0.3%		
Non-Resident	\$ 20,426	\$ 20,478	\$ 52	0.3%		
College of Arts & Media - Journalism & Mass Communication						
Resident	\$ 8,772	\$ 8,824	\$ 52	0.6%		
Metro	\$ 15,022	\$ 15,074	\$ 52	0.3%		
Non-Resident	\$ 19,992	\$ 20,044	\$ 52	0.3%		
College of Business						
Resident	\$ 8,872	\$ 8,924	\$ 52	0.6%		
Metro	\$ 15,166	\$ 15,218	\$ 52	0.3%		
Non-Resident	\$ 20,136	\$ 20,188	\$ 52	0.3%		
College of Education & Professional Development						
Resident	\$ 8,952	\$ 9,004	\$ 52	0.6%		
Metro	\$ 15,036	\$ 15,088	\$ 52	0.3%		
Non-Resident	\$ 20,006	\$ 20,058	\$ 52	0.3%		
College of Health Professions						
Resident	\$ 8,972	\$ 9,024	\$ 52	0.6%		
Metro	\$ 15,576	\$ 15,628	\$ 52	0.3%		
Non-Resident	\$ 20,546	\$ 20,598	\$ 52	0.3%		
College of Health Professions - Kinesiology						
Resident	\$ 9,172	\$ 9,224	\$ 52	0.6%		
Metro	\$ 15,776	\$ 15,828	\$ 52	0.3%		
Non-Resident	\$ 20,746	\$ 20,798	\$ 52	0.3%		
College of Health Professions - Clinical Laboratory Science, Communication Disorders, Dietetics						
Resident	\$ 9,172	\$ 9,224	\$ 52	0.6%		
Metro	\$ 15,776	\$ 15,828	\$ 52	0.3%		
Non-Resident	\$ 20,746	\$ 20,798	\$ 52	0.3%		
College of Health Professions - Nursing						
Resident	\$ 9,482	\$ 9,744	\$ 262	2.8%		
Metro	\$ 16,076	\$ 16,338	\$ 262	1.6%		
Non-Resident	\$ 21,046	\$ 21,308	\$ 262	1.2%		

College of Information Technology and Engineering						
Resident	\$ 9,672	\$ 9,724	\$ 52	0.5%		
Metro	\$ 16,366	\$ 16,418	\$ 52	0.3%		
Non-Resident	\$ 21,336	\$ 21,388	\$ 52	0.2%		
College of Liberal Arts						
Resident	\$ 8,762	\$ 8,814	\$ 52	0.6%		
Metro	\$ 14,846	\$ 14,898	\$ 52	0.4%		
Non-Resident	\$ 19,816	\$ 19,868	\$ 52	0.3%		
College of Science						
Resident	\$ 8,902	\$ 8,954	\$ 52	0.6%		
Metro	\$ 15,076	\$ 15,128	\$ 52	0.3%		
Non-Resident	\$ 20,046	\$ 20,098	\$ 52	0.3%		
<b>Shepherd University</b>						
Resident	\$ 7,784	\$ 8,282	\$ 498	6.4%	\$ 242,170	
Non-Resident	\$ 18,224	\$ 18,722	\$ 498	2.7%		
<b>West Liberty University</b>						
Resident	\$ 8,546	\$ 8,716	\$ 170	2.0%	\$ 259,244	1,767
Metro	\$ 14,236	\$ 14,236	\$ -	0.0%		
Non-Resident	\$ 16,764	\$ 17,100	\$ 336	2.0%		
Resident - Health Professions	\$ 8,260	\$ 8,546	\$ 286	3.5%	\$ 2,860	20
<b>West Virginia State University</b>						
Resident	\$ 7,912	\$ 8,108	\$ 196	2.5%		
Non-Resident	\$ 13,600	\$ 13,938	\$ 338	2.5%		

West Virginia Higher Education Policy Commission

Regular Tuition and Fees - 2022-23 Academic Year  
Graduate Students

Institution	Tuition and Fees 2021-22	Tuition and Fees 2022-23	Increase Over 2021-22	Percentage of Increase	Estimated Revenue Increase	Estimated Number of Students 2022-23
<b>Bluefield State University</b>						
Resident	\$ -	\$ 8,840	\$ 8,840	0.0%	\$ 228,200	20
Metro	\$ -	\$ 11,930	\$ 11,930	0.0%		
Non-Resident	\$ -	\$ 16,030	\$ 16,030	0.0%		
<b>Concord University</b>						
Resident	\$ 8,730	\$ 9,170	\$ 440	5.0%	\$ 178,679	404
Non-Resident	\$ 15,230	\$ 15,990	\$ 760	5.0%		
<b>Fairmont State University</b>						
Regular Graduate						
Resident	\$ 9,012	\$ 9,460	\$ 448	5.0%	\$ 33,520	57
Non-Resident	\$ 19,290	\$ 20,252	\$ 962	5.0%		
Virtual Graduate						
Resident	\$ 7,264	\$ 7,984	\$ 720	9.9%	\$ 137,520	191
Non-Resident	\$ 7,264	\$ 7,984	\$ 720	9.9%		
<b>Marshall University</b>						
Resident	\$ 8,882	\$ 8,934	\$ 52	0.6%		
Metro	\$ 15,746	\$ 15,798	\$ 52	0.3%		
Non-Resident	\$ 21,434	\$ 21,486	\$ 52	0.2%		
<b>Tuition and Program Fees (Graduate)</b>						
College of Arts & Media - Fine Arts						
Resident	\$ 9,252	\$ 9,304	\$ 52	0.6%		
Metro	\$ 16,566	\$ 16,618	\$ 52	0.3%		
Non-Resident	\$ 22,254	\$ 22,306	\$ 52	0.2%		
College of Arts & Media - Journalism & Mass Communication						
Resident	\$ 9,102	\$ 9,154	\$ 52	0.6%		
Metro	\$ 16,132	\$ 16,184	\$ 52	0.3%		
Non-Resident	\$ 21,820	\$ 21,872	\$ 52	0.2%		
College of Business						
Resident	\$ 9,518	\$ 9,570	\$ 52	0.5%		
Metro	\$ 16,796	\$ 16,848	\$ 52	0.3%		
Non-Resident	\$ 22,484	\$ 22,536	\$ 52	0.2%		
College of Business - Executive MBA Program						
Resident	\$ 17,882	\$ 17,934	\$ 52	0.3%		
Non-Resident	\$ 24,746	\$ 24,798	\$ 52	0.2%		
Metro	\$ 30,434	\$ 30,486	\$ 52	0.2%		
College of Education & Professional Development						
Resident	\$ 8,982	\$ 9,034	\$ 52	0.6%		
Metro	\$ 15,846	\$ 15,898	\$ 52	0.3%		
Non-Resident	\$ 21,534	\$ 21,586	\$ 52	0.2%		
College of Education & Professional Development - EdD/EdS, SPSY, MA in Special ED, MAT/PBC						
Resident	\$ 9,112	\$ 9,164	\$ 52	0.6%		
Metro	\$ 15,976	\$ 16,028	\$ 52	0.3%		
Non-Resident	\$ 21,664	\$ 21,716	\$ 52	0.2%		
College of Health Professions						
Resident	\$ 9,432	\$ 9,484	\$ 52	0.6%		
Metro	\$ 17,046	\$ 17,098	\$ 52	0.3%		
Non-Resident	\$ 22,734	\$ 22,786	\$ 52	0.2%		
College of Health Professions - Kinesiology						
Resident	\$ 9,662	\$ 9,714	\$ 52	0.5%		
Metro	\$ 17,296	\$ 17,348	\$ 52	0.3%		
Non-Resident	\$ 22,984	\$ 23,036	\$ 52	0.2%		
College of Health Professions - Communication Disorders, Dietetics						
Resident	\$ 9,662	\$ 9,714	\$ 52	0.5%		
Metro	\$ 17,296	\$ 17,348	\$ 52	0.3%		
Non-Resident	\$ 22,984	\$ 23,036	\$ 52	0.2%		
College of Health Professions - Nursing						
Resident	\$ 9,982	\$ 10,034	\$ 52	0.5%		
Metro	\$ 17,636	\$ 17,688	\$ 52	0.3%		
Non-Resident	\$ 23,324	\$ 23,376	\$ 52	0.2%		

College of Information Technology & Engineering						
Resident	\$ 10,002	\$ 10,054	\$ 52	0.5%		
Metro	\$ 17,476	\$ 17,528	\$ 52	0.3%		
Non-Resident	\$ 23,164	\$ 23,216	\$ 52	0.2%		
College of Liberal Arts						
Resident	\$ 9,062	\$ 9,114	\$ 52	0.6%		
Metro	\$ 15,926	\$ 15,978	\$ 52	0.3%		
Non-Resident	\$ 21,614	\$ 21,666	\$ 52	0.2%		
College of Liberal Arts - Psychology Doctorate						
Resident	\$ 11,018	\$ 11,070	\$ 52	0.5%		
Metro	\$ 17,882	\$ 17,934	\$ 52	0.3%		
Non-Resident	\$ 24,326	\$ 24,378	\$ 52	0.2%		
College of Science						
Resident	\$ 9,232	\$ 9,284	\$ 52	0.6%		
Metro	\$ 16,186	\$ 16,238	\$ 52	0.3%		
Non-Resident	\$ 21,874	\$ 21,926	\$ 52	0.2%		
<b>Tuition and Program Fees (Professional)</b>						
School of Medicine - Professional/Medicine						
Resident	\$ 24,324	\$ 24,376	\$ 52	0.2%		
Non-Resident	\$ 57,682	\$ 57,734	\$ 52	0.1%		
School of Medicine - Physician Assistant						
Resident	\$ 19,612	\$ 19,664	\$ 52	0.3%		
Non-Resident	\$ 30,612	\$ 30,664	\$ 52	0.2%		
School of Pharmacy - Doctorate						
Resident	\$ 23,508	\$ 23,992	\$ 484	2.1%		
Non-Resident	\$ 38,796	\$ 39,566	\$ 770	2.0%		
School of Physical Therapy - Doctorate						
Resident	\$ 13,940	\$ 14,600	\$ 660	4.7%		
Non-Resident	\$ 22,744	\$ 23,786	\$ 1,042	4.6%		
School of Medicine - Graduate/Biomedical Science (Excluding Forensic Science)						
Resident	\$ 11,216	\$ 11,268	\$ 52	0.5%		
Metro	\$ 16,318	\$ 16,370	\$ 52	0.3%		
Non-Resident	\$ 23,278	\$ 23,330	\$ 52	0.2%		
School of Medicine - Graduate/Forensic Science						
Resident	\$ 9,062	\$ 9,478	\$ 416	4.6%		
Metro	\$ 13,708	\$ 14,298	\$ 590	4.3%		
Non-Resident	\$ 20,566	\$ 21,498	\$ 932	4.5%		
Masters of Public Health						
Resident	\$ 13,930	\$ 14,590	\$ 660	4.7%		
Non-Resident	\$ 29,706	\$ 31,096	\$ 1,390	4.7%		
School of Pharmacy - Masters in Pharmaceutical Sciences						
Resident	\$ 12,164	\$ 12,428	\$ 264	2.2%		
International	\$ 25,642	\$ 26,148	\$ 506	2.0%		
Non-Resident	\$ 19,972	\$ 20,364	\$ 392	2.0%		
Doctor of Nursing Practice						
Resident	\$ 13,652	\$ 13,704	\$ 52	0.4%		
<b>Shepherd University</b>						
Resident	\$ 8,730	\$ 9,000	\$ 270	3.1%	\$ 1,771	
Non-Resident	\$ 12,906	\$ 12,906	\$ -	0.0%		
<b>West Liberty University</b>						
MSC						
Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%	\$ 2,678	19
Non-Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%		
International	\$ 10,098	\$ 10,800	\$ 702	7.0%		
MCP						
Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%	\$ 1,040	10
Non-Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%		
International	\$ 10,098	\$ 10,800	\$ 702	7.0%		
MaED						
Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%	\$ 9,568	92
Non-Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%		
International	\$ 10,098	\$ 10,800	\$ 702	7.0%		
MBA Program						
Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%	\$ 11,024	112
Non-Resident	\$ 8,446	\$ 8,550	\$ 104	1.2%		
International	\$ 10,098	\$ 10,800	\$ 702	7.0%		
MS Exercise Psychology						
Resident	\$ -	\$ 8,550	\$ 8,550	0.0%	\$ 85,500	10



Non-Resident	\$ -	\$ 8,550	\$ 8,550	0.0%		
International	\$ -	\$ 10,800	\$ 10,800	0.0%		
MS Athletic Training						
Resident	\$ -	\$ 8,550	\$ 8,550	0.0%	\$ 85,500	10
Non-Resident	\$ -	\$ 8,550	\$ 8,550	0.0%		
International	\$ -	\$ 10,800	\$ 10,800	0.0%		
MA Clinical Psychology						
Resident	\$ 8,446	\$ -	\$ (8,446)	-100.0%		
Non-Resident	\$ 8,446	\$ -	\$ (8,446)	-100.0%		
International	\$ 10,098	\$ -	\$ (10,098)	-100.0%		
MA/MS Biology						
Resident	\$ 10,368	\$ 10,620	\$ 252	2.4%	\$ 9,576	48
Non-Resident	\$ 12,420	\$ 12,420	\$ -	0.0%		
International	\$ 12,420	\$ 12,420	\$ -	0.0%		
MA Dental Hygiene						
Resident	\$ 9,640	\$ 9,990	\$ 350	3.6%	\$ 3,500	10
Non-Resident	\$ 9,640	\$ 9,990	\$ 350	3.6%		
International	\$ 10,098	\$ 10,800	\$ 702	7.0%		
MA Art Therapy						
Resident	\$ 8,550	\$ 9,990	\$ 1,440	16.8%	\$ 14,400	10
Non-Resident	\$ 8,550	\$ 9,990	\$ 1,440	16.8%		
International	\$ 10,800	\$ 10,800	\$ -	0.0%		
BIO-MED (Bridge Program)						
Resident	\$ 17,280	\$ 17,700	\$ 420	2.4%	\$ 15,960	7
Non-Resident	\$ 20,700	\$ 20,700	\$ -	0.0%		
International	\$ 20,700	\$ 20,700	\$ -	0.0%		
MS Speech Language Pathology						
Resident	\$ -	\$ 16,650	\$ 16,650	0.0%	\$ 166,500	10
Non-Resident	\$ -	\$ 20,700	\$ 20,700	0.0%		
International	\$ -	\$ 20,700	\$ 20,700	0.0%		
Physicians Assistant Program*						
Resident	\$ 15,062	\$ 15,364	\$ 302	2.0%	\$ 13,592	35
Non-Resident	\$ 24,000	\$ 24,480	\$ 480	2.0%		
*The above amounts are based on a regular academic term of two semesters. West Liberty University's Physician Assistant Program is accelerated and requires students to enroll for four semesters a year at \$ for resident students and \$ for non-resident students. Fees are approved one year in advance.						
<b>West Virginia State University</b>						
Resident	\$ 8,224	\$ 8,430	\$ 206	2.5%		
Non-Resident	\$ 19,030	\$ 19,504	\$ 474	2.5%		
<b>WV School of Osteopathic Medicine</b>						
Resident - 1st and 2nd year students	\$ 23,472	\$ 23,472	\$ -	0.0%	\$ (412,334)	
Resident - 3rd year students	\$ 22,472	\$ 23,472	\$ 1,000	4.4%		
Resident - 4th year students	\$ 22,472	\$ 22,472	\$ -	0.0%		
Non-Resident - 1st and 2nd year students	\$ 54,710	\$ 54,710	\$ -	0.0%		
Non-Resident - 1st and 2nd year students	\$ 53,710	\$ 54,710	\$ 1,000	1.9%		
Non-Resident - 3rd and 4th year students	\$ 53,710	\$ 53,710	\$ -	0.0%		

**West Virginia Higher Education Policy Commission**

**Academic Year 2022-23 (Per Semester Rate)  
Room and Board Rates**

<b>III. Room and Board Charges</b>	<b>Rate Per Semester 2021-22</b>	<b>Requested Rate Per Semester 2022-23</b>	<b>Increase (Decrease)</b>	<b>Percentage of Increase</b>
<b>Bluefield State University</b>				
Medical Education Center Residence Hall:				
Single Room	\$ 3,600	\$ 3,800	\$ 200	5.6%
Double Room	\$ 2,300	\$ 2,500	\$ 200	8.7%
Honors Cottages	\$ 2,300	\$ 2,500	\$ 200	8.7%
Board				
Blue Plan - Unlimited Meals	\$ 2,400	\$ 2,600	\$ 200	8.3%
Gold Plan - 14 Meals Per Week	\$ 2,100	\$ 2,300	\$ 200	9.5%
100 Block - 100 Meals Per Semester	\$ 900	\$ 900	\$ -	0.0%
50 Block - 50 Meals Per Semester	\$ 450	\$ 450	\$ -	0.0%
<b>Concord University:</b>				
Woodell, Wilson and Sarvay Hall				
Single Room	\$ 3,131	\$ 3,194	\$ 63	2.0%
Double Room	\$ 2,365	\$ 2,412	\$ 47	2.0%
Triple/Suite	\$ 2,365	\$ 2,412	\$ 47	2.0%
North & South Towers, Mills St Apts & ALEF House				
Single Room	\$ 3,360	\$ 3,423	\$ 63	1.9%
Double Room	\$ 2,594	\$ 2,641	\$ 47	1.8%
Triple/Suite	\$ 2,594	\$ 2,641	\$ 47	1.8%
Board	\$ 2,357	\$ 2,404	\$ 47	2.0%
<b>Fairmont State University:</b>				
Bryant Place (singles) (per bed price)	\$ 3,327	\$ 3,460	\$ 133	4.0%
Bryant Place (doubles) (per bed price)	\$ 2,812	\$ 2,924	\$ 112	4.0%
Morrow/Pence/Prichard (double) (per bed price)	\$ 2,414	\$ 2,511	\$ 97	4.0%
Morrow/Pence/Prichard (single) (per bed price)	\$ 3,295	\$ 3,427	\$ 132	4.0%
University Terrance - Semi-Suite (9.5 mo)	\$ 3,108	\$ 3,233	\$ 125	4.0%
Note: Damage Deposit Dorms \$200.00				
Board - 15 Meal Silver Plan with \$250 Flex (7 day)	\$ 2,199	\$ 2,287	\$ 88	4.0%
Board - 19 Meal Silver Plan with \$175 Flex (7 day)	\$ 2,287	\$ 2,378	\$ 91	4.0%
The Ultimate - 210 swipes with \$350 Flex	\$ 2,410	\$ 2,506	\$ 96	4.0%
Eating Made Easy - 160 swipes with \$300 Flex	\$ 1,978	\$ 2,057	\$ 79	4.0%
On the Go - 40 swipes with \$25 Flex (Commuter, Apts or Reload)	\$ 474	\$ 493	\$ 19	4.0%
Reload	\$ 210	\$ 218	\$ 8	3.8%

<b>Glenville State University:</b>				
Goodwin Hall				
Single	\$ 3,591	\$ 3,663	\$ 72	2.0%
Double	\$ 2,891	\$ 2,949	\$ 58	2.0%
Riverfont Residence				
Double	\$ 2,891	\$ 2,891	\$ -	0.0%
Board Plan	\$ 2,300	\$ 2,400	\$ 100	4.3%
<b>Marshall University</b>				
Holderby Hall				
Deluxe Single	\$ 3,394	\$ 3,394	\$ -	0.0%
Twin Towers:				
Deluxe Single	\$ 3,833	\$ 3,871	\$ 38	1.0%
Double Room	\$ 2,862	\$ 2,916	\$ 54	1.9%
Buskirk:				
Deluxe Single	\$ 3,833	\$ 3,871	\$ 38	1.0%
Double	\$ 2,862	\$ 2,916	\$ 54	1.9%
Marshall Commons:				
Single Room Suite	\$ 4,218	\$ 4,218	\$ -	0.0%
Double Room Suite	\$ 3,336	\$ 3,399	\$ 63	1.9%
First Year Residents Hall (Capstone)				
Double Room with Bath	\$ 3,527	\$ 3,668	\$ 141	4.0%
Single Room with Bath	\$ 5,990	\$ 5,990	\$ -	0.0%
Fairfield Landing - Monthly Rates				
Studio Unit	\$ 899	\$ 939	\$ 40	4.4%
2 Bedroom Unit	\$ 1,398	\$ 1,398	\$ -	0.0%
One Bedroom in 2 Bedroom Unit	\$ 699	\$ 723	\$ 24	3.4%
Summer Housing				
Single Room	\$ 1,198	\$ 1,210	\$ 12	1.0%
Double Room	\$ 873	\$ 890	\$ 17	1.9%
Early Arrival / Break Housing				
Single Room	\$ 40	\$ 40	\$ -	0.0%
Double Room	\$ 30	\$ 30	\$ -	0.0%
Off-Campus Overflow (Used only when needed)				
Single occupancy/per day	\$ 40	\$ 40	\$ -	0.0%
Double occupancy/per day	\$ 30	\$ 30	\$ -	0.0%
10 Meals + \$500 Flex with 10 bonus meals	\$ 1,956	\$ 2,034	\$ 78	4.0%
10 Meals + \$700 Flex with 20 bonus meals	\$ 2,154	\$ 2,240	\$ 86	4.0%
10 Meals + \$850 Flex with 10% discount at Point of Sale	\$ 2,299	\$ 2,391	\$ 92	4.0%
14 Meals + \$500 Flex with 10 bonus meals	\$ 2,165	\$ 2,252	\$ 87	4.0%
14 Meals + \$700 Flex with 20 bonus meals	\$ 2,451	\$ 2,549	\$ 98	4.0%
14 Meals + \$850 Flex with 10% discount at Point of Sale	\$ 2,596	\$ 2,700	\$ 104	4.0%
175 Meals per semester + 500 Flex	\$ -	\$ 2,165	\$ 2,165	0.0%
175 Meals per semester + 700 Flex	\$ -	\$ 2,373	\$ 2,373	0.0%
175 Meals per semester + 935 Flex	\$ -	\$ 2,582	\$ 2,582	0.0%
New Commuter Meal Plans				
30 Meals w/\$200 Flex Dollars	\$ 434	\$ 451	\$ 17	3.9%
50 Meals w/\$100 Flex Dollars	\$ 486	\$ 505	\$ 19	3.9%
50 Meals w/\$350 Flex Dollars	\$ 733	\$ 762	\$ 29	4.0%

50 Meals w/\$600 Flex Dollars	\$ 983	\$ 1,022	\$ 39	4.0%
Summer Unlimited Meal Plan	\$ 623	\$ 648	\$ 25	4.0%
<b>Shepherd University:</b>				
Shaw Hall and Thatcher Hall:				
Double	\$ 2,899	\$ 2,899	\$ -	0.0%
Single	\$ 3,479	\$ 3,479	\$ -	0.0%
West Woods Complex and Miller Hall:				
Suite/Double	\$ 3,259	\$ 3,335	\$ 76	2.3%
Suite/Single	\$ 4,334	\$ 4,336	\$ 2	0.0%
Potomac Place				
Suite/Double	\$ 3,409	\$ 3,509	\$ 100	2.9%
Suite/Single	\$ 4,603	\$ 4,737	\$ 134	2.9%
Birch and Maple Apartments:				
Double (4 and 6 person units)	\$ 3,489	\$ 3,595	\$ 106	3.0%
Single (4 and 6 person units)	\$ 4,707	\$ 4,850	\$ 143	3.0%
Deluxe Double (4 person unit)	\$ 3,629	\$ 3,739	\$ 110	3.0%
Deluxe Single (4 person unit)	\$ 4,897	\$ 5,042	\$ 145	3.0%
Summer School Housing - Double	\$ 870	\$ 870	\$ -	0.0%
Summer School Housing - Single	\$ 1,305	\$ 1,305	\$ -	0.0%
<b>West Liberty University:</b>				
Residence Hall Capital Fee	\$ 415	\$ 415	\$ -	0.0%
Single-(per person per semester)	\$ 2,800	\$ 2,856	\$ 56	2.0%
Double-(per person per semester)	\$ 2,075	\$ 2,117	\$ 42	2.0%
Single Boyd Hall/Rodgers Hall	\$ 2,075	\$ 2,117	\$ 42	2.0%
Single Curtis Hall	\$ 2,440	\$ 2,489	\$ 49	2.0%
Single Beta	\$ 2,648	\$ 2,701	\$ 53	2.0%
Topper Towers 9M	\$ 3,064	\$ 3,370	\$ 306	10.0%
Topper Towers 12M	\$ 4,085	\$ 4,493	\$ 408	10.0%
Topper Village 9M	\$ 3,793	\$ 4,172	\$ 379	10.0%
Topper Village 12M	\$ 4,973	\$ 5,563	\$ 590	11.9%
University Place I 9M	\$ 3,325	\$ 3,658	\$ 333	10.0%
University Place I 12M	\$ 4,423	\$ 4,877	\$ 454	10.3%
University Place II 9M	\$ 3,580	\$ 3,938	\$ 358	10.0%
University Place II 12M	\$ 4,760	\$ 5,251	\$ 491	10.3%
Board				
Regular meal plan	\$ 2,345	\$ 2,392	\$ 47	2.0%
5 meal plan	\$ 884	\$ 902	\$ 18	2.0%
50 meal block plan	\$ 456	\$ 465	\$ 9	2.0%
Cable & Internet Fee	\$ 173	\$ 240	\$ 67	38.7%
<b>West Virginia State University:</b>				
All Residence Halls:				
Keith Scholars Hall 2BR	\$ 3,881	\$ 3,881	\$ -	0.0%
Keith Scholars Hall 2BR Handicap	\$ 3,881	\$ 3,881	\$ -	0.0%

Keith Scholars Hall 2BR Resident Advisor/Assistant Unit	\$ 4,025	\$ 4,025	\$ -	0.0%
Keith Scholars Hall 3BR	\$ 3,881	\$ 3,881	\$ -	0.0%
Keith Scholars Hall 4BR	\$ 3,881	\$ 3,881	\$ -	0.0%
Keith Scholars Hall 4BR Handicap	\$ 3,881	\$ 3,881	\$ -	0.0%
Sullivan West Single	\$ 3,440	\$ 3,440	\$ -	0.0%
Sullivan West Double	\$ 2,374	\$ 2,374	\$ -	0.0%
Sullivan East Double	\$ 2,374	\$ 2,374	\$ -	0.0%
Sullivan East Single	\$ 3,440	\$ 3,440	\$ -	0.0%
Sullivan East Independent (8th Floor) (no double occupancy)	\$ 3,603	\$ 3,603	\$ -	0.0%
Dawson Single	\$ 3,621	\$ 3,621	\$ -	0.0%
Dawson Double	\$ 2,479	\$ 2,479	\$ -	0.0%
Dawson Room (Summer only) per week	\$ 287	\$ 287	\$ -	0.0%
Sullivan Room (Summer only) per week	\$ 256	\$ 256	\$ -	0.0%
Keith Scholars Room (Summer only) per week	\$ 487	\$ 487	\$ -	0.0%
Board Plans:				
Board - Option #1	\$ 2,657	\$ 2,657	\$ -	0.0%
Board - Option #2	\$ 2,351	\$ 2,351	\$ -	0.0%
Board - Option #3	\$ 2,428	\$ 2,428	\$ -	0.0%

West Virginia Higher Education Policy Commission  
Academic Year 2022-23  
Special Fees and Charges

	Semester/ Occurrence 2021-22	Semester/ Occurrence 2022-23	Increase (Decrease)	Estimated Revenue 2022-23	Revenue Increase 2022-23	Number of Students 2022-23	Estimated Revenue 2022-23
<b>II. Special Fees and Charges</b>							
<b>Bluefield State University</b>							
Engineering Technology & Computer Science Fee (per credit hour)	\$ 50	\$ 55	\$ 5	\$ 73,500	\$ 7,350	287	\$ 80,850
RBA Programmatic Fee	\$ 350	\$ 385	\$ 35	\$ 35,000	\$ 3,500	101	\$ 38,500
Health Science Programmatic Fee:							
(A. S. N.)	\$ 600	\$ 630	\$ 30	\$ 201,000	\$ 10,050	338	\$ 211,050
(A. S. R. T. - Summer I & II, Fall, Spring)	\$ 300	\$ 315	\$ 15	\$ 27,000	\$ 1,350	37	\$ 28,350
LPN to RN Program Annual Fee (Bluefield & Beckley Campus)	\$ 600	\$ 630	\$ 30	\$ 22,500	\$ 1,125	105	\$ 23,625
BS Nursing (per credit hour)	\$ 40	\$ 42	\$ 2	\$ 20,800	\$ 1,040	160	\$ 21,840
BS Radiologic Science (per credit hour)	\$ 40	\$ 42	\$ 2	\$ 12,800	\$ 640	104	\$ 13,440
Business Programmatic	\$ 200	\$ 210	\$ 10	\$ 46,000	\$ 2,300	200	\$ 48,300
BS Education Programmatic Fee	\$ 200	\$ 210	\$ 10	\$ 8,000	\$ 400	16	\$ 8,400
Academic Support Fee (per credit hour > 15 hours per semester)							
Resident	\$ 296	\$ 296	\$ -	\$ 70,000	\$ 55,000	141	\$ 125,000
Non-Resident	\$ 381	\$ 381	\$ -	\$ 10,000	\$ 50,000	37	\$ 60,000
Metro	\$ 544	\$ 544	\$ -	\$ 15,000	\$ 30,000	39	\$ 45,000
On Line Fee (per credit hour)	\$ 40	\$ -	\$ (40)	\$ 470,000	\$ (470,000)	0	\$ -
Regents' BA Degree Evaluation	\$ 300	\$ 300	\$ -	\$ 15,000	\$ -	50	\$ 15,000
Portfolio RBA Fee (per credit hour)	\$ 20	\$ 25	\$ 5	\$ 2,400	\$ 600	100	\$ 3,000
Science Programmatic Fee (per credit hour)	\$ 50	\$ 55	\$ 5	\$ 76,500	\$ 7,650	670	\$ 84,150
Late Registration	\$ 50	\$ 75	\$ 25	\$ 15,000	\$ 7,500	300	\$ 22,500
Mid-Term Late Payment Fee	\$ 500	\$ 500	\$ -	\$ 5,000	\$ -	10	\$ 5,000
Transcript (After First)	\$ 15	\$ 25	\$ 10	\$ 6,375	\$ (4,250)	85	\$ 2,125
Enhancement Fee (Degree Seeking Students)	\$ 175	\$ -	\$ (175)	\$ 306,250	\$ (306,250)	0	\$ -
Returned Check Fee	\$ 25	\$ 25	\$ -	\$ 2,500	\$ -	100	\$ 2,500
Administrative Fee	\$ -	\$ 500	\$ 500	\$ -	\$ 1,151,000	1,151	\$ 1,151,000
Credit Card Fee	2.25%	2.25%	\$ -	\$ 30,000	\$ (20,000)	50	\$ 10,000
<b>Concord University:</b>							
International Orientation Fee	\$ 130	\$ 130	\$ -	\$ 34,950	\$ -	391	\$ 34,950
Orientation Fee	\$ 85	\$ 85	\$ -	Included in the International Orientation Fee figures			
Business Major Fee	\$ 50	\$ 50	\$ -	\$ 11,245	\$ -	112	\$ 11,245
Late Fee	\$ 25	\$ 25	\$ -	\$ 4,050	\$ -	162	\$ 4,050
Faculty/Staff Rental Property Late Fee	\$ 20	\$ 20	\$ -	\$ 40	\$ -	0	\$ 40
Transcript Fee	\$ 5	\$ 5	\$ -	\$ 32,836	\$ -	3,368	\$ 32,836
Online/Priority Transcript Fee	\$ 10	\$ 10	\$ -	Included in the Transcript Fee figures			
Graduation Fee	\$ 50	\$ 50	\$ -	\$ 21,150	\$ -	423	\$ 21,150
Regents BA Degree Evaluation	\$ 300	\$ 300	\$ -	\$ 2,210	\$ -	3	\$ 2,210
Regents BA Degree Per Hour Posting Fee	\$ 10	\$ 10	\$ -	Included in the Regents BA Degree Evaluation Figures			
Advanced Standing Exam	\$ 55	\$ 55	\$ -	\$ 110	\$ -	2	\$ 110
Dorm Damage Deposit	\$ 50	\$ 50	\$ -	\$ 40,100	\$ -	802	\$ 40,100
Diploma Replacement	\$ 50	\$ 50	\$ -	Included in the Graduation Fee figures			
Returned Check Fee	\$ 25	\$ 25	\$ -	\$ 50	\$ -	2	\$ 50
Technology Course Fee (per credit hour)	\$ 6	\$ 6	\$ -	\$ 79,195	\$ -		\$ 79,195
Lab Fee	\$ 25	\$ 25	\$ -	\$ 68,040	\$ -		\$ 68,040
Art Lab/Clay Fee (per credit hour)	\$ 100	\$ 100	\$ -	\$ 2,960	\$ -		\$ 2,960
Distance Learning Fee (per credit hour)	\$ 35	\$ 35	\$ -	\$ 568,000	\$ -	Cannot reasonably calculate due to the nature of the charge.	\$ 568,000
Tutorial Fee	\$ 125	\$ 125	\$ -	\$ 9,875	\$ -		\$ 9,875
Directed Student Teaching (6hrs)	\$ 50	\$ 50	\$ -	\$ 4,650	\$ -		\$ 4,650
Social Work Field Practicum Fee	\$ 75	\$ 75	\$ -	\$ 16,125	\$ -		\$ 16,125
Athletic Training Special Fee	\$ 100	\$ 100	\$ -	\$ -	\$ -		\$ -
Service Fee - Installment Plan	\$ 50	\$ 50	\$ -	\$ 11,850	\$ -	119	\$ 11,850
Post Office Box Rental	\$ 7.50	\$ 15	\$ 7.50	\$ 8,225	\$ 8,225	548	\$ 16,450
Parking Permit Decal	\$ 25	\$ 25	\$ -	\$ 21,300	\$ -	426	\$ 21,300
Graduate Admissions' Application Fee	\$ 30	\$ 30	\$ -	\$ 6,000	\$ -	200	\$ 6,000
Replacement ID	\$ 5	\$ 5	\$ -	\$ 250	\$ -	50	\$ 250
Reinstatement Fee	\$ 200	\$ 200	\$ -	\$ 2,450	\$ -	12	\$ 2,450
Nursing Program Fee	\$ -	\$ 1,000	\$ 1,000	\$ -	\$ 30,000	30	\$ 30,000
<b>Fairmont State University</b>							
<i>Program Specific Fees:</i>							
<b>Undergraduate:</b>							
School of Nursing	\$ 550	\$ 700	\$ 150	\$ 335,000	\$ 91,500	305	\$ 426,500
School of Business	\$ 200	\$ 300	\$ 100	\$ 165,000	\$ 82,500	413	\$ 247,500
College of Science and Technology	\$ 300	\$ 300	\$ -				\$ -
College of Liberal Arts	\$ 200	\$ 250	\$ 50	\$ 250,000	\$ 62,500	625	\$ 312,500
School of Education	\$ 300	\$ 300	\$ -				\$ -
Exploratory	\$ 100	\$ 100	\$ -				\$ -
AAMIS - Tier 1	\$ 1,000	\$ 1,000	\$ -				\$ -
AAMIS - Tier 2	\$ 5,000	\$ 5,000	\$ -				\$ -
<b>Graduate:</b>							
School of Business	\$ 400	\$ 400	\$ -				\$ -
College of Science and Technology (Formerly Masters of Architecture)	\$ 400	\$ 400	\$ -				\$ -

