

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

Form #5

Do Not Mark In This Box

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2004 MAR -3 P 3:11
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

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES NO

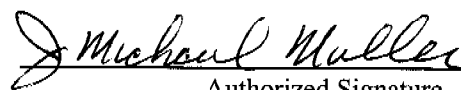
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 45

TITLE OF RULE BEING PROPOSED: Community and Technical College Faculty
Instructional Load

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS April 5, 2004


Authorized Signature

\$3.60

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

SERIES 45

**TITLE: COMMUNITY AND TECHNICAL COLLEGE FACULTY
INSTRUCTIONAL LOAD**

SECTION 1. GENERAL

- 1.1 Scope: Rule establishing guidelines for community and technical colleges to utilize in developing a policy on faculty instructional loads.
- 1.2 Authority: West Virginia Code §18B-1-6
- 1.3 Filing Date: March 3, 2004
- 1.4 Effective: April 5, 2004

SECTION 2. ESTABLISHMENT OF GUIDELINES

- 2.1 The provisions of this section shall apply only to the establishment of a faculty instructional load policy at the Eastern WV Community and Technical College, Fairmont State Community and Technical College, New River Community and Technical College of Bluefield State College, Marshall University Community and Technical College, Shepherd Community and Technical College, Southern WV Community and Technical College, WV Northern Community College, WVU-Parkersburg, WVU Institute of Technology Community and Technical College, West Virginia State Community and Technical College, and any other community and technical colleges so designated by the West Virginia Legislature.

To facilitate the development of a policy at each community and technical college, the institution will submit the established policy to the WV Council for Community and Technical College Education for review and approval.

SECTION 3. FACULTY WORKLOAD GUIDELINES

- 3.1. Faculty are employed to perform instructional and other instructional related duties that meet the needs of the institution and the students it serves. The full-time instructional load for community and technical college faculty in West Virginia is to be fifteen credit hours or the equivalent per semester.

- 3.2. It is the responsibility of the president or provost of the community and technical college, in consultation with faculty, to submit a faculty instructional load policy to the WV Council for Community and Technical College Education that reflects a faculty instructional load of fifteen credit hours or the equivalent per semester.
- 3.3. A faculty instructional load may consist of credit and non-credit instruction as part of the primary instructional load.
- 3.4. It is the responsibility of the president or provost to set equivalency rules for faculty instructional loads by determining how laboratory instruction, unusual instructional situations and other modes of direct instructional contact will be counted toward determining instructional loads.
- 3.5. When establishing an instructional load policy, consideration should be given to, among other issues, the following:
 - 3.5.1. Types of courses, i.e. Lecture, laboratory, clinics;
 - 3.5.2. Total contact hours per semester;
 - 3.5.3. Section size;
 - 3.5.4. Class preparation;
 - 3.5.5. Coordinator and administrative equivalencies;
 - 3.5.6. Programmatic accreditation requirements;
 - 3.5.7. Summer school instructional load;
 - 3.5.8. Instructional load equivalences unique to the individual institutions;
and,
 - 3.5.9. Geographic location of course delivery.

CRAIG & WANDA SPANIOL

212 22nd Street
Dunbar, WV 25064
(304) 766-7941
January 3, 2004

RECEIVED

JAN 07 2004

HIGHER EDUCATION
POLICY COMMISSION

J. Michael Mullen
Chancellor
Higher Education Policy Commission
1018 Kanawha Blvd. East
Charleston, WV 25301

RE: Proposed Series 45 Rule, C&TC Faculty Instructional Load

Dear Dr. Mullen:

The subject proposed new rule is a significant change in current policy and has a significant effect on current and future C&TC faculty and should have the maximum amount of input from those affected. Many faculty are not aware of the existence of this proposal and have not had an opportunity to comment. With this thought in mind I feel that the following comments reflect the viewpoints of the C&TC faculties.

1. The proposed new rule was posted on the HEPC web site sometime after December 10, 2003. However, it could not be downloaded for inspection until after December 17, 2003. In addition, the consideration/posting comes at one of the busiest times, for faculty, the end of the Fall Semester with concomitant finals, graduation, etc. In view of these circumstances, it is recommended that the *comment period be extended at least another month or more.*
2. This action establishes a new *rule*, but contains only *guidelines* for institutions to develop institutional policies. This leaves the interpretation or implementation to the individual institution. *Rules* must be followed, but *guidelines* are simply advice. Is this a rule or a guideline?
3. While the wording is somewhat obscure, the intent is clear, increase the teaching load at the administratively attached (component) C&TC's from 12 credit hours to 15 credit hours. Nowhere in the document is this

controversial issue clearly stated. The wording, "... in West Virginia *is to be* fifteen credit hours..." is not clear. What is it now and when will it become 15 credit hours? This needs clarification.

4. The implementation of this intent will, in effect, create a two-tier faculty system at attached colleges/universities. For over half a century, the teaching load of 12 hours has been applied to **all** faculty members at these institutions. The implementation of 15 credit hours produces a class of faculty that will be viewed as "lower" than the 4-year professor in the next office. It might be interpreted that this is proper since the C&TC faculty teach "lower-level" classes that are academically below the "4-year" faculty classes. The negative effect upon recruiting qualified faculty for nationally accredited medical and engineering technology programs goes without elaboration. *Quality* is definitely a major issue here.
5. The procedure for approval of the individual institutional instructional load policy is not clear. Normally, such a policy would be discussed and approved by the entire faculty, faculty senate, Dean, Provost, President, Board of Governors, and Board of Advisors prior to submitting such a policy to the WV Council for Community and Technical Colleges and subsequent review and approval. Perhaps the term, "in consultation with the faculty" implies such a process.
6. The fiscal effects of this policy are not clearly stated. If one simply extrapolates the teaching load increase of 25 percent, then one could, justifiably, estimate that the faculty is instantaneously 25 percent more productive and, consequently, reduce the personal services budget at the C&TC's by 25 percent. This ridiculous oversimplification is not the intent of the proposed rule. In fact, since all colleges currently have established instructional load policies, what is the intent of this proposed rule?

