

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Board of Regents TITLE NUMBER: 128

CITE AUTHORITY: 18-26

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 15

TITLE OF RULE BEING AMENDED: POLICY REGARDING THE ACCREDITATION
AND APPROVAL OF DEGREE-GRANTING INSTITUTIONS

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS Sept 18, 1988

Edward Grose

WEST VIRGINIA INTERPRETATIVE RULE
WEST VIRGINIA BOARD OF REGENTS
CHAPTER 18-26
SERIES I - GENERAL

POLICY BULLETIN NO. 15

TITLE: POLICY REGARDING THE ACCREDITATION AND APPROVAL OF
DEGREE-GRANTING INSTITUTIONS

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WEST VIRGINIA INTERPRETATIVE RULES
WEST VIRGINIA BOARD OF REGENTS
CHAPTER 18-26
SERIES ~~Z~~ - GENERAL

15

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TITLE: POLICY REGARDING THE ACCREDITATION AND APPROVAL OF DEGREE-GRANTING INSTITUTIONS

Section 1. General

1.1 Scope - This rule establishes the policy regarding accreditation and approval of degree-granting institutions.

1.2 Authority - West Virginia Code 18-26-13a

1.3 Filing Date - July ²⁰ 19, 1988

1.4 Effective Date - ^{Sept. 18} ~~August 19~~, 1988

Section 2. Definitions

2.1 The term "higher educational institution" means any institution as defined by Sections 401 (f), (g), (h) of the Federal Higher Education Facilities Act of 1963, as amended, but does not include any private proprietary educational institution located in West Virginia. In addition, "higher educational institution" means any non-profit institution located outside West Virginia which offers courses or degree programs in West Virginia.

2.2 "Institutional accreditation" means the process whereby one or more of the following institutional accreditation agencies has granted public recognition to a higher educational non-profit institution indicating that the institution meets established standards of quality, as determined through an initial and periodic self-study and evaluation by peers: the American Association of Bible Colleges, the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Association of Schools and Colleges, the Southern Association of Colleges and Schools, and the Western Association of Schools and Colleges. "Institutionally accredited" means that the institution has been granted such accreditation.

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2.3 "Approval by the Board of Regents" means the process whereby a higher educational institution is granted a right to award degrees or offer courses in West Virginia, pursuant to Chapter 18, Article 26, Section 13a of the West Virginia Code. "Approved by the Board of Regents" means that the institution has been granted such approval.

2.4 "Degree" means any earned award conferred by a higher educational institution which represents satisfactory completion of the requirements of a program, or course of study, or any instruction beyond or apart from the secondary level of greater duration than eleven months of full-time study. A program or course of study of eleven months or less comes under the jurisdiction of the West Virginia Department of Education. A school operating with a license granted under Chapter 30 of the West Virginia Code may be exempt. Vocational-Technical Centers operated by counties within the State Department of Education guidelines are exempt.

2.5 "Degree Program" means a curriculum or course of study of greater duration than eleven months of full-time study in a discipline or field that leads to a degree.

2.6 "Course" means a formally organized, structured series of meetings open to the general public for which a fee is charged, and for which credit toward a degree either is awarded or may reasonably be understood to be applicable to a degree with the intent of imparting information or understanding at a level appropriate to a postsecondary audience.

Section 3. Accreditation and Approval of Higher Educational Institutions

3.1 Any higher educational institution having its principal place of operation in West Virginia: (1) which desires to offer degrees, (2) which meets the requirements and provides evidence of institutional accreditation by an appropriate institutional accreditation agency identified in Section 2.2 of these rules, and (3) which has invited a representative from the West Virginia Board of Regents to participate in the process leading to such institutional accreditation, shall be approved by the Board of Regents to offer, for the duration of such institutional accreditation, those degrees for which the institution is institutionally accredited.