College of Liberal Arts (Formerly Masters of Criminal Justice)	\$ 400	\$ 400	\$ -				\$ -
School of Education	\$ 400	\$ 400	\$ -				\$ -
Architecture Program Fee	\$ 400	\$ 400	\$ -				\$ -
Flight School Rates (FSU 141):							
Private Pilot License	\$ 12,763	\$ 13,656	\$ 893	\$ 178,000	\$ 12,460	14	\$ 190,460
Instrument Rating License	\$ 12,920	\$ 13,824	\$ 904	\$ 52,000	\$ 3,640	4	\$ 55,640
Commercial License	\$ 27,683	\$ 29,621	\$ 1,938	\$ 415,000	\$ 29,050	15	\$ 444,050
Commercial Twin Add-On (per hour)	\$ 320	\$ 350	\$ 30				\$ -
Special Fees:							
Application Fee - Graduate	\$ 50	\$ 50	\$ -				\$ -
Application Fee - Undergraduate	\$ 25	\$ 25	\$ -				\$ -
Architecture Course Fee (per credit hour)	\$ 12	\$ 18	\$ 6	\$ 12,672	\$ 6,336	44	\$ 19,008
Art - Pottery Materials Fee (per credit hour)	\$ 40	\$ 40	\$ -				\$ -
Art - Painting/Drawing Materials Fee (per credit hour)	\$ 25	\$ 25	\$ -				\$ -
Athletic Equipment Fee	Varies By Sport						\$ -
Credential Fee - Placement	\$ 3	\$ 3	\$ -				\$ -
Community College Baccalaureate Enhancement Fee (per credit hour)	\$ 300	\$ 300	\$ -				\$ -
Course Fee (per credit hour) (previously known as Technology Fee)	\$ 15	\$ 18	\$ 3	\$ 535,000	\$ 106,992	1,486	\$ 641,992
Debate - Materials Fee (per credit hour)	\$ 20	\$ 20	\$ -				\$ -
Digital Resource Fee (per semester)	\$ 120	\$ 25	\$ (95)				\$ -
Digital Equipment Fee (one time fee)	\$ 150	\$ 200	\$ 50				\$ -
Diploma Replacement	\$ 50	\$ 50	\$ -				\$ -
Dormancy Charge (Not to exceed \$50)	Varies Depending Upon Balance						
Duel Enrollment Course Fee (per credit hour)	\$ 25	\$ 25	\$ -				\$ -
E-Rate University (per 3 hour course)	\$ 972	\$ 972	\$ -				\$ -
E-Rate Graduate (per 3 hour course)*	\$ 1,476	\$ 1,476	\$ -				\$ -
E-Learning Course Fee (per 3 hour course) (FS Students)	\$ 180	\$ 180	\$ -				\$ -
English as a Second Language Fees (for 12 hours - does not include Auxiliary fees)	\$ 6,100	\$ 6,100	\$ -				\$ -
Exam for Course Credit (per credit hour)	\$ 50	\$ 50	\$ -				\$ -
Excess course withdrawal fee (per course assessed after 8 courses have been dropped)	\$ 50	\$ 50	\$ -				\$ -
Faculty and Staff Parking Fee - Full-time (will be prorated if less than full-time) Annual	\$ 180	\$ 180	\$ -				\$ -
Falcon Fast Track Program (per credit hour - \$60 E&G - \$10 Parking)	\$ 70	\$ 70	\$ -				\$ -
Fine Arts Course Fees (per credit hour):							
- Music Lessons Fee	\$ 35	\$ 35	\$ -				\$ -
Foreign Languages Course Fee (per credit hour)	\$ 12	\$ -	\$ (12)				\$ -
Graduation Processing Fee - Certificate	\$ 25	\$ 25	\$ -				\$ -
Graduation Processing Fee - Graduate	\$ 70	\$ 70	\$ -				\$ -
Graduation Processing Fee - Undergraduate	\$ 50	\$ 50	\$ -				\$ -
Graduation Application Late Fee	\$ 50	\$ 50	\$ -				\$ -
ID Card Replacement Fee	\$ 20	\$ 20	\$ -				\$ -
Immobilization Fee (per instance)	\$ 70	\$ 70	\$ -				\$ -
International Document Processing Fee (per instance)	\$ 150	\$ 150	\$ -				\$ -
Late Registration	\$ 50	\$ 50	\$ -				\$ -
Late Payment Fee	\$ 50	\$ 50	\$ -				\$ -
New Student Fee	\$ 150	\$ 150	\$ -				\$ -
Nursing Lab Fee (per credit hour)	\$ 12	\$ 15	\$ 3				\$ -
Nursing Testing Fee (per semester)	\$ 166	\$ 180	\$ 14				\$ -
Nursing Uniform Fee (once per program)	\$ 210	\$ 250	\$ 40				\$ -
Nursing Acceptance Fee (deposit)	\$ -	\$ 250	\$ 250				\$ -
NCLEX Testing Review Fee (once per program)	\$ 375	\$ 375	\$ -				\$ -
Occupational Develop/Tech Studies Degree Evaluation	\$ 150	\$ 150	\$ -				\$ -
Off-Campus Instruction (per credit hour up to 12 hours max)	\$ 15	\$ 15	\$ -				\$ -
Regents' BA Degree Evaluation	\$ 300	\$ 300	\$ -				\$ -
Reinstatement Fee	\$ 25	\$ 25	\$ -				\$ -
Returned Check Fee	\$ 15	\$ 25	\$ 10				\$ -
Senior Citizens Audit Fee (per credit hour)	\$ 22	\$ 22	\$ -				\$ -
Teacher Cadet Duel Enrollment (per credit hour)	\$ 25	\$ 25	\$ -				\$ -
Teacher Education - Clinical Experiences Fee	\$ 200	\$ 200	\$ -				\$ -
TEFL International Fee (per credit hour)	\$ 80	\$ 80	\$ -				\$ -
The American University (Maritius) Fee (per credit hour)	\$ 80	\$ 80	\$ -				\$ -
Transcript Fee	\$ 10	\$ 10	\$ -				\$ -
Police Academy Certification	\$ 6,500	\$ 6,500	\$ -				\$ -
Priority Transcript Fee	\$ 15	\$ 15	\$ -				\$ -
University/Graduate Enhancement Fee (per credit hour)							
Resident	\$ 116	\$ 116	\$ -				\$ -
Non-Resident	\$ 257	\$ 257	\$ -				\$ -
HHP Equipment Course Fee (flat fee)	\$ 50	\$ 50	\$ -				\$ -
HHP Outdoor Course Fee (per credit hour)	\$ 50	\$ 50	\$ -				\$ -
School of Education Portfolio Fee (one-time)	\$ 130	\$ 130	\$ -				\$ -
Storytelling Course Fee (per credit hour)	\$ 40	\$ 40	\$ -				\$ -
Tobacco Free Fine (2nd offense)	\$ 50	\$ 50	\$ -				\$ -
Tobacco Free Fine (3rd offense)	\$ 100	\$ 100	\$ -				\$ -
Supplemental Math Course Fee	\$ 75	\$ 75	\$ -				\$ -
SCIE Course Fee	\$ 75	\$ 75	\$ -				\$ -
On-line/Hybrid Course Fee (per 3 hour course)	\$ 75	\$ 75	\$ -				\$ -
<b>Glenville State University</b>							
ACT Residual Test - institutional charge	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -

Application Fee	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Application Fee - International	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Baccalaureate Degree in Criminal Justice - Correction Officers (per credit hour)	\$ 175	\$ 179	\$ 4	\$ -	\$ -	0	\$ -
Bad Check Fee	\$ 30	\$ 35	\$ 5	\$ 25	\$ 150	5	\$ 175
Book Fee - Full-time (12-18 hours)	\$ 360	\$ 360	\$ -	\$ 565,700	\$ 35,282	840	\$ 600,982
Book Fee - Per Credit Hour Below 12 or above 18	\$ 24	\$ 24	\$ -	\$ 100,000	\$ (53,590)	74	\$ 46,410
Certificate Fee	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Credit by Examination (per credit hour - Challenge Exam)	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -
Dining Flex Dollars Fee - For commuters only	\$ 50	\$ 50	\$ -	\$ 34,100	\$ (2,527)	334	\$ 31,573
Diploma Replacement Fee	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Facsimile Fee (per page)	\$ 1	\$ 1	\$ -	\$ -	\$ -	0	\$ -
Fees - Commuters	\$ 380	\$ 388	\$ 8	\$ 193,040	\$ 36,697	291	\$ 229,737
Fees - Commuters - Part-time	\$ 250	\$ 255	\$ 5	\$ 21,720	\$ 21,595	43	\$ 43,315
Fees - Residence Hall Students	\$ 500	\$ 510	\$ 10	\$ 562,500	\$ (7,717)	543	\$ 554,783
Fees - On-line Only Program Students not Living on Campus	\$ 205	\$ 209	\$ 4	\$ 15,170	\$ 16,856	78	\$ 32,026
Graduation Fee (exclusive of cap and gown)	\$ 80	\$ 80	\$ -	\$ 14,240	\$ 560	185	\$ 14,800
Graduate Verification Letter	\$ 5	\$ 5	\$ -	\$ -	\$ -	0	\$ -
Late Graduation Fee	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Music Instrument Maintenance Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
NTE Scores (copy)	\$ 5	\$ 5	\$ -	\$ -	\$ -	0	\$ -
Nursing Program Fee (per semester)	\$ -	\$ 50	\$ 50	\$ -	\$ -	0	\$ -
Parking Permit - Commuter	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Parking Permit - Resident	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Parking Permit - Reserved	\$ 200	\$ 200	\$ -	\$ 10,000	\$ -	50	\$ 10,000
Photocopy Charges (per page)	\$ 2	\$ 2	\$ -	\$ -	\$ -	0	\$ -
Prior Learning Portfolio Assessment	\$ 300	\$ 300	\$ -	\$ -	\$ -	0	\$ -
Prior Learning Posting Fee (per credit hour)	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Regent's BA Degree Evaluation	\$ 300	\$ 300	\$ -	\$ -	\$ -	0	\$ -
Regent's BA Degree Posting Fee (per credit hour)	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Replacement ID Card	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Replacement - Room Key (Pioneer Village)	\$ 75	\$ 75	\$ -	\$ -	\$ -	0	\$ -
Replacement - Room Key Cylinder	\$ 75	\$ 75	\$ -	\$ -	\$ -	0	\$ -
Replacement Room Access Card (Goodwin)	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Room Reservation Fee	\$ 100	\$ 100	\$ -	\$ 68,700	\$ (14,400)	543	\$ 54,300
Late Registration Fee	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Study Abroad Fee (GSC 205)	\$ 75	\$ 75	\$ -	\$ -	\$ -	0	\$ -
Teacher Endorsement Evaluation	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
TOEFL Test - institutional charge	\$ 5	\$ 5	\$ -	\$ -	\$ -	0	\$ -
Transcript	\$ 7	\$ 7	\$ -	\$ -	\$ -	0	\$ -
Transcript - Express	\$ 35	\$ 35	\$ -	\$ -	\$ -	0	\$ -
Transcript - FAX	\$ 5	\$ 5	\$ -	\$ -	\$ -	0	\$ -
<b>Marshall University</b>							
Enrollment Deposit:							
Undergraduate	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
International	\$ 500	\$ 500	\$ -	\$ -	\$ -	0	\$ -
School of Pharmacy	\$ 500	\$ 500	\$ -	\$ -	\$ -	0	\$ -
School of Physical Therapy	\$ 500	\$ 500	\$ -	\$ -	\$ -	0	\$ -
Doctor of Business Administration (DBA)	\$ 2,500	\$ 2,500	\$ -	\$ -	\$ -	0	\$ -
School of Medicine - Physician Assistant	\$ 1,000	\$ 1,000	\$ -	\$ -	\$ -	0	\$ -
Application Fees:							
Undergraduate/Graduate	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -
Undergraduate/Graduate - Transfers	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Undergraduate - Readmission	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
School of Medicine - Resident	\$ 75	\$ 75	\$ -	\$ -	\$ -	0	\$ -
School of Medicine - Non-Resident	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
School of Nursing	\$ 30	\$ 30	\$ -	\$ -	\$ -	0	\$ -
Masters of Public Health	\$ 30	\$ 30	\$ -	\$ -	\$ -	0	\$ -
School of Pharmacy	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Dietetic Internship Program	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
International Application/Express Mail Fee	\$ 150	\$ 150	\$ -	\$ -	\$ -	0	\$ -
Course Fees:							
COHP-SOK - SCUBA	\$ 200	\$ 200	\$ -	\$ -	\$ -	0	\$ -
COHP-SOK - Activity Course Fee	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -
COHP-MPH - Non-major Course Fee (per 3 hour course)	\$ 1,991	\$ 1,991	\$ -	\$ -	\$ -	0	\$ -
SOP-MSPS - Non-major Course Fee (per 3 hour course)	\$ 945	\$ 945	\$ -	\$ -	\$ -	0	\$ -
E-Delivery Course Fee	\$ 40	\$ 50	\$ 10	\$ -	\$ -	0	\$ -
Aviation - Solo Flight Lab; incl 15 flight hours	\$ 6,100	\$ 6,100	\$ -	\$ -	\$ -	0	\$ -
Aviation - Private Pilot Cert ASEL Lab; incl 20 flight hours	\$ 7,800	\$ 7,800	\$ -	\$ -	\$ -	0	\$ -
Aviation - Instrument Certification Lab; incl 36 flight hours	\$ 14,000	\$ 14,000	\$ -	\$ -	\$ -	0	\$ -
Aviation - Commercial Phase I Lab; incl 52.5 flight hours	\$ 17,100	\$ 17,100	\$ -	\$ -	\$ -	0	\$ -
Aviation - Commercial Phase II ASEL Lab; incl 43.5 flight hours	\$ 13,900	\$ 13,900	\$ -	\$ -	\$ -	0	\$ -
Aviation - Initial CFI ASEL Lab; incl 20 flight hours	\$ 7,000	\$ 7,000	\$ -	\$ -	\$ -	0	\$ -
Aviation - CFII Lab; incl 10 flight hours	\$ 4,100	\$ 4,100	\$ -	\$ -	\$ -	0	\$ -
Aviation - Commercial AMEL Add-on Lab; incl 12 flight hours	\$ 6,800	\$ 6,800	\$ -	\$ -	\$ -	0	\$ -
Aviation Program Additional Resource Fees:							
Aviation - Cirrus SR20 Per Additional Hour	\$ 310	\$ 310	\$ -	\$ -	\$ -	0	\$ -
Aviation - Twin Engine Aircraft Per Additional Hour	\$ 500	\$ 500	\$ -	\$ -	\$ -	0	\$ -
Aviation - Frasca SR20 AATD Simulator Per Additional Hour	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Special Program Fees (in lieu of regular tuition)							



High School E-Course Fee - per Credit Hour	\$ 75	\$ 75	\$ -	\$ -	\$ -	0	\$ -
Ohio High School STEM Program - per Credit Hour	\$ 167	\$ 167	\$ -	\$ -	\$ -	0	\$ -
High School Dual Enrollment - Resident - Marshall Campus - per credit hour	\$ 145	\$ 145	\$ -	\$ -	\$ -	0	\$ -
Intensive English Program - per semester	\$ 4,500	\$ 4,500	\$ -	\$ -	\$ -	0	\$ -
Intensive English Program - online - per semester	\$ -	\$ 3,200	\$ 3,200	\$ -	\$ -	0	\$ -
wvROCKS Course Fee (Undergraduate) - per Credit Hour	\$ 250	\$ 250	\$ -	\$ -	\$ -	0	\$ -
Undergraduate Distance Programs (Specifically identified) - per semester Full-time	\$ 3,220	\$ 3,380	\$ 160	\$ -	\$ -	0	\$ -
Graduate Distance Programs (Specifically identified) - per semester Full-time	\$ 3,473	\$ 3,555	\$ 82	\$ -	\$ -	0	\$ -
MBA - Online Program Fee	\$ 450	\$ 450	\$ -	\$ -	\$ -	0	\$ -
COHP Distance Dietetic Internship Certificate Program	\$ 4,167	\$ -	\$ (4,167)	\$ -	\$ -	0	\$ -
COHP Distance Dietetic Internship MS Program	\$ -	\$ 5,832	\$ 5,832	\$ -	\$ -	0	\$ -
Business DBA Program - per Credit Hour	\$ 850	\$ 850	\$ -	\$ -	\$ -	0	\$ -
Course for Senior Citizens - per Course	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Diploma Fees:							
Certificate Fee	\$ 15	\$ 15	\$ -	\$ -	\$ -	0	\$ -
Associate Degree	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Baccalaureate Degree	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Master's Degree	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Diploma Replacement	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
First Professional Degree	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Doctoral Degree	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Other Fees:							
CLEP/DANTES Testing	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
International Student Fee	\$ 100	\$ 200	\$ 100	\$ -	\$ -	0	\$ -
Late Registration/Payment Fee	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Meal Card/I. D. Replacement	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
MUGC Alternative Assessment (Per Credit Hour)	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Orientation/Student Success Fee	\$ 60	\$ 60	\$ -	\$ -	\$ -	0	\$ -
Pharmacy - Matriculation Fee (Annual - Year 1 Only)	\$ 270	\$ 270	\$ -	\$ -	\$ -	0	\$ -
Pharmacy - Practice Ready Fee (Annual Year 2 Only)	\$ 390	\$ 390	\$ -	\$ -	\$ -	0	\$ -
Pharmacy - Practice Ready Fee (Annual Year 3-4 Only)	\$ 390	\$ 390	\$ -	\$ -	\$ -	0	\$ -
Pharmacy - Progression Fee (Annual)	\$ 280	\$ 390	\$ 110	\$ -	\$ -	0	\$ -
Pharmacy - Simulation Fee (Annual)	\$ 350	\$ 350	\$ -	\$ -	\$ -	0	\$ -
Pharmacy - iPad Fee (Annual Year 1-2 Only)	\$ 250	\$ 250	\$ -	\$ -	\$ -	0	\$ -
Pharmacy - iPad Fee (Annual Year 3 Only)	\$ 350	\$ 350	\$ -	\$ -	\$ -	0	\$ -
Regents' BA Degree Evaluation	\$ 300	\$ 300	\$ -	\$ -	\$ -	0	\$ -
Regents' BA Posting Fee (Per credit hour awarded)	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Reinstatement Fee - Course Schedule	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Returned Check Fee	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Revalidation of Credit Fee (Per Hour)	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Study Abroad Application/advising/shipping fee - one-time	\$ 150	\$ 150	\$ -	\$ -	\$ -	0	\$ -
Study Abroad Program Registration Fee - per Program	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Transcript - paper	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Transcript - electronic	\$ 12	\$ 12	\$ -	\$ -	\$ -	0	\$ -
Transfer Evaluation Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
University College - Placement Testing Fee	\$ 35	\$ 35	\$ -	\$ -	\$ -	0	\$ -
Visiting Student Credential Fee - SOM	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Residence Services Fees:							
Improper Check-out Fee - Dorm	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Mail Box - Re-Key (Per Lock)	\$ 30	\$ 30	\$ -	\$ -	\$ -	0	\$ -
Reservation Deposit	\$ 200	\$ 200	\$ -	\$ -	\$ -	0	\$ -
Room Re-Key (per lock)	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -
<b>Shepherd University:</b>							
Admissions Application Fee (Under-grad)	\$ 45	\$ 45	\$ -	\$ -	\$ -	0	\$ -
Admissions Deposit (non-refundable)	\$ 100	\$ 100	\$ -	\$ -	\$ -	0	\$ -
Applied Music Fee (per credit hour)	\$ 306	\$ 306	\$ -	\$ -	\$ -	0	\$ -
Art Fee 240, 250, 340, 350	\$ 95	\$ 95	\$ -	\$ -	\$ -	0	\$ -
Art Studio Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Biology Lab Fee	\$ 70	\$ 70	\$ -	\$ -	\$ -	0	\$ -
Bowling Course Fee	\$ 45	\$ 45	\$ -	\$ -	\$ -	0	\$ -
Business Course Fee (411)	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Chemistry Lab Fee	\$ 70	\$ 70	\$ -	\$ -	\$ -	0	\$ -
CIS-CPE Lab	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Communication Course Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
CSDA Course Fee (501)	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Diploma Replacement	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Doctorate Nurse Practitioner Clinical Fee	\$ 200	\$ 200	\$ -	\$ -	\$ -	0	\$ -
Doctorate Nurse Practitioner Nursing Fee (632)	\$ 375	\$ 375	\$ -	\$ -	\$ -	0	\$ -
EDPD (per credit hour)	\$ 145	\$ 145	\$ -	\$ -	\$ -	0	\$ -
Education Major Fee	\$ 120	\$ 120	\$ -	\$ -	\$ -	0	\$ -
Education Course Fee (150, 200, 360) EDUC Majors Only	\$ -	\$ 90	\$ 90	\$ -	\$ -	0	\$ -
Education Fee 461	\$ 300	\$ 300	\$ -	\$ -	\$ -	0	\$ -
Education Fee 590	\$ 300	\$ 300	\$ -	\$ -	\$ -	0	\$ -
Electronic Course fee (per credit hour)	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Emergency Transcript	\$ 15	\$ 15	\$ -	\$ -	\$ -	0	\$ -
English Course Fee (101S)	\$ 30	\$ 30	\$ -	\$ -	\$ -	0	\$ -
Family & Consumer Sciences Fee	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -
FYEX Course fee	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Graduate Admissions Fee (non-refundable)	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -

Graduate Studies Major Fee, MAT Program	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Graduate Studies Program Fee (Full-time)	\$ 70	\$ 70	\$ -	\$ -	\$ -	0	\$ -
Graduate Studies Program Fee (Part-time)	\$ 45	\$ 45	\$ -	\$ -	\$ -	0	\$ -
Graduation Fee	\$ 65	\$ 65	\$ -	\$ -	\$ -	0	\$ -
Health, Physical Education, Recreation & Sports Fee	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -
History Course Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
History Course Fee (304 only)	\$ 75	\$ 75	\$ -	\$ -	\$ -	0	\$ -
History Course Fee (427 only)	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
I.D. Card Replacement	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Language Fee	\$ 35	\$ 35	\$ -	\$ -	\$ -	0	\$ -
Late Graduation Application Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Late Payment Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Late Registration Fee (non-refundable)	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
MAT Transcript Analysis Fee	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Math Course Fee	\$ 30	\$ 30	\$ -	\$ -	\$ -	0	\$ -
Math Course Fee (107A, 107B, 109A)	\$ 30	\$ 30	\$ -	\$ -	\$ -	0	\$ -
Math Course Fee (489 Only)	\$ 45	\$ 45	\$ -	\$ -	\$ -	0	\$ -
MBA Fee	\$ 35	\$ 35	\$ -	\$ -	\$ -	0	\$ -
Music Lab Fee	\$ 30	\$ 30	\$ -	\$ -	\$ -	0	\$ -
Music Major Fee	\$ 70	\$ 70	\$ -	\$ -	\$ -	0	\$ -
Music Course Fee (230 only)	\$ 222	\$ 222	\$ -	\$ -	\$ -	0	\$ -
Music Course Fee (231 only)	\$ 192	\$ 192	\$ -	\$ -	\$ -	0	\$ -
Music Course Fee (232 only)	\$ 189	\$ 189	\$ -	\$ -	\$ -	0	\$ -
Music Course Fee (233 only)	\$ 168	\$ 168	\$ -	\$ -	\$ -	0	\$ -
Music Course Fee (239 only)	\$ 99	\$ 99	\$ -	\$ -	\$ -	0	\$ -
Nursing Course Fee (444)	\$ 75	\$ 75	\$ -	\$ -	\$ -	0	\$ -
Nursing Course Fee (632)	\$ 375	\$ 375	\$ -	\$ -	\$ -	0	\$ -
Nursing Lab Fee	\$ 150	\$ 150	\$ -	\$ -	\$ -	0	\$ -
Nursing NCLEX Review Fee (senior year only)	\$ 525	\$ 525	\$ -	\$ -	\$ -	0	\$ -
Nursing Program Fee	\$ 90	\$ 90	\$ -	\$ -	\$ -	0	\$ -
Nutrition Program (ACEND Accred.)	\$ -	\$ 13	\$ 13	\$ -	\$ -	0	\$ -
Nutrition Course Fee (202)	\$ -	\$ 45	\$ 45	\$ -	\$ -	0	\$ -
Nutrition Course Fee (328, 329)	\$ -	\$ 35	\$ 35	\$ -	\$ -	0	\$ -
Nutrition Course Fee (420, 430)	\$ -	\$ 25	\$ 25	\$ -	\$ -	0	\$ -
Parking Fee	\$ 70	\$ 70	\$ -	\$ -	\$ -	0	\$ -
Photography Course Fee (480, 495)	\$ 50	\$ 75	\$ 25	\$ -	\$ -	0	\$ -
Physical Education Major Program Fee	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Political Science Course Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
RBA Posting Fee (per credit hour)	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Recreation Major Program Fee	\$ 40	\$ 40	\$ -	\$ -	\$ -	0	\$ -
Recreation Course Fee (211)/Leadership in Recr/Sport	\$ -	\$ 68	\$ 68	\$ -	\$ -	0	\$ -
Regents' BA Degree Evaluation	\$ 300	\$ 300	\$ -	\$ -	\$ -	0	\$ -
Return Check Handling Fee	\$ 20	\$ 20	\$ -	\$ -	\$ -	0	\$ -
Science Lab Fee	\$ 70	\$ 70	\$ -	\$ -	\$ -	0	\$ -
Social Work fee (311 only)	\$ 45	\$ 45	\$ -	\$ -	\$ -	0	\$ -
Special Examination (per credit hour)	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Student Services Fee	\$ 160	\$ 160	\$ -	\$ -	\$ -	0	\$ -
Theater Fee	\$ 50	\$ 50	\$ -	\$ -	\$ -	0	\$ -
Transcript (after first request)	\$ 5	\$ 5	\$ -	\$ -	\$ -	0	\$ -
<b>West Liberty University</b>							
Undergraduate College/Program Fees							
College of Sciences	\$ 300	\$ 325	\$ 25	\$ 192,522	\$ 10,500	420	\$ 203,022
Athletic Training, Ex Phys, Music	\$ 300	\$ 300	\$ -	\$ 51,177	\$ -	157	\$ 51,177
College of Business, Broadcasting, GD, DMD	\$ 200	\$ 200	\$ -	\$ 265,833	\$ -	423	\$ 265,833
Nursing	\$ 775	\$ 775	\$ -	\$ 214,758	\$ -	47	\$ 214,758
Dental Hygiene	\$ 475	\$ 475	\$ -	\$ 204,441	\$ -	71	\$ 204,441
College of Education	\$ 250	\$ 250	\$ -	\$ 57,736	\$ -	162	\$ 57,736
Speech Pathology	\$ 300	\$ 600	\$ 300	\$ -	\$ 11,100	37	\$ 11,100
ADA Accommodation Evaluation	\$ 250	\$ 250	\$ -	\$ (750)	\$ -	5	\$ (750)
ACT Fee	\$ 53	\$ 53	\$ -	\$ 105	\$ -	2	\$ 105
Anatomy Accommodation Evaluation	\$ 50	\$ -	\$ (50)	\$ 4,275	\$ (4,500)	90	\$ (225)
Athletic Training Materials Fee (MSAT)	\$ -	\$ 320	\$ 320	\$ -	\$ 3,200	10	\$ 3,200
Badges - Student Teacher / DH / Nursing	\$ 5	\$ 5	\$ -	\$ 500	\$ -	100	\$ 500
BOR Degree Program Fees	\$ 300	\$ 300	\$ -	\$ 1,300	\$ -	8	\$ 1,300
CEU Course Fee	\$ 180	\$ 180	\$ -	\$ 32,580	\$ -	180	\$ 32,580
Dental Hygiene Dental Materials Lab	\$ 30	\$ 30	\$ -	\$ 900	\$ -	30	\$ 900
Dental Hygiene Instrument Kit Clinic I	\$ 1,305	\$ 1,370	\$ 65	\$ 46,350	\$ 1,950	30	\$ 48,300
Dental Hygiene Supplies Clinic IV	\$ 115	\$ 115	\$ -	\$ 3,450	\$ -	30	\$ 3,450
Dental Hygiene Loupes and Supplies Clinic III	\$ 1,400	\$ 1,365	\$ (35)	\$ 37,950	\$ (1,050)	30	\$ 36,900
Dental Hygiene Instrument Kit Clinic II	\$ 1,214	\$ 1,200	\$ (14)	\$ 36,360	\$ (420)	30	\$ 35,940
Dental Hygiene X-Ray XCP Instruments	\$ 225	\$ 225	\$ -	\$ 6,900	\$ -	30	\$ 6,900
Diploma Replacement	\$ 25	\$ 25	\$ -	\$ 100	\$ -	2	\$ 100
EMS Course Fee	\$ 140	\$ 140	\$ -	\$ 1,400	\$ -	10	\$ 1,400
First Aid Course Fee	\$ 50	\$ 50	\$ -	\$ 500	\$ -	10	\$ 500
Graduation - Graduate	\$ 160	\$ 160	\$ -	\$ 13,475	\$ -	60	\$ 13,475
Graduation - Undergraduate	\$ 135	\$ 135	\$ -	\$ 58,800	\$ -	500	\$ 58,800
Hilltopper Academy Registration	\$ 50	\$ 50	\$ -	\$ 600	\$ -	18	\$ 600
International Student Fee	\$ 250	\$ 250	\$ -	\$ 18,250	\$ -	60	\$ 18,250
Late Graduation	\$ 110	\$ 110	\$ -	\$ -	\$ -	0	\$ -

