

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

Form #5

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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 11

TITLE OF RULE BEING PROPOSED: Submission of Proposals for New Academic Programs
and the Discontinuance of Existing Programs

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 Mullen^{as}

Authorized Signature

**SUMMARY
TITLE 133, SERIES 11
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SUBMISSION OF PROPOSALS FOR NEW ACADEMIC PROGRAMS AND THE
DISCONTINUANCE OF EXISTING PROGRAMS**

This rule delineates the responsibilities of the Higher Education Policy Commission in the approval and discontinuance of academic programs and establishes processes for institutions in seeking Commission approval of new academic programs.

The West Virginia Higher Education Policy Commission is charged by statute with general authority for academic program approval for West Virginia 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.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-11: Submission of Proposals for New Academic Programs

Type of Rule: _____ Legislative _____ Interpretive X 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 the responsibilities of the Higher Education Policy Commission in the approval and discontinuance of academic programs and give guidance to the institutions in seeking approval of new programs.

Rule Title: 133-11: Submission of Proposals for New Academic Programs

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 11**

FILED

2001 NOV 20 P 3:05

TITLE: SUBMISSION OF PROPOSALS FOR NEW ACADEMIC PROGRAMS AND THE DISCONTINUANCE OF EXISTING PROGRAMS

SECTION 1. GENERAL

- 1.1 Scope - This rule delineates the responsibilities of the Higher Education Policy 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 - W. Va. Code § 18B-1-6 and 18B-1B-4
- 1.3 Filing Date - November 20, 2001
- 1.4 Effective Date - December 25, 2001

SECTION 2. BACKGROUND

- 2.1 The West Virginia Higher Education Policy Commission is charged by statute with general authority for academic program approval for West Virginia 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.

SECTION 3. SUBMISSION PROCEDURES

- 3.1 Approval: Proposals for approval of new academic degree programs and new teaching specializations require Commission approval. 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 Unit in the Commission office. 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. Further, occupational programs at community and technical colleges require neither approval by the respective Board of Governors or by the Commission.

In compliance with Senate Bill 653, any proposal by the state colleges for graduate programs, including certificate programs, must have the approval of the Higher Education Policy Commission. 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.

3.2 Filing: Prior to the offering of an existing program at a location off the main campus or the offering of an existing program primarily through distance education delivery, the institution shall notify the chancellor at least three months (60 days for associate level programs) before the date of intended implementation. The Commission, however, reserves the right to modify any program action which affects the mission of the institution or otherwise has statewide impact.

3.3 Definitions

3.3.1 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.

3.3.2 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.

3.3.3 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, but would not be included on the diploma.

- 3.3.4 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.

- 3.3.5 Minors: A baccalaureate minor is earned in a specific subject area of study and must be composed of at least 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.

- 3.4 Occupational Programs: New occupational programs may be implemented by the community and technical colleges. Such programs do not require the approval of either institutional governing boards or the West Virginia Higher Education Policy Commission. While the approval of the institutional governing board is not required, it is recommended that the appropriate institutional governing board be consulted. An occupational program is either a certificate or associate degree program delivered by a community and technical college with the primary intent of preparing the student to enter employment on completion of the program. Procedures for implementing occupational programs are delineated in the policy, *Increased Flexibility for Community and Technical Colleges*. (See Chancellor's Interpretative Memorandum, No. 8).

Two-plus-two programs and transfer education programs at the community and technical colleges will require approval by the respective institutional governing board and by the Commission.

- 3.5 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.

- 3.6 Timelines: Proposals to add new degree programs shall be submitted to the chancellor at least six months prior to the intended date of implementation for baccalaureate or graduate/professional programs, and at least 60 days prior to the date the Commission considers program approval for certificate or associate level programs.

If the proposal is to add a new teaching specialization, such proposal shall be submitted to the chancellor not less than three months (60 days for new majors to associate level programs) prior to the date intended for implementation. Filing of notices of intent to offer existing bachelor's or master's degree programs at off-campus locations or to deliver programs through distance education delivery shall be submitted to the chancellor at least three months prior to the date of implementation. Proposals to offer existing associate level degree programs at off-campus sites or to deliver associate level programs primarily through distance education delivery must be submitted to the chancellor not less than 60 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.

