



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-10
RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: Yes
RULE NAME: Policy Regarding Program Review
CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/13/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Chancellor Sarah Tucker
ADDRESS: 1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301
EMAIL: chancellors.office@wvhepc.edu

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Provides guidance related to academic program review and reporting.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Provides four-year public institutions of higher education flexibility to evaluate programs and streamlines reporting and planning process.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 10
POLICY REGARDING PROGRAM REVIEW AND PLANNING

§133-10-1. General.

1.1. Scope - This rule ~~delineates the responsibilities of the institutional governing boards and the Higher Education Policy Commission in the review of existing academic programs~~ provides baccalaureate institutions with guidelines and procedures for academic program review.

1.2. Authority. – W. Va. Code §§ 18B-1-6 and 18B-1B-4 ~~and 18B-2A-4.~~

1.3. Filing Date. – ~~September 10, 2008.~~

1.4. Effective Date. – ~~October 10, 2008.~~

1.5. Amendment of Former Rule. – Amends and replaces Title 133, Series 10, dated October 10, 2008.

§133-10-2. Basis of Program Review Process.

2.1. ~~W. Va. Code §18B-1B-4 and 18B-2A-4 delineate responsibilities for the review of academic programs. Each institutional governing board has the responsibility to review at least every five years all programs offered at the institution(s) of higher education under its jurisdiction and in the review to address the viability, adequacy, necessity, and consistency with mission of the programs to the institutional master plan, the institutional compact, and the education and workforce needs of the responsibility district. Additionally, each governing board as part of the review is to require the institution(s) under its jurisdiction to conduct periodic studies of graduates and their employers to determine placement practices and the effectiveness of the education experience. The Higher Education Policy Commission has the responsibility for review of academic degree programs, including the use of institutional missions as a template to assure the appropriateness of existing programs and the authority to implement needed changes. The program review process is designed to improve the performance of institutions' academic programs by providing a systematic method to evaluate student outcomes, productivity, and need. It also allows institutions to demonstrate alignment with the general standards of academic programs through descriptive information and supporting documentation. The process of program review is complementary to accreditation review by the Higher Learning Commission or other United States Department of Education-recognized regional or national accrediting agency and to the reviews of professional accreditors.~~

2.2. For the purpose of this document, a “program” is defined as curriculum or course of study in a discipline specialty that leads to a ~~certificate or~~ degree.

§133-10-3. ~~Assumptions Used in Developing the Review Process.~~ [Reserved]

3.1. ~~A rational and comprehensive program review process requires differentiation among levels of degrees. The process, criteria, and standards for associate degree programs will differ significantly from those applied to graduate programs.~~

3.2. ~~The program review process must be accomplished within the limits of available staff and resources.~~

~~3.3. A continuous auditing process allowing for early identification of programs that need particular scrutiny is required to permit changes to be anticipated, appropriate intervention to take place, and corrective action to be accomplished within normal institutional planning efforts.~~

~~3.4. A readily accessible computerized data base should be available to support the program review process.~~

§133-10-4. Evaluative Components.

4.1. Baccalaureate institutions shall integrate program review into their strategic planning and budgeting processes. This ensures each institution considers within these processes the full breadth of academic programs and the resources necessary to support them. This more effectively positions each institution to initiate changes that enhance quality and effectiveness through an objective and evidenced-based approach for making strategic decisions about critical resources in support of each institution's mission. In order to address accomplish this the elements of viability, adequacy and necessity, each institution will shall develop a reporting format that includes perform an evaluation of all academic programs at least once every five years and provide a report on the status of these programs to the West Virginia Higher Education Policy Commission (Commission) in a format determined by the Commission. The evaluation shall consist of, but not be limited to, the following priority core components:

- ~~4.1.1. Mission~~ External demand;
- ~~4.1.2. Faculty~~ Quality of outcomes; and
- ~~4.1.3. Curriculum~~ Delivery costs;
- ~~4.1.4. Resources;~~
- ~~4.1.5. —~~
- ~~4.1.6. — Student learning outcomes;~~
- ~~4.1.7. — Other learning and service activities;~~
- ~~4.1.8. — Viability; and~~
- ~~4.1.8. — Program improvement.~~

4.2. At the discretion of the institution, it may adopt additional components may be adopted to use in evaluating its academic programs, though the aforementioned criteria shall be given priority and weighted most within the institution's evaluation method.

