



**WEST VIRGINIA
SECRETARY OF STATE**

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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 **Yes** TITLE-SERIES **133-**
RULE NAME **Submission Of Proposals For New Academic Programs And The Monitoring And** **11**
Discontinuance Of Existing Programs
CITE AUTHORITY **18B-1-6**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

18B-1-6

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

Sunday, December 18, 2016

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: 133-11



Rule Id: 10236



Document: 32082

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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

§133-11-1. General.

1.1. Scope. -- This rule delineates the responsibilities of the West Virginia Higher Education Policy Commission (Commission) in the approval and discontinuance of 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. -- November 18, 2016.

1.4. Effective Date. -- December 18, 2016.

1.5. Modification of Existing Rule. Title 133, Series 11, Procedural Rule of the West Virginia Higher Education Policy Commission dated July 24, 2011.

§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 following procedures and format shall be followed by each institution in submitting to the chancellor for consideration by the Commission proposals to establish academic programs.

§133-11-3. Definitions.

3.1. Area of emphasis: An area of emphasis is a specific subject area of study which has defined course offerings within an approved degree program and major. Normally, a minimum of twelve (12) and no more than eighteen (18) hours would be expected for an area of emphasis within a baccalaureate degree program and a minimum of six (6) and no more than twelve (12) credit hours would be expected for an area of emphasis within a graduate degree. Typically, a minimum of six (6) and no more than nine (9) 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 a coherent, specialized curriculum designed for students in search of a specific body of knowledge for personal/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 (6) and no more than nine (9) credit hours would constitute a certificate program at the associate level, and a minimum of twelve (12) and no more than twenty-one (21) would constitute a certificate program at the baccalaureate or graduate level.

3.3. Collaborative Master's Degree Programs: Any proposal to establish a collaborative master's degree program should be submitted jointly by the partnering institutions in the collaborative.

3.4. Degree program: A degree program is 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.

3.5. Majors: A major is 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. Minors: A baccalaureate minor is earned in a specific subject area of study and must be composed of at least twelve (12) credit hours of course work. A student may not earn a baccalaureate minor in a subject area in which he/she is earning a baccalaureate major.

3.7. Regional institutions are defined as those public four-year institutions not affiliated with or under the administrative umbrella of West Virginia University or Marshall University. Currently those institutions include, Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University, West Liberty University, West Virginia State University, and the West Virginia School of Osteopathic Medicine.

§133-11-4. Submission Guidelines and Timelines.

4.1. Proposals for approval of new academic degree programs and new teaching specializations for regional institutions require Commission approval.

4.1.a. 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 degree programs shall be submitted to the chancellor a minimum of ninety (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 Board of Governors. Newly approved majors should be reported to the 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 and do not require external approvals.

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. Filing of notices of intent to offer existing bachelor's or master's degree programs at new locations shall be submitted to the chancellor at least ninety (90) days prior to the date of implementation. The chancellor shall render a decision prior to the intended date of implementation of any program change. Exceptions to the requirements on lead times may be approved by the chancellor.

4.7. Proposals to offer existing associate level degree programs at new locations must be submitted to the chancellor not less than forty-five (45) days prior to the date for intended implementation. The chancellor shall render a decision prior to the intended date of implementation of any program change. Exceptions to the requirements on lead times may be approved by the chancellor.

4.8. An institution planning to offer existing academic programs 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. Unless exempted by the Commission, duplication of academic program delivery at the same location by different institutions including Marshall University and West Virginia University is not permitted. Any exemption will require Commission approval based upon written justification and documentation of need submitted to the Commission.

4.10. 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. Intent to Plan.

5.1. Intent to Plan: An institution must express to the chancellor by a statement of intent to plan a new baccalaureate or graduate/professional degree program ninety (90) days before submission of a full proposal (i.e., six (6) months prior to the intended date of implementation). Early consultation allows exploration of such fundamental concerns as needs analyses, consistency with institutional mission, resource requirements, and other issues prior to engaging in extensive and detailed planning.

The chancellor and staff will review the statement of intent to plan. Consultants may be used when deemed necessary. Approval of requests to plan shall be made by the chancellor.

Authorization to plan a new academic program does not, however, in any way constitute a commitment on the part of the Commission to approve the program at such time as the planning is completed and the program approval request is submitted. The authorization indicates that the program is consistent with the mission of the institution. Planning authorization allows the institution to formulate a proposal for establishment of the new program.

5.2. A request to develop a plan should indicate the projected date of submission of the full proposal and the projected date of implementation. It should also include the following:

5.2.a. 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 program.

5.2.b. A brief description of the program.

5.2.c. A statement describing how the institution will assure high quality standards for the program and maintain a continuing assessment of quality.

5.2.d. A statement listing other institutions in West Virginia that offer similar programs.

5.2.e. A statement on what societal, occupational, research, or public service needs will be met, as well as anticipated student demand for the program.

5.2.f. A statement on what additional resources will be needed to offer the program.

5.2.g. A statement describing the instructional delivery methodologies to be employed to deliver the program, i.e. on-site or by technology-based delivery.

