

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #5

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2001 NOV 20 P 3:05

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-1B-4, §18B-1-6

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

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

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

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

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_  
\_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 10

TITLE OF RULE BEING PROPOSED: Policy Regarding Program Review  
\_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS December 25, 2001

J. Michael Miller '03  
Authorized Signature

**SUMMARY**  
**TITLE 133, SERIES 10**  
**PROCEDURAL RULE**  
**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**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: 1018 Kanawha Boulevard East

Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There is no cost to implementation of this rule. It is procedural.

3. Objectives of These Rules:

To delineate responsibilities of the institutional governing boards and the Higher Education Policy Commission in the review of existing academic programs.

Rule Title: 133-10: Policy Regarding Program Review

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: September 28, 2001

Signature of Agency Head or Authorized Representative:

*J. Michael Miller*

**TITLE 133  
PROCEDURAL RULE  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION  
SERIES 10**

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**TITLE: POLICY REGARDING PROGRAM REVIEW**

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**SECTION 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, 2001
- 1.4 Effective Date - December 25, 2001

**SECTION 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.

**SECTION 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.

#### **SECTION 4. PROGRAM REVIEW LEVELS.**

- 4.1. The program review process will provide for a review and evaluation of all programs leading to a certificate or degree at the institution. The 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.
  - 4.1.1. 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, 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.

4.1.2 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. 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.

4.1.3. 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 persons external to the academic unit in which the program is housed and/or external to the institution participate in the review. 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.

4.1.3.1. 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.

4.1.3.2. 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.

4.1.3.3. 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.

4.1.3.4. 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.

4.1.4. Special Program Review - Either the Higher Education Policy Commission or the appropriate Board of Governors may request at any time that special program reviews be conducted for a given purpose. Formal strategies for conducting such reviews will be developed, consistent with the purpose of the review.

## **SECTION 5. POSSIBLE OUTCOMES.**

5.1. 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:

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

5.1.2. Continuation of the program at a reduced level of activity (e.g., reducing the range of optional tracks) or other corrective action.

5.1.3. Identification of the program for further development; or

- 5.1.4. Development of a cooperative program with another institution, or sharing of courses, facilities, faculty, and the like.
  - 5.1.5. 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.
  - 5.1.6. 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.
- 5.2. 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.
    - 5.2.1. 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.
- 5.3. 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.