

SHEEO State Authorization Inventory

West Virginia

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

a. Agency Name: **West Virginia Higher Education Policy Commission**

o Description:

The West Virginia Higher Education Policy Commission has licensing and approval authority for all private degree-granting institutions and for all for-profit proprietary schools offering degrees above the associate degree. In addition, the Commission has approval for any out-of-state degree granting institution that desires to offer courses/programs in the state.

o Contact Information:

Mark Stotler
Assistant Director of Academic Affairs
West Virginia Higher Education Policy Commission
304-558-0262
stotler@hepc.wvnet.edu

o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?

See contact information listed in previous bullet.

b. Links:

Link to home page: <http://wvhepcnew.wvnet.edu/>

Link to Regulations: https://www.wvhepc.org/resources/series_20.pdf

Definition of physical presence:

<https://www.wvhepc.org/academic/privateinstauthorized.pdf>

c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.

West Virginia Council for Community and Technical College Education

- d. If the division of responsibility among these agencies is not clear, please explain.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- Public, in-state degree granting institutions
- Yes** Public, out-of-state degree granting institutions
- Yes** Private, in-state, not-for-profit degree granting institutions
- Yes** Private, out-of-state, not-for-profit degree granting institutions
- Yes** Private, in-state, for-profit degree granting institutions
- Yes** Private, out-of-state, for-profit degree granting institutions
- Public, in-state, non-degree granting institutions
- Public, out-of-state, non-degree granting institutions
- Non degree, not-for profit institutions
- Non degree, for-profit institutions
- Yes** Religious institutions
- Tribally-controlled institutions

Clarifying comments:

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.

Yes. If the institution is granting associate degrees, approval must come from the Council for Community and Technical College Education. If the institution is also granting degree above the associate degree, authorization must come from the Higher Education Policy Commission.

- c. Is accreditation required for an institution to be authorized in your state?

- o If yes, please explain:
Yes, for degree granting institutions
- o If yes, what type of accreditation is required? Please, check all that apply as appropriate.

- Regional
- National
- Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

If an out-of-state institution wants to physically offer programs/courses in the state, we may provide approval for specific courses or programs for a specified period of time.

- e. Do programs in certain subject areas (listed below in bold) require the separate approval by another state entity; for example, a professional licensing agency? **Education, Nursing, Social Work, Counseling Psychology, Allied Health and related programs.**

No.

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Yes.

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

Out-of-state institutions offering 1) courses through brokering or other collaborative arrangements with a WV public institution which supports programmatic offerings of the state institution, 2) short courses or seminar in which the instruction for the segment takes no more than twenty classroom hours or 3) courses or programs on a military installation solely for military personnel or civilians employed at the installation. Section 4.1 of Series 20: <https://www.wvhepc.org/resources/133-20.pdf>

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

File a request for an exemption with the Commission.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

No, but they may be subject to a shorter process.

- Are all religious institutions exempt (please describe)?
- Are religious institutions that award only religious degrees or certificates exempt (please describe)?
- Are certain religious institutions exempt that meet other criteria (please describe)?

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?
No.
- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?
Physical presence.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard. See Section 3.11 of Series 20 <https://www.wvhepc.org/resources/133-20.pdf>
- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**
 - Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
Yes.
 - Does this apply only to distance education students or more generally?
More generally.
 - Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
Yes.

- Does this apply only to distance education students or more generally?
More generally.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
No, unless that faculty has direct contact with students in the state.
 - What about adjunct faculty?
No.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
No.
 - What about adjunct faculty?
No.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
Yes.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
Yes.
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
Yes.
- Advertising in local media sources that are largely viewed by residents of the state?
Yes.
- Advertising in national media sources that can be accessed by residents of the state?
No.
- Having computer servers or other equipment located in the state?
Yes.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
Yes.

- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
Yes.
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
Yes.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
Yes.
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.
Submit a self-study report to the commission and fee after consultation with Academic Affairs staff. Recommend contacting the Commission for details on expectations of the self-study report.
- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
6-12 months for institutions physically locating here with a permanent site.
- c. What is the authorization duration? If authorization is based on having a permanent physical site in West Virginia, there is no prescribed duration for authorization.
Authorizations other than those cited in the previous question may be for a period of 1-4 years.
- d. What does an institution need to do to maintain authorization?
Maintain appropriate accreditation and bonding.

- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
Institutions authorized under the provisions of Series 20 are required to submit data on a number of elements including compliance with the essential conditions outlined in Series 20, graduation rates, accreditation status and fees. The information is to be submitted annually.
- f. Can an institution lose its authorized status? If so, how?
Revoking authorization may occur based on good cause as outlined in Section 9.1 of Series 20 or a finding that an institution is not in compliance as determined by the annual report.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
Not specifically mentioned in policy. Would need to be reviewed on a case-by-case basis.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
- j. Is your agency currently planning to amend its application process by the end of 2011?
No.
 - o If yes, please provide a brief description of the anticipated change.
 - o If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
Yes. If actually locating in the state there is an application fee of \$6,000. However, the fee may be waived for an online institution located elsewhere.

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?

Surety bond is required. Institution is responsible for costs associated with a site visit.

- c. What are the costs, if any, to renew authorization?

A \$500 fee must accompany the submission of an annual report while an institution maintains Probationary State Authorization status. After Authorization, a fee of \$200 shall accompany the submission of an annual report.

- d. What costs are associated with receiving a waiver or exemption to authorization?

Currently, fees are not being assessed for physical presence from activities generated solely by online offerings. Revisions to policy are being considered that may include fees in the future

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.

State law allows for Tuition Reciprocity Agreements. They are not addressed in policy.

- b. What is the process, if any, to obtain a reciprocal agreement with your state?

Approval by the affected institutions and the Commission.

- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.

- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?

- o If yes, please describe the process or provide a web link to the material that describes the complaint process.

Student complaints are addressed in Section 14 of Series 20
<https://www.wvhepc.org/resources/133-20.pdf>

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?

No.

- If available, please provide a web link to the complaint form.
- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

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- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
A letter to cease and desist would first be provided. Possible legal action would follow if that is unsuccessful.
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.
No.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
No.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered

legally authorized in accordance with the federal institutional eligibility regulations?

No.

- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?
- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?