Late Payment	\$ 110	\$ 110	\$ -	\$ 11,000	\$ -	100	\$ 11,000
Late Registration	\$ 100	\$ 100	\$ -	\$ 55,000	\$ -	550	\$ 55,000
Master in Clinical Psychology Testing Fee	\$ 500	\$ 525	\$ 25	\$ 2,500	\$ 125	5	\$ 2,625
Master in Clinical Psychology Application Fee	\$ -	\$ 25	\$ 25	\$ -	\$ 250	10	\$ 250
MCAT Preparation Fee	\$ 1,300	\$ 1,300	\$ -	\$ 6,500	\$ -	7	\$ 6,500
Microbiology Course Fee	\$ 75	\$ -	\$ (75)	\$ 3,000	\$ (3,000)	40	\$ -
Miller Analog Test	\$ 75	\$ 75	\$ -	\$ 1,000	\$ -	35	\$ 1,000
MS SLP Application Fee	\$ 40	\$ 40	\$ -	\$ 2,000	\$ -	10	\$ 2,000
New Student Orientation	\$ 125	\$ 125	\$ -	\$ 69,000	\$ -	575	\$ 69,000
PA Application	\$ 25	\$ 25	\$ -	\$ 15,725	\$ -	550	\$ 15,725
Parking (Employee per year)	\$ 50	\$ 50	\$ -	\$ 15,000	\$ -	300	\$ 15,000
Parking Permit (student per year)	\$ 40	\$ 40	\$ -	\$ 142,975	\$ -	1,900	\$ 142,975
Private Music Lessons	\$ 175	\$ 250	\$ 75	\$ 26,750	\$ 11,250	150	\$ 38,000
Red Cross Certification	\$ 50	\$ 50	\$ -	\$ 3,650	\$ -	70	\$ 3,650
Registration Reinstatement	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Return Check Charge	\$ 25	\$ 25	\$ -	\$ 500	\$ -	0	\$ 500
Speech Pathology and Audiology Clinic Fee	\$ 300	\$ -	\$ (300)	\$ 1,550	\$ (1,800)	6	\$ (250)
Study Aboard Fee (HEPC) / credit hour < 3 months	\$ 100	\$ 100	\$ -	\$ 2,000	\$ -	8	\$ 2,000
Study Aboard Fee (HEPC) / credit hour > 3 months	\$ 250	\$ 250	\$ -	\$ 1,750	\$ -	7	\$ 1,750
Topper Card damaged	\$ 10	\$ 10	\$ -	\$ -	\$ -	0	\$ -
Topper Card replacement	\$ 15	\$ 15	\$ -	\$ 5,250	\$ -	350	\$ 5,250
Transcripts	\$ 9	\$ 9	\$ -	\$ 22,900	\$ -	2,200	\$ 22,900
Transcripts Priority	\$ 25	\$ 25	\$ -	\$ -	\$ -	0	\$ -
Tuition Payment Plan	\$ 30	\$ 30	\$ -	\$ 10,090	\$ -	340	\$ 10,090
WLU Connect Fee	\$ 25	\$ 25	\$ -	\$ 78,375	\$ -	500	\$ 78,375
Work for Life (plus \$15 per work life credit)	\$ 375	\$ 375	\$ -	\$ 3,000	\$ -	10	\$ 3,000
Zoo Science Course Fee	\$ 1,777	\$ 1,777	\$ -	\$ 315,996	\$ -	200	\$ 315,996
<b>West Virginia State University:</b>							
<b>Application Fees:</b>							
Undergraduate - In/State	\$ 20	\$ 20	\$ -	\$ -	\$ -		\$ -
Undergraduate - Out/State	\$ 20	\$ 20	\$ -	\$ -	\$ -		\$ -
Graduate - In/state	\$ 50	\$ 50	\$ -	\$ -	\$ -		\$ -
Graduate - Out/state	\$ 50	\$ 50	\$ -	\$ -	\$ -		\$ -
<b>Course Fees:</b>							
Applied Music Fee	\$ 46	\$ 46	\$ -	\$ -	\$ -		\$ -
Applied Music Fee (Non-music majors only)	\$ 154	\$ 154	\$ -	\$ -	\$ -		\$ -
Art Fee	\$ 53	\$ 53	\$ -	\$ -	\$ -		\$ -
Communications Fee	\$ 46	\$ 46	\$ -	\$ -	\$ -		\$ -
Science Lab Fee	\$ 61	\$ 61	\$ -	\$ -	\$ -		\$ -
Education 299-07:Praxis Content Elementary	\$ 205	\$ 205	\$ -	\$ -	\$ -		\$ -
Education 299-08:Praxis Content Secondary	\$ 153	\$ 153	\$ -	\$ -	\$ -		\$ -
Education 299-09:Praxis Content Special Education	\$ 179	\$ 179	\$ -	\$ -	\$ -		\$ -
Education 299-10:Praxis Content Foreign Language	\$ 168	\$ 168	\$ -	\$ -	\$ -		\$ -
English Course Fee	\$ 7	\$ 7	\$ -	\$ -	\$ -		\$ -
Math Computer Science Fee	\$ 37	\$ 37	\$ -	\$ -	\$ -		\$ -
Internship Fee	\$ 130	\$ 130	\$ -	\$ -	\$ -		\$ -
Nursing Course HESI Testing Fee (202, 301, 318, 405, 409)	\$ 308	\$ 318	\$ 10	\$ -	\$ -		\$ -
Nursing Course Lab Fee (202, 301, 316, 318, 405, 409)	\$ 80	\$ -	\$ (80)	\$ -	\$ -		\$ -
Nursing Program Fee (200)	\$ 600	\$ 600	\$ -	\$ -	\$ -		\$ -
English as a Second Language (ESL) - One Month	\$ 3,000	\$ 3,000	\$ -	\$ -	\$ -		\$ -
English as a Second Language (ESL) - Two Month	\$ 6,000	\$ 6,000	\$ -	\$ -	\$ -		\$ -
English as a Second Language (ESL) - Semester	\$ 5,400	\$ 5,400	\$ -	\$ -	\$ -		\$ -
Diploma Replacement	\$ 39	\$ 39	\$ -	\$ -	\$ -		\$ -
Transcript (after first)	\$ 12	\$ 12	\$ -	\$ -	\$ -		\$ -
Transcript (online)	\$ 15	\$ 15	\$ -	\$ -	\$ -		\$ -
Thesis Binding Fee (formerly Electronic Thesis Fee)	\$ 198	\$ 198	\$ -	\$ -	\$ -		\$ -
Graduation and Diploma	\$ 168	\$ 168	\$ -	\$ -	\$ -		\$ -
Graduation (Graduate) and Diploma	\$ 168	\$ 168	\$ -	\$ -	\$ -		\$ -
Information Literacy Fee (FT students only)	\$ 105	\$ 105	\$ -	\$ -	\$ -		\$ -
Internet Course Fee - Undergraduate (Web 80-100)	\$ 168	\$ 168	\$ -	\$ -	\$ -		\$ -
Internet Course Fee - Graduate (Web 80-100)	\$ 246	\$ 246	\$ -	\$ -	\$ -		\$ -
Internet Course Fee - Online (Web-50)	\$ 66	\$ 66	\$ -	\$ -	\$ -		\$ -
Key Deposit	\$ 13	\$ 13	\$ -	\$ -	\$ -		\$ -
Late Registration	\$ 39	\$ 39	\$ -	\$ -	\$ -		\$ -
Reinstatement Fee	\$ 30	\$ 30	\$ -	\$ -	\$ -		\$ -
Campus Fee - Non-WVSU Only	\$ 325	\$ 325	\$ -	\$ -	\$ -		\$ -
ID Card Replacement	\$ 24	\$ 24	\$ -	\$ -	\$ -		\$ -
Orientation Fee	\$ 150	\$ 150	\$ -	\$ -	\$ -		\$ -
Parking - Full Year WVSU Faculty and Staff	\$ 110	\$ 110	\$ -	\$ -	\$ -		\$ -
Second Vehicle Full Year WVSU Faculty and Staff	\$ 55	\$ 55	\$ -	\$ -	\$ -		\$ -
Parking-Monthly WVSU Faculty and Staff	\$ 12	\$ 12	\$ -	\$ -	\$ -		\$ -
Parking-Monthly WVSU Student	\$ 8	\$ 8	\$ -	\$ -	\$ -		\$ -
Parking-Adjunct per course per semester	\$ 12	\$ 12	\$ -	\$ -	\$ -		\$ -
Parking Replacement	\$ 17	\$ 17	\$ -	\$ -	\$ -		\$ -
Parking - Special Event Daily Fee	\$ 2	\$ 2	\$ -	\$ -	\$ -		\$ -
Parking - Special Event Half Day Fee	\$ 1	\$ 1	\$ -	\$ -	\$ -		\$ -
Placement Testing Fee	\$ 31	\$ 31	\$ -	\$ -	\$ -		\$ -
Proctor Testing Fee	\$ 46	\$ 46	\$ -	\$ -	\$ -		\$ -
Regents' BA Degree Evaluation	\$ 300	\$ 300	\$ -	\$ -	\$ -		\$ -

Regents' BA Degree Posting Fee (per credit hour)	\$ 10	\$ 10	\$ -	\$ -	\$ -		\$ -
Residence Hall Breakage/Reservation Deposit *non-refundable	\$ 200	\$ 200	\$ -	\$ -	\$ -		\$ -
Returned Check Fee	\$ 25	\$ 25	\$ -	\$ -	\$ -		\$ -

**West Virginia Higher Education Policy Commission**  
**Academic Year 2022-23**  
**Special Fees and Charges (Changes Only)**

II. Special Fees and Charges	Semester/ Occurrence 2021-22	Semester/ Occurrence 2022-23	Increase (Decrease)	Estimated Revenue 2022-23	Revenue Increase 2022-23	Number of Students 2022-23	Estimated Revenue 2022-23
<b>Bluefield State University</b>							
Engineering Technology & Computer Science Fee (per credit hour)	\$ 50	\$ 55	\$ 5	\$ 73,500	\$ 7,350	287	\$ 80,850
RBA Programmatic Fee	\$ 350	\$ 385	\$ 35	\$ 35,000	\$ 3,500	101	\$ 38,500
Health Science Programmatic Fee:							
(A. S. N.)	\$ 600	\$ 630	\$ 30	\$ 201,000	\$ 10,050	338	\$ 211,050
(A. S. R. T. - Summer I & II, Fall, Spring)	\$ 300	\$ 315	\$ 15	\$ 27,000	\$ 1,350	37	\$ 28,350
LPN to RN Program Annual Fee (Bluefield & Beckley Campus)	\$ 600	\$ 630	\$ 30	\$ 22,500	\$ 1,125	105	\$ 23,625
BS Nursing (per credit hour)	\$ 40	\$ 42	\$ 2	\$ 20,800	\$ 1,040	160	\$ 21,840
BS Radiologic Science (per credit hour)	\$ 40	\$ 42	\$ 2	\$ 12,800	\$ 640	104	\$ 13,440
Business Programmatic	\$ 200	\$ 210	\$ 10	\$ 46,000	\$ 2,300	200	\$ 48,300
BS Education Programmatic Fee	\$ 200	\$ 210	\$ 10	\$ 8,000	\$ 400	16	\$ 8,400
On Line Fee (per credit hour)	\$ 40	\$ -	\$ (40)	\$ 470,000	\$ (470,000)	0	\$ -
Portfolio RBA Fee (per credit hour)	\$ 20	\$ 25	\$ 5	\$ 2,400	\$ 600	100	\$ 3,000
Science Programmatic Fee (per credit hour)	\$ 50	\$ 55	\$ 5	\$ 76,500	\$ 7,650	670	\$ 84,150
Late Registration	\$ 50	\$ 75	\$ 25	\$ 15,000	\$ 7,500	300	\$ 22,500
Transcript (After First)	\$ 15	\$ 25	\$ 10	\$ 6,375	\$ (4,250)	85	\$ 2,125
Enhancement Fee (Degree Seeking Students)	\$ 175	\$ -	\$ (175)	\$ 306,250	\$ (306,250)	0	\$ -
Administrative Fee	\$ -	\$ 500	\$ 500	\$ -	\$ 1,151,000	1,151	\$ 1,151,000
<b>Concord University:</b>							
Post Office Box Rental	\$ 7.50	\$ 15	\$ 7.50	\$ 8,225	\$ 8,225	548	\$ 16,450
Nursing Program Fee	\$ -	\$ 1,000	\$ 1,000	\$ -	\$ 30,000	30	\$ 30,000
<b>Fairmont State University</b>							
School of Nursing	\$ 550	\$ 700	\$ 150	\$ 335,000	\$ 91,500	305	\$ 426,500
School of Business	\$ 200	\$ 300	\$ 100	\$ 165,000	\$ 82,500	413	\$ 247,500
College of Liberal Arts	\$ 200	\$ 250	\$ 50	\$ 250,000	\$ 62,500	625	\$ 312,500
Private Pilot License	\$ 12,763	\$ 13,656	\$ 893	\$ 178,000	\$ 12,460	14	\$ 190,460
Instrument Rating License	\$ 12,920	\$ 13,824	\$ 904	\$ 52,000	\$ 3,640	4	\$ 55,640
Commercial License	\$ 27,683	\$ 29,621	\$ 1,938	\$ 415,000	\$ 29,050	15	\$ 444,050
Commercial Twin Add-On (per hour)	\$ 320	\$ 350	\$ 30				\$ -
Architecture Course Fee (per credit hour)	\$ 12	\$ 18	\$ 6	\$ 12,672	\$ 6,336	44	\$ 19,008
Course Fee (per credit hour) (previously known as Technology Fee)	\$ 15	\$ 18	\$ 3	\$ 535,000	\$ 106,992	1,486	\$ 641,992
Digital Resource Fee (per semester)	\$ 120	\$ 25	\$ (95)				\$ -
Digital Equipment Fee (one time fee)	\$ 150	\$ 200	\$ 50				\$ -
Foreign Languages Course Fee (per credit hour)	\$ 12	\$ -	\$ (12)				\$ -
Nursing Lab Fee (per credit hour)	\$ 12	\$ 15	\$ 3				\$ -
Nursing Testing Fee (per semester)	\$ 166	\$ 180	\$ 14				\$ -
Nursing Uniform Fee (once per program)	\$ 210	\$ 250	\$ 40				\$ -
Nursing Acceptance Fee (deposit)	\$ -	\$ 250	\$ 250				\$ -
Returned Check Fee	\$ 15	\$ 25	\$ 10				\$ -
<b>Glenville State University</b>							
Baccalaureate Degree in Criminal Justice - Correction Officers (per credit hour)	\$ 175	\$ 179	\$ 4	\$ -	\$ -	0	\$ -
Bad Check Fee	\$ 30	\$ 35	\$ 5	\$ 25	\$ 150	5	\$ 175
Fees - Commuters	\$ 380	\$ 388	\$ 8	\$ 193,040	\$ 36,697	291	\$ 229,737
Fees - Commuters - Part-time	\$ 250	\$ 255	\$ 5	\$ 21,720	\$ 21,595	43	\$ 43,315
Fees - Residence Hall Students	\$ 500	\$ 510	\$ 10	\$ 562,500	\$ (7,717)	543	\$ 554,783
Fees - On-line Only Program Students not Living on Campus	\$ 205	\$ 209	\$ 4	\$ 15,170	\$ 16,856	78	\$ 32,026
Nursing Program Fee (per semester)	\$ -	\$ 50	\$ 50	\$ -	\$ -	0	\$ -
<b>Marshall University</b>							
E-Delivery Course Fee	\$ 40	\$ 50	\$ 10	\$ -	\$ -	0	\$ -
Intensive English Program - online - per semester	\$ -	\$ 3,200	\$ 3,200	\$ -	\$ -	0	\$ -
Undergraduate Distance Programs (Specifically identified) - per semester Full-time	\$ 3,220	\$ 3,380	\$ 160	\$ -	\$ -	0	\$ -
Graduate Distance Programs (Specifically identified) - per semester Full-time	\$ 3,473	\$ 3,555	\$ 82	\$ -	\$ -	0	\$ -
COHP Distance Dietetic Internship Certificate Program	\$ 4,167	\$ -	\$ (4,167)	\$ -	\$ -	0	\$ -
COHP Distance Dietetic Internship MS Program	\$ -	\$ 5,832	\$ 5,832	\$ -	\$ -	0	\$ -
International Student Fee	\$ 100	\$ 200	\$ 100	\$ -	\$ -	0	\$ -
Pharmacy - Progression Fee (Annual)	\$ 280	\$ 390	\$ 110	\$ -	\$ -	0	\$ -
<b>Shepherd University:</b>							
Education Course Fee (150, 200, 360) EDUC Majors Only	\$ -	\$ 90	\$ 90	\$ -	\$ -	0	\$ -
Nutrition Program (ACEND Accred.)	\$ -	\$ 13	\$ 13	\$ -	\$ -	0	\$ -
Nutrition Course Fee (202)	\$ -	\$ 45	\$ 45	\$ -	\$ -	0	\$ -
Nutrition Course Fee (328, 329)	\$ -	\$ 35	\$ 35	\$ -	\$ -	0	\$ -
Nutrition Course Fee (420, 430)	\$ -	\$ 25	\$ 25	\$ -	\$ -	0	\$ -

Photography Course Fee (480, 495)	\$ 50	\$ 75	\$ 25	\$ -	\$ -	0	\$ -
Recreation Course Fee (211)/Leadership in Recr/Sport	\$ -	\$ 68	\$ 68	\$ -	\$ -	0	\$ -
<b>West Liberty University</b>							
College of Sciences	\$ 300	\$ 325	\$ 25	\$ 192,522	\$ 10,500	420	\$ 203,022
Speech Pathology	\$ 300	\$ 600	\$ 300	\$ -	\$ 11,100	37	\$ 11,100
Anatomy Accommodation Evaluation	\$ 50	\$ -	\$ (50)	\$ 4,275	\$ (4,500)	90	\$ (225)
Athletic Training Materials Fee (MSAT)	\$ -	\$ 320	\$ 320	\$ -	\$ 3,200	10	\$ 3,200
Dental Hygiene Instrument Kit Clinic I	\$ 1,305	\$ 1,370	\$ 65	\$ 46,350	\$ 1,950	30	\$ 48,300
Dental Hygiene Loupes and Supplies Clinic III	\$ 1,400	\$ 1,365	\$ (35)	\$ 37,950	\$ (1,050)	30	\$ 36,900
Dental Hygiene Instrument Kit Clinic II	\$ 1,214	\$ 1,200	\$ (14)	\$ 36,360	\$ (420)	30	\$ 35,940
Master in Clinical Psychology Testing Fee	\$ 500	\$ 525	\$ 25	\$ 2,500	\$ 125	5	\$ 2,625
Master in Clinical Psychology Application Fee	\$ -	\$ 25	\$ 25	\$ -	\$ 250	10	\$ 250
Microbiology Course Fee	\$ 75	\$ -	\$ (75)	\$ 3,000	\$ (3,000)	40	\$ -
Private Music Lessons	\$ 175	\$ 250	\$ 75	\$ 26,750	\$ 11,250	150	\$ 38,000
Speech Pathology and Audiology Clinic Fee	\$ 300	\$ -	\$ (300)	\$ 1,550	\$ (1,800)	6	\$ (250)
<b>West Virginia State University:</b>							
<i>Course Fees:</i>							
Nursing Course HESI Testing Fee (202, 301, 318, 405, 409)	\$ 308	\$ 318	\$ 10				\$ -
Nursing Course Lab Fee (202, 301, 316, 318, 405, 409)	\$ 80	\$ -	\$ (80)				\$ -
<b>WV School of Osteopathic Medicine:</b>							

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Review of Institutional Operating and Capital Budgets and the Approval of Institutional Capital Budgets

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2023 institutional capital budgets.

**STAFF MEMBER:** Ed Magee

**BACKGROUND:**

W. Va. Code §18B-1B-4 requires the Commission to review institutional operating budgets and review and approve capital budgets for all governing boards under its jurisdiction, except the governing boards of statutorily and administratively exempt institutions. For the governing boards of exempt institutions, the Commission may review and comment upon the institutional operating budgets and capital budgets. The Commission's comments, if any, must be made part of the governing board's minute record.

The operating and capital budgets were submitted on forms prescribed by Commission staff. Together, the operating and capital budgets reflect all planned revenues and expenditures for Fiscal Year 2023. The historical operating data as well as operating and capital budget data for Fiscal Year 2022 are provided for comparison purposes. To provide a complete description of planned expenditures, debt principal payments are included in the capital budget.

The format for the Budget Analysis is similar to the format used to prepare institutional financial statements. The Income Before Other Revenues, Expenses, Gains or Losses reflects institutional income before capital grants, gifts and bond proceeds from the Commission. Capital grants, gifts and bond proceeds tend to be one-time, non-recurring sources of revenue and are not reflective of trends. The effect of the OPEB liability and expense is also reflected in the budget.

The Capital Budget displays the funding sources and uses for institutional capital projects and other capital expenditures as well as debt financing. The capital projects are categorized investment criteria. The definitions for these categories are provided below.

The Budget Analysis includes federal and state grants and contracts. The actual revenues received may vary considerably from budgeted amounts because grant award processes are very competitive. Actual capital expenditures may also vary significantly from budgets

because projects may be delayed for a variety of reasons. In addition, unanticipated building repairs may be required during a fiscal year.

**Higher Education Policy Commission  
Community and Technical College System  
Capital Budget Definitions**

**Investment Criteria**

“Asset Preservation” means projects that preserve or enhance the integrity of building systems or building structure, or campus infrastructure.

“Economic Operations” means projects that result in a reduction of annual operating costs or capital savings.

“Equipment” means movable capitalized equipment.

“Misc. Repairs and Alterations” means repair and alteration projects for less than \$100,000 for institutions with fewer than 10,000 students and \$1 million for institutions with more than 10,000 FTE.

“New Construction” means new facilities and/or additions adding new square feet and new infrastructure.

“Program Improvement” means 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.

“Reliability” means issues of imminent failure or compromise to the system that may result in interruption to program or use of space.

“Safety/Code” means 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.



**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Bluefield State University**  
**Operating Budget**  
**(Dollars in Thousands)**  
**FY 2023**

	<b>FY 2022 YTD Actual</b>	<b>FY 2022 Budget</b>	<b>FY 2023 Budget</b>
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$10,567	\$10,330	\$13,055
Grants and Contracts	6,607	6,113	13,807
Auxiliary Enterprises	1,464	965	810
Service Agreement Revenues	0	0	0
Other Operating Revenues	27	0	0
<b>TOTAL OPERATING REVENUES</b>	<b><u>18,665</u></b>	<b><u>17,408</u></b>	<b><u>27,672</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	9,875	12,426	13,991
Benefits	2,271	2,974	3,432
Utilities	1,034	865	1,595
Supplies and Other Services	7,408	5,530	8,979
Scholarships and Fellowships	4,629	5,200	9,324
Other Operating Expenses	0	0	0
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	1,503	1,713	1,804
<b>TOTAL OPERATING EXPENSES</b>	<b><u>26,720</u></b>	<b><u>28,708</u></b>	<b><u>39,125</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	5,223	6,287	6,649
Federal Pell Grants	2,959	3,300	3,000
Gifts	0	0	0
Interest on capital asset related debt	0	0	0
Assessments by the Commission for Systems Debt	0	0	0
Other Nonoperating revenues	0	0	0
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>8,182</u></b>	<b><u>9,587</u></b>	<b><u>9,649</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>127</u></b>	<b><u>(1,713)</u></b>	<b><u>(1,804)</u></b>
<b>Capital Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Increase Decrease in Net Position</b>	<b><u>\$127</u></b>	<b><u>(\$1,713)</u></b>	<b><u>(\$1,804)</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>147</u></b>	<b><u>319</u></b>	<b><u>107</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$274</u></b>	<b><u>(\$1,394)</u></b>	<b><u>(\$1,697)</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>39,507</b>	<b>13,512</b>	<b>39,781</b>
<b>Ending Net Position excluding OPEB</b>	<b>39,781</b>	<b>12,118</b>	<b>38,084</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$578</b>	<b>\$578</b>	<b>\$578</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$578</b>	<b>\$578</b>	<b>\$578</b>

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Capital Budget**  
**Bluefield State University**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ 31,000	\$ 31,000
Other Financing	1,200,000	-
Federal Grants	-	500,000
State Support	2,000,000	2,000,000
Current Revenue/Savings	300,000	650,000
<b>Total Funding Sources</b>	<b>3,531,000</b>	<b>3,181,000</b>
<b>Uses by Project Category:</b>		
Safety/Code	-	500,000
Program Improvement	3,200,000	2,650,000
<b>Total Uses</b>	<b>3,200,000</b>	<b>3,150,000</b>
<b>Debt Financing</b>		
Bond Principal Payment	(120,000)	-
<b>Total Debt Financing Costs</b>	<b>(120,000)</b>	<b>-</b>
<b>Balances</b>		
Beginning Investment in Plant	37,521,000	37,928,000
Beginning Long Term Plant Debt	-	-
Beginning Net Investment In Plant	37,521,000	37,928,000
Total Additions to Plant Facilities	3,200,000	3,150,000
Depreciation	1,713,000	1,804,000
Net Change in Long Term Debt	1,080,000	-
Ending Net Investment in Plant	37,928,000	39,274,000

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
Bluefield State University**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30, 2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$2,430,960</b>	<b>\$3,131,455</b>	<b>\$4,908,455</b>	<b>\$1,124,455</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$21,548,000</b>	<b>\$25,211,000</b>	<b>\$25,070,000</b>	<b>\$29,229,000</b>
<b>Number of Days cash on hand</b>	<b>41</b>	<b>45</b>	<b>71</b>	<b>14</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Concord University**  
**Operating Budget**  
**(Dollars in Thousands)**  
**FY 2023**

	FY 2022 YTD Actual	FY 2022 Budget	FY 2023 Budget
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$5,741,987	8,403,293	\$8,432,777
Grants and Contracts	5,836,450	10,568,368	11,234,891
Auxiliary Enterprises	7,247,676	8,075,079	8,361,968
Service Agreement Revenues	0	150,000	150,000
Other Operating Revenues	633,848	781,568	595,816
<b>TOTAL OPERATING REVENUES</b>	<b><u>19,459,961</u></b>	<b><u>27,978,308</u></b>	<b><u>28,775,452</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	11,793,906	17,250,736	18,133,368
Benefits	2,769,299	4,211,782	4,243,155
Utilities	1,080,589	1,843,133	1,555,945
Supplies and Other Services	9,727,430	15,948,510	13,998,592
Scholarships and Fellowships	5,561,301	5,330,434	2,823,657
Other Operating Expenses	0	0	0
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	1,818,152	2,690,398	2,388,693
<b>TOTAL OPERATING EXPENSES</b>	<b><u>32,750,677</u></b>	<b><u>47,274,993</u></b>	<b><u>43,143,410</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	7,621,591	10,476,415	10,836,907
Federal Pell Grants	3,199,478	3,429,145	3,479,145
Interest Income	98,002	492,537	142,537
Cares Act Grants			
Cares Act Grants	1,895,909	3,716,033	0
Cares Act Institutional	2,923,923	2,928,923	950,000
Gifts			
Interest on capital asset related debt	(493,186)	(664,291)	(628,733)
Assessments by the Commission for Systems Debt	(6,746)	(13,550)	(13,550)
Other Nonoperating revenues	<u>4,999</u>	<u>45,290</u>	<u>45,290</u>
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>15,243,971</u></b>	<b><u>20,410,503</u></b>	<b><u>14,811,596</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>1,953,254</u></b>	<b><u>1,113,818</u></b>	<b><u>443,638</u></b>
<b>Capital Revenues</b>	535,796	586,200	15,000
<b>Increase Decrease in Net Position</b>	<b><u>\$2,489,051</u></b>	<b><u>\$1,700,018</u></b>	<b><u>\$458,638</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>0</u></b>	<b><u>288,621</u></b>	<b><u>295,346</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses</b>	<b><u>\$1,953,254</u></b>	<b><u>\$1,988,638</u></b>	<b><u>\$738,984</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>50,372,427</b>	<b>50,372,427</b>	<b>50,372,427</b>
<b>Ending Net Position excluding OPEB</b>	<b>52,861,478</b>	<b>52,361,065</b>	<b>51,111,411</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$2,484,250</b>	<b>\$2,484,250</b>	<b>\$2,484,250</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$2,484,250</b>	<b>\$2,484,250</b>	<b>\$2,484,250</b>

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Capital Budget  
Concord University**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ 667,847	\$ 635,466
Gifts	535,796	-
Grants	-	64,000
State Support		545,000
Current Revenue/Savings	1,064,487	981,049
<b>Total Funding Sources</b>	<b>2,268,130</b>	<b>2,225,515</b>
<b>Uses by Project Category:</b>		
Reliability		586,105
Program Improvement	535,796	242,252
New Construction	132,048	119,280
Miscellaneous Capital Repairs and Alterations	230,458	230,458
<b>Total Uses</b>	<b>898,301</b>	<b>1,178,095</b>
<b>Debt Financing</b>		
Bond Principal Payment	400,000	420,000
Lease Principal Payment	369,991	424,927
<b>Total Debt Financing Costs</b>	<b>769,991</b>	<b>844,927</b>
<b>Balances</b>		
Beginning Investment in Plant	57,792,965	55,230,877
Beginning Long Term Plant Debt	(15,359,410)	(14,589,419)
Beginning Net Investment In Plant	42,433,555	40,641,458
Total Additions to Plant Facilities	898,301	1,178,095
Depreciation	(2,690,398)	(2,388,693)
Net Change in Long Term Debt	(1,792,097)	(1,210,598)
Ending Net Investment in Plant	40,641,458	39,430,860

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
Concord University**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30,2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$4,637,735</b>	<b>\$3,240,000</b>	<b>\$8,756,185</b>	<b>\$6,396,943</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$39,257,574</b>	<b>\$39,257,574</b>	<b>\$47,274,993</b>	<b>\$47,274,993</b>
<b>Number of Days cash on hand</b>	<b>43</b>	<b>30</b>	<b>68</b>	<b>49</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Fairmont State University**  
**Operating Budget - DRAFT**  
**(Dollars in Thousands)**  
**FY 2023**

	<b>FY 2022 YTD Actual</b>	<b>FY 2022 Budget</b>	<b>FY 2023 Budget</b>
<b>OPERATING REVENUES</b>			
Tuition and Fees	26,623	30,887	28,187
Grants and Contracts	23,115	30,290	30,290
Auxiliary Enterprises	9,268	11,397	9,397
Service Agreement Revenues	488	650	450
Other Operating Revenues	166	482	482
<b>TOTAL OPERATING REVENUES</b>	<b><u>59,659</u></b>	<b><u>73,706</u></b>	<b><u>68,806</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	19,836	32,170	33,126
Benefits	4,501	7,242	7,242
Utilities	1,552	2,310	2,310
Supplies and Other Services	8,656	22,695	21,446
Scholarships and Fellowships	37,339	41,825	28,852
Other Operating Expenses	7,803	7,408	7,408
<b>TOTAL OPERATING EXPENSES</b>	<b><u>79,686</u></b>	<b><u>113,649</u></b>	<b><u>100,383</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	18,600	18,600	19,273
Federal Pell Grants	4,989	6,000	6,000
Federal HEERF Revenues	9,356	15,073	2,000
Gifts	151	558	558
Interest on capital asset related debt	(1,807)	(1,959)	(1,959)
Interagency Contract Payments - Pierpont	1,085	1,085	1,250
Other Nonoperating revenues	3	69	69
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>32,378</u></b>	<b><u>39,427</u></b>	<b><u>27,191</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>12,350</u></b>	<b><u>(516)</u></b>	<b><u>(4,385)</u></b>
<b>Capital Revenues</b>	-	-	-
<b>Lost Revenues Recovered from HEERF</b>	2,245	-	3,000
<b>Increase Decrease in Net Position</b>	<b><u>14,595</u></b>	<b><u>(\$516)</u></b>	<b><u>(\$1,385)</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$14,595</u></b>	<b><u>(\$516)</u></b>	<b><u>(\$1,385)</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>118,832</b>	<b>118,832</b>	<b>118,316</b>
<b>Ending Net Position excluding OPEB</b>	<b>133,427</b>	<b>118,316</b>	<b>116,931</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Capital Budget**  
**Fairmont State University**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ 420	\$ 1,805
State Support	500	-
<b>Total Funding Sources</b>	<b>920</b>	<b>1,805</b>
<b>Uses by Project Category:</b>		
Reliability	355	1,100
Safety/Code	-	225
Program Improvement	150	100
Miscellaneous Capital Repairs and Alterations	215	330
Equipment	200	50
<b>Total Uses</b>	<b>920</b>	<b>1,805</b>
<b>Debt Financing</b>		
New Bond Debt		
Bond Principal Payment - Prior to Refunding	(3,595)	(3,754)
Lease Liability	(92)	(94)
<b>Total Debt Financing Costs</b>	<b>(3,687)</b>	<b>(3,848)</b>
<b>Balances</b>		
Beginning Investment in Plant	136,668	132,368
Beginning Long Term Plant Debt	61,943	58,256
Beginning Net Investment In Plant	74,725	74,112
Total Additions to Plant Facilities	600	1,325
Depreciation	4,900	4,600
Net Change in Long Term Debt	(3,687)	(3,848)
Ending Net Investment in Plant	74,112	74,686



