



KEN HECHLER  
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(Plus all the volunteer  
help we can get)

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## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

March 15, 1994

Pamela G. Steelhammer  
Trustees  
1018 Kanawha Blvd. E.  
Charleston, WV 25301

**SB 243** authorizing, **Title 128, Series 22, Assessment, Payment and Refund of Fees**, passed the Legislature on **March 12, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 243, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 243** section **18B-17-2(f)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division

# UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES

1018 KANAWHA BOULEVARD, EAST  
SUITE 700  
CHARLESTON, WEST VIRGINIA 25301 - 2827

TELEPHONE (304) 558-2736  
FAX (304) 558-3264

*John R. Hoblitzell*  
Chairman

*Charles W. Manning*  
Chancellor

May 2, 1994

The Honorable Ken Hechler  
Secretary of State  
Capitol Building  
Charleston, West Virginia 25305

Dear Secretary Hechler:

On behalf of the University System of Board of Trustees I am forwarding a notice of final filing and adoption of a legislative rule authorized by the West Virginia Legislature for the following legislative rule:

**Title 128, Series 22: *Assessment, Payment, and Refund of Fees***

The promulgation history is listed below:

- September 14, 1993 Approved by the University System Board of Trustees
- November 8, 1993 Rule filed by Secretary of Education and the Arts for public comment
- December 9, 1993 Public comment period over
- December 13, 1993 Notice of agency approval of a proposed rule and filing with the Legislative Oversight Commission on Education Accountability
- January 10, 1994 Notice of approval, with modification by the Legislative Oversight Commission on Education Accountability filed with Secretary of State.
- January 14, 1994 Approved by University System Board of Trustees with legislative modifications
- January 21, 1994 Notice of modification of a proposed rule filed with Secretary of State

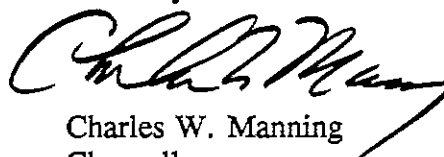
Marshall University  
University of West Virginia College of Graduate Studies  
West Virginia School of Osteopathic Medicine  
West Virginia University  
Potomac State College of West Virginia University  
West Virginia University at Parkersburg

March 11, 1994      Passed by the Legislature

March 25              Signed by the Governor

Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Manning". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Charles W. Manning  
Chancellor

c: Barbara Harmon-Schamberger  
Secretary of Education and the Arts

**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 -             May 5, 1994
- 1.4   Effective Date -         May 5, 1994

**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 prior to the start of classes except 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   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.
- 3.4 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.
- 3.5 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.
- 3.6 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 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
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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)

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

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.

During the first 14% of the terms . . . . .	90% refund
From 15% to 20% of the term . . . . .	80% refund

From 21% to 30% of the term . . . . .	70% refund
From 31% to 40% of the term . . . . .	60% refund
From 41% to 50% of the term . . . . .	50% refund
From 51% to 60% of the term . . . . .	40% refund
After 60% of the term . . . . .	No refund

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. A late fee of 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 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.

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H. B. 4439

(By Delegates Ashcraft and S. Williams)

(Introduced February 11, 1994; referred to the  
Committee on Education then the Judiciary)

10 A BILL to amend and reenact sections two and three, article  
11 seventeen, chapter eighteen-b of the code of West Virginia,  
12 one thousand nine hundred thirty-one, as amended, relating to  
13 legislative rules; authorizing specific regulations relating  
14 to higher education including acceptance of advanced  
15 placement credit; assessment, payment and refund of fees;  
16 personnel administration; and resource allocation.

17 Be it enacted by the Legislature of West Virginia:

18 That sections two and three, article seventeen, chapter  
19 eighteen-b of the code of West Virginia, one thousand nine  
20 hundred thirty-one, as amended, be amended and reenacted to read  
21 as follows:

22 ARTICLE 17. LEGISLATIVE RULES.

23 §18B-17-2. Board of trustees.

24 (a) The legislative rules filed in the state register on the  
25 third day of December, one thousand nine hundred ninety-one,  
26 modified by the board of trustees to meet the objections of the

1 legislative oversight commission on education accountability and  
2 refiled in the state register on the twenty-first day of January,  
3 one thousand nine hundred ninety-two, relating to the board of  
4 trustees (report card), are authorized.

5 (b) The legislative rules filed in the state register on the  
6 thirteenth day of July, one thousand nine hundred ninety-one,  
7 relating to the board of trustees (equal opportunity and  
8 affirmative action), are authorized.

9 (c) The legislative rules filed in the state register on the  
10 eighth day of September, one thousand nine hundred ninety-two,  
11 relating to the board of trustees (holidays), are authorized.

12 (d) The legislative rules filed in the state register on the  
13 third day of April, one thousand nine hundred ninety-two,  
14 relating to the board of trustees (alcoholic beverages on  
15 campuses), are authorized.

16 (e) The legislative rules filed in the state register on the  
17 fifteenth day of November, one thousand nine hundred  
18 ninety-three, relating to the board of trustees (acceptance of  
19 advanced placement credit), are authorized.

20 (f) The legislative rules filed in the state register on the  
21 thirteenth day of December, one thousand nine hundred  
22 ninety-three, modified by the board of trustees to meet the  
23 objections of the legislative oversight commission on education  
24 accountability and refiled in the state register on the  
25 twenty-first day of January, one thousand nine hundred

1 ninety-four, relating to the board of trustees (assessment,  
2 payment and refund of fees), are authorized.

3 (g) The legislative rules filed in the state register on the  
4 first day of November, one thousand nine hundred ninety-three,  
5 modified by the board of trustees to meet the objections of the  
6 legislative oversight commission on education accountability and  
7 refiled in the state register on the twenty-first day of  
8 December, one thousand nine hundred ninety-three, relating to the  
9 board of trustees (personnel administration), are authorized.

