

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

**FILED**

**JAN 21 9 37 AM '94**

Form #4

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: University System of West Virginia Board of Trustees TITLE NUMBER: 128

CITE AUTHORITY West Virginia Code §18B-1-6, 18B-10-<sup>18B-10-8</sup>, 18B-10-1

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 22

TITLE OF RULE BEING AMENDED: Assessment, Payment and Refund of Fees

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

*Pamela G. Steelhammer*

TITLE 131  
LEGISLATIVE RULE  
UNIVERSITY SYSTEM OF WEST VIRGINIA  
SERIES 22

**TITLE:           ASSESSMENT, PAYMENT, and REFUND OF FEES**

**SECTION 1.       GENERAL**

- 1.1   Scope -           This rule establishes policy regarding assessment, payment and refund of fees.
- 1.2   Authority -        West Virginia Code § 18B-1-6, 18B-10-8, 18B-10-1
- 1.3   Filing Date -
- 1.4   Effective Date -

**SECTION 2.       GENERAL RULES**

- 2.1   No financial credit of any type shall be extended to any individual, either student or other, at any University System institution. All University System institutions shall operate on a strictly cash basis with all payments and obligations being collected ~~in advance, prior to the start of classes~~ except that room and board charges may be divided into installments, as determined by the institution. ~~A student is not considered registered until full fee payment has been made.~~ as provided in this rule. Fees include tuition registration, HERF, faculty improvement, activity, lab and other course related fees.
- 2.2   Exceptions may be granted where a bona fide third-party agency has provided authorization in writing that payment will be made for the student.
- 2.3   Exceptions may be granted for late financial aid disbursements for situations at no fault of the student.

**SECTION 3.       FEE CHARGES**

- 3.1   Undergraduate students enrolled for twelve or more credit hours and graduate students enrolled for nine or more hours pay the maximum charges in each basic fee category.

- 3.2 ~~Tuition, registration and higher education resource fees charged to undergraduates taking less than twelve hours and graduate students taking less than nine hours are prorated according to the number of credit hours for which the student is enrolled. Undergraduate students taking fewer than twelve credit hours in a regular term shall have their fees reduced pro rata based upon one-twelfth of the full-time rate per credit hour, and graduate students taking fewer than nine credit hours in a regular term shall have their fees reduced pro rata based upon one-ninth of the full-time rate per credit hour.~~
- 3.3 Fees for students enrolled in summer terms or other nontraditional time periods shall be prorated based upon the number of credit hours for which the student enrolls in accordance with the provisions of Section 3.2 of this rule.
- 3.34 ~~Full or part-time students taking all courses off campus may be exempted from all or certain institutional activity, student union and intercollegiate athletic fees at the discretion of the institution. Students enrolled in undergraduate courses offered at off-campus locations shall pay an off-campus instruction fee, which shall be used solely for the support of off-campus courses offered by the institution, and shall not pay the athletic fee and the student activity fee. The student union fee for off-campus students may be waived at the discretion of the institution.~~
- 3.45 In view of existing bonding obligations at most institutions, it is necessary for institutions to establish different rates regarding student union fees. The fee should be prorated based on the requirements of the bond covenant.
- 3.5 ~~Institutional activity and athletic fees will be paid in full by students taking seven or more credit hours per semester on campus (except for students at community colleges, where the activity fee for students enrolled less than full time will be prorated according to the number of credit hours taken each semester). Students enrolled for less than seven hours have the option of paying these basic fees.~~
- 3.6 University System institutions shall be permitted to establish and collect certain special fees for designated purposes separate from and above those identified in the regular fee schedule.
- 3.7 All regular and special fees charged by colleges shall be identified separately and published so as to be readily available to all students.

- 3.8 All fees charged to students, both regular and special, must have approval by the University System Board prior to assessment and collection.
- 3.9 Fees shall be established and charged for all noncredit community service courses in an amount to insure that the offering is self-supporting, including indirect cost.