**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
Fairmont State University**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30,2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$49,965</b>	<b>\$42,507</b>	<b>\$59,713</b>	<b>\$52,255</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$111,178</b>	<b>\$111,178</b>	<b>\$113,649</b>	<b>\$113,649</b>
<b>Number of Days cash on hand</b>	<b>164</b>	<b>140</b>	<b>192</b>	<b>168</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Glenville State College  
Operating Budget  
(Dollars in Thousands)  
FY 2023**

	<b>FY 2022 YTD Actual</b>	<b>FY 2022 Budget</b>	<b>FY 2023 Budget</b>
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$6,493	\$7,476	\$8,621
Grants and Contracts	1,742	1,738	1,082
Auxiliary Enterprises	6,374	7,071	6,944
Service Agreement Revenues	0	0	0
Other Operating Revenues	1,448	3,005	2,533
<b>TOTAL OPERATING REVENUES</b>	<b><u>16,057</u></b>	<b><u>19,290</u></b>	<b><u>19,180</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	8,493	10,395	11,043
Benefits	574	3,065	3,299
Utilities	1,193	1,370	1,450
Supplies and Other Services	2,697	3,601	3,781
Scholarships and Fellowships	2,765	2,500	2,500
Other Operating Expenses	3,997	2,792	2,647
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	2,083	2,500	2,600
<b>TOTAL OPERATING EXPENSES</b>	<b><u>21,802</u></b>	<b><u>26,223</u></b>	<b><u>27,320</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	5,373	6,447	6,769
Federal Pell Grants	3,354	3,354	3,400
HEERF II and III	3,078	3,100	0
Gifts	0	0	0
Interest on capital asset related debt	(1,538)	(1,761)	(1,731)
Assessments by the Commission for Systems Debt	(98)	(98)	(98)
Other Nonoperating revenues	0	0	0
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>10,169</u></b>	<b><u>11,042</u></b>	<b><u>8,340</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>4,424</u></b>	<b><u>4,109</u></b>	<b><u>200</u></b>
<b>Capital Revenues</b>		0	
<b>Increase Decrease in Net Position</b>	<b><u>\$4,424</u></b>	<b><u>\$4,109</u></b>	<b><u>\$200</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$4,424</u></b>	<b><u>\$4,109</u></b>	<b><u>\$200</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>30,845</b>	<b>32,190</b>	<b>30,845</b>
<b>Ending Net Position excluding OPEB</b>	<b>35,269</b>	<b>36,299</b>	<b>31,045</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Capital Budget**  
**Glenville State College**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ 200,000	\$ 200,000
HEPC Bond Proceeds	75,000	
Other Financing (HEPC Energy Savings Loan)	200,000	800,000
Federal Grants	325,000	400,000
Grants	540,000	1,600,000
Rent/Rent Savings	120,000	120,000
<b>Total Funding Sources</b>	<b>1,460,000</b>	<b>3,120,000</b>
<b>Uses by Project Category:</b>		
Reliability	200,000	200,000
Safety/Code	200,000	200,000
Economic Operations	120,000	150,000
Program Improvement	540,000	1,600,000
Asset Preservation	100,000	670,000
Miscellaneous Capital Repairs and Alterations	100,000	100,000
Equipment	200,000	200,000
<b>Total Uses</b>	<b>1,460,000</b>	<b>3,120,000</b>
<b>Debt Financing</b>		
HEPC Energy Savings Fund Debt	1,000,000	
Bond Principal Payment	(735,000)	(760,000)
Lease Principal Payment	(214,354)	(221,051)
<b>Total Debt Financing Costs</b>	<b>50,646</b>	<b>(981,051)</b>
<b>Balances</b>		
Beginning Investment in Plant	-	-
Beginning Long Term Plant Debt	-	-
Beginning Net Investment In Plant	-	-
<b>Total Additions to Plant Facilities</b>	<b>1,460,000</b>	<b>3,120,000</b>
<b>Depreciation</b>	<b>2,395,000</b>	<b>2,500,000</b>
<b>Net Change in Long Term Debt</b>	<b>50,646</b>	<b>(981,051)</b>
<b>Ending Net Investment in Plant</b>	<b>(884,354)</b>	<b>1,601,051</b>

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
Glenville State College**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30, 2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$2,089,600</b>	<b>\$900,000</b>	<b>\$4,823,431</b>	<b>\$2,959,796</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$26,223,000</b>	<b>\$26,223,000</b>	<b>\$27,320,000</b>	<b>\$27,320,000</b>
<b>Number of Days cash on hand</b>	<b>29</b>	<b>13</b>	<b>64</b>	<b>40</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Marshall University**  
**Operating Budget**  
**(Dollars in Thousands)**  
**FY 2023**

	<b>FY 2022 YTD Actual</b>	<b>FY 2022 Budget</b>	<b>FY 2023 Budget</b>
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$33,859	\$76,423	\$79,249
Grants and Contracts	38,748	85,472	94,122
Auxiliary Enterprises	15,236	24,184	29,934
Service Agreement Revenues	0	0	0
Other Operating Revenues	4,692	8,832	10,987
<b>TOTAL OPERATING REVENUES</b>	<b><u>92,535</u></b>	<b><u>194,911</u></b>	<b><u>214,292</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	73,763	142,684	151,117
Benefits	17,906	40,758	39,678
Utilities	4,402	9,302	9,490
Supplies and Other Services	32,533	70,350	82,569
Scholarships and Fellowships	20,615	21,348	18,581
Other Operating Expenses	0	200	200
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	7,986	16,200	16,350
<b>TOTAL OPERATING EXPENSES</b>	<b><u>157,205</u></b>	<b><u>300,842</u></b>	<b><u>317,985</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	30,784	67,018	70,162
Federal Pell Grants	8,246	17,500	15,613
Gifts	470	488	1,165
Interest on capital asset related debt	(3,193)	(5,852)	(6,280)
Assessments by the Commission for Systems Debt	(189)	(293)	(326)
Other Nonoperating revenues	<u>29,258</u>	<u>4,472</u>	<u>4,010</u>
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>65,376</u></b>	<b><u>83,333</u></b>	<b><u>84,344</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>706</u></b>	<b><u>(22,598)</u></b>	<b><u>(19,349)</u></b>
<b>Capital Revenues</b>		0	
<b>Increase Decrease in Net Position</b>	<b><u>\$706</u></b>	<b><u>(\$22,598)</u></b>	<b><u>(\$19,349)</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$706</u></b>	<b><u>(\$22,598)</u></b>	<b><u>(\$19,349)</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>460,290</b>	<b>460,290</b>	<b>437,692</b>
<b>Ending Net Position excluding OPEB</b>	<b>460,996</b>	<b>437,692</b>	<b>418,343</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$15,176</b>	<b>\$15,176</b>	<b>\$15,176</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$15,176</b>	<b>\$15,176</b>	<b>\$15,176</b>

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Capital Budget  
Marshall University**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ 6,060,000	\$ 2,537,000
Current Revenue/Savings	125,000	875,000
<b>Total Funding Sources</b>	<b>6,185,000</b>	<b>3,412,000</b>
<b>Uses by Project Category:</b>		
Reliability	300,000	250,000
Safety/Code	100,000	750,000
Program Improvement	125,000	375,000
New Construction	2,600,000	
Miscellaneous Capital Repairs and Alterations	1,650,000	250,000
Equipment	1,410,000	1,787,000
<b>Total Uses</b>	<b>6,185,000</b>	<b>3,412,000</b>
<b>Debt Financing</b>		
Bond Principal Payment	(2,135,000)	(2,180,000)
Lease Principal Payment	(679,730)	(750,649)
<b>Total Debt Financing Costs</b>	<b>(2,814,730)</b>	<b>(2,930,649)</b>
<b>Balances</b>		
Beginning Investment in Plant	450,835,105	440,820,105
Beginning Long Term Plant Debt	157,103,960	154,289,230
Beginning Net Investment In Plant	293,731,145	286,530,875
Total Additions to Plant Facilities	6,185,000	3,412,000
Depreciation	16,200,000	16,200,000
Net Change in Long Term Debt	(2,814,730)	(2,930,649)
Ending Net Investment in Plant	286,530,875	276,673,524

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
Marshall University**

	December 31, 2020	June 30, 2021	December 31, 2021	Projected June 30, 2022
Cash Balance - Current Assets	\$68,189,027	\$66,680,797	\$79,433,919	\$78,709,158
Annual Operating Expense Budget (1)	\$261,677,528	\$261,677,528	\$283,020,797	\$283,020,797
Number of Days cash on hand	95	93	102	102

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Shepherd University**  
**Operating Budget**  
**(Dollars in Thousands)**  
**FY 2022**

As of  
3/31/2022

	<b>FY 2022 YTD Actual</b>	<b>FY 2022 Budget</b>	<b>FY 2023 Budget</b>
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$13,253	\$14,128	\$15,657
Grants and Contracts	4,488	5,508	9,443
Auxiliary Enterprises	10,071	10,137	11,101
Service Agreement Revenues	0	31	31
Other Operating Revenues	255	384	370
<b>TOTAL OPERATING REVENUES</b>	<b><u>28,067</u></b>	<b><u>30,188</u></b>	<b><u>36,602</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	18,846	24,329	25,138
Benefits	4,144	5,649	5,392
Utilities	2,020	2,974	2,819
Supplies and Other Services	8,486	10,198	10,198
Scholarships and Fellowships	6,469	6,986	5,947
Other Operating Expenses	0	0	0
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	4,034	6,198	6,400
<b>TOTAL OPERATING EXPENSES</b>	<b><u>43,999</u></b>	<b><u>56,334</u></b>	<b><u>55,894</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	9,370	12,494	13,027
Federal Pell Grants	3,603	4,500	4,000
Investment Income	6	23	15
Capital Grant	7,239	8,000	1,075
Gifts	1,230	1,500	1,500
Interest on capital asset related debt	(939)	(1,202)	(1,274)
Assessments by the Commission for Systems Debt	(16)	(17)	(17)
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>20,493</u></b>	<b><u>25,298</u></b>	<b><u>18,326</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>4,561</u></b>	<b><u>(848)</u></b>	<b><u>(966)</u></b>
<b>Capital Revenues</b>	<b>0</b>	<b>0</b>	
<b>Increase Decrease in Net Position</b>	<b><u>\$4,561</u></b>	<b><u>(\$848)</u></b>	<b><u>(\$966)</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$4,561</u></b>	<b><u>(\$848)</u></b>	<b><u>(\$966)</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>69,930</b>	<b>74,491</b>	<b>73,643</b>
<b>Ending Net Position excluding OPEB</b>	<b>74,491</b>	<b>73,643</b>	<b>72,677</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Capital Budget  
Shepherd University**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ -	\$ 350,000
Other Financing - Capital Lease for Energy Savings Project Part A in process)	4,408,130	5,469,073
Federal Grants (FY2023 portion of \$6.9 million from CDS funds)		3,500,000
Grants (WVDEP)		27,907
State Support (Energy Savings Loan in FY22; New support expended in FY2023; remainder in FY2024)	1,000,000	1,075,000
<b>Total Funding Sources</b>	<b>5,408,130</b>	<b>10,421,980</b>
<b>Uses by Project Category:</b>		
Reliability	5,408,130	6,544,073
Safety/Code	-	3,527,907
Economic Operations		175,000
Program Improvement		175,000
<b>Total Uses</b>	<b>5,408,130</b>	<b>10,421,980</b>
<b>Debt Financing</b>		
Lease Liability	5,640,000	4,281,923
<b>Total Debt Financing Costs</b>	<b>5,640,000</b>	<b>4,281,923</b>
<b>Balances</b>		
<b>Beginning Investment in Plant</b>	<b>105,143,700</b>	<b>70,790,720</b>
<b>Beginning Long Term Plant Debt</b>	<b>33,563,110</b>	<b>38,718,305</b>
<b>Beginning Net Investment In Plant</b>	<b>71,580,590</b>	<b>32,072,415</b>
<b>Total Additions to Plant Facilities</b>	<b>5,408,130</b>	<b>10,421,980</b>
<b>Depreciation</b>	<b>(6,198,000)</b>	<b>(6,400,000)</b>
<b>Net Change in Long Term Debt</b>	<b>(789,870)</b>	<b>4,281,923</b>
<b>Ending Net Investment in Plant</b>	<b>70,790,720</b>	<b>44,612,472</b>

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
Shepherd University**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30,2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$13,626</b>	<b>\$10,390</b>	<b>\$17,726</b>	<b>\$13,141</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$33,877</b>	<b>\$46,443</b>	<b>\$39,965</b>	<b>\$52,171</b>
<b>Number of Days cash on hand</b>	<b>147</b>	<b>82</b>	<b>162</b>	<b>92</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**West Liberty University**  
**Operating Budget**  
**(Dollars in Thousands)**  
**FY 2023**

4/30/2022

	<b>FY 2022 YTD Actual</b>	<b>FY 2022 Budget</b>	<b>FY 2023 Budget</b>
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$22,679	\$19,349	\$24,474
Grants and Contracts	1,697	1,600	1,600
Auxiliary Enterprises	9,503	10,196	9,812
Service Agreement Revenues	96	77	99
Other Operating Revenues	2,174	1,005	1,043
<b>TOTAL OPERATING REVENUES</b>	<b><u>36,149</u></b>	<b><u>32,227</u></b>	<b><u>37,028</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	16,274	19,249	19,426
Benefits	3,900	4,624	4,980
Utilities	2,266	1,859	2,416
Supplies and Other Services	6,925	7,391	7,391
Scholarships and Fellowships	6,782	6,105	6,967
Other Operating Expenses	2,608	3,437	3,492
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	2,500	3,000	3,300
<b>TOTAL OPERATING EXPENSES</b>	<b><u>41,255</u></b>	<b><u>45,665</u></b>	<b><u>47,972</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	9,103	8,966	9,553
Federal Pell Grants	3,077	3,800	3,400
Gifts	0	0	0
Interest on capital asset related debt	(300)	(505)	(462)
Assessments by the Commission for Systems Debt	(223)	(223)	(211)
Other Nonoperating revenues	77	0	0
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>11,734</u></b>	<b><u>12,038</u></b>	<b><u>12,280</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>6,628</u></b>	<b><u>(1,400)</u></b>	<b><u>1,336</u></b>
<b>Capital Revenues</b>	<b>2,000</b>	<b>3,000</b>	<b>50</b>
<b>Increase Decrease in Net Position</b>	<b><u>\$8,628</u></b>	<b><u>\$1,600</u></b>	<b><u>\$1,386</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$6,628</u></b>	<b><u>(\$1,400)</u></b>	<b><u>\$1,336</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Ending Net Position excluding OPEB</b>	<b>8,628</b>	<b>(1,400)</b>	<b>1,336</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Capital Budget**  
**West Liberty University**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Institutional Bond Proceeds	3,000,000	50,000
Other Financing	1,000,000	-
Federal Grants	-	1,500,000
<b>Total Funding Sources</b>	<b>4,000,000</b>	<b>1,550,000</b>
<b>Uses by Project Category:</b>		
Reliability	2,000,000	-
New Construction		1,500,000
Miscellaneous Capital Repairs and Alterations	1,000,000	50,000
Equipment	1,000,000	-
<b>Total Uses</b>	<b>4,000,000</b>	<b>1,550,000</b>
<b>Debt Financing</b>		
Bond Principal Payment	(1,561,000)	(1,599,000)
<b>Total Debt Financing Costs</b>	<b>(1,561,000)</b>	<b>(1,599,000)</b>
<b>Balances</b>		
Beginning Investment in Plant	73,922,656	74,446,720
Beginning Long Term Plant Debt	17,698,509	17,583,286
Beginning Net Investment In Plant	56,224,147	56,863,434
Total Additions to Plant Facilities	4,000,000	1,550,000
Depreciation	3,000,000	3,300,000
Net Change in Long Term Debt	(1,561,000)	(1,599,000)
Ending Net Investment in Plant	58,785,147	56,712,434

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
West Liberty University**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30, 2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$14,602,264</b>	<b>\$9,664,226</b>	<b>\$14,503,616</b>	<b>\$8,809,191</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$37,462,953</b>	<b>\$37,462,953</b>	<b>\$39,548,094</b>	<b>\$39,548,094</b>
<b>Number of Days cash on hand</b>	<b>142</b>	<b>94</b>	<b>134</b>	<b>81</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**West Virginia State University**  
**Operating Budget**  
**(Dollars in Thousands)**  
**FY 2023**

	FY 2022 YTD Actual (March)	FY 2022 Budget	FY 2023 Budget
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$11,427	\$10,417	\$13,385
Grants and Contracts	1,269	4,279	1,525
Auxiliary Enterprises	7,201	5,373	6,269
Service Agreement Revenues	0	0	0
Other Operating Revenues	3,767	5,041	3,820
<b>TOTAL OPERATING REVENUES</b>	<b><u>23,664</u></b>	<b><u>25,110</u></b>	<b><u>24,999</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	11,070	18,607	18,067
Benefits	2,685	4,365	3,669
Utilities	978	1,400	1,748
Supplies and Other Services	11,601	18,396	15,165
Scholarships and Fellowships	4,611	2,141	4,722
Other Operating Expenses	0	0	0
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	0	3,700	2,500
<b>TOTAL OPERATING EXPENSES</b>	<b><u>30,945</u></b>	<b><u>48,609</u></b>	<b><u>45,871</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	10,366	14,123	16,130
Federal Pell Grants	3,333	5,400	5,300
Cares Act Grant:			
Cares Act Grants	2,757	2,900	
Cares Act Institutional	5,028	4,500	13,105
Gifts	0	0	0
Interest on capital asset related debt	(520)	(1,905)	(683)
Assessments by the Commission for Systems Debt	0		(15)
Other Nonoperating revenues	0	2	2
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>20,964</u></b>	<b><u>25,020</u></b>	<b><u>33,839</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>13,683</u></b>	<b><u>1,521</u></b>	<b><u>12,967</u></b>
<b>Capital Revenues</b>		0	
<b>Increase Decrease in Net Position</b>	<b><u>\$13,683</u></b>	<b><u>\$1,521</u></b>	<b><u>\$12,967</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$13,683</u></b>	<b><u>\$1,521</u></b>	<b><u>\$12,967</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Ending Net Position excluding OPEB</b>	<b>13,683</b>	<b>1,521</b>	<b>12,967</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Capital Budget**  
**West Virginia State University**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ -	\$ 26,000
HEPC Bond Proceeds	1,000,000	
CARES Act Grants		1,250,000
Current Revenue/Savings	451,000	575,000
<b>Total Funding Sources</b>	<b>1,451,000</b>	<b>1,851,000</b>
<b>Uses by Project Category:</b>		
Reliability	450,000	500,000
Miscellaneous Capital Repairs and Alterations	975,000	500,000
Equipment		851,000
<b>Total Uses</b>	<b>1,425,000</b>	<b>1,851,000</b>
<b>Debt Financing</b>		
Bond Principal Payment	1,227,182	1,223,800
<b>Total Debt Financing Costs</b>	<b>1,227,182</b>	<b>1,223,800</b>
<b>Balances</b>		
Beginning Investment in Plant	126,007,693	127,432,693
Beginning Long Term Plant Debt	(36,861,688)	(34,385,822)
Beginning Net Investment In Plant	74,273,493	72,080,809
Total Additions to Plant Facilities	1,425,000	1,851,000
Depreciation	(2,128,048)	(2,500,000)
Net Change in Long Term Debt	(1,489,636)	(1,223,800)
Ending Net Investment in Plant	72,080,809	70,208,009

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances  
West Virginia State University**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30,2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$5,743,055</b>	<b>\$5,480,681</b>	<b>\$6,276,174</b>	<b>\$3,722,704</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$40,650,449</b>	<b>\$40,650,449</b>	<b>\$44,459,480</b>	<b>\$44,459,480</b>
<b>Number of Days cash on hand</b>	<b>52</b>	<b>49</b>	<b>52</b>	<b>31</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense



**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
West Virginia School of Osteopathic Medicine  
Operating Budget**

**FY 2023**

	<b>FY 2022 YTD Actual</b>	<b>FY 2022 Budget</b>	<b>FY 2023 Budget</b>
<b>OPERATING REVENUES</b>			
Tuition and Fees	\$36,463,657	\$37,234,714	\$36,822,380
Grants and Contracts	2,874,909	2,074,518	2,333,993
Auxiliary Enterprises	303,562	551,212	551,212
Service Agreement Revenues	0	0	0
Other Operating Revenues	1,025,236	500,000	1,140,983
<b>TOTAL OPERATING REVENUES</b>	<b><u>40,667,364</u></b>	<b><u>40,360,444</u></b>	<b><u>40,848,568</u></b>
<b>OPERATING EXPENSES</b>			
Salaries and Wages	21,304,935	27,137,128	29,314,203
Benefits	4,423,018	5,805,102	6,084,927
Utilities	734,695	1,085,250	841,654
Supplies and Other Services	15,778,506	15,415,736	15,274,506
Scholarships and Fellowships	577,428	176,482	176,482
Other Operating Expenses	59,370	0	0
Cost of Services provided to other institutions	0	0	0
Depreciation Expense	2,878,834	4,126,777	4,221,811
<b>TOTAL OPERATING EXPENSES</b>	<b><u>45,756,785</u></b>	<b><u>53,746,475</u></b>	<b><u>55,913,583</u></b>
<b>NONOPERATING REVENUES AND EXPENSES</b>			
State Appropriations	7,533,472	9,463,215	9,872,974
Federal Pell Grants	0	0	0
Gifts	0	0	0
Interest on capital asset related debt	0	0	0
Assessments by the Commission for Systems Debt	0	0	0
Other Nonoperating revenues	89,162	335,800	1,345,800
<b>TOTAL NONOPERATING REVENUES AND EXPENSES</b>	<b><u>7,622,633</u></b>	<b><u>9,799,015</u></b>	<b><u>11,218,774</u></b>
<b>Income Before Other Revenues, Expenses, Gains or Losses</b>	<b><u>2,533,212</u></b>	<b><u>(3,587,016)</u></b>	<b><u>(3,846,241)</u></b>
<b>Capital Revenues</b>		0	
<b>Increase Decrease in Net Position</b>	<b><u>\$2,533,212</u></b>	<b><u>(\$3,587,016)</u></b>	<b><u>(\$3,846,241)</u></b>
<b>Impact of OPEB on income before other Revenues, Expenses, Gains or Losses</b>	<b><u>(1,316,497)</u></b>	<b><u>2,007,811</u></b>	<b><u>(1,322,282)</u></b>
<b>Income before other Revenues, Expenses, Gains or Losses without OPEB</b>	<b><u>\$1,216,716</u></b>	<b><u>(\$1,579,205)</u></b>	<b><u>(\$5,168,523)</u></b>
<b>Beginning Net Position excluding OPEB</b>	<b>161,998,149</b>	<b>153,186,064</b>	<b>163,214,865</b>
<b>Ending Net Position excluding OPEB</b>	<b>163,214,865</b>	<b>151,606,859</b>	<b>158,046,342</b>
<b>NONEXPENDABLE NET POSITION</b>			
<b>Beginning Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Ending Nonexpendable Net Position</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Higher Education Policy Commission**  
**West Virginia Higher Education Policy Commission**  
**Capital Budget**  
**West Virginia School of Osteopathic Medicine**

Description	Budget FY 2022	Budget FY 2023
<b>Projects with Established Timelines and Funding</b>		
<b>Funding Sources:</b>		
Cash Balances	\$ 9,300,000	\$ 3,700,000
<b>Total Funding Sources</b>	<b>9,300,000</b>	<b>3,700,000</b>
<b>Uses by Project Category:</b>		
Reliability	1,100,000	500,000
Safety/Code	50,000	50,000
New Construction	8,000,000	3,000,000
Miscellaneous Capital Repairs and Alterations	100,000	100,000
Equipment	50,000	50,000
<b>Total Uses</b>	<b>9,300,000</b>	<b>3,700,000</b>
<b>Debt Financing</b>		
<b>Total Debt Financing Costs</b>	-	-
<b>Balances</b>		
Beginning Investment in Plant	67,904,652	73,077,875
Beginning Long Term Plant Debt	-	-
Beginning Net Investment In Plant	67,904,652	73,077,875
Total Additions to Plant Facilities	9,300,000	3,700,000
Depreciation	4,126,777	4,221,811
Net Change in Long Term Debt	-	-
<b>Ending Net Investment in Plant</b>	<b>73,077,875</b>	<b>72,556,064</b>

**Higher Education Policy Commission  
West Virginia Higher Education Policy Commission  
Cash Balances**

**West Virginia School of Osteopathic Medicine**

	<b>April 30, 2021</b>	<b>June 30, 2021</b>	<b>April 30, 2022</b>	<b>Projected June 30,2022</b>
<b>Cash Balance - Current Assets</b>	<b>\$45,892,841</b>	<b>\$40,189,226</b>	<b>\$45,660,641</b>	<b>\$34,403,063</b>
<b>Annual Operating Expense Budget (1)</b>	<b>\$38,075,141</b>	<b>\$49,570,119</b>	<b>\$42,635,301</b>	<b>\$49,377,048</b>
<b>Number of Days cash on hand</b>	<b>440</b>	<b>296</b>	<b>391</b>	<b>254</b>

(1) Excludes any OPEB Expense, GASB 68 Related Pension Expense, and Depreciation Expense

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Approval of Institution Capital Assessments for Fiscal Year 2023

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the institution capital assessments for Fiscal Year 2023.

**STAFF MEMBER:** Ed Magee

**BACKGROUND:**

The Commission pays system-wide debt service payments on behalf of the four-year and two-year institutions to the trustees, the Municipal Bond Commission and The Bank of New York Mellon. Approval of the Fiscal Year (FY) 2023 allocations are requested.

Table 1 shows the total amount of debt service payments due in FY 2023. Of the \$33,731,069 required for this year, \$12,548,300 must be allocated to institutions and paid from student fees; \$19,844,484 will be paid from Lottery revenue appropriated to the Commission; and \$1,338,285 will be paid from the federal government as a subsidy from the 2010 Build America Bonds. Beginning in FY 2014, this subsidy was reduced by the federal government annually by about \$99,000 on average. Because this annual reduction is expected to continue, the 2017 refunding reduced the debt service requirement from Lottery revenues to ensure sufficient funds are available to pay the annual debt service.

Staff requests the approval of the Commission to allocate to the institutions the student fee portion of the FY 2023 debt service as well as the facilities planning and administration assessment of \$456,239, as shown in Table 2. The facilities assessment is allocated by the percentage of institutional square feet.

Staff will move the funds from the institutions' accounts on September 1 and March 1 to make the debt service payments to the trustees. Institutions are restricted from using their Education and General Capital Fees until adequate funds have been collected for debt service payments in any given fiscal year.

Table 1

**West Virginia Higher Education Policy Commission  
West Virginia Council for Community & Technical College Education  
FY 2023 Capital Debt Payment Summary**

	FY 2023 PAYMENTS			Principal Outstanding
	Principal	Interest	Total	
<b>Higher Education Policy Commission System Bonds</b>				
Series 1998 A	2,810,000	1,009,050	<b>\$3,819,050</b>	<b>\$16,410,000</b>
Series 2000 A	1,686,944	5,113,056	<b>\$6,800,000</b>	<b>\$10,260,724</b>
Series 2017 HEPC	<u>1,565,000</u>	<u>364,250</u>	<b><u>\$1,929,250</u></b>	<b><u>\$5,720,000</u></b>
<b>Total University System Bonds</b>	<b>\$6,061,944</b>	<b>\$6,486,356</b>	<b>\$12,548,300</b>	<b>\$32,390,724</b>
<b>Excess Lottery Revenue Bonds:</b>				
Series 2010 A and B	0	3,823,673	<b>\$3,823,673</b>	<b>\$50,265,000</b>
Series 2012 AB	<u>5,870,000</u>	<u>4,121,846</u>	<b><u>\$9,991,846</u></b>	<b><u>\$86,300,000</u></b>
Series 2017 CTC	<u>2,175,000</u>	<u>2,815,750</u>	<b><u>\$4,990,750</u></b>	<b><u>\$54,140,000</u></b>
Series 2017 HEPC	<u>1,955,000</u>	<u>421,500</u>	<b><u>\$2,376,500</u></b>	<b><u>\$6,475,000</u></b>
<b>Total Excess Lottery Revenue Bonds</b>	<b>\$10,000,000</b>	<b>\$11,182,769</b>	<b>\$21,182,769</b>	<b>\$197,180,000</b>
<b>Total FY 2018 Debt Service Payments</b>	<b><u>\$16,061,944</u></b>	<b><u>\$17,669,125</u></b>	<b><u>\$33,731,069</u></b>	<b><u>\$229,570,724</u></b>
 Fund 4903	 13,886,944	 14,853,375	 28,740,319	 175,430,724
Fund 4908	2,175,000	2,815,750	4,990,750	54,140,000
	<b><u>\$16,061,944</u></b>	<b><u>\$17,669,125</u></b>	<b><u>\$33,731,069</u></b>	<b><u>\$229,570,724</u></b>

Table 2

**West Virginia Higher Education Policy Commission  
West Virginia Council for Community & Technical College Education  
FY 2023 Institutional Assessments to Cover System Bond Debt**

<b>Formula based System Bonds Debt Schedule</b>								
<b>Institution</b>	<b>Principal</b>	<b>Interest</b>	<b>Facilities Fee</b>	<b>Square Feet</b>	<b>Percent</b>	<b>Total</b>	<b>1st Half Assessment</b>	<b>2nd Half Assessment</b>
Blue Ridge Community and Technical College	\$0	\$0	\$2,296	146,158	0.50%	<b>\$2,296</b>	\$1,148	\$1,148
Bluefield State University	0	0	10,624	676,310	2.33%	<b>10,624</b>	5,312	5,312
BridgeValley Community and Technical College	0	0	7,440	473,593	1.63%	<b>7,440</b>	3,720	3,720
Concord University	0	0	13,585	864,779	2.98%	<b>13,585</b>	6,792	6,793
Eastern West Virginia Community and Technical College	0	0	864	54,989	0.19%	<b>864</b>	432	432
Fairmont State University	0	0	21,523	1,370,135	4.72%	<b>21,523</b>	10,762	10,761
Glenville State University	70,294	16,361	12,564	799,828	2.75%	<b>99,219</b>	49,610	49,609
Marshall University	1,041,906	242,501	89,891	5,722,301	19.70%	<b>1,374,298</b>	687,149	687,149
Mountwest Community and Technical College	61,736	14,369	2,920	185,903	0.64%	<b>79,025</b>	39,513	39,512
New River Community and Technical College	0	0	5,003	318,501	1.10%	<b>5,003</b>	2,502	2,501
Pierpont Community and Technical College	219,974	51,197	2,539	161,644	0.56%	<b>273,710</b>	136,855	136,855
Shepherd University	0	0	16,639	1,059,224	3.65%	<b>16,639</b>	8,320	8,319
Southern West Virginia Community and Technical College	0	0	4,871	310,084	1.07%	<b>4,871</b>	2,436	2,435
West Liberty University	171,091	39,821	16,741	1,065,731	3.67%	<b>227,653</b>	113,827	113,826
West Virginia Northern Community College	0	0	4,719	300,425	1.03%	<b>4,719</b>	2,360	2,359
West Virginia School of Osteopathic Medicine	0	0	7,356	468,250	1.61%	<b>7,356</b>	3,678	3,678
West Virginia State University	0	0	15,773	1,004,098	3.46%	<b>15,773</b>	7,887	7,886
West Virginia University	4,496,944	6,122,106	215,410	13,712,649	47.21%	<b>10,834,460</b>	5,417,230	5,417,230
WVU Parkersburg	0	0	5,480	348,871	1.20%	<b>5,480</b>	2,740	2,740
<b>Total System Bonds</b>	<b>\$6,061,945</b>	<b>\$6,486,355</b>	<b>\$456,239</b>	<b>29,043,473</b>	<b>100.00%</b>	<b>\$13,004,539</b>	<b>\$6,502,273</b>	<b>\$6,502,266</b>

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Correction of December 2021 Program Productivity Review

**INSTITUTIONS:** Bluefield State College, Concord University, Fairmont State University, Glenville State University, Marshall University, Potomac State College of West Virginia University, Shepherd University, West Liberty University, West Virginia University, and West Virginia University Institute of Technology

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission rescinds the December 2021 low-productivity report in its entirety, including the recommendation to the institutional governing boards that programs be placed on probationary status.