10 §18B-17-3. Board of directors.

11 (a) The legislative rules filed in the state register on the  
12 sixteenth day of December, one thousand nine hundred ninety-one,  
13 modified by the board of directors to meet the objections of the  
14 legislative oversight commission on education accountability and  
15 refiled in the state register on the twenty-first day of January,  
16 one thousand nine hundred ninety-two, relating to the board of  
17 directors (report card), are authorized.

18 (b) The legislative rules filed in the state register on the  
19 twenty-seventh day of September, one thousand nine hundred  
20 ninety-one, relating to the board of directors (equal opportunity  
21 and affirmative action), are authorized.

22 (c) The legislative rules filed in the state register on the  
23 fourth day of December, one thousand nine hundred ninety-one,  
24 relating to the board of directors (holiday policy), are  
25 authorized.

1 (d) The legislative rules filed in the state register on the  
2 nineteenth day of March, one thousand nine hundred ninety-two, as  
3 modified and refiled in the state register on the tenth day of  
4 July, one thousand nine hundred ninety-two, relating to the board  
5 of directors (presidential appointments, responsibilities and  
6 evaluations), are authorized.

7 (e) The legislative rules filed in the state register on the  
8 twentieth day of September, one thousand nine hundred  
9 ninety-three, relating to the board of directors (acceptance of  
10 advanced placement credit), are authorized.

11 (f) The legislative rules filed in the state register on the  
12 tenth day of December, one thousand nine hundred ninety-three,  
13 relating to the board of directors (resource allocation policy),  
14 are authorized.

15 (g) The legislative rules filed in the state register on the  
16 eighth day of December, one thousand nine hundred ninety-three,  
17 modified by the board of directors to meet the objections of the  
18 legislative oversight commission on education accountability and  
19 refiled in the state register on the eleventh day of January, one  
20 thousand nine hundred ninety-four, relating to the board of  
21 directors (assessment, payment and refund of fees), are  
22 authorized.

23 (h) The legislative rules filed in the state register on the  
24 first day of November, one thousand nine hundred ninety-three,  
25 modified by the board of directors to meet the objections of the  
26 legislative oversight commission on education accountability and

1 refiled in the state register on the twenty-first day of  
2 December, one thousand nine hundred ninety-three, relating to the  
3 board of directors (personnel administration), are authorized.

4 NOTE: The purpose of this bill is to authorize the rules  
5 filed in the state register by the Board of Trustees and Board of  
6 Directors relating to the acceptance of advanced placement  
7 credit; assessment, payment and refund of fees; personnel  
8 administration; and resource allocation.

9 Strike-throughs indicate language that would be stricken from  
10 the present law, and underscoring indicates new language that  
11 would be added.

SENATE BILL NO. 243

(By Senator Lucht)

~~[Introduced February 2, 1994; referred to the  
Committee on Education.]~~

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17 Be it enacted by the Legislature of West Virginia:

18 That sections two and three, article seventeen, chapter  
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3 one thousand nine hundred ninety-two, relating to the board of  
4 trustees (report card), are authorized.

5 (b) The legislative rules filed in the state register on the  
6 thirteenth day of July, one thousand nine hundred ninety-one,  
7 relating to the board of trustees (equal opportunity and  
8 affirmative action), are authorized.

9 (c) The legislative rules filed in the state register on the  
10 eighth day of September, one thousand nine hundred ninety-two,  
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19 advanced placement credit), are authorized.

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22 ninety-three, modified by the board of trustees to meet the  
23 objections of the legislative oversight commission on education  
24 accountability and refiled in the state register on the  
25 twenty-first day of January, one thousand nine hundred

1 ninety-four, relating to the board of trustees (assessment,  
2 payment and refund of fees), are authorized.

3 (g) The legislative rules filed in the state register on the  
4 first day of November, one thousand nine hundred ninety-three,  
5 modified by the board of trustees to meet the objections of the  
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10 §18B-17-3. Board of directors.

11 (a) The legislative rules filed in the state register on the  
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17 directors (report card), are authorized.

18 (b) The legislative rules filed in the state register on the  
19 twenty-seventh day of September, one thousand nine hundred  
20 ninety-one, relating to the board of directors (equal opportunity  
21 and affirmative action), are authorized.

22 (c) The legislative rules filed in the state register on the  
23 fourth day of December, one thousand nine hundred ninety-one,  
24 relating to the board of directors (holiday policy), are  
25 authorized.

1 (d) The legislative rules filed in the state register on the  
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13 relating to the board of directors (resource allocation policy),  
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16 eighth day of December, one thousand nine hundred ninety-three,  
17 modified by the board of directors to meet the objections of the  
18 legislative oversight commission on education accountability and  
19 refiled in the state register on the eleventh day of January, one  
20 thousand nine hundred ninety-four, relating to the board of  
21 directors (assessment, payment and refund of fees), are  
22 authorized.

23 (h) The legislative rules filed in the state register on the  
24 first day of November, one thousand nine hundred ninety-three,  
25 modified by the board of directors to meet the objections of the  
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4 NOTE: The purpose of this bill is to authorize the rules  
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10 the present law, and underscoring indicates new language that  
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KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

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Telephone: (304) 558-6000  
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FAX: (304) 558-0900

### STATE OF WEST VIRGINIA

#### SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

TO: Pam Steelhammer

AGENCY: Trustees

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 1, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE 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.

SERIES: 22 TITLE: 128 Trustees

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Pamela G. Steelhammer

TITLE OF PERSON SIGNING: Assistant to Chancellor

DATE: July 21, 1994

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.