



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

6/11/2014 10:48:13 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Higher Education Policy Commission**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **133-
56**
RULE NAME **Military Student Withdrawal Policy**

CITE AUTHORITY **18B-1-6**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

29A-3A-9

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

Friday, July 11, 2014

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 133-56



Rule Id: 9418



Document: 25854

TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 56
MILITARY STUDENT WITHDRAWAL POLICY

§133-56-1. General.

- 1.1. Scope - This rule delineates the responsibilities of West Virginia public higher education institutions relative to dealing with unexpected withdrawals from school by military member students.
- 1.2. Authority – West Virginia Code §18B-1-6 and §18B-4-10.
- 1.3. Filing Date – June 11, 2014.
- 1.4. Effective Date - July 11, 2014.

§133-56-2. Purpose.

- 2.1. The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education are responsible to provide uniform course completion provisions for all military member students who are enrolled at the state institutions of higher education under their respective jurisdictions when those students are called to military duty.
- 2.2. This rule shall ensure that enrolled students who are called to military duty are afforded a fair and efficient procedure of withdrawing from classes, completing course work or securing a leave of absence from course attendance, when feasible.
- 2.3. This rule shall provide guidelines for maintaining the academic integrity of the course work in a manner that is reasonably accommodating to the student under the circumstances.

§133-56-3. Definitions.

- 3.1. Called to Military Duty. Called or ordered to state or federal active service in any active duty or reserve component of the Armed Forces of the United States or of the National Guard of this state or any other state.

- 3.2. Military Member. Any person who is an active member of the regular military of the United States or a Reserve unit of any branch of the United States military or a National Guard unit.
- 3.3. Unexpected Withdrawal. A withdrawal from school necessitated solely because of an unforeseen, unplanned, emergent military call up or geographic reassignment that prevents the military member student from attending class and completing coursework as planned. Geographic reassignment must be demonstrated by orders clearly stating that the student is physically relocating during the term in question.

§133-56-4. Institutional Responsibility.

- 4.1. Each public higher education institution must develop and publish a policy and procedures that address course completion for students called to military duty and include at a minimum the specific provisions identified in Section 4.2 of this rule.
- 4.2. In the event of an unexpected call to duty, the military member student shall be afforded a choice of options for completion of enrolled coursework.
 - 4.2.a. If the military member student has completed 75 percent or more of the term or the required coursework, s/he may choose to:
 - 4.2.a.1. Receive full credit for the course, with assignment of the grade earned up to the time of the call to duty, or
 - 4.2.a.2. Withdraw from the course without academic penalty and receive no credit for the course pursued.
 - 4.2.b. If the military member student has completed less than 75 percent of the term or the required coursework, s/he may choose to:
 - 4.2.b.1. Receive an “incomplete” grade for the course and, with written verification of concurrence of the instructor or department chair, complete the course within one year of release from military duty. Institutional timelines for completing the coursework and removing the “incomplete” grade shall be published, or
 - 4.2.b.2. Withdraw from the course without academic penalty and receive no credit for the course pursued but receive a proportional refund of tuition and fees and room and board for the term, as permitted within adherence to financial aid regulations.

- 4.3. Military members seeking relief under this rule must provide proof, in the form of a dated copy of official orders, that the call up or reassignment could not reasonably have been foreseen prior to the beginning of term in which registered.
- 4.4. This rule shall not be applicable in the case of planned military training during an enrolled term if the planned military training was scheduled and the military member notified of it prior to the beginning of the term.

§133-56-5. Appeal Process.

- 5.1. Appeals of institutional decisions shall follow the institutional academic grievance process and shall be decided at the institutional level. Once the institutional grievance process has been exhausted, there shall be no further appeal to a higher entity or governing board.