*Further Resolved*, That the West Virginia Higher Education Policy Commission adopts the revised low-productivity report as set forth below and recommends to the institutional governing boards that the programs listed thereon be placed on probationary status.

**STAFF MEMBER:** Nikki Bryant

**BACKGROUND:**

At the December 10, 2021 meeting, Commission staff presented the biannual low-productivity report pursuant to Series 10, Procedural Rule, Policy Governing Program Review. The low-productivity review analyzes academic programs with low enrollment or graduation rates and recommends whether they are viable for the institution and responsive to workforce needs. The productivity standards are summarized below.

<u>Degree Level</u>	<u>Degree Awards</u>	<u>Major Enrollment</u>
Baccalaureate	5	12.5
Master/1 <sup>st</sup> Professional	3	6
Doctoral	2	4.5

Following the December 2021 Commission meeting, institutions notified Commission staff about inconsistencies in the report. Upon further review, Commission staff confirmed that a number of programs underwent a CIP code change during the review period and as a result, data for the same program was listed under different program codes. Eleven academic programs that meet or exceed productivity standards were mistakenly included in the original report, as were several discontinued programs and programs that were previously recommended for probation.

The programs listed below meet or exceed productivity standards and should not have been included in the December 2021 report.

<b>Institution</b>	<b>Program</b>	<b>Enrollment (5-year average)</b>	<b>Degrees Awarded (5-year average)</b>
Shepherd University	MAT Master of Arts in Teaching	26.4	10.4
West Liberty University	BS Digital Media Design	20.6	4.4
West Virginia University	BS Biometric Systems Engineering	48.0	10.4
	BA Music	40.0	7.0
	MLS Legal Studies	40.2	15.4
	MS Forensic and Fraud Examination	24.2	13.2
	MS Forensic and Investigative Science	21.6	6.2
	PhD Communication Studies	14.0	3.6
	PhD Immunology and Microbial Pathogenesis	11.6	1.4
	PhD Kinesiology	26.4	6.4
Potomac State College of West Virginia University	AAS Agricultural Applied Science	24.2	8.6

The revised productivity report may be found on the following table. The programs listed in the revised report do not meet the productivity standards as outlined in Series 10 and are recommended to be placed on probationary status.



**Higher Education Policy Commission  
Designated Low-Productivity Program – Probation Status  
2021 Review REVISED MAY 2022**

<b>Institution</b>	<b>Program</b>	<b>Enrollment 5-year Average</b>	<b>Degrees Awarded 5-year Average</b>
Bluefield State College	BS Architectural Engineering Technology	1.4	1.4
Concord University	BA/BA Interdisciplinary Studies	6.0	3.8
Fairmont State University	AS Mechanical Engineering Technology	8.8	2.2
Glenville State University	BAS Applied Science	8.6	0.0
	BA Chemistry	11.2	3.4
Marshall University	MS Physical and Applied Sciences	4.6	2.0
	MS Clinical and Translational Science	3.6	1.4
Potomac State College of West Virginia University	AA Journalism	11.4	2.6
Shepherd University	BM Music	12.4	3.0
West Liberty University	BA/BS Interdisciplinary Studies	4.2	2.2
West Virginia University	MS Material Science and Engineering	3.2	1.2
	MS Energy Systems Engineering	4.0	1.6
	LLM Energy Law and Sustainable Development	4.6	2.8
	MPS Statistical and Data Sciences	2.0	2.2
West Virginia University Institute of Technology	BA/BS Interdisciplinary Studies	5.0	0.2

Commission staff are completing a review of Division of Academic Affairs policies and processes in collaboration with our colleges and universities to ensure proper data collection and reporting, with the goal to provide better information for the governing boards and the Commission.

**West Virginia Higher Education Policy Commission**  
**Meeting of June 10, 2022**

**ITEM:** Approval of Annual Reauthorization of Four-Year Degree-Granting Institutions

**INSTITUTIONS:** Bluefield State University, Concord University, Fairmont State University, Glenville State University, Shepherd University, West Liberty University, and West Virginia State University; Alderson Broaddus University, Appalachian Bible College, Bethany College, Catholic Distance University, Campbellsville University, Davis and Elkins College, Future Generations University, University of Charleston, West Virginia Wesleyan College, American Public University System, Salem University, and Strayer University

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the Annual Reauthorization for Bluefield State University, Concord University, Fairmont State University, Glenville State University, Shepherd University, West Liberty University, and West Virginia State University; Alderson Broaddus University, Appalachian Bible College, Bethany College, Catholic Distance University, Davis and Elkins College, Future Generations University, University of Charleston, West Virginia Wesleyan College, American Public University System, Salem University, and Strayer University.

**STAFF MEMBER:** Randall Brumfield

**BACKGROUND:**

Series 52, Legislative Rule, Annual Reauthorization of Degree-Granting Institutions, establishes a process for the Commission to annually reauthorize degree-granting institutions in West Virginia offering baccalaureate degrees and above. Institutions are required to provide all information “necessary to assess the performance of the institution and to determine whether the institution continues to meet the minimum standards for conferring degrees.”

In light of complications associated with the pandemic and its impact on student outcomes and matters of institutional finance, as well as potential issues with fidelity of data reporting, provision of the annual reauthorization “application report” is suspended this year. At the Compliance Review Committee meeting on February 23, 2022, Committee members noticed variable trends across institutions with respect to enrollment, retention, graduation, licensure pass rates, as well as enrollment and attendance costs, student loan default rates, and Composite Financial Index (CFI) scores. However, based on review of the data provided, no institution was identified as not having met reauthorization criteria nor was a recommendation shared by the Committee to decline reauthorization for any institution.

The Compliance Review Committee is comprised of Commission staff, external consultants, and representatives from public and private institutions. In addition to the data that is submitted by institutions, the Committee may require additional information to assist in making recommendations for reauthorization.

Proposed amendments to Series 52, Legislative Rule, Annual Reauthorization of Degree-Granting Institutions submitted to the Commission provide changes to reauthorization requirements and processes. This will help the Commission ensure greater effectiveness and efficiency is achieved toward ensuring fair consumer practices are implemented by postsecondary institutions.

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Approval of Provisional Annual Reauthorization of Wheeling University

**INSTITUTION:** Wheeling University

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves provisional annual reauthorization for Wheeling University.

**STAFF MEMBER:** Nikki Bryant

**BACKGROUND:**

In response to complaints the Commission received regarding Wheeling University, Commission staff conducted an on-site visit to the institution on May 20, 2022. Staff findings during the visit revealed staffing and student service-related concerns. Therefore, to help ensure essential student services continue without disruption, staff recommend the Commission approve provisional reauthorization for Wheeling University with the following reporting requirements submitted to the Chancellor:

- Beginning June 13, 2022, and for each quarter thereafter through June 2023, Wheeling University shall provide quarterly financial reports.
- No later than August 1, 2022, Wheeling University shall provide a projected enrollment report for the 2022 fall semester.
- No later than October 1, 2022, Wheeling University shall provide the following information:
  - The most recent single financial audit;
  - The names and credentials of individuals serving in University cabinet-level and key department leadership positions, including registrar, admissions and student financial aid;
  - Evidence the University has met the data submission requirements and deadlines for all federally required reporting; and
  - Evidence the University has entered into a third-party contract with a private vendor to upload *all* student transcripts electronically to a database external to any IT services affiliated with the university.
- No later than December 9, 2022, Wheeling University shall provide a projected enrollment report for 2023 spring semester.

Commission staff will conduct a follow-up site visit and will re-evaluate the reauthorization of Wheeling University prior to the Commission's meeting on October 7, 2022. The institution will be expected to provide a progress update during the meeting.

The institution shall provide the Chancellor with a copy of all correspondence with the Higher Learning Commission (HLC). In the event of a sanction or change in status with HLC, Wheeling University shall immediately notify the Chancellor.

This provisional reauthorization is contingent on the ability of Wheeling University to provide, without interruption, essential services such as instruction, financial aid processing and the timely delivery of student records. If the institution fails to deliver the information requested or to provide these key critical student services, the Commission may suspend this provisional authorization.

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Approval of Bachelor of Science in Nursing

**INSTITUTION:** West Virginia Junior College

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves West Virginia Junior College to begin offering bachelor's degree programs with the implementation of the Bachelor of Science in Nursing for implementation in June 2023. This approval expires two years from the date of Commission approval if the program is not fully implemented at that time.

**STAFF MEMBER:** Nikki Bryant

**BACKGROUND:**

West Virginia Council for Community and Technical College Education, Series 35, Legislative Rule, 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.”

West Virginia Junior College plans to offer a Bachelor of Science in Nursing (BSN) as an online degree from its Morgantown campus. The 180 quarter-credit degree consists of 22 quarter-credits of general education from the Associate Degree in Nursing (ADN) program; 71 core quarter-credits from the ADN program; 32 quarter-credits of general education/applied general education credits from the RN to BSN program; and 55 quarter-credits from the RN to BSN program. The curriculum also includes related courses such as multicultural communications, critical thinking and problem solving, and scholarly writing. The full program proposal may be viewed here:

<https://www.wvhepc.edu/wp-content/uploads/2022/06/WVJC-BSN-Proposal.pdf>

The school currently offers an ADN program at all three campus locations (Bridgeport, Charleston, and Morgantown) with approximately 127 students and capacity for 187 students. Enrollment estimates anticipate an additional 60 students in the BSN program within the first 12 months of implementation. The school plans to start the program in June 2023.

The college has identified an interim program director. Additionally, West Virginia Junior College has 17 nursing faculty who meet the requirements to teach in the BSN program. The school expects to incur added payroll cost for the nursing faculty and staff in year one and year two.

West Virginia Junior College has offered online education since 2011 and has adequate support resources. These positions include: two admissions staff, two financial aid staff, six online technical support staff, a librarian, three online network administration staff, two career management staff, an orientation coordinator, and a nursing administrative support staff for the ADN program. Campus administrators anticipate the specialists can handle the caseload for the BSN program.

West Virginia Junior College is accredited by the Accrediting Bureau of Health Education Schools (ABHES). The nursing program is accredited by the Accreditation Commission for Education in Nursing (ACEN). Per the school's accreditor requirements, instructors at the bachelor's level are required to have a master's degree with a minimum of 15 credit-hours in content 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.”

ABHES requires state authorization approval prior to granting approval for the degree. Therefore, it is recommended to approve West Virginia Junior College to offer the Bachelor of Science in Nursing degree with the following provisos:

- Approval will be withdrawn if ABHES does not grant approval of the program.
- Approval will 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 must have at least master's degrees in a related field.
- The program must remain in good standing with ABHES, ACEN, and with the U.S. Department of Education.

With approval of this program, the Commission authorizes West Virginia Junior College to confer the bachelor's degree in West Virginia. West Virginia Junior 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.

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

**ITEM:** Approval of Revisions to Series 2, Legislative Rule, Higher Education Finance Policy

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 2, Legislative Rule, Higher Education Finance Policy, to be filed as an Emergency Rule with the Secretary of State.

*Further Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed revisions to Series 2, Legislative Rule, Higher Education Finance Policy, to be filed with the Secretary of State for a thirty-day public comment period, and if no substantive comments are received, extends its final approval.

**STAFF MEMBER:** Chris Treadway

**BACKGROUND:**

The 2022 Legislature passed House Bill 4008, directing the Commission to establish a performance-based funding formula to be used in the development of base budget requests for all public four-year institutions under the Commission's jurisdiction beginning with the Fiscal Year 2024 budget cycle. HB 4008 also authorized the promulgation of Emergency and Legislative Rules governing the development, implementation and administration of the new funding formula.



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

**SERIES 2**  
**HIGHER EDUCATION FINANCE POLICY PERFORMANCE-BASED FUNDING FORMULA**

**~~§133-2-1. General.~~**

~~— 1.1. Scope. — This rule establishes the principles to guide the development of financing and resource allocation policies and procedures to be utilized by the Higher Education Policy Commission.~~

~~— 1.2. Authority — W. Va. Code §18B-1B-4(a)(8).~~

~~— 1.3. Filing Date. — June 7, 2001.~~

~~— 1.4. Effective Date. — July 1, 2001.~~

**~~§133-2-2. Purpose.~~**

~~— 2.1. The primary purpose of this rule is to establish guidelines to be used by the Higher Education Policy Commission in:~~

~~— 2.1.1. — Allocating state appropriated unrestricted resources to the institutions.~~

~~— 2.1.2. — Setting targets for shares of institutional revenues to be contributed from education and general unrestricted revenues.~~

~~— 2.1.3. — Reviewing tuition and fee schedules approved by the individual colleges and universities for consistency with Policy Commission and West Virginia Code guidelines and parameters.~~

~~— 2.1.4. Establishing policies that address student financial aid decisions.~~

~~— 2.1.5. — Establishing policies regarding the role of all educational and general unrestricted revenue in calculating institutional eligibility for equity funding.~~

**~~§133-2-3. Guidelines.~~**

~~— 3.1. The following will guide the further development of the policies and procedures to be utilized in financing and resource allocation within the West Virginia system of public higher education:~~

~~— 3.1.1. All data reported will be based on national uniform and consistent definitions as adopted or established by the Higher Education Policy Commission. If no national standard exists, the Policy Commission may adopt appropriate standards.~~

~~— 3.1.2. — Institutional requirements for additional recordkeeping and reporting will be minimized.~~

~~— 3.1.3. — A schedule for reporting of information and for decision making will be established by the Commission.~~

~~— 3.1.4. — Information from peer institutions as determined by the Commission will be utilized in various ways. The most recently available IPEDS data will form the basis of any comparisons.~~

~~— 3.1.5. — The president or administrative head of each public college, university, regional campus, or community and technical college shall be responsible for ensuring that all requested information is submitted in a timely fashion to the Policy Commission and shall certify that the information submitted has been reviewed for accuracy.~~

**~~§133-2-4. Principles.~~**

~~— 4.1. Operating Budget.~~

~~— 4.1.1. Base Budget.~~

~~— 4.1.1.1. The base budget amount for each budget request year will be determined by~~

~~the Commission in consultation with each institution.~~

~~4.1.1.2. This base budget includes unrestricted educational and general revenues from all sources. Unrestricted educational and general revenues are defined as all audited unrestricted current fund revenues, expenditures, transfers, and other changes; minus auxiliary revenue, hospital revenue, and independent operations.~~

~~4.1.2. State resources will be allocated to institutions in the following categories:~~

~~4.1.2.1. Continuation base amount from previous year.~~

~~4.1.2.2. Sustained quality support.~~

~~4.1.2.3. Peer equity.~~

~~4.1.2.4. Research challenge.~~

~~4.1.2.5. Independently accredited community and technical college development.~~

~~4.1.2.6. Incentives for contributions to state priorities.~~

~~4.1.3. Funds from all these categories will be released to institutions in whole or part when the Policy Commission certifies that the institution is meeting the objectives established in its compact.~~

~~4.1.4. The Policy Commission will establish the amount to be included in its budget request for each category annually with the conditions that:~~

~~4.1.4.1. Funds will be requested for each category.~~

~~4.1.5. Sustained Quality Support.~~

~~4.1.5.1. Funds designated for sustained quality support will be allocated to all institutions in proportion to institutions' base budgets in accordance with W. Va. Code §18B-1A-5(b)(6)(E).~~

~~4.1.5.2. Each year's allocations will be added to the institutions' base budgets for subsequent years unless the Policy Commission determines that substantial change in institutional mission or structure has occurred requiring a change in the base budget.~~

~~4.1.6. Peer Equity.~~

~~4.1.6.1. Policy Commission establishes benchmark funding amounts each year.~~

~~4.1.6.2. Allocated in accordance with W. Va. Code §18B-1A-5(b)(6)(A).~~

~~4.1.6.3. Added to base.~~

~~4.1.6.4. Continued until all institutions achieve at least 90-100 percent of benchmark amounts, as a measure of external equity. It is the goal of the Commission to first attain internal equity among institutions by raising the minimum value until all institutions reach the same level. External equity goals will be addressed only after internal equity has been accomplished. Further, it is the intention of the Commission that institutions should not lose ground relative to peer attainment. As used herein, "external equity" is the funding of the institution relative to its peers, and "internal equity" is leveling of differences in peer funding among the West Virginia institutions.~~

~~4.1.6.5. The Policy Commission may adjust peer equity funds based upon imputation of assumed tuition funds consistent with peer averages.~~

~~4.1.7. Independently Accredited Community and Technical College Development~~

~~4.1.7.1. Allocated in accordance with W. Va. Code §18B-1A-5(b)(6)(B).~~

~~4.1.7.2. Funds allocated for this purpose must be separately controlled and accounted for either by the host institution, the community college component or as otherwise determined by the Commission.~~

~~4.1.8. Research Challenge.~~

~~4.1.8.1. Allocated in accordance with W. Va. Code §18B-1A-5(b)(6)(C).~~

~~4.1.8.2. Amounts awarded must be matched by the institution, on at least a one-for-one basis at the discretion of the Commission.~~

~~4.1.9. Incentives for Institutional Contributions to State Priorities.~~

~~4.1.9.1. The Commission will establish the method of allocation for these funds. The allocation mechanisms will be based on demonstrated contribution toward achievement of state priority goals in accordance with W. Va. Code §18B-1A-5(b)(6)(D).~~

~~4.1.9.2. State priority funds will not be added to the institution's base allocation.~~

~~4.1.9.3. Amounts awarded must be matched by the institution, on at least a one-for-one basis at the discretion of the Commission.~~

~~4.1.10. Use of Funds Once Allocated.~~

~~4.1.10.1. These uses must be in accordance with a budget approved annually by the institution's Governing Board.~~

~~4.2. The Capital Budget.~~

~~4.2.1. The Commission will utilize necessary funds from the state appropriation or tuition and fee revenues to cover annual repayment of bonded indebtedness incurred prior to July 1, 2001.~~

~~4.2.2. The Commission will develop procedures for creating an approved list of capital projects to be submitted to the legislature with provisos that:~~

~~4.2.2.1. Only projects on the approved list will be eligible for state funding either through direct state appropriation for construction or for repayment of debt.~~

~~4.2.2.2. All capital projects, subject to dollar limits in Commission policy, will be~~

~~brought to the Commission for approval regardless of source of funding or method of acquisition.~~

~~4.2.2.3. In the event of an emergency, an institution may make a special request for unanticipated capital funding needs.~~

~~4.3. Tuition and Fees.~~

~~4.3.1. The Board of Governors of each institution will establish tuition and fee schedules within guidelines promulgated by the Commission or in West Virginia Code.~~

~~4.3.2. All tuition and fee revenues will remain at the campuses except as may be provided for by Higher Education Policy Commission action or statutory provisions.~~

~~4.3.3. Guidelines for Establishing Tuition Rates.~~

~~4.3.3.1. Differentiation by level (e.g., graduate vs. undergraduate) and by program (e.g., law and medicine vs. other fields) is permissible.~~

~~4.3.3.2. Tuition rates should be near the medians for peer institutions. However, the intent is to relate tuition to "ability to pay" rather than to an absolute level.~~

~~4.3.3.3. Student tuition as a share of revenue (tuition and fees and state appropriation), should be graduated so that students pay the highest share of revenue at the research universities, a lower share at the four-year colleges, and the lowest share at community colleges, as defined by the Policy Commission. It is the intent of the Policy Commission to define tuition ranges with the specific tuition to be set by the governing board of each institution.~~

~~4.3.3.4. Community college tuition should approximate peer medians. Without the express approval of the Policy Commission, tuition at component or administratively linked community colleges will not be increased where such tuition exceeds the peer average tuition for West Virginia's stand alone community colleges~~

~~as calculated by the Policy Commission. In accordance with W. Va. §18B-10-1(h)(3), tuition and fee rates for all component community colleges “will be commensurate with the tuition and fees charged by their peer institutions” within a time frame agreed upon between the institution and the Commission. Each institution with a component community college will submit, as part of its Compact, a plan to the commission regarding the progress toward this goal. In accordance with the Policy Commission guidelines, community colleges offering upper division courses may charge tuition for such courses consistent with the tuition charged for similar courses at West Virginia public four year institutions.~~

~~4.3.3.5. The Policy Commission shall set guidelines for out of state tuition levels which take into account the cost of instruction and an appropriate relationship between in state and out of state tuition levels, with out of state tuition and fees covering at least the full costs of instruction. It is the intention of the Commission that there be no disincentives for the enrollment of non-resident students unless their admission results in a lack of opportunities for qualified West Virginia residents.~~

#### ~~4.4. Student Financial Aid.~~

~~4.4.1. Each institution shall develop explicit student financial aid policies that address such issues as:~~

~~4.4.2. The manner in which tuition and fee increases are offset by financial aid.~~

~~4.4.3. The balance of need based and merit based aid.~~

~~4.4.4. The balance of loan versus scholarship/grant awards.~~

#### ~~4.5. Tuition Pricing and Discounts.~~

~~4.5.1. The Commission reserves the right to limit discounts or adjustments to tuition revenue. The extent to which tuition and fee pricing is offset or reduces tuition and fee revenue through various discounts such as tuition waivers, reciprocal agreements and metro~~

~~fees will be a consideration in the Commission’s decision regarding allocation of state appropriations to each institution.~~

#### ~~4.6. Other Revenues.~~

~~4.6.1. Institutions are expected to acquire unrestricted and restricted revenues from educational and general sources other than tuition and fees and state appropriations.~~

#### ~~4.6.2. Consistent with this intent:~~

~~4.6.2.1. The peer group median of the per student revenues from sources other than tuition and fee or state appropriations will be established as a target for each institution. State appropriation support for institutions exceeding such targets would not normally be reduced as a result of institutional success in this area.~~

~~4.6.2.2. Institutions are expected to seek approval from the Policy Commission for any supplemental budget requests or Budget Digest funding before seeking such funds.~~

**§133-2-1. General.**

1.1. Scope. – This rule governs development, implementation, and administration of the performance-based funding formula for West Virginia public four-year colleges and universities.

1.2. Authority. – W. Va. § 18B-1B-4(a)(2).

1.3. Filing Date. –

1.4. Effective Date. –

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date.

**§133-2-2. Purpose.**

2.1. The purpose of this rule is to define the parameters governing the establishment and administration of a performance-based funding formula (funding formula or formula) to be used in the development of annual base budget requests, beginning with the 2024 fiscal year budget cycle, for Bluefield State University, Concord University, Fairmont State University, Glenville State University, Marshall University, Potomac State College of West Virginia University, Shepherd University, West Liberty University, West Virginia State University, West Virginia University, and West Virginia University Institute of Technology.

**§133-2-3. Definitions.**

3.1. “Academically Underprepared Student” means a West Virginia resident student, pursuing an associate or bachelor’s degree, who has at least one of the following risk factors:

3.1.1. Cumulative high school grade point average below 2.50; or

3.1.2. Admitted to the institution based on standardized test scores (ACT, SAT, or ACCUPLACER) that would qualify the student for developmental or remedial placement in mathematics or English based on placement criteria established by 133 C.S.R. 21, *Freshman Assessment and Placement Standards*.

3.2. “Adults or Adult Students” means West Virginia Resident students with an approximate age of 25 and older, calculated by subtracting the individual’s year of birth from the submission year for those data used in the calculation of model outcomes.

3.3. “Awards per 100 Full-Time Equivalent (FTE) Students” means the combined total number of unique students earning at least one associate or bachelor’s degree within an academic year for every 100 full-time equivalent (FTE) undergraduate degree-seeking students.

3.4. “Base Appropriation” means the amount of funding that an institution receives through a state appropriation for its operations and for which there are no significant restrictions on expenditure, and excluding funds appropriated specifically to support the schools of medicine, and related health sciences functions, at Marshall University and West Virginia University.

3.5. “Chancellor” means the Chancellor for Higher Education, as that term is defined by W. Va. Code § 18B-1B-5, or his or her designee.

3.6. “Classification of Instructional Programs (CIP) Code” means a numerical identifier assigned by the National Center for Education Statistics to an academic discipline to support tracking and reporting data at the field-of-study level.

3.7. “Commission” means the West Virginia Higher Education Policy Commission as established by W. Va. Code § 18B-1B-1, et seq.

3.8. “Degrees Awarded” means the combined total number of students earning associate degrees, bachelor’s degrees, master’s degrees, post-master’s certificates, doctoral degrees or law degrees during an academic year. Students earning multiple degrees within an academic year shall be counted as a single outcome for model calculations. In such cases, the outcome score will be calculated based on the degree that yields the institution the highest possible total score with all premium multipliers applied.

3.9. “Focus Population” means West Virginia resident students identified as academically underprepared, adults, and/or low-income based on the criteria defined by this Rule.

3.10. “Full-Time Equivalent (FTE) Student” is an enrollment metric calculated by dividing the total number of credit hours generated by a degree-seeking student in credit-bearing classes during the summer, fall, and spring semesters of an academic year by 30.

3.11. “Higher Education Price Index (HEPI)” is an 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.

3.12. “Hold-Harmless Provision” means a safeguard in the funding formula designed to provide stability and predictability in the formula by preventing an institution’s outcomes-based funding allotment from decreasing by more than five percent (5%) from one academic year to the next.

3.13. “Low-Income Student” means a West Virginia resident student who, based on current and historical records, is identified as having received financial assistance through the Federal Pell Grant program for at least one semester at any State institution of higher education.

3.14. “On-Time Completion” refers to a graduate who completed a bachelor's degree within four academic years, based on the year and semester in which they were reported as a first-time freshman and the year and semester in which they were reported as completing a bachelor's degree. The bachelor's degree must be completed at the same institution at which the student was first identified as a first-time freshman.

3.15. “Premium” is a mathematical weighting factor applied to certain formula calculations for West Virginia resident students identified as belonging to one or more focus populations, to associate or bachelor’s degrees awarded in fields identified as State Priority Fields, and/or to bachelor’s degrees completed within four years, as defined in Section 3.14 of this rule.

3.16. “Progression Outcomes” means the number of full-time and part-time associate or bachelor’s degree-seeking students whose cumulative credits earned at the institution at the beginning of a semester are less than the established credit hour threshold benchmarks of 30, 60, or 90 student credit hours and whose cumulative credit hours earned at the end of the semester are equal to or greater than the credit hour threshold benchmarks during the academic year.

3.17. “Research and Development Metrics” means the amount of non-state appropriate funding expended on research and development activities as reported on the institution’s audited financial statement under the Operating Expenses category within both the natural and functional classifications.

3.18. “Residual Funds” means funding that is not obligated through formula calculations as a result of a decline from one year to the next in the total number of outcomes across all institutions.

3.19. “Scaling Factor” is a mathematically derived value used in formula calculations for the purpose of adjusting outcome values across different metrics to values of comparable magnitude.

3.20. “State Priority Programs” means associate degree or bachelor’s degree programs identified by the West Virginia Department of Commerce as being aligned with occupations in high or critical demand statewide.

3.21. “West Virginia Resident” or “Resident” means an individual enrolled at a public college or university with an in-state tuition and fee status as defined by 133 C.S.R. 25, *Residency Classification for Admission and Fee Purposes*.

#### **§133-2-4. Formula Development, Implementation, and Administration.**

4.1. The Chancellor shall develop, in consultation with the Funding Formula Advisory Committee, as defined in section 4.3 of this Rule, a funding formula for public four-year institutions that will serve as a broad framework for efforts to improve student outcomes and institutional efficiency. The Commission shall use the funding formula to determine the annual base budget request for each institution, beginning with the fiscal year 2024 budgeting cycle. The formula shall, at a minimum:

4.1.1. Apply to thirty percent (30%) of each institution’s base appropriation, referred to herein as the Outcomes-Based Funding Pool;

4.1.2. Set aside seventy percent (70%) of each institution’s base appropriation, referred to herein as the Base Operating Budget, which shall be exempt from outcomes-based funding calculations;

4.1.3. Hold institutions accountable for increasing the educational attainment levels of West Virginia citizens by addressing the State’s economic development and workforce needs and promoting increased degree production, with a particular emphasis on degrees awarded in academic programs aligned with State Priority Fields;

4.1.4. Acknowledge the unique mission of each institution;

4.1.5. Be based on a set of objective performance metrics that reflect and support the State’s higher education goals and priorities;

4.1.6. Incorporate safeguards to ensure stability of the funding formula, including, but not limited to:

4.1.6.a. A Hold Harmless Provision; and

4.1.6.b. To the extent possible, employment of a three-year rolling average for all data metrics; and

4.1.7. Apply an annual inflation adjustment, calculated utilizing the Higher Education Price Index, to each institution’s Base Operating Budget, Outcomes-Based Funding Pool, and the system-wide rate per weighted outcome.

4.2. Nothing in this rule shall be interpreted as prohibiting an institution from submitting requests for

special appropriations to support capital projects or other projects or initiatives.

#### 4.3. Funding Formula Advisory Committee

4.3.1. The Chancellor shall appoint a Funding Formula Advisory Committee (Advisory Committee) whose membership shall be comprised of the president of each institution or a president's designee and additional members with relevant expertise as deemed appropriate and necessary by the Chancellor.

4.3.2. The Chancellor or his or her designee shall serve as the chair of the Advisory Committee.

4.3.3. The Advisory Committee shall meet at least annually at a time and place determined by the Chancellor.

4.3.4. The Advisory Committee shall review the funding formula components and identify needed revisions, additions, or deletions to the formula.

4.3.5. The Chancellor shall not be bound by the advice of the Advisory Committee.

4.4. Amendments or Revisions to the Funding Formula. – The Chancellor, in consultation with the Advisory Committee and upon approval by the Commission, may revise the metrics comprising the funding formula outlined in Subsection 4.5 below as necessary based on changes in State priorities.

#### 4.5. Funding Formula Elements.

4.5.1. Funding Formula calculations shall, at a minimum, be based on the following data metrics:

4.5.1.a. Progression Outcomes.

4.5.1.b. Completion Outcomes.

4.5.1.b.1. Associate degree completers;

4.5.1.b.2. Bachelor's degree completers;

4.5.1.b.3. Master's degree and post-master's certificate completers;

4.5.1.b.4. Doctoral and/or law degree completers;

4.5.1.c. Workforce Outcomes

4.5.1.c.1. Graduates earning wages in West Virginia; and

4.5.1.c.2. Graduates enrolled in continued postsecondary education.

4.5.1.d. Institutional investments in research and development, as defined by this Rule.

4.5.1.e. Efficiency Outcomes, based on the number of students earning associate and/or bachelor's degrees per 100 full-time equivalent (FTE) students.

4.5.1.f. Other metrics as defined by the Chancellor, in consultation with the Commission and the Advisory Committee.



#### 4.5.2. Mission Weighting

4.5.2.a. The Funding Formula shall incorporate mathematical factors to provide for differential weighting of data metrics based on institutional mission.

4.5.2.b. Mission weights shall be established in consultation with institutional leadership, within parameters established by the Chancellor, and must be approved by each institution's board of governors. The boards of governors shall notify the Chancellor of such institutional mission weights by letter from the board's chair or the chair's designee.

4.5.2.c. Should a board of governors fail to adopt institutional mission weights and submit notification of the same to the Chancellor prior to the established deadline, the Chancellor shall determine that institution's mission weights on the board's behalf.

4.5.2.d. Mission weights shall be finalized at the beginning of each five-year funding cycle and may not be amended or adjusted prior to the end of the cycle; *Provided*, that the Chancellor may grant exceptions for good cause shown.

#### 4.6. Data Collection Requirements

4.6.1. Each institution is responsible for the timely submission to the Commission of all data necessary for the administration of the funding formula.

4.6.2. On or before July 1 of each year, the Commission shall publish and distribute a calendar specifying due dates for the submission of data elements required for the administration of the funding formula.