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3.2 Any higher educational institution having its principal place of operation in West Virginia which desires to offer courses and/or degrees, but does not meet the criteria specified in Section 2.2 of these rules, or has not received the institutional accreditation specified in Section 2.2 of these rules, may be approved by the Board of Regents for a period of up to four years following satisfactory completion of the procedures set forth in Section 4 of these rules. The visiting team evaluation will be based upon the standards of the appropriate institutional accrediting agency as well as those found in Section 6 of these rules.

3.3 Any higher educational institution having its principal place of operation outside West Virginia which desires to offer degrees within West Virginia must be approved by the Board of Regents. Such approval may be for a period of up to four years. The documentation required for this approval shall include, but shall not be limited to: (1) evidence of accreditation by an appropriate institutional accreditation agency identified in Section 2.2 of these rules, or (2) evidence of a satisfactory evaluation conducted by the Board of Regents and based on the standards of an appropriate institutional accreditation agency identified in Section 2.2 of these rules, which evaluation shall have been conducted in accordance with the procedures specified in Section 4 of these rules. In making its determination, the Board of Regents will consider whether the proposed degree program or programs duplicate existing offerings of other higher educational institutions at the location or locations for which approval is requested.

3.4 Any higher educational institution which offers degrees at its principal place of operation outside West Virginia and which wishes to offer courses (but not a degree program) in West Virginia, leading to a degree which would be awarded either within or outside West Virginia, must be authorized by the Board of Regents to offer such specified courses. The authorization may be granted for a period of one year at a specified location or locations, with an application for renewal of the authorization required to be filed annually with the Board of Regents at least 90 calendar days prior to the expiration of the authorization.

3.4.1 Such authorization will not constitute accreditation or approval by the Board of Regents or by the State of West Virginia, and Policy Bulletin No. 15 any materials provided to prospective or enrolled students must not state or imply that the institution is so accredited or approved.

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Series I, Section 3

3.4.2 In making its determination, the Board of Regents will consider (in addition to the number and range of courses proposed to be offered) whether the applicant institution is institutionally accredited, whether the proposed courses duplicate existing offerings of other higher educational institutions at the specified location or locations, and whether diplomas or certificates are proposed to be awarded.

3.4.3 At its discretion, the Board of Regents may require the institution to follow the procedures specified in Section 4 of these rules.

3.5 Any higher educational institution which provides evidence that it has achieved candidacy status, but is not yet accredited by an institutional accreditation agency identified in Section 2.2 of these rules, may be granted provisional approval by the Board of Regents to award degrees for a period of one or two years, subject to renewal for additional one-year periods and under such conditions and limitations as the Board may specify. During such period of provisional approval, the institution must file an annual report with the Board of Regents, presenting evidence of satisfactory progress toward institutional accreditation. Upon receipt of evidence of institutional accreditation, the Board of Regents shall grant approval to the institution. Failure to achieve institutional accreditation may result in a suspension of the institution's provisional approval to award degrees until the deficiencies leading to a denial of institutional accreditation have been corrected.

3.6 Any higher educational institution which is seeking institutional accreditation from an accrediting agency identified in Section 2.2 of these rules, may apply for approval by the Board of Regents by submitting the self-study report and other documentation used by the institutional accreditation agency, together with the report of the visiting committee and the final report of the institutional accreditation agency. Following a review of these materials and upon receipt of satisfactory evidence of institutional accreditation, the Board of Regents shall grant approval to the institution. An institution which is not institutionally accredited, but which is initiating a review by an institutional accreditation agency, shall invite a representative from the Board of Regents to participate in the visitation. The representative shall receive the same set of evaluation documents as do the members of the visiting committee, and the applicant

institution shall bear the actual and reasonable expenses associated with the Board of Regents' representatives participation in the visitation.

Section 4. Procedures for First Time Institutional Approval

4.1 Procedures for the accreditation and approval of higher educational institutions which are not institutionally accredited by one of the associations listed in Section 2.2 of these rules, and are designed to offer courses and degrees, as defined herein, of greater than eleven months in duration, for the first time in West Virginia are as follows.

4.2 A preliminary conference will be held, involving the appropriate senior administrators of the institution and members of the staff of the Board of Regents, for the purpose of discussing the guidelines for evaluation. The guidelines will conform with state and nationally accepted standards appropriate for the degree programs proposed to be offered.