§133-11-6. Submission Requirements for New Program Proposals.

6.1. Once the institution has received notification that the Intent to Plan has been approved, an institution may develop the program proposal. 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.

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.a. 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.b. 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.c. Program Features: Summarize the important features of the program and include a full catalog description. This section should contain:

6.2.c.1. Admissions and Performance Standards: Describe admissions and performance standards and their relationship to the program objective.

6.2.c.2. 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.d. 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.e. 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.e.1. 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.e.2. 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.e.3. 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.a. Relationship to Institutional Goals/Objectives: Relate this program to the institution's goals and objectives and the statewide master plan.

6.3.b. 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.c. 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.d. 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.e. 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.f. Program Impact: Describe the impact of this program on other programs that it will support or that will be supported by it.

6.3.g. Cooperative Arrangements: Describe any cooperative arrangements (including clinical affiliations, internship opportunities, personnel exchanges, and equipment sharing) that have been explored.

6.3.h. 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.a. 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.b. Program Projections: Indicate the planned enrollment growth and development of the new program during the first five (5) years (FORM 1). If the program will not be fully developed within five (5) 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 (5) year start-up.

6.4.c. Faculty Instructional Requirements: Indicate the number, probable rank, experience, and cost of faculty required over the five (5) year period.

6.4.d. 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.e. 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.f. 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.g. Operating Resource Requirements: Using FORM 2, provide a summary of operating resource requirements by object of expenditure.

6.4.h. 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 (5) 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.a. 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.b. 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. Review of New Program Proposals: The chancellor's staff will review the proposal and contact the institution if additional information or consultation is required. Consultants may be used to assist the staff when deemed necessary. At the submission of the intent to plan, the proposal will also be shared with the chief academic officers of all West Virginia regional public higher education institutions for information and comment, if any.

7.2. Following the review of submitted documentation, Commission staff will develop a recommendation for the Commission regarding the new program proposal. Only those programs which meet state standards of quality will be recommended for approval. The Commission will make the decision as to whether or not to approve the new program.

7.3. 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.

7.4. 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. 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.

7.5. 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.e. 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 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. The request to the Board of Governors should 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 Series 10, Policy Regarding Program Review, every institution

is to review all academic programs at least every five (5) years that are offered by the institution. At the conclusion of the program reviews, which examine such things as the viability, adequacy, necessity and consistency of the program with the institutional mission, the Board of Governors will report to the Chancellor, by May 31, the results of the program reviews conducted each academic year. The Commission, through its staff or other appropriate entities, shall review annually the program review actions reported by each institution. 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.

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, 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 responses. The purpose of the meeting will be to determine whether the proposal is consistent with the approved mission statements of the institution 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 responses 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 institutions 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 be present.

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.

FIVE-YEAR PROJECTION OF PROGRAM SIZE

	First Year (20__)	Second Year (20__)	Third Year (20__)	Fourth Year (20__)	Fifth Year (20__)
Number of Students Served through Course Offerings of the Program:					
Headcount:	_____	_____	_____	_____	_____
FTE:	_____	_____	_____	_____	_____
Number of student credit hours generated by courses within the program (entire academic year):	_____	_____	_____	_____	_____
Number of Majors:					
Headcount:	_____	_____	_____	_____	_____
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*

	First Year (20__)	Second Year (20__)	Third Year (20__)	Fourth Year (20__)	Fifth Year (20__)
A. FTE POSITIONS					
1. Administrators	_____	_____	_____	_____	_____
2. Full-time Faculty	_____	_____	_____	_____	_____
3. Adjunct Faculty	_____	_____	_____	_____	_____
4. Graduate Assistants	_____	_____	_____	_____	_____
5. Other Personnel:					
a. Clerical Workers	_____	_____	_____	_____	_____
b. Professionals	_____	_____	_____	_____	_____
Note: Include percentage of time of current personnel					
B. OPERATING COSTS (Appropriated Funds Only)					
1. Personal Services:					
a. Administrators	_____	_____	_____	_____	_____
b. Full-time Faculty	_____	_____	_____	_____	_____
c. Adjunct Faculty	_____	_____	_____	_____	_____
d. Graduate Assistants	_____	_____	_____	_____	_____
e. Non-Academic Personnel:					
Clerical Workers	_____	_____	_____	_____	_____
Professionals	_____	_____	_____	_____	_____
Total Salaries	_____	_____	_____	_____	_____

FIVE-YEAR PROJECTION OF TOTAL OPERATING RESOURCES REQUIREMENTS*

	First Year (20__)	Second Year (20__)	Third Year (20__)	Fourth Year (20__)	Fifth Year (20__)
2. Current Expenses	_____	_____	_____	_____	_____
3. Repairs and Alterations	_____	_____	_____	_____	_____
4. Equipment:					
Educational Equipment	_____	_____	_____	_____	_____
Library Books	_____	_____	_____	_____	_____
5. Nonrecurring Expense (specify)	_____	_____	_____	_____	_____
Total Costs	_____	_____	_____	_____	_____
C. SOURCES					
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)