4.6.3. Should an institution fail to submit all necessary data prior to the deadline prescribed by the Commission, the institution's budget request shall be based on the recommended funding level from the most recent fiscal year in which all data were provided, with the Outcomes Based Funding Pool amount reduced by five percent (5%) and no adjustment for inflation applied.

4.6.4. Each institutional board of governors shall adopt a policy pursuant to W. Va. Code § 18B-1-6 establishing procedures and internal controls that ensure the integrity and validity of data submitted in support of the funding formula. The boards shall submit their initial policies to the Commission no later than June 30, 2023 and any subsequent amendments thereto in accordance with statutory rulemaking procedures.

4.6.5. The Commission may conduct periodic audits of institutional data submissions, institutional processes and procedures governing the collection and submission of data, any source data upon which submitted data files are based, and any other funding formula related data determined necessary by the Chancellor. The cost of such audits shall be borne by the Commission.

#### 4.7. State Priority Degree Fields

4.7.1. The funding formula shall incentivize associate and bachelor's degree production in certain fields identified by the West Virginia Department of Commerce as State Priority Programs.

4.7.2. As the State's workforce needs are everchanging, the Department of Commerce may recommend designating a new State Priority Program at any point in the funding cycle.

4.7.3. Once identified as a State Priority Program, a program shall maintain the Priority designation for a period of at least five full academic years.

4.7.4. State Priority Programs shall be identified by the Classification of Instructional Programs (CIP) Code associated with the program of study in the Commission's official inventory of degree programs.

4.7.5. An institution may request to change the CIP Code of an existing program to a code on the State Priority Programs list but must provide sufficient documentation demonstrating that the coursework and content delivered through an approved program of study align with the proposed new CIP discipline.

4.7.6. For any new academic program assigned a CIP Code on the State Priority Programs list, the Chancellor may require an institution to submit documentation demonstrating that the coursework and content delivered through an approved program of study align with the proposed new CIP discipline.

4.7.7. The Chancellor may disqualify any new or existing academic program from being identified as a State Priority Program if it is determined that the coursework and content delivered through an approved program of study do not align sufficiently with the proposed new CIP discipline.

4.7.8. An institution may appeal any decision by the Chancellor to disqualify a State Priority Program. Such appeal shall be made in writing to the Commission for consideration at the Commission's next regular meeting; *Provided* that such appeal is submitted no less than thirty (30) days prior to the scheduled meeting date. Changes to the State Priority Program inventory resulting from an appeal shall have no retroactive effect on model calculations.

### **§133-2-5. Formula Calculations**

5.1. The funding formula shall operate on a five-year cycle, beginning with fiscal year 2024 budgeting cycle.

#### **5.2. Benchmarking**

5.2.1. In the first year of each funding cycle, abbreviated herein as year zero ( $y_0$ ), the Commission shall establish baseline values for each metric based on an average of the three most recent full academic years of available data. The baseline data shall provide a basis of comparison upon which institutional performance shall be gauged in subsequent years of the funding cycle (years one through four).

5.2.2. In each year following  $y_0$ , each institution's recommended funding level shall be calculated based on the increase or decrease of the institution's total outcomes score as compared to the  $y_0$  benchmark value.

#### **5.3. Funding Formula Calculations**

5.3.1. At the beginning of each annual budget cycle, the following values shall be calculated and used in the determination of each institution's recommended base appropriation request:

5.3.1.a. The number of outcomes achieved within each data metric, with weighting factors applied where appropriate for:

5.3.1.a.1. Students representing Focus Populations; and

5.3.1.a.2. Associate and bachelor's degrees awarded in State Priority Programs;

5.3.1.b. The Total Outcomes Score based on an average of the three most current years of data for each of the metrics established in Section 4.5 of this rule;

5.3.1.c. The net increase or decrease in outcomes score between the current year and the benchmarking year ( $y_0$ );

5.3.1.d. The inflation-adjusted rate per outcome;

5.3.1.e. The Base Operating Budget, adjusted for inflation; and

5.3.1.f. The prior year's Outcomes Based Funding level, adjusted for inflation.

5.3.2. Each institution's base appropriation request shall be determined by the following calculations:

5.3.2.a. The net increase or decrease in outcomes score is multiplied by the system-level rate per outcome to determine the net change in Outcomes Based Funding. This value is added to the inflation-adjusted Outcomes Based Funding level from the prior year.

5.3.2.b. The prior year's Base Operating Budget is adjusted for inflation and added to the Outcomes Based Funding pool, calculated in paragraph 5.3.2.a of this rule.

5.3.2.c. Any annual reduction to an institution's Outcomes Based Funding pool shall not exceed five percent (5%).

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

**SERIES 2  
HIGHER EDUCATION FINANCE POLICY PERFORMANCE-BASED FUNDING FORMULA**

**~~§133-2-1. General.~~**

~~— 1.1. Scope. — This rule establishes the principles to guide the development of financing and resource allocation policies and procedures to be utilized by the Higher Education Policy Commission.~~

~~— 1.2. Authority — W. Va. Code §18B-1B-4(a)(8).~~

~~— 1.3. Filing Date. — June 7, 2001.~~

~~— 1.4. Effective Date. — July 1, 2001.~~

**~~§133-2-2. Purpose.~~**

~~— 2.1. The primary purpose of this rule is to establish guidelines to be used by the Higher Education Policy Commission in:~~

~~— 2.1.1. — Allocating state appropriated unrestricted resources to the institutions.~~

~~— 2.1.2. — Setting targets for shares of institutional revenues to be contributed from education and general unrestricted revenues.~~

~~— 2.1.3. — Reviewing tuition and fee schedules approved by the individual colleges and universities for consistency with Policy Commission and West Virginia Code guidelines and parameters.~~

~~— 2.1.4. Establishing policies that address student financial aid decisions.~~

~~— 2.1.5. — Establishing policies regarding the role of all educational and general unrestricted revenue in calculating institutional eligibility for equity funding.~~

**~~§133-2-3. Guidelines.~~**

~~— 3.1. The following will guide the further development of the policies and procedures to be utilized in financing and resource allocation within the West Virginia system of public higher education:~~

~~— 3.1.1. All data reported will be based on national uniform and consistent definitions as adopted or established by the Higher Education Policy Commission. If no national standard exists, the Policy Commission may adopt appropriate standards.~~

~~— 3.1.2. — Institutional requirements for additional recordkeeping and reporting will be minimized.~~

~~— 3.1.3. — A schedule for reporting of information and for decision making will be established by the Commission.~~

~~— 3.1.4. — Information from peer institutions as determined by the Commission will be utilized in various ways. The most recently available IPEDS data will form the basis of any comparisons.~~

~~— 3.1.5. — The president or administrative head of each public college, university, regional campus, or community and technical college shall be responsible for ensuring that all requested information is submitted in a timely fashion to the Policy Commission and shall certify that the information submitted has been reviewed for accuracy.~~

**~~§133-2-4. Principles.~~**

~~— 4.1. Operating Budget.~~

~~— 4.1.1. Base Budget.~~

~~— 4.1.1.1. The base budget amount for each budget request year will be determined by~~

~~the Commission in consultation with each institution.~~

~~4.1.1.2. This base budget includes unrestricted educational and general revenues from all sources. Unrestricted educational and general revenues are defined as all audited unrestricted current fund revenues, expenditures, transfers, and other changes; minus auxiliary revenue, hospital revenue, and independent operations.~~

~~4.1.2. State resources will be allocated to institutions in the following categories:~~

~~4.1.2.1. Continuation base amount from previous year.~~

~~4.1.2.2. Sustained quality support.~~

~~4.1.2.3. Peer equity.~~

~~4.1.2.4. Research challenge.~~

~~4.1.2.5. Independently accredited community and technical college development.~~

~~4.1.2.6. Incentives for contributions to state priorities.~~

~~4.1.3. Funds from all these categories will be released to institutions in whole or part when the Policy Commission certifies that the institution is meeting the objectives established in its compact.~~

~~4.1.4. The Policy Commission will establish the amount to be included in its budget request for each category annually with the conditions that:~~

~~4.1.4.1. Funds will be requested for each category.~~

~~4.1.5. Sustained Quality Support.~~

~~4.1.5.1. Funds designated for sustained quality support will be allocated to all institutions in proportion to institutions' base budgets in accordance with W. Va. Code §18B-1A-5(b)(6)(E).~~

~~4.1.5.2. Each year's allocations will be added to the institutions' base budgets for subsequent years unless the Policy Commission determines that substantial change in institutional mission or structure has occurred requiring a change in the base budget.~~

~~4.1.6. Peer Equity.~~

~~4.1.6.1. Policy Commission establishes benchmark funding amounts each year.~~

~~4.1.6.2. Allocated in accordance with W. Va. Code §18B-1A-5(b)(6)(A).~~

~~4.1.6.3. Added to base.~~

~~4.1.6.4. Continued until all institutions achieve at least 90-100 percent of benchmark amounts, as a measure of external equity. It is the goal of the Commission to first attain internal equity among institutions by raising the minimum value until all institutions reach the same level. External equity goals will be addressed only after internal equity has been accomplished. Further, it is the intention of the Commission that institutions should not lose ground relative to peer attainment. As used herein, "external equity" is the funding of the institution relative to its peers, and "internal equity" is leveling of differences in peer funding among the West Virginia institutions.~~

~~4.1.6.5. The Policy Commission may adjust peer equity funds based upon imputation of assumed tuition funds consistent with peer averages.~~

~~4.1.7. Independently Accredited Community and Technical College Development~~

~~4.1.7.1. Allocated in accordance with W. Va. Code §18B-1A-5(b)(6)(B).~~

~~4.1.7.2. Funds allocated for this purpose must be separately controlled and accounted for either by the host institution, the community college component or as otherwise determined by the Commission.~~

~~4.1.8. Research Challenge.~~

~~4.1.8.1. Allocated in accordance with W. Va. Code §18B-1A-5(b)(6)(C).~~

~~4.1.8.2. Amounts awarded must be matched by the institution, on at least a one-for-one basis at the discretion of the Commission.~~

~~4.1.9. Incentives for Institutional Contributions to State Priorities.~~

~~4.1.9.1. The Commission will establish the method of allocation for these funds. The allocation mechanisms will be based on demonstrated contribution toward achievement of state priority goals in accordance with W. Va. Code §18B-1A-5(b)(6)(D).~~

~~4.1.9.2. State priority funds will not be added to the institution's base allocation.~~

~~4.1.9.3. Amounts awarded must be matched by the institution, on at least a one-for-one basis at the discretion of the Commission.~~

~~4.1.10. Use of Funds Once Allocated.~~

~~4.1.10.1. These uses must be in accordance with a budget approved annually by the institution's Governing Board.~~

~~4.2. The Capital Budget.~~

~~4.2.1. The Commission will utilize necessary funds from the state appropriation or tuition and fee revenues to cover annual repayment of bonded indebtedness incurred prior to July 1, 2001.~~

~~4.2.2. The Commission will develop procedures for creating an approved list of capital projects to be submitted to the legislature with provisos that:~~

~~4.2.2.1. Only projects on the approved list will be eligible for state funding either through direct state appropriation for construction or for repayment of debt.~~

~~4.2.2.2. All capital projects, subject to dollar limits in Commission policy, will be~~

~~brought to the Commission for approval regardless of source of funding or method of acquisition.~~

~~4.2.2.3. In the event of an emergency, an institution may make a special request for unanticipated capital funding needs.~~

~~4.3. Tuition and Fees.~~

~~4.3.1. The Board of Governors of each institution will establish tuition and fee schedules within guidelines promulgated by the Commission or in West Virginia Code.~~

~~4.3.2. All tuition and fee revenues will remain at the campuses except as may be provided for by Higher Education Policy Commission action or statutory provisions.~~

~~4.3.3. Guidelines for Establishing Tuition Rates.~~

~~4.3.3.1. Differentiation by level (e.g., graduate vs. undergraduate) and by program (e.g., law and medicine vs. other fields) is permissible.~~

~~4.3.3.2. Tuition rates should be near the medians for peer institutions. However, the intent is to relate tuition to "ability to pay" rather than to an absolute level.~~

~~4.3.3.3. Student tuition as a share of revenue (tuition and fees and state appropriation), should be graduated so that students pay the highest share of revenue at the research universities, a lower share at the four-year colleges, and the lowest share at community colleges, as defined by the Policy Commission. It is the intent of the Policy Commission to define tuition ranges with the specific tuition to be set by the governing board of each institution.~~

~~4.3.3.4. Community college tuition should approximate peer medians. Without the express approval of the Policy Commission, tuition at component or administratively linked community colleges will not be increased where such tuition exceeds the peer average tuition for West Virginia's stand alone community colleges~~

~~as calculated by the Policy Commission. In accordance with W. Va. §18B-10-1(h)(3), tuition and fee rates for all component community colleges “will be commensurate with the tuition and fees charged by their peer institutions” within a time frame agreed upon between the institution and the Commission. Each institution with a component community college will submit, as part of its Compact, a plan to the commission regarding the progress toward this goal. In accordance with the Policy Commission guidelines, community colleges offering upper division courses may charge tuition for such courses consistent with the tuition charged for similar courses at West Virginia public four year institutions.~~

~~4.3.3.5. The Policy Commission shall set guidelines for out of state tuition levels which take into account the cost of instruction and an appropriate relationship between in state and out of state tuition levels, with out of state tuition and fees covering at least the full costs of instruction. It is the intention of the Commission that there be no disincentives for the enrollment of non-resident students unless their admission results in a lack of opportunities for qualified West Virginia residents.~~

#### ~~4.4. Student Financial Aid.~~

~~4.4.1. Each institution shall develop explicit student financial aid policies that address such issues as:~~

~~4.4.2. The manner in which tuition and fee increases are offset by financial aid.~~

~~4.4.3. The balance of need based and merit based aid.~~

~~4.4.4. The balance of loan versus scholarship/grant awards.~~

#### ~~4.5. Tuition Pricing and Discounts.~~

~~4.5.1. The Commission reserves the right to limit discounts or adjustments to tuition revenue. The extent to which tuition and fee pricing is offset or reduces tuition and fee revenue through various discounts such as tuition waivers, reciprocal agreements and metro~~

~~fees will be a consideration in the Commission’s decision regarding allocation of state appropriations to each institution.~~

#### ~~4.6. Other Revenues.~~

~~4.6.1. Institutions are expected to acquire unrestricted and restricted revenues from educational and general sources other than tuition and fees and state appropriations.~~

#### ~~4.6.2. Consistent with this intent:~~

~~4.6.2.1. The peer group median of the per student revenues from sources other than tuition and fee or state appropriations will be established as a target for each institution. State appropriation support for institutions exceeding such targets would not normally be reduced as a result of institutional success in this area.~~

~~4.6.2.2. Institutions are expected to seek approval from the Policy Commission for any supplemental budget requests or Budget Digest funding before seeking such funds.~~

**§133-2-1. General.**

1.1. Scope. – This rule governs development, implementation, and administration of the performance-based funding formula for West Virginia public four-year colleges and universities.

1.2. Authority. – W. Va. § 18B-1B-4(a)(2).

1.3. Filing Date. –

1.4. Effective Date. –

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date.

**§133-2-2. Purpose.**

2.1. The purpose of this rule is to define the parameters governing the establishment and administration of a performance-based funding formula (funding formula or formula) to be used in the development of annual base budget requests, beginning with the 2024 fiscal year budget cycle, for Bluefield State University, Concord University, Fairmont State University, Glenville State University, Marshall University, Potomac State College of West Virginia University, Shepherd University, West Liberty University, West Virginia State University, West Virginia University, and West Virginia University Institute of Technology.

**§133-2-3. Definitions.**

3.1. “Academically Underprepared Student” means a West Virginia resident student, pursuing an associate or bachelor’s degree, who has at least one of the following risk factors:

3.1.1. Cumulative high school grade point average below 2.50; or

3.1.2. Admitted to the institution based on standardized test scores (ACT, SAT, or ACCUPLACER) that would qualify the student for developmental or remedial placement in mathematics or English based on placement criteria established by 133 C.S.R. 21, *Freshman Assessment and Placement Standards*.

3.2. “Adults or Adult Students” means West Virginia Resident students with an approximate age of 25 and older, calculated by subtracting the individual’s year of birth from the submission year for those data used in the calculation of model outcomes.

3.3. “Awards per 100 Full-Time Equivalent (FTE) Students” means the combined total number of unique students earning at least one associate or bachelor’s degree within an academic year for every 100 full-time equivalent (FTE) undergraduate degree-seeking students.

3.4. “Base Appropriation” means the amount of funding that an institution receives through a state appropriation for its operations and for which there are no significant restrictions on expenditure, and excluding funds appropriated specifically to support the schools of medicine, and related health sciences functions, at Marshall University and West Virginia University.

3.5. “Chancellor” means the Chancellor for Higher Education, as that term is defined by W. Va. Code § 18B-1B-5, or his or her designee.



3.6. “Classification of Instructional Programs (CIP) Code” means a numerical identifier assigned by the National Center for Education Statistics to an academic discipline to support tracking and reporting data at the field-of-study level.

3.7. “Commission” means the West Virginia Higher Education Policy Commission as established by W. Va. Code § 18B-1B-1, et seq.

3.8. “Degrees Awarded” means the combined total number of students earning associate degrees, bachelor’s degrees, master’s degrees, post-master’s certificates, doctoral degrees or law degrees during an academic year. Students earning multiple degrees within an academic year shall be counted as a single outcome for model calculations. In such cases, the outcome score will be calculated based on the degree that yields the institution the highest possible total score with all premium multipliers applied.

3.9. “Focus Population” means West Virginia resident students identified as academically underprepared, adults, and/or low-income based on the criteria defined by this Rule.

3.10. “Full-Time Equivalent (FTE) Student” is an enrollment metric calculated by dividing the total number of credit hours generated by a degree-seeking student in credit-bearing classes during the summer, fall, and spring semesters of an academic year by 30.

3.11. “Higher Education Price Index (HEPI)” is an 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.

3.12. “Hold-Harmless Provision” means a safeguard in the funding formula designed to provide stability and predictability in the formula by preventing an institution’s outcomes-based funding allotment from decreasing by more than five percent (5%) from one academic year to the next.

3.13. “Low-Income Student” means a West Virginia resident student who, based on current and historical records, is identified as having received financial assistance through the Federal Pell Grant program for at least one semester at any State institution of higher education.

3.14. “On-Time Completion” refers to a graduate who completed a bachelor's degree within four academic years, based on the year and semester in which they were reported as a first-time freshman and the year and semester in which they were reported as completing a bachelor's degree. The bachelor's degree must be completed at the same institution at which the student was first identified as a first-time freshman.

3.15. “Premium” is a mathematical weighting factor applied to certain formula calculations for West Virginia resident students identified as belonging to one or more focus populations, to associate or bachelor’s degrees awarded in fields identified as State Priority Fields, and/or to bachelor’s degrees completed within four years, as defined in Section 3.14 of this rule.

3.16. “Progression Outcomes” means the number of full-time and part-time associate or bachelor’s degree-seeking students whose cumulative credits earned at the institution at the beginning of a semester are less than the established credit hour threshold benchmarks of 30, 60, or 90 student credit hours and whose cumulative credit hours earned at the end of the semester are equal to or greater than the credit hour threshold benchmarks during the academic year.

3.17. “Research and Development Metrics” means the amount of non-state appropriate funding expended on research and development activities as reported on the institution’s audited financial statement under the Operating Expenses category within both the natural and functional classifications.

3.18. “Residual Funds” means funding that is not obligated through formula calculations as a result of a decline from one year to the next in the total number of outcomes across all institutions.

3.19. “Scaling Factor” is a mathematically derived value used in formula calculations for the purpose of adjusting outcome values across different metrics to values of comparable magnitude.

3.20. “State Priority Programs” means associate degree or bachelor’s degree programs identified by the West Virginia Department of Commerce as being aligned with occupations in high or critical demand statewide.

3.21. “West Virginia Resident” or “Resident” means an individual enrolled at a public college or university with an in-state tuition and fee status as defined by 133 C.S.R. 25, *Residency Classification for Admission and Fee Purposes*.

#### **§133-2-4. Formula Development, Implementation, and Administration.**

4.1. The Chancellor shall develop, in consultation with the Funding Formula Advisory Committee, as defined in section 4.3 of this Rule, a funding formula for public four-year institutions that will serve as a broad framework for efforts to improve student outcomes and institutional efficiency. The Commission shall use the funding formula to determine the annual base budget request for each institution, beginning with the fiscal year 2024 budgeting cycle. The formula shall, at a minimum:

4.1.1. Apply to thirty percent (30%) of each institution’s base appropriation, referred to herein as the Outcomes-Based Funding Pool;

4.1.2. Set aside seventy percent (70%) of each institution’s base appropriation, referred to herein as the Base Operating Budget, which shall be exempt from outcomes-based funding calculations;

4.1.3. Hold institutions accountable for increasing the educational attainment levels of West Virginia citizens by addressing the State’s economic development and workforce needs and promoting increased degree production, with a particular emphasis on degrees awarded in academic programs aligned with State Priority Fields;

4.1.4. Acknowledge the unique mission of each institution;

4.1.5. Be based on a set of objective performance metrics that reflect and support the State’s higher education goals and priorities;

4.1.6. Incorporate safeguards to ensure stability of the funding formula, including, but not limited to:

4.1.6.a. A Hold Harmless Provision; and

4.1.6.b. To the extent possible, employment of a three-year rolling average for all data metrics; and

4.1.7. Apply an annual inflation adjustment, calculated utilizing the Higher Education Price Index, to each institution’s Base Operating Budget, Outcomes-Based Funding Pool, and the system-wide rate per weighted outcome.

4.2. Nothing in this rule shall be interpreted as prohibiting an institution from submitting requests for

special appropriations to support capital projects or other projects or initiatives.

#### 4.3. Funding Formula Advisory Committee

4.3.1. The Chancellor shall appoint a Funding Formula Advisory Committee (Advisory Committee) whose membership shall be comprised of the president of each institution or a president's designee and additional members with relevant expertise as deemed appropriate and necessary by the Chancellor.

4.3.2. The Chancellor or his or her designee shall serve as the chair of the Advisory Committee.

4.3.3. The Advisory Committee shall meet at least annually at a time and place determined by the Chancellor.

4.3.4. The Advisory Committee shall review the funding formula components and identify needed revisions, additions, or deletions to the formula.

4.3.5. The Chancellor shall not be bound by the advice of the Advisory Committee.

4.4. Amendments or Revisions to the Funding Formula. – The Chancellor, in consultation with the Advisory Committee and upon approval by the Commission, may revise the metrics comprising the funding formula outlined in Subsection 4.5 below as necessary based on changes in State priorities.

#### 4.5. Funding Formula Elements.

4.5.1. Funding Formula calculations shall, at a minimum, be based on the following data metrics:

4.5.1.a. Progression Outcomes.

4.5.1.b. Completion Outcomes.

4.5.1.b.1. Associate degree completers;

4.5.1.b.2. Bachelor's degree completers;

4.5.1.b.3. Master's degree and post-master's certificate completers;

4.5.1.b.4. Doctoral and/or law degree completers;

4.5.1.c. Workforce Outcomes

4.5.1.c.1. Graduates earning wages in West Virginia; and

4.5.1.c.2. Graduates enrolled in continued postsecondary education.

4.5.1.d. Institutional investments in research and development, as defined by this Rule.

4.5.1.e. Efficiency Outcomes, based on the number of students earning associate and/or bachelor's degrees per 100 full-time equivalent (FTE) students.

4.5.1.f. Other metrics as defined by the Chancellor, in consultation with the Commission and the Advisory Committee.

#### 4.5.2. Mission Weighting

4.5.2.a. The Funding Formula shall incorporate mathematical factors to provide for differential weighting of data metrics based on institutional mission.

4.5.2.b. Mission weights shall be established in consultation with institutional leadership, within parameters established by the Chancellor, and must be approved by each institution's board of governors. The boards of governors shall notify the Chancellor of such institutional mission weights by letter from the board's chair or the chair's designee.

4.5.2.c. Should a board of governors fail to adopt institutional mission weights and submit notification of the same to the Chancellor prior to the established deadline, the Chancellor shall determine that institution's mission weights on the board's behalf.

4.5.2.d. Mission weights shall be finalized at the beginning of each five-year funding cycle and may not be amended or adjusted prior to the end of the cycle; *Provided*, that the Chancellor may grant exceptions for good cause shown.

#### 4.6. Data Collection Requirements

4.6.1. Each institution is responsible for the timely submission to the Commission of all data necessary for the administration of the funding formula.

4.6.2. On or before July 1 of each year, the Commission shall publish and distribute a calendar specifying due dates for the submission of data elements required for the administration of the funding formula.

4.6.3. Should an institution fail to submit all necessary data prior to the deadline prescribed by the Commission, the institution's budget request shall be based on the recommended funding level from the most recent fiscal year in which all data were provided, with the Outcomes Based Funding Pool amount reduced by five percent (5%) and no adjustment for inflation applied.

4.6.4. Each institutional board of governors shall adopt a policy pursuant to W. Va. Code § 18B-1-6 establishing procedures and internal controls that ensure the integrity and validity of data submitted in support of the funding formula. The boards shall submit their initial policies to the Commission no later than June 30, 2023 and any subsequent amendments thereto in accordance with statutory rulemaking procedures.

4.6.5. The Commission may conduct periodic audits of institutional data submissions, institutional processes and procedures governing the collection and submission of data, any source data upon which submitted data files are based, and any other funding formula related data determined necessary by the Chancellor. The cost of such audits shall be borne by the Commission.

#### 4.7. State Priority Degree Fields

4.7.1. The funding formula shall incentivize associate and bachelor's degree production in certain fields identified by the West Virginia Department of Commerce as State Priority Programs.

4.7.2. As the State's workforce needs are everchanging, the Department of Commerce may recommend designating a new State Priority Program at any point in the funding cycle.

4.7.3. Once identified as a State Priority Program, a program shall maintain the Priority designation for a period of at least five full academic years.

4.7.4. State Priority Programs shall be identified by the Classification of Instructional Programs (CIP) Code associated with the program of study in the Commission's official inventory of degree programs.

4.7.5. An institution may request to change the CIP Code of an existing program to a code on the State Priority Programs list but must provide sufficient documentation demonstrating that the coursework and content delivered through an approved program of study align with the proposed new CIP discipline.

4.7.6. For any new academic program assigned a CIP Code on the State Priority Programs list, the Chancellor may require an institution to submit documentation demonstrating that the coursework and content delivered through an approved program of study align with the proposed new CIP discipline.

4.7.7. The Chancellor may disqualify any new or existing academic program from being identified as a State Priority Program if it is determined that the coursework and content delivered through an approved program of study do not align sufficiently with the proposed new CIP discipline.

4.7.8. An institution may appeal any decision by the Chancellor to disqualify a State Priority Program. Such appeal shall be made in writing to the Commission for consideration at the Commission's next regular meeting; *Provided* that such appeal is submitted no less than thirty (30) days prior to the scheduled meeting date. Changes to the State Priority Program inventory resulting from an appeal shall have no retroactive effect on model calculations.

### **§133-2-5. Formula Calculations**

5.1. The funding formula shall operate on a five-year cycle, beginning with fiscal year 2024 budgeting cycle.

#### **5.2. Benchmarking**

5.2.1. In the first year of each funding cycle, abbreviated herein as year zero ( $y_0$ ), the Commission shall establish baseline values for each metric based on an average of the three most recent full academic years of available data. The baseline data shall provide a basis of comparison upon which institutional performance shall be gauged in subsequent years of the funding cycle (years one through four).

5.2.2. In each year following  $y_0$ , each institution's recommended funding level shall be calculated based on the increase or decrease of the institution's total outcomes score as compared to the  $y_0$  benchmark value.

#### **5.3. Funding Formula Calculations**

5.3.1. At the beginning of each annual budget cycle, the following values shall be calculated and used in the determination of each institution's recommended base appropriation request:

5.3.1.a. The number of outcomes achieved within each data metric, with weighting factors applied where appropriate for:

5.3.1.a.1. Students representing Focus Populations; and

5.3.1.a.2. Associate and bachelor's degrees awarded in State Priority Programs;

5.3.1.b. The Total Outcomes Score based on an average of the three most current years of data for each of the metrics established in Section 4.5 of this rule;

5.3.1.c. The net increase or decrease in outcomes score between the current year and the benchmarking year ( $y_0$ );

5.3.1.d. The inflation-adjusted rate per outcome;

5.3.1.e. The Base Operating Budget, adjusted for inflation; and

5.3.1.f. The prior year's Outcomes Based Funding level, adjusted for inflation.

5.3.2. Each institution's base appropriation request shall be determined by the following calculations:

5.3.2.a. The net increase or decrease in outcomes score is multiplied by the system-level rate per outcome to determine the net change in Outcomes Based Funding. This value is added to the inflation-adjusted Outcomes Based Funding level from the prior year.

5.3.2.b. The prior year's Base Operating Budget is adjusted for inflation and added to the Outcomes Based Funding pool, calculated in paragraph 5.3.2.a of this rule.

5.3.2.c. Any annual reduction to an institution's Outcomes Based Funding pool shall not exceed five percent (5%).

**West Virginia Higher Education Policy Commission**  
**Meeting of June 10, 2022**

**ITEM:** Approval of Revisions to Series 10, Procedural Rule, Policy Regarding Program Review

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves revisions to Series 10, Procedural Rule, Policy Regarding Program Review to be filed with the Secretary of State for the 30-day public comment period and if no substantive comments are received, that the Commission extends its final approval.

**STAFF MEMBER:** Randall Brumfield

**BACKGROUND:**

The revisions to Series 10, Procedural Rule, Policy Regarding Program Review, will transition the program review process to institutions while maintaining a reporting responsibility to the Commission on a regular basis, and provides technical changes.

Currently, when an academic program does not meet specific degree awards and enrollment productivity thresholds specified in rule, the Commission recommends to the institution's Board of Governors that the program be placed on probationary status. If the program does not meet productivity thresholds in three years, the Commission recommends to the Board of Governors that the program be discontinued.

The proposed changes to the rule acknowledge that uniform productivity standards do not provide an accurate indicator of performance. Some programs may have low enrollment and few degrees awarded, not because of lack of interest or need, but due to limitations associated with program accreditation requirements, rigor, admissions criteria, or self-imposed student enrollment caps. As a result, some programs that do not meet productivity standards often retain considerable value to students, the institution, industry, and economic development. Changes to the rule will provide institutions with flexibility to evaluate programs in a manner that accounts for institution and board performance expectations, and ensures that meaningful assessment outcomes are reported to the Commission.

The proposed changes to Series 10 outline program review and reporting. Findings and recommendations regarding underperforming programs will be included in the report submitted to the Commission, with annual updates that summarize progress toward the

implementation of recommendations.

Additionally, a state-wide program planning process will be implemented. Each institution will evaluate and report annually to the Commission the program actions anticipated to be implemented over the course of a rolling three-year period. Staff will convene institutional chief academic officers or their designees to meet once a year to review and discuss the statewide program plan.



**TITLE 133**  
**PROCEDURAL RULE**  
**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**  
  
**SERIES 10**  
**POLICY REGARDING PROGRAM REVIEW AND PLANNING**

**§133-10-1. General.**

1.1. Scope - This rule ~~delineates the responsibilities of the institutional governing boards and the Higher Education Policy Commission in the review of existing academic programs~~ provides baccalaureate institutions with guidelines and procedures for academic program review.