**SECTION 4. REFUND OF REGULAR FEES**

4.1 ~~Academic Year Continuing Students.~~ Except for first-time enrollees, as specified in Section 4.2 of this rule, students who officially withdraw during a semester in the academic year shall receive a refund of regular fees in accordance with the following schedule.

4.1.1 Academic Year (Semester)

|                                   |            |
|-----------------------------------|------------|
| During the first and second weeks | 90% refund |
| During the third and fourth weeks | 70% refund |
| During the fifth and sixth weeks  | 50% refund |
| Beginning with the seventh week   | No refund  |

4.1.2 Summer Terms and Nontraditional Periods

Refunds for summer sessions and nontraditional periods shall be established based upon the refund rate for the academic year and calculated using the following schedule.

|                                  |            |
|----------------------------------|------------|
| During the first 13% of the term | 90% refund |
| From 14% to 25% of the term      | 70% refund |
| From 26% to 38% of the term      | 50% refund |
| After 38% of term is completed   | No refund  |

Should the percentage calculation identify a partial day, the entire day should be included in the higher refund period.

4.2 First time enrollees. Students who officially withdraw before or during their first period of enrollment at the enrolling institution shall have their refund calculated as follows, in accordance with the provisions contained in the 1992 amendments to the federal Higher Education Act.

4.2.1 Academic Year (Semester)

|  |                   |
|--|-------------------|
| <u>During the first and second weeks</u> . . . . .   | <u>90% refund</u> |
| <u>During the third week</u> . . . . .               | <u>80% refund</u> |
| <u>During the fourth and fifth weeks</u> . . . . .   | <u>70% refund</u> |
| <u>During the sixth week</u> . . . . .               | <u>60% refund</u> |
| <u>During the seventh and eighth weeks</u> . . . . . | <u>50% refund</u> |
| <u>During the ninth week</u> . . . . .               | <u>40% refund</u> |
| <u>Beginning the tenth week</u> . . . . .            | <u>No refund</u>  |

4.2.2 Summer Terms and Nontraditional Periods

Refunds for summer sessions and nontraditional periods shall be established based upon the refund rate for the academic year and calculated using the following schedule.

|  |                   |
|--|-------------------|
| <u>During the first 14% of the terms</u> . . . . . | <u>90% refund</u> |
| <u>From 15% to 20% of the term</u> . . . . .       | <u>80% refund</u> |
| <u>From 21% to 30% of the term</u> . . . . .       | <u>70% refund</u> |
| <u>From 31% to 40% of the term</u> . . . . .       | <u>60% refund</u> |
| <u>From 41% to 50% of the term</u> . . . . .       | <u>50% refund</u> |
| <u>From 51% to 60% of the term</u> . . . . .       | <u>40% refund</u> |
| <u>After 60% of the term</u> . . . . .             | <u>No refund</u>  |

4.3 Refunded fees must be returned in accordance with the requirements of the Higher Education Act whenever Title IV funds are involved.

4.4 A withdrawal fee may be charged by the institution not to exceed five percent (5%) of the total student fees charged for the term or one hundred dollars (\$100.00), whichever is less.

**SECTION 5. REFUND OF ROOM AND BOARD**

- 5.1 Room: Refund, if any, shall be based on the housing contract signed by the student.
- 5.2 Board: Refund shall be prorated based upon the date of official withdrawal. All refunds are calculated from the first day of the formal registration period.

## **SECTION 6.           REGISTRATION PERIOD - LATE FEE**

- 6.1 A formal registration period shall be established at the beginning of each semester or term at which time fees are due and payable in accordance with the provisions of this rule. In addition, a late registration period may be established ~~which shall not exceed the tenth day of regularly scheduled classes~~. A late fee of ~~fifteen (\$15) dollars~~ not to exceed thirty dollars (\$30) shall be imposed on all late registrants. The president of the institution or a designee shall have the authority to waive the fee in cases where evidence indicates the delay occurred through a fault of the institution.
- 6.2 An exception to the registration time period may be granted to an individual under rare circumstances and then only when there is evidence that the student has a reasonable opportunity to complete successfully all course work. The president or a designee must approve the exception with the evidence documented and held on file supporting the decision.
- 6.3 The first two class meetings shall be considered the regular registration period for nontraditional students registering for evening, Saturday, off-campus, extension and other special classes. In addition, a late registration period may be established which shall not exceed the third and fourth class meetings. A late fee of ~~fifteen dollars (\$15)~~ not to exceed thirty dollars (\$30) shall be imposed on all late registrants.

