

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

Form #5

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2008 SEP 10 PM 4:16

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: W. Va. Code 18B-1-6, 18B 1B 4 and 18B-2A-4

RULE TYPE: PROCEDURAL  INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES  NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 10

TITLE OF RULE BEING AMENDED: Policy Regarding Program Review

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

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS October 10, 2008.

  
Authorized Signature

**TITLE 133**  
**PROCEDURAL RULE**  
**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

FILED

2008 SEP 10 PM 4:16

**SERIES 10**  
**POLICY REGARDING PROGRAM REVIEW**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§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.
- 1.2. Authority - W. Va. Code § 18B-1-6, 18B-1B-4 and 18B-2A-4
- 1.3. Filing Date - ~~November 20, 2004~~ September 10, 2008
- 1.4. Effective Date - ~~December 25, 2004~~ 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.
- 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.**

- 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. In order to address the elements of viability, adequacy and necessity, each institution will develop a reporting format that includes the following core components:

- 4.1.1. Mission;
- 4.1.2. Faculty;
- 4.1.3. Curriculum;
- 4.1.4. Resources;
- 4.1.5. Student learning outcomes;
- 4.1.6. Other learning and service activities;
- 4.1.7. Viability; and
- 4.1.8. Program improvement.

At the discretion of the institution, additional components may be adopted.

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

**§133-10-45. Program Review Procedures and Levels of Review.**

45.1. The program review process will provide 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.

The institutional governing board will constitute a committee or committees to review appropriate programs during a given year. The institution will draft, in accord with the appropriate governing boards' guidelines, a self-study. The governing board will report to the Chancellor, by May 31, the results of the 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.

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.

45.4.1.3. 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 of, adequacy of, 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.

45.4.24. 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 deemed essential. 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.

45.4.35. 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.

45.4.35.1. 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.

45.4.35.2. 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.

45.4.35.3. 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.

45.4.35.4. 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.

45.4.46. ~~Special~~ Focused Program Review - Either the Higher Education Policy

Commission or the appropriate Board of Governors may request at any time that ~~special~~ 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). Formal strategies for conducting such reviews will be developed, consistent with the purpose of the review.

**§133-10-6. Possible Outcomes.**

§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:

§6.1.1. Continuation of the program at the current level of activity, with or without specific action;

§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.

§6.1.3. Identification of the program for further development; or

§6.1.4. Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and the like.

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

**SUMMARY**

**TITLE 133**

**PROCEDURAL RULE  
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 10  
POLICY REGARDING PROGRAM REVIEW**

This rule delineates the responsibilities of the institutional governing boards and the Higher Education Policy Commission in the review of existing 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.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: 133-10 - Policy Regarding Program Review

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Higher Education Policy Commission

Address: Attention: Dr. Bruce Flack  
1018 Kanawha Boulevard, East, Suite 700, Charleston, WV 25301

Phone Number: 304-558-0261 Email: flack@hepc.wvnet.edu

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The rule has no fiscal impact.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Rule Title: \_\_\_\_\_

Rule Title: 133-10 - Policy Regarding Program Review

3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

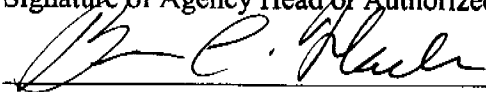
The rule has no fiscal impact.

### MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: September 10, 2008

Signature of Agency Head or Authorized Representative



**West Virginia Higher Education Policy Commission  
Meeting of September 10, 2008**

**ITEM:** Approval of Revision to Series 10, Policy Regarding Program Review, Procedural Rule

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 10 as revised for final filing with the Secretary of State.

**STAFF MEMBER:** Bruce Flack

**BACKGROUND:**

At the August 1, 2008 meeting, the Commission approved a revised version of Series 10, Policy Regarding Program Review, for filing with the Secretary of State for a thirty-day public comment period.

During the comment period, staff received only one formal comment and incorporated the suggestions in the proposed rule. The suggestions contained in the comment included several grammatical and stylistic changes. No substantive comments were received.

It is recommended that the Commission approve the amended version of Series 10 for final filing with the Secretary of State's office.