1.2. Authority. – W. Va. Code §§ 18B-1-6 and 18B-1B-4 ~~and 18B-2A-4.~~

1.3. Filing Date. – ~~September 10, 2008.~~

1.4. Effective Date. – ~~October 10, 2008.~~

1.5. Amendment of Former Rule. – Amends and replaces Title 133, Series 10, dated October 10, 2008.

**§133-10-2. Basis of Program Review Process.**

2.1. ~~W. Va. Code '18B-1B-4 and 18B-2A-4 delineate responsibilities for the review of academic programs. Each institutional governing board has the responsibility to review at least every five years all programs offered at the institution(s) of higher education under its jurisdiction and in the review to address the viability, adequacy, necessity, and consistency with mission of the programs to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district. Additionally, each governing board as part of the review is to require the institution(s) under its jurisdiction to conduct periodic studies of graduates and their employers to determine placement practices and the effectiveness of the education experience. The Higher Education Policy Commission has the responsibility for review of academic degree programs, including the use of institutional missions as a template to assure the appropriateness of existing programs and the authority to implement needed changes. The program review process is designed to improve the performance of institutions' academic programs by providing a systematic method to evaluate student outcomes, productivity, and need. It also allows institutions to demonstrate alignment with the general standards of academic programs through descriptive information and supporting documentation. The process of program review is complementary to accreditation review by the Higher Learning Commission or other United States Department of Education-recognized regional or national accrediting agency and to the reviews of professional accreditors.~~

2.2. For the purpose of this document, a “program” is defined as curriculum or course of study in a discipline specialty that leads to a ~~certificate or degree.~~

**§133-10-3. ~~Assumptions Used in Developing the Review Process.~~ [Reserved]**

3.1. ~~A rational and comprehensive program review process requires differentiation among levels of degrees. The process, criteria, and standards for associate degree programs will differ significantly from those applied to graduate programs.~~

3.2. ~~The program review process must be accomplished within the limits of available staff and resources.~~

~~3.3. A continuous auditing process allowing for early identification of programs that need particular scrutiny is required to permit changes to be anticipated, appropriate intervention to take place, and corrective action to be accomplished within normal institutional planning efforts.~~

~~3.4. A readily accessible computerized data base should be available to support the program review process.~~

#### **§133-10-4. Evaluative Components.**

4.1. Baccalaureate institutions shall integrate program review into their strategic planning and budgeting processes. This ensures each institution considers within these processes the full breadth of academic programs and the resources necessary to support them. This more effectively positions each institution to initiate changes that enhance quality and effectiveness through an objective and evidenced-based approach for making strategic decisions about critical resources in support of each institution's mission. In order to address accomplish this the elements of viability, adequacy and necessity, each institution will shall develop a reporting format that includes perform an evaluation of all academic programs at least once every five years and provide a report on the status of these programs to the West Virginia Higher Education Policy Commission (Commission) in a format determined by the Commission. The evaluation shall consist of, but not be limited to, the following priority core components:

- ~~4.1.1. Mission~~ External demand;
- ~~4.1.2. Faculty~~ Quality of outcomes; and
- ~~4.1.3. Curriculum~~ Delivery cost;
- ~~4.1.4. Resources;~~
- ~~4.1.5.—~~
- ~~4.1.6.—Student learning outcomes;~~
- ~~4.1.7.—Other learning and service activities;~~
- ~~4.1.8.—Viability; and~~
- ~~4.1.8.—Program improvement.~~

4.2. At the discretion of the institution, it may adopt additional components may be adopted to use in evaluating its academic programs, though the aforementioned criteria shall be given priority and weighted most within the institution's evaluation method.

~~4.2. Reporting formats developed by the institutions under the provisions of section 4.1. shall be submitted to the Commission for review.~~

#### **§133-10-5. Program Review Procedures and Levels of Review.**

~~5.1. The program review process will provides for a review and evaluation of all programs leading to a certificate or degree at the institution. The procedural elements utilized by the institution shall be submitted to the Commission for review and shall include, at a minimum the following components:~~

~~5.1.1 Delineation of the roles of faculty, administrators and the institutional governing board;~~

~~5.1.2. A process for external review that includes at least one reviewer, either external to the institution or to the academic unit under review, as an outside evaluator for each program reviewed; and~~

~~5.1.3. A five year schedule.~~

5.2. The institutional governing board ~~will~~ constitutes a committee or committees to review appropriate programs during a given year. Committees shall include a diverse range of stakeholder representation. The institution ~~will~~ shall draft, in accordance ~~with the appropriate governing board's guidelines~~ institutional policy, a self-study that uses transparent methodology. The institutions shall report this information on a form provided by the Commission. The governing board ~~will~~ shall report to the Chancellor by May 31 of the reporting year the results of the five-year program reviews ~~conducted each academic year.~~ The Higher Education Policy Commission through its staff or other appropriate entities, shall review annually the program review actions reported by each institution. The Commission may modify any institutional action consistent with its authority for review of academic programs. The final report shall include at a minimum the following :

~~5.2. Each institution shall submit the results of the program review actions in a common format designed to provide the Commission with essential information. The format elements are:~~

~~5.2.1. Name and degree level of program;~~

~~5.2.2. Synopses of significant findings, including findings of external reviewer(s);~~

~~5.2.3. Plans for program improvement, including timeline;~~

~~5.2.4. Identification of weaknesses or deficiencies from the previous review and the status of improvements implemented or accomplished;~~

~~5.2.5. Five year trend data on graduates and majors enrolled;~~

~~5.2.6. Summary of assessment model and how results are used for program improvement;~~

~~5.2.7. Data on student placement (for example, number of students employed in positions related to the field of study or pursuing advanced degrees); and~~

~~5.2.8. Final recommendations approved by governing board.~~

~~For programs with specialized accreditation, the institution shall provide a copy of the letter continuing the conferral of accreditation. Accredited programs that meet productivity guidelines will not be subject to further review by the Commission~~

5.2.1. Identification of programs to be developed or expanded due to demand;

5.2.2. Programs that will be improved through advancements in efficiency, quality, productivity, and focus;

5.2.3. Programs considered for consolidation or discontinuation based on cost of delivery and degree of relevance and impact;

5.2.4. Opportunities for improvements to organizational structure and function; and

5.2.5. Estimated institutional savings and efficiencies created through implementation of recommendations.

~~5.3. Program Review by the Institutional Board of Governors—The purpose of the appropriate Board review, conducted on a regular five year cycle, will be to conduct an in depth evaluation of the viability, adequacy, and necessity for each academic program, consistent with the mission of the institution. Comprehensive institutional self studies conducted in compliance with accreditation or institutional processes and completed within the previous 60 months may be used to provide the base line data for the review, with any necessary updating of factual information or interim reports to the accrediting body.~~

~~Programs that are accredited by specialized accrediting or approving agencies (for disciplines for which such agencies exist) recognized by the Federal Government and/or the Council on Higher Education Accreditation shall be considered to have met the minimum requirements of the review process with respect to adequacy. For programs so accredited or approved, institutions shall submit: the comprehensive institutional self study conducted in compliance with the accreditation or approval process, a copy of the letter containing the conferral of accreditation or approval and a documented statement from the chief academic officer regarding program consistency with mission, viability and necessity. In preparing the institutional self study, each institution will utilize a collaborative process which includes faculty, students and administrators.~~

5.3. Each year between five-year reviews, the institutions shall provide to the Commission an annual update in a format and timeline established by the Chancellor or the Chancellor's designee. These updates shall inform Tthe Higher Education Policy Commission, through its staff or other appropriate entities, shall review annually of the program review actions reported by each institution, progress achieved by the institutions in implementing report recommendations and addressing underperforming programs identified in the institution's report, including any action reporting in the program planning process outlined in Section 6 below.

~~5.4. Program Review by the Higher Education Policy Commission—The Higher Education Policy Commission has the responsibility for review of academic programs including the use of institutional missions as a template to assess the appropriateness of existing programs and the authority to implement needed changes. The reports on actions resulting from program review at each institution shall be reviewed by the staff of the Commission. The review will focus on the appropriateness of the institutional action, particularly as the actions relate to adequacy, viability, necessity and consistency with institutional mission for each program. In addition to the report outlined in Section 5.2.1, the Commission staff may request a copy of the self study or other supporting materials. If the Commission staff concludes that the institutional program review action should be modified, the staff shall consult with the president or designee to reach consensus on the appropriate steps. Should a consensus and agreement not be reached, the matter would be referred to the Commission for resolution.~~

~~5.5. Institutional personnel, external consultants, and the staff of the appropriate Board of Governors will be involved in establishing the criteria, standards, and process of evaluation, and in interpreting the information resulting from the review. It is the responsibility of the institution to assure that the program review process is carried out objectively and that person(s) external to the academic unit in which the program is housed and/or external to the institution participate in the review. The Commission strongly urges institutions to consider using evaluators that are external to the institution. To ensure that each program is reviewed at least once every five years, consistent with statutory requirements, the appropriate Board of Governors will select approximately 20 percent of all programs for review each year. For each program identified for review, the institution will develop a self study statement addressing the following~~

items:

~~5.5.1. Viability—Viability is tested by an analysis of unit cost factors, sustaining a critical mass, and relative productivity. Based upon past trends in enrollment, patterns of graduates, and the best predictive data available, the institution shall assess the program's past ability and future prospects to attract students and sustain a viable, cost effective program.~~

~~5.5.2. Adequacy—The institution shall assess the quality of the program. A valuable (but not the sole) criterion for determining the program's adequacy is accreditation by a specialized accrediting or approving agency recognized by the Federal Government or the Council for Higher Education Accreditation. The institution shall evaluate the preparation and performance of faculty and students, and the adequacy of facilities.~~

~~5.5.3. Necessity—The dimensions of necessity include whether the program is necessary for the institution's service region, and whether the program is needed by society (as indicated by current employment opportunities, evidence of future need, rate of placement of the programs' graduates). Whether the needs of West Virginia justify the duplication of programs in several geographic service regions shall also be addressed.~~

~~5.5.4. Consistency With Mission—The program shall be a component of, and appropriately contribute to, the fulfillment of the institutional and system missions. The review should indicate the centrality of the program to the institution, explain how the program complements other programs offered, and state how the program draws upon or supports other programs. Both institutional aspects of the program should be addressed. The effects (positive or negative) that discontinuance of the program might have upon the institution's ability to accomplish its mission should be stated.~~

~~5.6 5.4. Focused Program Review. – Either the Higher Education Policy Commission or the appropriate board of governors may request at any time that focused program reviews be conducted for a given purpose such as a) reviewing all programs within a discipline (e.g., biology) or b) concentrating on specific program review components (e.g. assessment). The Commission or the board, as appropriate, shall develop formal strategies for conducting such reviews will be developed, consistent with the purpose of the review.~~

5.5. The Commission retains authority to resume program review using productivity standards to identify programs that are underperforming based on enrollment and completion rates and to recommend to the governing boards that those programs should be improved or discontinued.

#### **§133-10-6. Possible Outcomes-Program Planning.**

6.1. Institutional Recommendation—The appropriate Board of Governors= five year cycle of program review will result in a recommendation by the institution for action relative to each program under review. The institution is clearly obligated to recommend continuation or discontinuation for each program reviewed. If recommending continuation, the institution should state what it intends: Program planning is an ongoing process that both informs program review recommendations and prioritizes future program action as necessitated by program review findings. The purpose of planning is to ensure institutions can evaluate the direction of program delivery in a manner that is responsive to the mission, goals, and needs of the institution and the State. Program planning also provides the opportunity for collaboration among institutions, encourages innovation in program design to meet regional and State demand, addresses student needs, and minimizes unnecessary program duplication. The program planning process consists of the following steps:

~~6.1.1. Continuation of the program at the current level of activity, with or without specific action; Each year, the Commission shall review and approve the compilation of institutional program plans, which shall compromise the Statewide program plan.~~

~~6.1.2. Continuation of the program at a reduced level of activity (e.g., reducing the range of optional tracks) or other corrective action. Institutions shall provide to the Vice Chancellor for Academic Affairs a rolling three-year program plan, which the institutions shall update annually. The program plan shall be on a form provided by the Commission and shall include, but not be limited to, the following:~~

~~6.1.2.a. A listing of new, consolidated, and discontinued programs by title;~~

~~6.1.2.b. A brief description the program(s)~~

~~6.1.2.c. Program action and anticipated date of action;~~

~~6.1.2.d. Credential type;~~

~~6.1.2.e. Modality, location, and anticipated resources needed;~~

~~6.1.2.f. Specialized accreditation required;~~

~~6.1.2.g. Any agreements to be executed between institutions; and~~

~~6.1.2.h. Any other information requested by the Commission.~~

~~6.1.3. Identification of the program for further development; or Institutional chief academic officers shall review, discuss, and coordinate the institutions' final program plans. Following this review, any subsequent changes, and approval by the institutional governing boards, the institutions shall submit their annual program plans to the Commission for review and approval. The Commission shall not adopt an institutional program plan that has not been approved by its governing board.~~

~~6.1.4. Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and the like. The Commission shall update the Statewide program inventory as necessary to reflect implementation of new programs and the consolidation or discontinuance of existing programs once such plans have been approved by the institutional governing boards.~~

~~6.1.5. If it recommends discontinuance of the program, then the provisions of Higher Education Policy Commission policy on approval and discontinuance of academic programs will apply.~~

~~6.1.6. For each program, the institution will provide a brief rationale for the observations, evaluation, and recommendation. These should include concerns and achievements of the program. The institution will also make all supporting documentation available to the Commission upon request.~~

~~6.2. Committee Recommendation—The appropriate Institutional Program Review Committee will develop a recommendation for action and present it to the institutional Board of Governors for action and referral to the Policy Commission.~~

~~6.2.1.—The committee may make recommendations that go beyond those also. The committee may request additional information and may recommend continuance on a provisional basis and request progress reports.~~

~~6.3. Appeals Committee and the Appeals Process Any disagreement between a final recommendation of the Institutional Program Review Committee and the recommendation of the academic unit may be appealed to an institutional Program Review Appeals Committee.~~

**~~§133-10-7. Productivity Review.~~**

~~7.1. On a biennial basis, the Commission will conduct a productivity review of academic programs that have been in operation for at least five years. Programs will be required to meet at least one of the indicators listed in Section 7.4.~~

~~7.2. Unless exempted by the Commission, academic programs that fail to meet both productivity standards detailed in Section 7.4 shall be recommended for placement on probationary status by the institutional governing board for a four year period, during which time institutions will be expected to increase program enrollment and degrees awarded. Institutions will have 60 days from the date of Commission action on initial probationary status to provide the Commission with a plan for meeting degree program productivity standards within the four year probationary period. At the end of the probationary period, the Commission will 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.~~

~~7.3. Institutions may petition for a program to be exempt from further review by submitting documentation that addresses the reasons for the request including how the program is critical to the mission of the institution.~~

~~7.4. Annual productivity standards for degrees awarded and enrollments in majors are provided below. Institutional attainment for degree awards and enrollment in majors will be based on the average of degree awards or major enrollment for the five most recent years.~~

<del>7.4.1. Degree Level</del>	<del>Degree Awards</del>	<del>Major Enrollment</del>
<del>Baccalaureate</del>	<del>5</del>	<del>12.5</del>
<del>Masters/1<sup>st</sup> Professional</del>	<del>3</del>	<del>6</del>
<del>Doctoral</del>	<del>2</del>	<del>4.5</del>

**West Virginia Higher Education Policy Commission**  
**Meeting of June 10, 2022**

**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 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 30-day public comment period and if no substantive comments are received that the Commission extends its final approval.

**STAFF MEMBER:** Randall Brumfield

**BACKGROUND:**

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, modify the processes for Commission review and approval of undergraduate programs and provides for clarification of terms and technical changes.

Currently, West Virginia public institutions of higher education are required to submit notice of intent to plan and program proposals for Commission consideration on items related to new academic program delivery. The notice and proposal process allows the institution to address with Commission staff and other institutions such items as student and industry need for the program, resource requirements, potential program duplication concerns, quality assurance, and delivery method.

Proposed changes to Series 11 call for undergraduate and graduate programs to be exempt from the notice of intent process if they have been included on the program plan as proposed in amendments to Series 10, Procedural Rule, Policy Regarding Program Review. Program planning will principally achieve the outcomes sought through the notice of intent process. New educator preparation programs and requests for new teaching specializations will continue to require advanced submission, as the Commission coordinates with the State Department of Education on matters of



curriculum development and licensure.

In light of the complexity, investment, and potential effect to institutional mission, existing proposal requirements remain for new graduate programs if not exempted from Commission approval processes.

With regard to delivering an existing undergraduate or graduate program at a new location, all institutions are currently required to seek approval from the Chancellor through the intent process. Changes to the rule will allow institutions to be exempt from this process if this information is included in program planning as proposed in revisions to Series 10.

**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~~ STANDARDS AND PROCESSES FOR APPROVAL OF NEW ACADEMIC  
PROGRAMS**

**§133-11-1. General.**

1.1. Scope. -- This rule delineates ~~the responsibilities of the procedure by which the State's public four-year institutions of higher education must seek approval from the West Virginia Higher Education Policy Commission (Commission) in the approval of new academic programs and discontinuance of existing 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. -- ~~January 13, 2020.~~

1.4. Effective Date. -- ~~February 13, 2020.~~

1.5. ~~Repeal of Former Rule.~~ -- ~~Repeals and replaces~~ Amends Title 133, Series 11, dated ~~May 27, 2018~~ February 13, 2020.

**§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 institutions of higher education shall use the following procedures and format shall be followed by each institution in submitting to the Chancellor for consideration by the Commission proposals to establish new academic programs and for notifying the Commission of the consolidation or discontinuance of existing academic programs.

**§133-11-3. Definitions.**

3.1. "Area of emphasis" ~~An area of emphasis is~~ means a specific subject area of study which has defined course offerings within an approved degree program and major. Normally, a minimum of 12 and no more than 18 hours would be expected for an area of emphasis within a baccalaureate degree program and a minimum of six and no more than 12 credit hours would be expected for an area of emphasis within a graduate degree. Typically, a minimum of six and no more than nine 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~~ means a coherent, specialized

curriculum designed for students in search of a specific body of knowledge for personal or 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 and no more than nine credit hours would constitute a certificate program at the associate level, and a minimum of 12 and no more than 21 credit hours would constitute a certificate program at the baccalaureate or graduate level.

3.3. ~~“Collaborative master’s degree program” any proposal to establish a collaborative master’s degree program should be submitted jointly by the partnering institutions in the collaborative.~~ “Chancellor” means the Chancellor for Higher Education as that term is defined in W. Va. Code § 18B-1-2 or his or her designee.

3.4. “Commission” means the West Virginia Higher Education Policy Commission as established by W. Va. Code § 18B-1B-1.

3.4.5. ~~“Degree program” A degree program is~~ means 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.

3.6. “Joint degree program” means one common degree program offered jointly by two participating institutions in which the student takes courses from both institutions and, upon graduation, receives a degree listing both institutions on the diploma or certificate.

3.5.7. ~~“Major” A major is~~ means 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.

3.6.8. ~~“Minor” A baccalaureate minor is~~ means a secondary area of specialization beyond a college major that is earned in a specific subject area of study and must be composed of at least 12 credit hours of course work. A student may not earn a baccalaureate minor in a subject area in which he or she is earning a baccalaureate major.

3.9. “New academic program” means any prescribed course of study at a State university that constitutes a major, minor, concentration, or certificate leading to a recognized degree or specific employment situation that was not in effect as of the effective date of this rule and that has not been previously approved by the Commission.

3.7.10. ~~Regional institutions are defined as~~ “State university” or “institution” means those public four-year institutions of higher education not affiliated with or under the administrative umbrella of West Virginia University, Marshall University, or the West Virginia School of Osteopathic Medicine. Currently Those institutions include, are Bluefield State College University, Concord University, Fairmont State University, Glenville State College University, Shepherd University, West Liberty University, and West Virginia State University: Provided, That pursuant to W. Va. Code § 18B-1C-2(i), West Virginia University and West Virginia University Institute of Technology, as it relates to providing academic programming at the Beckley campus, shall be subject to the provisions of this rule; Provided further, That pursuant to W.

Va. Code § 18B-1-1f(e)(3), the provisions of this rule shall not apply to the administratively exempted schools.

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

4.1. Proposals for Commission approval of new academic undergraduate degree programs and are not required unless the degree is intended to offer a new teaching specializations for regional institutions require Commission approval at a State university. If the proposal is to add a new teaching specialization, such proposal shall be submitted to the Chancellor a minimum of 90 days prior to the intended implementation date.

4.1.1. 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 baccalaureate, graduate or professional degree programs shall be submitted to the Chancellor a minimum of 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 State university's board of governors. Upon such approval by the board of governors, the State university shall report the newly approved majors are reported to the Commission's Division of 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 by the board of governors and do not require external Commission approval.

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.

4.6.5. Filing of Institutions shall submit notices of intent to offer existing bachelor's or master's degree programs at new locations shall be submitted to the Chancellor at least 90 days prior to the date of implementation. The Chancellor shall render a decision regarding whether the institutions can proceed to develop and submit a proposal prior to the intended date of implementation of any program change. The Chancellor may approve exceptions to the requirements on lead times may be approved by the Chancellor of 90 days' notice upon request by an institution and for good cause shown.

4.7.6. If an institution is statutorily authorized to offer associate degree programs, it must submit its proposals to offer existing associate level degree programs at new locations must be submitted to the Chancellor not less than 45 days prior to the date for intended implementation. The Chancellor shall render a decision regarding whether the institutions can proceed to develop and submit a proposal prior to the intended date of implementation of any program change. The Chancellor may approve exceptions to the requirements on lead times may be approved by the Chancellor of 90 days' notice upon request by an institution and for good cause shown. New associate programs must also have the approval of the West Virginia Council for Community and Technical College Education.

4.8.7. An institution planning to offer existing academic programs or courses 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.

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

4.10.9. 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. Notice of Intent to Plan.**

5.1. Notice of Intent to Plan: An institution must ~~express~~ provide a notice of intent to plan a new baccalaureate or graduate or professional degree program to the Chancellor and the Vice Chancellor for Academic Affairs ~~at the time the president and/or provost is notified by the appropriate academic division or a minimum of 45 days prior to the submission of a full program proposal, a notice of intent to plan a new baccalaureate or graduate/professional degree program.~~ This is required only for programs that are not included on the institutional program plan submitted to the Commission as provided in 133 C.S.R. 10, Policy Regarding Program Review and Planning. Early notice of intent to plan allows assistance to the institutions in such fundamental areas as needs analyses, consistency with institutional mission, resource requirements, possible duplication of programs, available resources that can be leveraged by the institution with Commission staff help, and the possible cooperation or merger with other similar programs in the State.

5.1.1. The notice of intent to plan shall be submitted electronically to the Chancellor and Vice Chancellor for Academic Affairs ~~offices~~. The email ~~must~~ shall be sent from the institutional president or provost or contain a letter from either office indicating official approval of the notice of intent to plan.

5.1.2. Once received at the Commission office, the notice of intent to plan is to be posted electronically for comment among the ~~Commission's regional institutions~~ State universities.

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

5.2.1. 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~~ accreditation status of the proposed new program;

5.2.2. A brief description of the program;

5.2.3. A statement describing ~~how the institution will assure high quality standards for the program and maintain a continuing assessment of quality~~ compliance with the standards for academic programs established in 133 C.S.R. 10, Policy Regarding Program Review and Planning;

5.2.4. A statement listing other institutions in West Virginia that offer similar programs and any collaboration, coordination, or program duplication with those other institutions;

5.2.5. A statement ~~on what societal, occupational, research, or public service needs will be met, as well as anticipated student demand for the program~~ regarding evidence of workforce need and student interest in the proposed new program;

5.2.6. A statement on ~~what additional resources will be needed~~ projected financial needs to offer support the program and the adequacy of expected subsidy and other income to meet program needs;

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

5.2.8. Any other information that may be requested by the Chancellor or the Vice Chancellor for Academic Affairs to ensure that each State university meets basic expectations for academic degrees or instruction creditable toward such degrees.

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

6.1. Once the institution has submitted a notice of intent to plan it 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.~~ institutions shall submit new program proposals on a form provided by the Commission.

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**

~~6.2.1. 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.~~

~~6.2.2. 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.~~

~~6.2.3. Program Features: Summarize the important features of the program and include a full catalog description. This section should contain:~~

~~6.2.3.a. Admissions and Performance Standards: Describe admissions and performance standards and their relationship to the program objective.~~

~~6.2.3.b. 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.~~

~~6.2.4. 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.~~

~~6.2.5. Program Content. The proposed educational programs shall be compatible with the institutional mission. The relationship shall be described in documents provided to the Commission.~~

~~6.2.5.a. 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.~~

~~6.2.5.b. 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.~~

~~6.2.5.c. 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~~

~~6.3.1. Relationship to Institutional Goals and Objectives: Relate this program to the institution's goals and objectives and the statewide master plan.~~

~~6.3.2. 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.~~

~~6.3.3. 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?~~

~~6.3.4. 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.~~

~~6.3.5. 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.~~

~~6.3.6. Program Impact: Describe the impact of this program on other programs that it will support or that will be supported by it.~~

~~6.3.7. Cooperative Arrangements: Describe any cooperative arrangements (including clinical affiliations, internship opportunities, personnel exchanges, and equipment sharing) that have been explored.~~

~~6.3.8. 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~~

~~6.4.1. Program Administration: Describe the administrative organization for the program and explain what changes, if any, will be required in the institutional administrative organization.~~

~~6.4.2. Program Projections: Indicate the planned enrollment growth and development of the new program during the first five years (FORM 1). If the program will not be fully developed within five 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-year startup.~~

~~6.4.3. Faculty Instructional Requirements: Indicate the number, probable rank, experience, and cost of faculty required over the five-year period.~~

~~6.4.4. 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.~~

~~6.4.5. 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.~~

~~6.4.6. 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.~~

~~6.4.7. Operating Resource Requirements: Using FORM 2, Provide a summary of operating resource requirements by object of expenditure.~~

~~6.4.8. 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-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~~

~~6.5.1. 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.~~

~~6.5.2. 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. A copy of the new program proposal is to be 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.

7.1.1. The Vice Chancellor for Academic Affairs will review the proposal confirming the submission's compliance with proper format requirements ~~as outlined in Section 6 of this rule~~. Any format deficiencies shall be reported to the institution within ten working days of the date of submission.

7.1.2. The Commission shall consider all relevant factors in the program approval process but shall focus in particular on the following policy concerns:

7.1.2.a. New programs should not be implemented which change the institutional mission unless the institution also receives approval for expanding the institutional mission.

7.1.2.b. New programs which require significant additional expense investments for implementation should not be implemented unless the institution demonstrates that expenses shall be addressed by effective reallocation of existing resources or the expenses can be legitimately spread out over future years and will be covered by anticipated net revenues from new enrollments.

7.1.2.c. A new undergraduate program which is significantly similar to an existing program already in the geographic service area should not be implemented unless the requesting institution demonstrates a compelling need in the service area that is not being met by the existing program. Academic programs at the statutorily exempted schools are not to be taken into consideration except as it relates to academic programs offered at West Virginia University at Beckley and West Virginia University Institute of Technology at Beckley.

7.1.2.d. New programs that constitutes a substantive change and/or change of mission for the institution may require consultation with an ~~out-of-state~~ independent 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~~ the Chancellor has five working days to forward a copy of relevant documents, including the program proposal and recommendation, to the Commissioners.

7.2.1. Commissioners have five working days to review the program proposal and address any concerns.

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

7.2.1.b. 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 or modification.

7.3. 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.

~~7.4. 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.~~

~~7.5.4. 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 shall evaluate the new program as part of the comprehensive program review process prescribed in 133 C.S.R. 10, *Policy Regarding Program Review and Planning*. 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.~~

~~7.6. Academic programs approved prior to the effective date of this policy will be reviewed for compliance to the program requirements found in Section 6.2.5. 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~~ shall provide 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, and the teach-out plan(s) for those affected students. The request to the board of governors ~~should~~ shall also 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 Pursuant to Series 10, *Policy Regarding Program Review and Planning*, every institution is to perform a comprehensive review of all academic programs at least once every five years that are offered by the institution. At the conclusion of the program reviews, which examines such things as the viability, adequacy, necessity and consistency of the program with the institutional mission external demand, quality of outcomes, and delivery cost, the board of governors will report to the Chancellor, by May 31, the results of the program reviews conducted each academic year. The report shall include recommendations and actions to be pursued by the institution regarding underperforming or low-performing programs. The Commission, through its staff or other appropriate entities, shall review annually receive an annual update from institutions describing the program review actions reported by each institution progress achieved toward implementation of those recommendations and actions for such programs. 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. [Reserved]**

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 of receipt, 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 response. The purpose of the meeting will be to determine whether the proposal is consistent with the approved mission statements of the institutions 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 response 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 institution 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.

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.

#### **§133-11-10. Guidelines for Joint Degree Programs.**

10.1. Joint degree programs are one common degree program offered jointly by two participating institutions. The student takes courses from both institutions and, upon graduation receives a degree listing both institutions on the diploma or certificate.

10.2.10.1. Institutions desiring to offer a joint degree are to contact the Commission's Division of Academic Affairs ~~in the Commission office~~ prior to beginning negotiations to offer the degree. Negotiations should begin at a minimum of 120 days from planned implementation shall commence prior to a joint degree program being placed on the institutions' program plans submitted to the Commission.

~~Working with the Commission office, Once negotiations are complete, the institutions shall enter into a memorandum of agreement (MOA) is generated by the two institutions. The MOA should cover topics such as dealing with the courses to be offered by each institution, facilities to be provided by each institution, the administrative structure of the program, the financial obligation of each institution, and other details necessary for the successful implementation of the joint degree.~~

~~40.3.10.2.~~ For reporting purposes, the MOA shall denote the percentage of credit for program completers each institution shall receive in state generated graduation reports. It is presumed institutions will split the number of completers in a 50/50 reporting split. However, should there be a significant enrollment disparity between the institutions, the institutions may agree to other mutually agreeable reporting percentages. Each institution shall use enrollment numbers in their own courses as part of their headcount reporting.

~~40.4.10.3.~~ Each institution must contribute coursework to the degree or certificate program with the minimum curricular contribution being 25 percent of the total number of credit hours necessary for completion of the degree or certificate.

~~40.5.10.4.~~ The student shall be admitted to both institutions. However, the institutions shall identify a “home institution” ~~shall be identified~~ for the student ~~and that~~ is responsible for advising, fee and tuition collection, course registration, and administering other processes necessary to allow the student to successfully complete the course requirements.

~~40.6.10.5.~~ Once the cooperating institutions have executed the MOA ~~has been signed, it is attached to they shall submit~~ a joint program proposal as outlined in section 6 of this document ~~and submitted for approval to the Commission for approval.~~

**FIVE-YEAR PROJECTION OF PROGRAM SIZE**

	<b>First Year (20__)</b>	<b>Second Year (20__)</b>	<b>Third Year (20__)</b>	<b>Fourth Year (20__)</b>	<b>Fifth Year (20__)</b>
<b>Number of Students Served through Course Offerings of the Program:</b>					
_____ Headeount:	=====	=====	=====	=====	=====
_____ FTE:	=====	=====	=====	=====	=====
_____ Number of student credit hours generated by courses within the program (entire academic year):	=====	=====	=====	=====	=====
<b>Number of Majors:</b>					
_____ Headeount:	=====	=====	=====	=====	=====
_____ 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\***

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

_____ e. Non Academic Personnel:					
_____ Clerical Workers	=====	=====	=====	=====	=====
_____ Professionals	=====	=====	=====	=====	=====
_____ Total Salaries	=====	=====	=====	=====	=====

**FORM 2**  
**Page 2 of 2**

### **FIVE YEAR PROJECTION OF TOTAL OPERATING RESOURCES REQUIREMENTS\***

	<b>First Year (20__)</b>	<b>Second Year (20__)</b>	<b>Third Year (20__)</b>	<b>Fourth Year (20__)</b>	<b>Fifth Year (20__)</b>
_____ 2. Current Expenses	=====	=====	=====	=====	=====
_____ 3. Repairs and Alterations	=====	=====	=====	=====	=====
_____ 4. Equipment:					
_____ Educational Equipment	=====	=====	=====	=====	=====
_____ Library Books	=====	=====	=====	=====	=====
_____ 5. Nonrecurring Expense (specify)	=====	=====	=====	=====	=====
_____ Total Costs	=====	=====	=====	=====	=====
<b>C. SOURCES</b>					
_____ 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 June 10, 2022**

**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 revisions to Series 32, Legislative Rule, Tuition and Fee Policy to be submitted to the Secretary of State for a thirty-day comment period and if no substantive comments are received that the Commission extends its final approval.

**STAFF MEMBER:** Ed Magee

**BACKGROUND:**

Series 32, Legislative Rule, Tuition and Fee Policy is the legislative rule that establishes the policy for the assessment of tuition and fees at West Virginia undergraduate public institutions of higher education.

The proposed revisions to Series 32 simplify the rule and align it more precisely with W. Va. Code requirements. A summary of significant revisions is as follows:

**§133-32-2. Definitions.**

- Language repeating definitions from the West Virginia Code were eliminated from the definitions section and additional clarifying provision were added. The definition of full cost of instruction and peer were eliminated because they are no longer supported by the Code.

**§133-32-3. Goals**

- The Goals section was eliminated because it is not necessary.

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

- The Tuition and Fee Adjustment section was retitled Tuition and Fee Increases.
- The objectives were removed.
- Provisions repeating or no longer supported by the Code or unnecessary were removed including regarding sales prices, programmed fee increases, online

course fees, peer equity, and funding per student full-time equivalent.