~~4.2. Reporting formats developed by the institutions under the provisions of section 4.1. shall be submitted to the Commission for review.~~

§133-10-5. Program Review Procedures and Levels of Review.

~~5.1. The program review process will provides for a review and evaluation of all programs leading to a certificate or degree at the institution. The procedural elements utilized by the institution shall be submitted to the Commission for review and shall include, at a minimum the following components:~~

~~5.1.1 Delineation of the roles of faculty, administrators and the institutional governing board;~~

~~5.1.2 A process for external review that includes at least one reviewer, either external to the institution or to the academic unit under review, as an outside evaluator for each program reviewed; and~~

~~5.1.3 A five year schedule.~~

~~5.2. The institutional governing board will constitutes a committee or committees to review appropriate programs during a given year. Committees shall include a diverse range of stakeholder representation. The institution will shall draft, in accordance with the appropriate governing board's guidelines institutional policy, a self-study that uses transparent methodology. The institutions shall report this information on a form provided by the Commission. The governing board will shall report to the Chancellor by May 31 of the reporting year the results of the five-year program reviews conducted each academic year. The Higher Education Policy Commission through its staff or other appropriate entities, shall review annually the program review actions reported by each institution. The Commission may modify any institutional action consistent with its authority for review of academic programs. The final report shall include at a minimum the following :~~

~~5.2. Each institution shall submit the results of the program review actions in a common format designed to provide the Commission with essential information. The format elements are:~~

~~5.2.1. Name and degree level of program;~~

~~5.2.2. Synopses of significant findings, including findings of external reviewer(s);~~

~~5.2.3. Plans for program improvement, including timeline;~~

~~5.2.4. Identification of weaknesses or deficiencies from the previous review and the status of improvements implemented or accomplished;~~

~~5.2.5. Five year trend data on graduates and majors enrolled;~~

~~5.2.6. Summary of assessment model and how results are used for program improvement;~~

~~5.2.7. Data on student placement (for example, number of students employed in positions related to the field of study or pursuing advanced degrees); and~~

~~5.2.8. Final recommendations approved by governing board.~~

~~For programs with specialized accreditation, the institution shall provide a copy of the letter continuing the conferral of accreditation. Accredited programs that meet productivity guidelines will not be subject to further review by the Commission~~

~~5.2.1. Identification of programs to be developed or expanded due to demand;~~

~~5.2.2. Programs that will be improved through advancements in efficiency, quality, productivity, and focus;~~

~~5.2.3. Programs considered for consolidation or discontinuation based on cost of delivery and degree of relevance and impact;~~

5.2.4. Opportunities for improvements to organizational structure and function; and

5.2.5. Estimated institutional savings and efficiencies created through implementation of recommendations.

~~5.3. Program Review by the Institutional Board of Governors – The purpose of the appropriate Board review, conducted on a regular five year cycle, will be to conduct an in-depth evaluation of the viability, adequacy, and necessity for each academic program, consistent with the mission of the institution. Comprehensive institutional self-studies conducted in compliance with accreditation or institutional processes and completed within the previous 60 months may be used to provide the base line data for the review, with any necessary updating of factual information or interim reports to the accrediting body.~~

~~Programs that are accredited by specialized accrediting or approving agencies (for disciplines for which such agencies exist) recognized by the Federal Government and/or the Council on Higher Education Accreditation shall be considered to have met the minimum requirements of the review process with respect to adequacy. For programs so accredited or approved, institutions shall submit: the comprehensive institutional self study conducted in compliance with the accreditation or approval process, a copy of the letter containing the conferral of accreditation or approval and a documented statement from the chief academic officer regarding program consistency with mission, viability and necessity. In preparing the institutional self study, each institution will utilize a collaborative process which includes faculty, students and administrators.~~