I sincerely hope that you will take into consideration these points and permit others to express their concerns. We do not need another vague policy that is subject to wide interpretation that produces gross inequities in our higher education system.

Very truly yours,


Craig Spaniol, Ph.D., P.E.



**WEST VIRGINIA
H I G H E R
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C O M M I S S I O N**

J. THOMAS JONES
CHAIR

J. MICHAEL MULLEN
CHANCELLOR

**SERIES 45
COMMUNITY AND TECHNICAL COLLEGE FACULTY
INSTRUCTIONAL LOAD**

RESPONSE TO PUBLIC COMMENT

As a result of the submission of Series 45, *Community and Technical College Faculty Instructional Load*, filed with the Secretary of State's Office for the mandatory thirty-day comment period, one individual commented on the proposed procedural rule.

The comments made and response to each follows:

1) Comment:

The proposed new rule was posted to the HEPC web site sometime after December 10, 2003. However, it could not be downloaded for inspection until after December 17, 2003. In addition, the consideration/posting comes at one of the busiest times, for faculty, the end of the Fall Semester with concomitant finals, graduation, etc. In view of these circumstances, it is recommended that the comment period be extended at least another month or more.

Response:

This proposed procedural rule was first brought to the Higher Education Policy Commission in August 2003, at which time the resolution was tabled in order to allow the Advisory Council of Faculty additional time to review the proposal. The Policy Commission approved the proposal to be filed with the Secretary of State's Office for the mandatory thirty-day comment period in December 2003. There was adequate time for review and comment.

2) Comment:

This action establishes a new rule, but contains only guidelines for institutions to develop institutional policies. This leaves the interpretation or implementation to the individual institution. Rules must be followed, but guidelines are simply advice. Is this a rule or a guideline?

Response:

The procedural rule provides guidelines for community and technical colleges to develop a policy on instructional loads that is flexible to accommodate special circumstances at the campus level.

3) Comment:

While the wording is somewhat obscure, the intent is clear, increase the teaching load at the administratively attached (component) C&TC's from 12 credit-hours to 15 credit-hours. Nowhere in the document is this controversial issue clearly stated. The wording, "...in West Virginia is to be fifteen credit-hours..." is not clear. What is it now and when will it become 15 credit-hours? This needs clarification.

Response:

The intent of the rule is that instructional loads for community and technical college faculty be fifteen credit-hours or the equivalent per semester. Currently, most community and technical college faculty are teaching fifteen credit-hours per semester, but this is not the case at all community and technical colleges. This rule would require the institutional load be consistent for all community and technical colleges.

4) Comment:

The implementation of this intent will, in effect, create a two-tier faculty system at attached colleges/universities. For over half a century, the teaching load of 12 hours has been applied to all faculty members at these institutions. The implementation of 15 credit-hours produces a class of faculty that will be viewed as "lower" than the 4-year professor in the next office. It might be interpreted that this is proper since the C&TC faculty teach "lower-level" classes that are academically below the "4-year" faculty classes. The negative effect upon recruiting qualified faculty for nationally accredited medical and engineering technology programs goes without elaboration. Quality is definitely a major issue here.

Response:

The national standard for instructional loads for community and technical college faculty is fifteen credit-hours per semester. Implementation of this rule will not affect the recruitment of faculty that are accustomed to the normal instruction loads of community and technical college faculty.

5) Comment:

The procedure for approval of the individual institutional instructional load policy is not clear. Normally, such a policy would be discussed and approved by the entire faculty, faculty senate, Dean, Provost, President, Board of Governors, and Board of Advisors prior to submitting such a policy to the WV Council for Community and Technical Colleges and subsequent review and approval. Perhaps the term, "in consultation with the faculty" implies such a process.

Response:

Each community and technical college has procedures in place to include faculty input for the development of policies.

6) Comment:

The fiscal effects of this policy are not clearly stated. If one simply extrapolates the teaching load increase of 25 percent, then one could, justifiably, estimate that the faculty is instantaneously 25 percent more productive and, consequently, reduce the personal services budget at the C&TC's by 25 percent. This ridiculous oversimplification is not the intent of the proposed rule. In fact, since all colleges currently have established instructional load policies, what is the intent of this proposed rule?

Response:

The intent of the policy is to have a community and technical college instructional load that is consistent at all community and technical colleges. The rule will have a positive effect in making community and technical college education more accessible on those campuses that currently do not have a fifteen credit-hour instructional load policy.

The above are the only comments received during the thirty-day comment period.



WEST VIRGINIA
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C O M M I S S I O N

J. Thomas Jones
Chair

J. Michael Mullen
Chancellor

March 2, 2004

The Honorable Joe Manchin
Secretary of State
State Capitol
Charleston, WV 25305

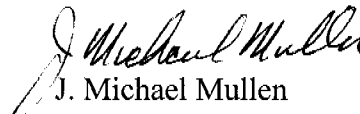
Dear Secretary Manchin:

On behalf of the Higher Education Policy Commission, I am filing notice of adoption of the following procedural rule approved on February 27, 2004, by the West Virginia Higher Education Policy Commission:

**Title 133, Series 45: Community and Technical College Faculty
Instructional Load**

Comments submitted during the public comment period and the responses thereto are attached.

Sincerely,


J. Michael Mullen
Chancellor

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