- The rule establishes May 15 as the annual submission date for proposed tuition and fees.

**§133-32-5. Expenditure.**

- The expenditure section clarifies the categories for which the tuition and fee revenues may be disbursed.

**§133-32-6. Refunds.**

- The refund section removes existing provisions and replaces them with a stipulation that institutions comply with the United States Department of Education requirements for the return of Title IV student financial aid funds.

Staff recommends approval of Series 32, Legislative Rule, Tuition and Fee Policy for filing with the Secretary of State.



**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's 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, 2018.~~

1.4. Effective Date. – ~~June 4, 2018.~~

1.5. Sunset Date. – This rule shall terminate and have no further force or effect on ~~June 4, 2023.~~

**§133-32-2. Definitions.**

2.1. Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code §§ 18B-10-1c and 18B-19-2 apply to this rule in addition to the definitions set forth below:

~~2.1.a. 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. “Administratively exempted schools” means those universities that are not statutorily exempted, but that have obtained administratively exempt status pursuant to W. Va. Code §18B-1-1f. Administratively exempted schools remain subject to the provisions of this rule.~~

~~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, 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.~~

~~2.4.1.b.—“Statutorily Exempted schools” The exempted schools are means~~ 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 statutorily exempted schools are exempt from the provisions of this rule.

~~2.5. 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.~~

~~2.6.1.c.—“Higher Education Price Index or HEPI” means the~~ inflation index designed specifically for use by institutions of higher education 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, a branch of Commonfund, a nonprofit organization devoted to the management of college and university endowments.

~~2.7. 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 means .~~

~~2.8. Peer. A higher education institution located in another state that is similar to a West Virginia college or university.~~

~~2.9.1.d. Special “Supplemental Fee” means the~~ 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. [Reserved]**

~~3.1. The 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~~ Increases.**

~~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; W. Va. Code §18B-1D-3(a)(2)(B); 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. W. Va. Code §18B-1D-3(a)(2)(B).~~

#### 4.2.4.1. Approval of Tuition and Required Fee Adjustments Increases.

~~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 ten percent collectively. Over any three-year rolling period, the cumulative increase may not exceed seven percent per year. 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.~~

~~4.2.a.1.4.1.a.~~ For the purposes of this rule, calculation of ~~the increases~~ seven percent (7%) shall be based on all required tuition and fee rates charged to all West Virginia resident students.

~~4.2.a.2.4.1.b.~~ 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 ten percent (10%) 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~~ seven percent (7%). The benchmarks and guidelines may include, but are not limited to, such items as:

~~4.2.b.1.a.~~ 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;~~

~~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% 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.c.~~ Most recent three-year history of tuition rates and increases;

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

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

~~4.2.c.4.3. In responding to the guidelines and benchmarks provided by the Commission, By May 15 annually,~~ each governing board shall provide the Commission with ~~an annual~~ a report that details:

~~4.2.e.1.4.3.a.~~ All tuition and fee rates presently charged and the ~~estimated~~ number of students currently being charged the tuition and fees;

~~4.2.e.2.4.3.b.~~ The proposed total increase in any tuition and fees for the next fiscal year;

~~4.2.e.3.4.3.c.~~ The estimated number of students who will be charged the increased tuition and fees; and,

~~4.2.e.4.4.3.d.~~ 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 under. Institutions may expend auxiliary fees on the operations of residence halls, faculty and staff housing, food services, intercollegiate athletics, student unions, bookstores, and other service centers.

~~5.2.~~ Institutions may spend auxiliary capital fees on debt service, information technology projects, capital projects and campus maintenance and renewal for residence halls, faculty and staff housing, food services, intercollegiate athletics, student unions, bookstores and other service centers and information technology systems.

~~5.3.~~ Institutions may expend capital fees on debt service, capital projects and facilities maintenance and renewal for facilities that support instruction, research, academic support, student services, institutional support, and operation and maintenance of the physical plant.

~~5.4.~~ Institutions may expend educational and general fees on instruction, research, academic support, student services, institutional support, operation and maintenance of the physical plant, scholarships and fellowships, and debt service on bonds. 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.

~~5.5.~~ Institutions may charge supplemental fees to offset the cost of providing services such as, but not limited to, courses, labs, late payments, drug testing, musical instruments, art supplies, and other services provided to students.

**§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; complies with~~

~~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 Board of Governors may establish a refund policy for students who officially withdraw during a semester that establishes refunds based upon the same calculations that the requirements 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 Board of Governors 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:

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

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

**West Virginia Higher Education Policy Commission  
Meeting of June 10, 2022**

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

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves revisions to Series 52, Legislative Rule, Annual Reauthorization of Degree-Granting Institutions to be filed with the Secretary of State for the 30-day public comment period and if no substantive comments are received that the Commission extends its final approval.

**STAFF MEMBER:** Randall Brumfield

**BACKGROUND:**

The revisions to Series 52, Legislative Rule, Annual Reauthorization of Degree-Granting Institutions, provide updates to applicability, evaluation processes, and penalties associated with failure to meet authorization requirements, and provides clarifying language and technical changes.

State authorization is an oversight function of the Commission to ensure that all public and private institutions offering degrees at or above the baccalaureate level are providing service in a manner that is consistent with fair consumer practice. This includes delivery on items such as quality instruction, essential student services, and transparency regarding cost, student outcomes, and workforce results of graduates. The proposed revisions to Series 52 will improve the effectiveness of the reauthorization process to ensure institutional accountability in service to students, institution employees and other stakeholders.

Proposed changes to Series 52 expand exemption from the annual reauthorization process to include all public universities, contingent upon certain data being provided to the Commission upon request; currently, only Marshall University and West Virginia University are exempt. As a result, all public universities will remain continuously authorized unless the Legislature takes action to suspend or discontinue the operation of an institution. The Commission will continue to provide transparency concerning institutional performance through the annual collection and reporting of data for public and private institutions.

Revisions to the rule will require institutions to provide a records retention plan to ensure access to and security of academic and financial records in the event of an institutional closure. If an institution closes and fails to comply with the Commission's records retention requirements, it will not be eligible to submit a future application to resume operation in the state.

Additional safeguards are included in the proposed revisions. Commission staff will have greater flexibility to perform application reviews, investigate issues, and make recommendations to the Commission. The Commission will have discretion to suspend an institution's ability to enroll new students and deny reauthorization if the institution fails to provide an approved teach-out plan within established parameters, or if an institution routinely fails to provide essential student services, such as transcripts and financial aid, in a timely manner. In the event an institution fails to comply with State wage and hour laws for its employees, and/or is unable to execute compensation as required in contracts or statute, it will be subject to enrollment and reauthorization restrictions.

Authorization will be terminated for institutions that fail to fulfill any requirements established by its accreditor within the timeframe it provides.

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

**SERIES 52  
ANNUAL REAUTHORIZATION OF DEGREE-GRANTING INSTITUTIONS**

**§133-52-1. General.**

1.1. Scope. – This rule establishes the policy regarding annual reauthorization of degree-granting institutions which offer degrees above the associate level.

1.2. Authority. – West Virginia Code § 18B-4-7.

1.3. Filing Date. – ~~April 8, 2022.~~

1.4. Effective Date. – ~~June 5, 2022.~~

1.5 Sunset Date. – This rule shall terminate and have no further force or effect on ~~June 5, 2027.~~

**§133-52-2. Purpose.**

2.1. The West Virginia Higher Education Policy Commission (Commission), through a process of granting authorization and annual reauthorization of baccalaureate and graduate level higher education institutions operating in West Virginia, has the responsibility of protecting consumers and ensuring students are offered quality education by postsecondary providers ~~to within~~ West Virginia ~~residents~~. An institution authorized by the Commission ~~shall be~~ is required to operate in accordance with fair consumer practices to ensure that students can make appropriate decisions concerning their investment of time and money.

2.2. Fair consumer practices means honesty, fairness, and disclosure to students in the areas of recruitment, admission, contractual agreements, student financial assistance, obligations to repay student loans, placement assistance and job placement rates, advertising, refund policies, the meaning and recognition of different types of accreditation, the transferability of the institution's credits to other postsecondary institutions, the offering of quality instructional programs, and other appropriate performance measures.

2.3. The Commission is responsible for the authorization of any institution, association, or organization external to or within the State which desires to offer postsecondary programs or credit-bearing ~~academic~~ courses ~~of higher learning~~ in West Virginia. Authorization is required for all postsecondary providers including: non-profit private institutions, proprietary institutions, out-of-state public institutions, degree-granting entities that offer degrees at the baccalaureate level or above, and entities that use the term "academy," "college," "institution," "university" or similar title, hereafter referred to as "institution."

2.4. The Commission is responsible for the annual reauthorization of any private, proprietary, or out-of-state postsecondary institution that has physical presence in West Virginia and offers degree programs above the associate level except for those institutions exempted by the Commission under Section 4 of this rule. The process of conferring reauthorization by the Commission includes the monitoring of standards for degrees awarded, the collection and dissemination of pertinent institutional data, the conduct of certain reviews and audits, and the imposition of certain sanctions including revocation of degree-granting authority.



2.5. Existing institutions of higher education authorized to operate in West Virginia prior to the effective date of this rule are subject to the reauthorization provisions of this rule and shall report annually to the Commission on all items related to reauthorization prescribed in this rule.

2.6. ~~While~~ The provisions of this rule apply ~~directly~~ to the annual reauthorization of any private institution in West Virginia which offers degrees above the associate level, ~~the criteria for annual reauthorization also apply to public higher education institutions that offer degrees above the associate level in the state, and are under the purview of the Commission with the exception of Marshall University and West Virginia University.~~

2.7. ~~While exempt from annual reauthorization, Marshall University and West Virginia University~~ West Virginia's public universities shall remain continuously authorized to operate unless the Legislature takes affirmative action to suspend or discontinue its operations; *Provided*, That such public universities shall provide information delineated in Section 5.4 to the Commission by November 1 of each year upon request or as needed for reporting purposes.

2.8. The Commission shall make available information on institutional performance of all public institutions located in West Virginia, including Marshall University and West Virginia University, on the Commission's website and through other appropriate venues.

### **§133-52-3. Definitions.**

3.1. "Accreditation" means a review of the quality of higher education institutions and programs to ensure that such institutions meet acceptable levels of quality, which is status attained by the institution through voluntarily meeting standards set by a nongovernmental entity (i.e., an accrediting organization recognized by the U.S. Secretary Department of Education) as well as federal and State government agencies authorized to set such standards.

3.2. "Authorization" means the status attained by the institution that allows the institution to offer postsecondary programs and courses within the State of West Virginia. This status is granted by the Higher Education Policy Commission when the institution demonstrates compliance with the requirements for such status.

3.3. "Chancellor" means the Chancellor for Higher Education as that term is defined by W. Va. Code §18B-2-1 or his or her designee.

3.34. "Commission" means the West Virginia Higher Education Policy Commission.

3.45. "Council" means the West Virginia Council for Community and Technical College Education.

3.56. "Degree" means any earned award conferred by a higher education institution which represents satisfactory completion of the requirements of a program, or course of study, or any instruction beyond or apart from the secondary level of greater duration than eleven months of full-time study.

3.6. ~~"Distance education" means the delivery of any course or degree programs by synchronous or asynchronous technology. Asynchronous or synchronous technology via distance delivery includes all forms of internet, electronic, digital, online, video, and any other technology driven delivery system.~~

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

3.7.a. Offers courses or programs of study or instruction which lead to or which may reasonably

be understood to be applicable toward a baccalaureate, masters, doctorate, or other specialized certification or degree designation above the ~~baccalaureate~~ associate's degree level; or

3.7.b. Operates a facility as a college or university or other entity in the State of West Virginia which offers degrees or other indicia of a level of educational attainment beyond the secondary school level; or

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

3.8. "Physical presence" means an actual presence in the State, online or on-site, for the purpose of conducting activity related to: a postsecondary educational institution; educational services; dissemination of educational credentials; or enrollment, solicitation, or advertising. "Physical presence" ~~as further outlined for purposes of authorization~~ shall include but not be limited to:

3.8.a. An instructional site within the state;

3.8.b. Dissemination of an educational credential from a location within the State.

3.8.c. An agent, whether compensated or not, who is utilized for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or performing any other activity on behalf of the sponsoring institution;

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

3.8.e. Instructional delivery that receives assistance from any other organization within the State in that delivery; or

3.8.f. Clinical experiences, internships, or other similar curricular requirements.

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

3.9. "Reauthorization" is the process by which an institution annually renews its status as an institution authorized to offer programs and courses for in West Virginia residents. This status is granted by the Commission when the institution demonstrates compliance with the requirements for such status.

3.10. "Religious, theological, or faith-based institution" means a postsecondary institution that offers no degree programs other than those specifically related to the institution's doctrine. Institutions that offer general degree programs cannot be exempted by this rule as religious, theological, or faith-based.

3.11. ~~"Unearned tuition" means the anticipated amount of tuition revenue minus refunds that will be generated within a one year time frame of the institution's authorized operation in West Virginia. "Unearned tuition" for the application of annual reauthorization is the amount of tuition revenue minus refunds that were received during the previous year.~~

#### **§133-52-4. Exemptions.**

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

provided in subsection 4.2.

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

4.2.a. Correspondence, business, occupational and trade schools which are regulated under West Virginia Code provisions §18B-2B-9 and ~~West Virginia Council for Community and Technical College Education, Title 135, Legislative Rule, Series 35 on correspondence~~ 135 C.S.R. 35, *Business, Occupational and Trade Schools*.

4.2.b. Out-of-state institutions:

4.2.b.1. Offering courses through brokering or other collaborative arrangements with a West Virginia public institution of higher education and which support programmatic offerings of the State institution;

4.2.b.2. Offering a short course or seminar in which the instruction for the segment takes no more than 20 classroom hours and is not for college credit;

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

4.2.b.4. Offering courses or programs at a location in West Virginia by the authority of the Commission for a designated period of time; or

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

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

4.2.d. A religious, theological, or faith-based institution which meets the criteria for exemption outlined in ~~Series 20133 C.S.R. 20, *Initial Authorization of Degree-Granting Institutions*~~, and offers no degree programs other than those specifically related to the institution's doctrine.

4.2.e. Those institutions subject to annual reauthorization by the West Virginia Council for Community and Technical College Education, ~~under its Title 135, Series 52~~ pursuant to W. Va. Code § 18B-4-7 and 135 C.S.R. 52, *Annual Reauthorization of Degree-Granting Institutions*.

### **§133-52-5. Annual Reauthorization.**

5.1. All authorized institutions, except West Virginia public universities and those previously exempted in subsection 4.2 of this rule, must annually submit a reauthorization application report in a format prescribed by ~~Commission staff~~ the Chancellor. The annual reauthorization year will be from July 1 through June 30, with the 2012-2013 year being the initial reporting year. The annual application is due each November 1 and must be accompanied by an annual fee as provided in section 9 of this rule.

5.2. Reauthorization applications postmarked after November 1 or other due date will be assessed a late renewal fee as prescribed in section 9 of this rule.

5.3. Upon request by the Commission, authorized institutions must provide documentation necessary

to assess the performance of the institution.

5.4. The reauthorization application ~~must~~ shall include the following:

- 5.4.a. Name and address of the institution of higher education;
- 5.4.b. Chief executive officer's name, title, address, phone number, ~~fax number~~, and email address;
- 5.4.c. Institutional liaison's name, title, address, phone number, ~~fax number~~, and email address;
- 5.4.d. Verification of current accreditation status and copy of latest annual ~~HLC/NCA~~ Higher Learning Commission Institutional Update Report;
- 5.4.e. Full and part-time student enrollments of resident and non-resident students for each term during the most recent reporting year;
- 5.4.f. A current schedule of fees and charges for tuition;
- 5.4.g. First to second year retention rates for first-time, full-time certificate and degree-seeking students for the most recent year;
- 5.4.h. Graduation rates for undergraduate degree-seeking first-time, full-time freshmen for the most recent graduating six-year cohort year;
- ~~5.4.i. Data on student transfers into and out of the institution for the most recent year;~~
- 5.4.j.i. Licensure pass rates for completion of all professional programs, e.g., education, nursing, and engineering, for the most recent year;
- ~~5.4.k. Student loan cohort default rates for the most recent year available;~~
- ~~5.4.l. Campus crime statistics for the most recent reporting year available;~~
- ~~5.4.m. Number of student, staff, and faculty grievances filed during the most recent reporting year;~~
- 5.4.j. A plan for the retention, custody, and retrieval of student records, including but not limited to academic transcripts, financial aid documents, international student forms, and tax information, in the event of closure of the institution or discontinuance of service. The plan shall include a method by which students and alumni of the institution will be able to retrieve such records upon request; and
- 5.4.n.k. Any additional information or data as deemed necessary.

5.5. The Commission shall provide definitions of requested data elements. When appropriate, prior data submissions may be utilized to fulfill specific data requirements. Guidance will be provided by Commission staff.

5.6. Upon receipt of the annual reauthorization application, Commission staff shall ~~convene a compliance review committee to review the submitted documentation and render a recommendation to the Commission. The Chancellor may convene a compliance review committee to evaluate unique circumstances or possible issues associated with an institution's reauthorization application. The committee will analyze the information and advise the Chancellor regarding future action. The committee shall may~~ be composed of:

5.6.a. Persons who are qualified by academic training or professional experience to verify the institution's compliance with Commission standards for authorization;

5.6.b. Persons who are representative of both public and private institutions;

5.6.c. Members of the Commission staff; ~~The Vice Chancellor for Academic Affairs or designee shall serve as chair of the committee; and/or~~

5.7.d. Any other person(s) deemed necessary by the Chancellor.

5.7. Upon review of documentation ~~and recommendation of the compliance review committee, the Chancellor shall recommend to the Commission that~~ institutions that are found to be in compliance with generally accepted parameters of operation ~~are recommended to the Commission for reauthorization be reauthorized.~~

5.8. If ~~the compliance review committee finds~~, after review of required documentation, Commission staff find that the institution is not in compliance with generally accepted parameters of operation, ~~the committee~~ the Chancellor may request additional documentation for review.

5.9. Each institution shall provide, ~~at the request of the compliance review committee,~~ all information the ~~committee~~ Chancellor considers necessary to assess the performance of the institution and determine whether the institution continues to meet the minimum standards for conferring degrees. ~~Information may include, but is not limited to, the following:~~

~~5.9.a. Institutional information.~~

~~5.9.a.1. Copies of articles of incorporation, charter, constitution, and by-laws for the initial reporting year, and changes only for reporting in subsequent years;~~

~~5.9.a.2. Copy of any articulation agreement the institution has with a West Virginia higher education institution entered into or changed within the last year;~~

~~5.9.a.3. Copy of the institution's current mission and goals statement for the initial reporting year, and changes only for reporting in subsequent years;~~

~~5.9.a.4. Copy of the current institutional catalog;~~

~~5.9.a.5. Copies of current promotional and recruitment materials and advertisements provided or distributed to West Virginia residents.~~

~~5.9.b. Accreditation information.~~

~~5.9.b.1. If the institution is accredited by a regional accrediting agency, verification of the accreditation status, including any correspondence within the last year; and~~

~~5.9.b.2. If the institution is accredited by a national accrediting agency or any of its academic programs are accredited by a program accrediting agency, verification of the accreditation status.~~

5.9.ea. Program information.

5.9.ea.1. A list of current degree programs offered in West Virginia by the institution;

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

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

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

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

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

5.9.eb. Financial information.

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

~~5.9.f. Facilities information, if applicable. Verification of compliance with all applicable local, State, and federal safety and fire codes.~~

5.9.gc. Student information.

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

5.9.g-2c.1. A current schedule of fees, charges for tuition, required supplies, student activities, and all other student charges;

5.9.g-3c.2. The institution's policy about tuition and fee refunds and adjustments for the initial reporting year, and changes only for reporting in subsequent years;

~~5.9.g.4. The institution's policy about granting credit for experiential learning, including prior education, training, and experience for the initial reporting year, and changes only for reporting in subsequent years;~~

~~5.9.g.5. The institution's policy on post-graduation placement, if any, and data on placements for the most recent year;~~

~~5.9.g.6. A list of all student grievances for the most recent year as well as the nature and disposition of each.~~

5.9.h. Other information.

~~5.9.h.1. Information related to compliance with federal or state laws and regulations that require reporting to the public, students, employees, or federal or state agencies;~~

~~5.9.h.2. Information on how the institution ensures accuracy in its usual publications such as the catalog and institutional brochures and fair representation by recruiters and agents.~~

5.9.id. The Commission shall provide definitions of requested data elements. When appropriate, prior data submissions may be utilized to fulfill specific data requirements. Guidance will be provided by

Commission staff.

#### 5.10. On-site review.

5.10.a. ~~The compliance review committee~~ Commission staff, at ~~it's~~ the Chancellor's discretion, may conduct on-site reviews to assess institutional compliance with the minimum standards for conferring degrees as outlined in ~~Series 20133 C.S.R. 20, Initial Authorization for Degree-Granting Institutions~~. The ~~committee~~ Commission staff may evaluate maintenance of adequate academic and performance standards, conduct financial audits, or require the institution to perform such audits and provide detailed data ~~to the committee as necessary to render a thorough and comprehensive assessment~~. When possible, the visit will be scheduled at a time which is mutually convenient to the institution and ~~the committee~~ Commission staff. The institution shall pay the reasonable expenses associated with the compliance review visit.

5.10.b. Following review of submitted documentation and/or any requisite site visit, the ~~compliance review committee~~ Commission staff will prepare an analysis of the findings.

5.10.c. Commission staff will provide a draft of ~~a staff~~ its report prepared in accordance with this section ~~will be provided~~ to the institution for comment and correction of factual errors. The institution may provide the Commission a response to the report within 10 working days of receipt of the report. The institutional comments will be included with the ~~compliance review committee report~~ Chancellor's recommendation presented to the Commission.

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

5.10.e. If the Chancellor finds that an institution ~~which is~~ does not found to meet the generally accepted higher education state standards of quality, ~~will be the Chancellor will~~ recommended to the Commission ~~for denial of that it deny~~ reauthorization of the institution. Once reauthorization is denied, the institution is subject to the authorization requirements, process, and review in ~~Series 20133 C.S.R. 20, Initial Authorization of Degree-Granting Institutions~~, in order to seek authorization to operate within West Virginia.

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

### **§133-52-6. Public Institutions and Annual Reauthorization. [Reserved]**

~~6.1. All public institutions, except Marshall University and West Virginia University, under the purview of the Commission shall apply for annual reauthorization and shall meet the conditions for reauthorization as provided in section 5 of this rule.~~

~~6.2. The Commission shall make available to the public information on matters of institutional performance for all public institutions under its purview, including Marshall University and West Virginia University, as provided in section 2 of this rule.~~

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

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

7.2. The Commission office shall maintain a list of institutions authorized to grant degrees and shall make such list available to the public.

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

8.1. Authorization of an institution terminates ~~at the time~~ when a change in ownership ~~resulting in a change of~~ or control of the institution changes from that indicated on the institution's most recent reauthorization application unless the institution files an application within 10 business days after the change of ownership ~~that resulted in a change of~~ or control. Such institution shall submit an application reflecting the change in ownership and control and an application fee of \$500.

8.1.a. If an institution files an application requesting approval of a change of ownership and control more than 10 business days after ~~the such~~ change of ownership ~~resulting in a change of control~~ takes effect, the authorization terminates and such an application will be considered as an application for authorization and the institution shall pay the fees specified in ~~Series 20~~ 133 C.S.R. 20, Initial Authorization for Degree-Granting Institutions.

8.1.b. An authorized institution shall notify the Commission of any anticipated change in ownership ~~that results in a change of~~ or control at least 30 days prior to the change in ownership and control.

### **§133-52-9. Reauthorization Fees.**

9.1. A non-refundable fee of \$500 shall accompany the submission of the annual application report for reauthorization.

9.2. Failure to file the annual report or to pay the report fee shall be sufficient grounds for denial of reauthorization or suspension or revocation of degree granting authority. An institution filing a report that is postmarked after the November 1 due date will be assessed a late fee of \$300.

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

9.4. Public institutions located in West Virginia are exempt from the requirement of payment of reauthorization fees as provided in this section.

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

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

10.1.4~~a~~. Require the submission and implementation of an improvement plan to address or correct problems identified by the Commission; and/or

10.1.2~~b~~. Suspend the ability of an institution to enroll students for one or more of the approved programs offered by the institution.

10.1.2.b.1. In addition to the foregoing, the Commission may suspend the ability of an institution to enroll future students and deny reauthorization for the next year if any of the following occur:

10.1.2.b.1.a. The institution fails to provide to the Commission an approved teach-out plan within the requisite time after being notified by its accreditor or the Commission that it needs to do so;



10.1.2.b.1.b. The institution continuously fails to provide essential student services in a timely manner, including without limitation processing transcript requests or financial aid; or

10.1.2.b.1.c. The institution fails to comply with State or federal wage and hour laws or employee compensation contracts or the statutory requirements regarding any required subscription to the Unemployment Compensation Fund or workers' compensation insurance, the payment of premiums or other charges as required to maintain such coverage, the timely filing of payroll reports, or the maintenance of adequate deposits.

## 10.2. Termination of state authorization.

10.2.a. An institution shall provide the Commission with a copy of any notice, warning, suspension, revocation, or other adverse action received from any national or regional accrediting agency within five business days of receipt of such notice. The Commission shall terminate the authorization of any institution that fails to fulfill any requirements prescribed by its accreditor within timeframes established by the accreditor.

10.2.b. The Commission may for good cause suspend, withdraw, or revoke the authorization of an institution to generate or solicit students within the state, place an institution on probation, order refunds to students, forfeit the institution's surety bonds, revoke an institution's degree granting authority, or take any other appropriate action per ~~Series 20~~ 133 C.S.R. 20, Initial Authorization of Degree-Granting Institutions.

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

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

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

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

10.2.d.3. ~~Willfully~~ Provided false, misleading, or incomplete information to the Commission.

10.2.e. The Commission shall terminate the authorization of an institution authorized as a religious, theological, or faith-based college that fails to ~~continue to~~ meet the criteria for a religious institution ~~shall have its authorization terminated.~~ The Commission shall notify the institution ~~shall be so notified of its action~~ in writing; and allow a phase-out period of not more than one additional academic term ~~shall be permitted.~~ The institution may file an appeal to the Commission ~~may be filed~~ within 10 business days of its receipt of the written notice. In the absence of a timely appeal, the termination shall be final.

10.3. Notification to cease offering degrees or degree credits. – If an institutions that are not authorized by the Commission ~~but~~ offers degrees and/or degree credits in West Virginia, the Commission shall ~~be notified~~ notify the institution by certified mail that ~~they~~ it shall cease immediately to offer degrees and/or degree credits. The Commission shall initiate appropriate legal action if the institutions fail to comply.

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

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

11.2. ~~Records shall be~~ Institutions shall permanently maintained and their records so that authorized parties may obtain copies ~~may be obtained by authorized parties thereof~~. Such records shall include, but not be limited to, information pertaining to the admission of each student and former student and the educational record of each student and former student. Institutions shall retain financial aid records of each student and former student ~~shall be retained consistent in accordance~~ with State and federal ~~regulations~~ law.

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

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

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

11.3.c. ~~confirmation of~~ The name and address of the organization to receive and hold the student records, if different from the institution itself; and

11.3.d. The official at the organization ~~receiving the student records~~ who is the institution has designated as the records custodian to provide official copies of records or transcripts upon request.

11.4. Any institution that fails to comply with the requirements of this section forfeits consideration by the Commission of any application for authorization or reauthorization.

#### **§133-52-12. Notification: Appeals.**

12.1. Once the Commission has received and verified the accuracy of information constituting any of the grounds for adverse action identified in ~~section 10 of~~ this rule, the Commission shall notify the institution and its owner in writing of its intent to recommend denial, ~~or suspension, or revocation~~ of reauthorization or other adverse action and the grounds for such recommendation.

12.1.a. The owner of the institution may, within 10 business days of receipt of such notice, request a hearing upon the recommended action. Such hearing, if requested, shall be commenced by the Chancellor within 20 business days of such request at ~~the Chancellor's office or at such other~~ a location convenient to the parties and witnesses as may be designated by the Chancellor.

12.1.b. The hearing shall be conducted by the Chancellor ~~or his/her designee~~, pursuant to the ~~procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia~~ West Virginia Administrative Procedures Act, W. Va. Code § 29A-5-1, et seq.

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

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

12.2. During the hearing, the grounds for denial, suspension, withdrawal, or revocation of authorization

to operate the institution or other adverse action must be established by ~~clear and convincing evidence~~ a preponderance of the evidence.

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

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

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

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

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

12.8. A record of the hearing, including the complaint(s), if applicable, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, evidentiary depositions, and the stenographic report of the hearing, shall be made and a transcript thereof maintained in the Commission's files. All recorded materials shall be transcribed. The Commission shall have the responsibility to make arrangements for the transcription and provision of the reported testimony and evidence to the parties. Upon request, a copy of the transcript shall be furnished to any party at his or her expense.

12.9. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

12.10. The Commission may call witnesses to testify in support of charges, ~~and~~ may present such other evidence to support its position, and may cross-examine witnesses called by the ~~charged party~~ institution in support of its position.

12.11. All parties shall have the right to offer opening and closing arguments.

12.12. Hearings may be continued or adjourned to a later date or different place by the Chancellor ~~or his/her designee~~ by upon appropriate notice to all parties.

12.13. All motions related to a case set for hearing, except motions for continuance and those made during the hearing, shall be in writing and shall be received in the office of the Chancellor at least 10 business days before the hearing. Pre-hearing motions shall be heard at a pre-hearing conference or at the hearing prior to the commencement of testimony.

12.14. Any party may submit proposed findings of fact and conclusions of law at a time and manner designated by the Chancellor ~~or his/her designee~~.

12.15. At any time prior to the hearing or thereafter, the Chancellor ~~or his/her designee~~ may hold conferences for the following purposes:

12.15.a. To dispose of procedural requests, pre-hearing motions, or similar matters;

12.15.b. To simplify or settle issues by consent of the parties; or

12.15.c. To provide for the informal disposition of the case by stipulation or agreement.

12.16. The Chancellor ~~or his/her designee~~ may cause such conferences to be held on ~~it's~~ the Commission's own motion or by the request of a party.

12.17. Evidentiary depositions may be taken and read or otherwise included into evidence as in civil actions in the circuit courts of this State.

~~12.18. Subpoenas to compel the attendance of witnesses and subpoenas duces tecum to compel the production of documents may be issued by the Chancellor pursuant to West Virginia Code §29A-5-1(b).~~

~~12.19. Written requests by a party for the issuance of subpoenas duces tecum as provided in section 12.18 of this rule must be received by the Commission no later than ten (10) business days before a scheduled hearing. Any party requesting the issuance of subpoenas duces tecum shall see that they are properly served in accordance with West Virginia Code §29A-5-1(b).~~

~~12.20~~18. Any final order entered by the Commission following a hearing conducted pursuant to these rules shall be made pursuant to the provisions of W. Va. Code § 29A-5-3. Such orders shall be entered within 60 days following the submission of all documents and materials necessary for the proper disposition of the case, including transcripts, and shall contain findings of fact and conclusions of law unless good cause exists to extend such time or by agreement of the parties.

~~12.21~~19. Findings of fact and conclusions of law shall be recommended to the Commission by the Chancellor ~~or his/her designee~~ and must be approved by a majority of the Commission by vote at a regular meeting before a final order is entered. A copy of the final order approved by a majority of the Commission shall be served upon the institution and/or ~~his or her~~ its attorney of record, if any, within 10 business days after entry by the Commission by personal service or by registered or certified mail.

~~12.22~~20. The final order may suspend, withdraw, or revoke the authorization of the institution; place the institution on probation; order refunds to students; order forfeiture of the institution's surety bond ~~and disbursement of the funds forfeited disbursed to students injured by the institution's violation of this rule or its enabling statute~~; or order any other action deemed appropriate by the Commission, ~~up to and including payment of loans, interest and other charges in connection with institution loans caused a student by the institution's violation of this rule.~~

~~12.23~~21. All proceedings pursuant to this rule shall be conducted pursuant to and comply with applicable statute, including, but not limited to, West Virginia Code § 29A-5-1, et seq.

~~12.24~~22. ~~Any relief a student believes he or she was not rightfully awarded by the Commission pursuant to this rule may be pursued in any other appropriate forum~~ Nothing in this rule precludes an institution's current or former students or current or former employees from pursuing any remedy at law or equity that may be available to them based on the institution's actions or failures to act in accordance with this rule or any other provision of applicable law.