~~5.3. Each year between five-year reviews, the institutions shall provide to the Commission an annual update in a format and timeline established by the Chancellor or the Chancellor's designee. These updates shall inform Tthe Higher Education Policy Commission, through its staff or other appropriate entities, shall review annually of the program review actions reported by each institution, progress achieved by the institutions in implementing report recommendations and addressing underperforming programs identified in the institution's report, including any action reporting in the program planning process outlined in Section 6 below.~~

~~5.4. Program Review by the Higher Education Policy Commission – The Higher Education Policy 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 reports on actions resulting from program review at each institution shall be reviewed by the staff of the Commission. The review will focus on the appropriateness of the institutional action, particularly as the actions relate to adequacy, viability, necessity and consistency with institutional mission for each program. In addition to the report outlined in Section 5.2.1, the Commission staff may request a copy of the self study or other supporting materials. If the Commission staff concludes that the institutional program review action should be modified, the staff shall consult with the president or designee to reach consensus on the appropriate steps. Should a consensus and agreement not be reached, the matter would be referred to the Commission for resolution.~~

~~5.5. Institutional personnel, external consultants, and the staff of the appropriate Board of Governors will be involved in establishing the criteria, standards, and process of evaluation, and in interpreting the information resulting from the review. It is the responsibility of the institution to assure that the program review process is carried out objectively and that person(s) external to the academic unit in which the program is housed and/or external to the institution participate in the review. The Commission strongly urges institutions to consider using evaluators that are external to the institution. To ensure that each program is reviewed at least once every five years, consistent with statutory requirements, the appropriate Board of Governors will select approximately 20 percent of all programs for review each year. For each program identified for review, the institution will develop a self study statement addressing the following~~

~~items.~~

~~5.5.1. Viability—Viability is tested by an analysis of unit cost factors, sustaining a critical mass, and relative productivity. Based upon past trends in enrollment, patterns of graduates, and the best predictive data available, the institution shall assess the program's past ability and future prospects to attract students and sustain a viable, cost-effective program.~~

~~5.5.2. Adequacy—The institution shall assess the quality of the program. A valuable (but not the sole) criterion for determining the program's adequacy is accreditation by a specialized accrediting or approving agency recognized by the Federal Government or the Council for Higher Education Accreditation. The institution shall evaluate the preparation and performance of faculty and students, and the adequacy of facilities.~~

~~5.5.3. Necessity—The dimensions of necessity include whether the program is necessary for the institution's service region, and whether the program is needed by society (as indicated by current employment opportunities, evidence of future need, rate of placement of the programs' graduates). Whether the needs of West Virginia justify the duplication of programs in several geographic service regions shall also be addressed.~~

~~5.5.4. Consistency With Mission—The program shall be a component of, and appropriately contribute to, the fulfillment of the institutional and system missions. The review should indicate the centrality of the program to the institution, explain how the program complements other programs offered, and state how the program draws upon or supports other programs. Both institutional aspects of the program should be addressed. The effects (positive or negative) that discontinuance of the program might have upon the institution's ability to accomplish its mission should be stated.~~

~~5.6 5.4. Focused Program Review. – Either the Higher Education Policy Commission or the appropriate board of governors may request at any time that focused program reviews be conducted for a given purpose such as a) reviewing all programs within a discipline (e.g., biology) or b) concentrating on specific program review components (e.g. assessment). The Commission or the board, as appropriate, shall develop formal strategies for conducting such reviews ~~will be developed~~, consistent with the purpose of the review.~~

~~5.5. The Commission retains authority to resume program review using productivity standards to identify programs that are underperforming based on enrollment and completion rates and to recommend to the governing boards that those programs should be improved or discontinued.~~

~~§133-10-6. Possible Outcomes-Program Planning.~~

~~6.1. Institutional Recommendation—The appropriate Board of Governors' five year cycle of program review will result in a recommendation by the institution for action relative to each program under review. The institution is clearly obligated to recommend continuation or discontinuation for each program reviewed. If recommending continuation, the institution should state what it intends: Program planning is an ongoing process that both informs program review recommendations and prioritizes future program action as necessitated by program review findings. The purpose of planning is to ensure institutions can evaluate the direction of program delivery in a manner that is responsive to the mission, goals, and needs of the institution and the State. Program planning also provides the opportunity for collaboration among institutions, encourages innovation in program design to meet regional and State demand, addresses student needs, and minimizes unnecessary program duplication. The program planning process consists of the following steps:~~