4.3 The institution will conduct an institutional self-study in accordance with the criteria and standards agreed on during the conference between the institution and the staff of the Board of Regents.

4.4 The institution must present evidence that it has secured a surety bond in accordance with regulations established by the State Department of Education.

4.5 The Chancellor of the West Virginia Board of Regents will appoint a visiting committee, composed of three to five members, to visit the institution. The visiting committee will include appropriately qualified persons who may be chosen from public or private higher educational institutions in West Virginia or in other states, the staff of the West Virginia Board of Regents, West Virginia Department of Education, and Office of the Attorney General. The institution may challenge the selection of individual visiting committee members for proper cause.

4.6 The institution will bear the actual and reasonable expenses of the members of the visiting committee. Travel by private automobile will be reimbursed at the authorized rate. Members of the visiting committee who are not employees of the State of West Virginia will receive from the institution an honorarium of \$100 per day.

4.7 The visiting committee will submit its report and recommendations in writing to the Chancellor.

4.8 If the Chancellor does not grant approval, the institution may appeal the Chancellor's decision within 30 calendar days of receiving notification of the Chancellor's action, by means of a letter to the President of the Board of Regents. The institution shall not enroll students in a program until Board of Regents' approval is granted.

4.9 Approval may be granted for periods of one to four years. On-site evaluations may be conducted as needed in accordance with Section 6.1 of these rules.

Section 5. Approval to Offer New or Additional Degree Programs

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5.1 Any higher educational institution which is accredited by an institutional accreditation agency identified in Section 2.2 of these rules, and which is approved by the Board of Regents in accordance with the policy and procedures set forth herein may modify degree programs which were previously approved, without special action by the Board of Regents. The institution may also request approval to offer new or additional degree programs in West Virginia at the degree level or levels for which it is institutionally accredited. At the discretion of the Chancellor of the Board of Regents, procedures under Section 5.3 of these rules may be required before approval is granted.

OK
5.2 Any higher educational institution which is not institutionally accredited by an institutional accreditation agency identified in Section 2.2 of these rules, but which is approved by the Board of Regents to award degrees, may request approval to offer new or additional degree programs in West Virginia by submitting an application to the Board of Regents, at least 90 calendar days prior to planned implementation, requesting that the program or programs be reviewed by a visiting committee and incorporated into the institution's approval by the Board.

OK
5.3 A visiting committee will be appointed by the Chancellor and may include members as specified in Section 4.5 of these rules.

5.4 The institution will be given 30 days to comment upon the report and recommendations of the visiting committee.

before it is considered for approval by the Chancellor. The institution will not be allowed to offer or advertise the degree program until approval is granted by the Board of Regents.

5.5 Approval may be granted for periods of one to four years. On-site evaluations may be conducted as needed in accordance with Section 6.1.

Section 6. Additional Considerations

6.1 In meeting its statutory obligations, the Board of Regents reserves the right to conduct additional inquiries as may be required, or to cause such inquiries to be conducted by other agencies or offices. Any allegation or complaint of deceptive practices or possible violations of law or regulation will be referred to the Consumer Protection Division of the Office of the Attorney General.

6.2 In addition, the Board of Regents shall be notified by the institution of all findings and actions which may affect the Board of Regents' determination of the institution's approval to grant degrees or authorization to offer courses in West Virginia.

6.3 Student financial obligations may be incurred only for the present period of instruction (quarter, semester, etc.) and in no event may exceed more than a five-month period.

Adopted as Policy Bulletin #41 on
February 20, 1979
Revised: December 1, 1982

Adopted as Policy Bulletin #15 on
October 8, 1971
(Replaces Policy Bulletin #41)
Revised: May 9, 1972
Revised: April 6, 1976
Revised: June 2, 1987
Revised: July 8, 1988

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(Plus all the volunteer
help we can get)

TO: Dr. Groce, Bd. of Regents

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: July 29, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

Senior, 15

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NO response as of Oct 6, 1988

RA