- 3.7 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 at least six months before submission of a full proposal (i.e., one year prior to the intended date of implementation). For certificate and associate level programs, an institution is to submit a statement of intent to plan 120 days prior to the date when the Commission considers approval of the new program. 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. Since community and technical college occupational programs do not require external approvals, no intent to plan request should be filed.

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.

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:

- 3.7.1 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.
 - 3.7.2 A brief description of the program.
 - 3.7.3 A statement describing how the institution will assure high quality standards for the program and maintain a continuing assessment of quality.
 - 3.7.4 A statement listing other institutions in West Virginia that offer similar programs.
 - 3.7.5 A statement on what societal, occupational, research, or public service needs will be met, as well as anticipated student demand for the program.
 - 3.7.6 A statement on what additional resources will be needed to offer the program.
- 3.8 Review of New Program Proposals: The chancellor's staff will review the proposal and contact the institution if additional information or consultation is required. Any requests for financial support of the program shall be integrated into budget requests for the appropriate year. Questions about the proposal may be raised at the institutional budget hearing. Consultants will be used to assist the staff when deemed necessary. The proposal will also be shared with the chief academic officers of all West Virginia public higher education institutions for information and comment, if any.

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

3.9 Program Description

3.9.1. Program Objectives: State the program objectives so that they can be related to the criteria in the evaluation plans (See 6.3).

3.9.2 Program Identification: Each proposal shall include an 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.

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

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

3.9.3.2 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.

3.9.4 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.

3.9.5 Program Delivery: Describe any instructional delivery methodologies to be employed, such as compressed video, World Wide Web, etc. Indicate costs associated with distance education or technology-based delivery.

SECTION 4. PROGRAM NEED AND JUSTIFICATION

4.1 Relationship to Institutional Goals/Objectives: Relate this program to the

institution's goals and objectives and the statewide master plan.

- 4.2 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.
- 4.3 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?
- 4.4 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.
- 4.5 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.
- 4.6 Program Impact: Describe the impact of this program on other programs that it will support or that will be supported by it.
- 4.7 Cooperative Arrangements: Describe any cooperative arrangements (including clinical affiliations, internship opportunities, personnel exchanges, and equipment sharing) that have been explored.
- 4.8 Alternatives to Program Development: Describe any alternatives to the development of this program that have been considered and why they were rejected.

SECTION 5. PROGRAM IMPLEMENTATION AND PROJECTED RESOURCE REQUIREMENTS

- 5.1 Program Administration: Describe the administrative organization for the program and explain what changes, if any, will be required in the institutional administrative organization.
- 5.2 Program Projections: Indicate the planned enrollment growth and development of the new program during the first five years (FORM 1). If the program will not be fully developed within five 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.

- 5.3 Faculty Instructional Requirements: Indicate the number, probable rank, experience, and cost of faculty required over the five-year period.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 Operating Resource Requirements: Using FORM 2, provide a summary of operating resource requirements by object of expenditure.
- 5.8 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-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.

SECTION 6. OFFERING EXISTING PROGRAMS AT NEW LOCATIONS

- 6.1 Institutions planning to offer existing degree programs at new locations or to offer an existing program primarily through distance education delivery (50 percent or more of all course credits in the program) must notify the chancellor at least three months (60 days for associate level programs) prior to the date of intended implementation.
- 6.2 The Commission, however, reserves the right to modify any program action which affects the mission of the institutions or otherwise has statewide impact.
- 6.3 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.

SECTION 7. PROGRAM EVALUATION

- 7.1 **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.
- 7.2 **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.

SECTION 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.

The West Virginia Higher Education Policy Commission through the program review process also has the authority to terminate an academic degree program. For example, the Commission may conduct reviews of existing academic programs on issues such as viability, adequacy, necessity, and consistency with mission that would result in a decision for program discontinuance.

SECTION 9. GUIDELINES FOR COOPERATIVE DOCTORAL PROGRAMS

- 9.1 Either of the two doctoral degree-granting 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 two graduate 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 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 Academic Programs Committee of 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 FY(20__)	Second Year FY(20__)	Third Year FY(20__)	Fourth Year FY(20__)	Fifth Year FY(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 Equip.	_____	_____	_____	_____	_____
Library Books	_____	_____	_____	_____	_____
5. Nonrecurring Expense (specify)	_____	_____	_____	_____	_____
Total Costs	_____	_____	_____	_____	_____
C. SOURCES					
1. General Fund Appropriations (Appropriated Funds Only)	_____	_____	_____	_____	_____
___ Reallocation ___ 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)