~~6.1.1. Continuation of the program at the current level of activity, with or without specific action; Each year, the Commission shall review and approve the compilation of institutional program plans, which shall compromise the Statewide program plan.~~

~~6.1.2. Continuation of the program at a reduced level of activity (e.g., reducing the range of optional tracks) or other corrective action. Institutions shall provide to the Vice Chancellor for Academic Affairs a rolling three-year program plan, which the institutions shall update annually. The program plan shall be on a form provided by the Commission and shall include, but not be limited to, the following:~~

~~6.1.2.a. A listing of new, consolidated, and discontinued programs by title;~~

~~6.1.2.b. A brief description the program(s)~~

~~6.1.2.c. Program action and anticipated date of action;~~

~~6.1.2.d. Credential type;~~

~~6.1.2.e. Modality, location, and anticipated resources needed;~~

~~6.1.2.f. Specialized accreditation required;~~

~~6.1.2.g. Any agreements to be executed between institutions; and~~

~~6.1.2.h. Any other information requested by the Commission.~~

~~6.1.3. Identification of the program for further development; or Institutional chief academic officers shall review, discuss, and coordinate the institutions' final program plans. Following this review, any subsequent changes, and approval by the institutional governing boards, the institutions shall submit their annual program plans to the Commission for review and approval. The Commission shall not adopt an institutional program plan that has not been approved by its governing board.~~

~~6.1.4. Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and the like. The Commission shall update the Statewide program inventory as necessary to reflect implementation of new programs and the consolidation or discontinuance of existing programs once such plans have been approved by the institutional governing boards.~~

~~6.1.5. If it recommends discontinuance of the program, then the provisions of Higher Education Policy Commission policy on approval and discontinuance of academic programs will apply.~~

~~6.1.6. For each program, the institution will provide a brief rationale for the observations, evaluation, and recommendation. These should include concerns and achievements of the program. The institution will also make all supporting documentation available to the Commission upon request.~~

~~6.2. Committee Recommendation—The appropriate Institutional Program Review Committee will develop a recommendation for action and present it to the institutional Board of Governors for action and referral to the Policy Commission.~~

~~6.2.1. The committee may make recommendations that go beyond those also. The committee may request additional information and may recommend continuance on a provisional basis and request progress reports.~~

~~6.3. Appeals Committee and the Appeals Process — Any disagreement between a final recommendation of the Institutional Program Review Committee and the recommendation of the academic unit may be appealed to an institutional Program Review Appeals Committee.~~

~~§133 10 7. Productivity Review.~~

~~7.1. On a biennial basis, the Commission will conduct a productivity review of academic programs that have been in operation for at least five years. Programs will be required to meet at least one of the indicators listed in Section 7.4.~~

~~7.2. Unless exempted by the Commission, academic programs that fail to meet both productivity standards detailed in Section 7.4 shall be recommended for placement on probationary status by the institutional governing board for a four-year period, during which time institutions will be expected to increase program enrollment and degrees awarded. Institutions will have 60 days from the date of Commission action on initial probationary status to provide the Commission with a plan for meeting degree program productivity standards within the four-year probationary period. At the end of the probationary period, the Commission will 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.~~

~~7.3. Institutions may petition for a program to be exempt from further review by submitting documentation that addresses the reasons for the request including how the program is critical to the mission of the institution.~~

~~7.4. Annual productivity standards for degrees awarded and enrollments in majors are provided below. Institutional attainment for degree awards and enrollment in majors will be based on the average of degree awards or major enrollment for the five most recent years.~~

<u>7.4.1. Degree Level</u>	<u>Degree Awards</u>	<u>Major Enrollment</u>
Baccalaureate	5	12.5
Masters/1 st Professional	3	6
Doctoral	2	4.5