## **SECTION 7.           INSTALLMENT PAYMENT PLANS**

- 7.1 Student fee deferred payment plans will be offered for fall and spring terms.
- 7.2 All available financial aid for the term must be credited to the student's account prior to determining the amount available for deferral.
- 7.3 After all financial aid is applied to the student's account, sixty percent (60%) of the balance of student fees must be paid prior to the start of classes.
- 7.4 The remaining balance, including interest, must be paid prior to the end of the sixth week of classes.
- 7.5 Interest on the deferred amount may be charged at a rate not to exceed the legal limit.

- 7.6 Room and board and other non-course related charges may be divided into installments as determined by the institution.

**SECTION 8. USE OF CREDIT CARDS**

- 8.1 The use of credit cards for payment of student fees is authorized at University System institutions under the statewide contract initiated by the State Board of Investments or under an alternate program approved by the University System Board of Trustees.
- 8.2 To the extent allowed by law or policy of the credit card company, each institution is authorized to impose a surcharge on credit card payments equal to any amount that may be imposed by the credit card company as a vendor discount or service fee.

**SECTION 9. ENROLLMENT ABOVE THE NORMAL FULL-TIME COURSE LOAD**

- 9.1 Each institution shall adopt penalties for students who routinely withdraw from classes after a semester has begun, with special emphasis on students who initially register for more than eighteen (18) credit hours and who routinely withdraw from classes after the semester has begun. The policy setting such penalties at each institution shall be submitted to the chancellor.

**SECTION 10. DEFERRAL OF FEES DURING A LEGAL WORK STOPPAGE**

- 10.1 Any student adversely, financially affected by a legal work stoppage that commenced on or after the first day of January, one thousand nine hundred ninety three (1993) may be allowed, on a case-by-case basis, an additional six months to pay the fees for any academic term, in accordance with procedures established by the board.



Legislative Oversight Commission On Education Accountability  
 WEST VIRGINIA LEGISLATURE  
 State Capitol Building  
 Charleston, WV 25305

OFFICE OF WEST VIRGINIA  
 SECRETARY OF STATE

JAN 13 8 36 AM '94

FILED

Senate Education Committee  
 Phone (304) 357-7955  
 Room M-427

House Education Committee  
 Phone (304) 340-3268  
 Room M-3411

NOTICE OF ACTION TAKEN BY LEGISLATIVE OVERSIGHT  
COMMISSION ON EDUCATION ACCOUNTABILITY

January 10, 1994

TO: The Hon. Ken Hechler, Secretary of State, State Register

TO: Dr. Charles W. Manning  
 University of West Virginia Board of Trustees  
 1018 Kanawha Boulevard, East, Suite 700  
 Charleston, West Virginia 25301

FROM: Legislative Oversight Commission on Education  
 Accountability

PROPOSED RULE: **Policy 128-22. Assessment, payment and refund  
 of fees.**

1. The Legislative Oversight Commission on Education  
 Accountability recommends that the West Virginia  
 Legislature:
  - A. Authorize the agency to promulgate the  
 legislative rule
    - (a) as originally filed
    - (b) as modified by the agency
  - B. Authorize the agency to promulgate part of the  
 legislative rule; a statement of reasons for  
 such recommendation is attached.
2. The Legislative Oversight Commission on Education  
 Accountability recommends that
  - A. the rule be withdrawn; a statement of reasons  
 for such recommendation is attached.
  - B. the emergency rule be withdrawn; a statement  
 of reasons for such recommendation is attached.

\_\_\_\_\_ X \_\_\_\_\_  
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Pursuant to Code §29A-3A-12, this notice has been filed in  
 the State Register and with the agency proposing the rule.