



MEETING AGENDA

July 23, 2010

David Hendrickson, Esq., Chair

Bruce Berry, MD, Vice Chair

Kathy Eddy, Secretary

Bob Brown, Ex-Officio

John Estep

Kay Goodwin, Ex-Officio

John Leon, MD

Steven Paine, Ex-Officio

David Tyson, Esq.

Brian Noland, Chancellor

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

JULY 23, 2010

**Stonewall Resort
Roanoke, West Virginia**

SCHEDULE OF EVENTS

9:30 A.M. **Commission Meeting**
Stonewall Ballroom II

Noon **Lunch**
Stillwaters Restaurant



**Directions to Stonewall Resort
Higher Education Policy Commission Meeting
July 23, 2010**

The resort is located at 940 Resort Drive in Roanoke, West Virginia just 2 miles off Interstate 79 at exit 91.

By car, take the Roanoke exit (exit 91) from I-79 and follow the signs to Stonewall Resort State Park.



**MEETING OF THE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

JULY 23, 2010

**Stonewall Resort
Roanoke, West Virginia**

9:30 AM

AGENDA

- I. Call to Order**
- II. Election of Officers**
- III. Approval of Minutes – Tab 1**
- IV. Chairman’s Report**
- V. Chancellor’s Report**
- VI. Access**
 - A. Report on Adult Learner Task Force and Implementation of RBA Today – **Tab 2**
- VII. Learning and Accountability**
 - A. Approval of Revision to Series 21, Freshman Assessment and Placement Standards – **Tab 3**
 - B. Report on Master’s Degree Programs – **Tab 4**
 - C. Approval of Bachelor of Organizational Leadership and Administration at West Liberty University – **Tab 5**
 - D. Approval of Reauthorization of Lindsey Wilson College to Offer Baccalaureate and Master’s Degree Programs at Southern West Virginia Community and Technical College – **Tab 6**
 - E. Approval of West Virginia and Maryland Tuition Reciprocity Agreement – **Tab 7**

VIII. Cost and Affordability

- A. Report on Efficiencies Task Force – **Tab 8**
- B. Approval of Appointment to the Higher Education Student Financial Aid Advisory Board – **Tab 9**
- C. Approval of 403(b) Tax Deferred Retirement Savings Plan and 457(b) Deferred Compensation Plan Documents – **Tab 10**
- D. Approval of Capital Projects Funding – **Tab 11**
- E. Approval of Fiscal Year 2011 Higher Education Policy Commission Division Operating Budgets and Higher Education Resource Assessment (HERA) Projects – **Tab 12**
- F. Approval of Fiscal Year 2011 West Virginia Network for Educational Telecomputing Budget – **Tab 13**
- G. Approval of Acceptance of National Science Foundation Awards – **Tab 14**
- H. Approval of Fiscal Year 2011 Division of Science and Research Spending Plan – **Tab 15**
- I. Presentation of the Proposed Funding Formula – **Tab 16**

IX. Possible Executive Session under the Authority of WV Code §6-9A-4 to Discuss Personnel Issues

- A. Approval of Presidential Contracts and Compensation Packages

X. Additional Board Action and Comments

XI. Adjournment

MINUTES

HIGHER EDUCATION POLICY COMMISSION

April 14, 2010

1. Call to Order

Chairman David Hendrickson convened a work session of the Higher Education Policy Commission at 4:00 PM in the 9th Floor Conference Room at 1018 Kanawha Boulevard East, Charleston, West Virginia via conference call. The following Commission members were present: Bruce Berry, John Estep, David Hendrickson, and Kay Goodwin. Absent: Bob Brown, Kathy Eddy, John Leon, Steve Paine, and David Tyson.

2. Review of April 23 Meeting Agenda

Commission staff provided a brief overview of the items on the agenda for the April 23, 2010 meeting.

3. Adjournment

There being no further business, the meeting was adjourned.

David K. Hendrickson

Chairman

Kathy Eddy

Secretary

MINUTES

HIGHER EDUCATION POLICY COMMISSION

April 23, 2010

1. Call to Order

Chairman David Hendrickson convened a meeting of the Higher Education Policy Commission at noon on the campus of West Virginia University Institute of Technology in Montgomery, West Virginia. The following Commission members were present: Bruce Berry, Bob Brown, Kathy Eddy, John Estep, David Hendrickson, John Leon, and David Tyson. Absent: Kay Goodwin and Steven Paine. Also in attendance were institutional presidents, higher education staff, and others.

The Commission held a moment of silence in remembrance of Steve Goodwin, former Chairman and member of the West Virginia University Board of Governors, for his steadfast commitment to the advancement of West Virginia University and the state's higher education system.

2. Campus Welcome

Dr. Scott Hurst, Provost of West Virginia University Institute of Technology, welcomed the Commission and guests to the campus, and thanked the Commission and the Chancellor for visiting the institution.

3. Chairman's Report

Chairman Hendrickson announced the formation of the Nominating Committee consisting of Commissioners Estep and Leon, with Secretary Goodwin as Chair. Chairman Hendrickson indicated that the Nominating Committee will meet and recommend a slate of officers to be considered at the next regular meeting. Chairman Hendrickson also announced that a meeting schedule has been set for 2011 and will be distributed in the coming weeks to members of the Commission, institutional representatives, and the general public.

In closing, Chairman Hendrickson announced his interest in creating a Council of Board Chairs that will meet monthly to discuss important institutional and system issues. Chairman Hendrickson stated that Commission staff will contact the board chairs with additional information in the near future.

4. Chancellor's Report

Chancellor Noland thanked Provost Hurst for hosting the Commission and his work to advance the institution. Chancellor Noland also thanked Chair Long from the West Virginia University Board of Governors for her leadership and attendance at

the meeting. Dr. Noland also acknowledged the attendance of various legislative leaders from Fayette County.

As part of his regular report, Chancellor Noland discussed various initiatives and recent events including the West Virginia GEAR UP Honors Symposium, West Virginia University's Minority Doctoral Scholars Program Annual Regalement Ceremony, the state's application for federal funding as part of Race to The Top, and the new West Virginia Education, Research and Technology Park. Chancellor Noland also discussed highlights from the recent regular legislative session.

In closing, Chancellor Noland noted that Commission staff is working with Mr. Kyle Schaffer, the state's Chief Technology Officer, and Office of Technology staff to examine possible collaboration and efficiencies with West Virginia Network for Educational Telecomputing (WVNET). Chancellor Noland stated that he will continue discussions with Mr. Schaffer and provide regular updates to the Commission.

5. Approval of Minutes

Dr. Berry moved approval of the minutes of the meetings held on January 18, 2010, January 22, 2010, and March 4, 2010, as provided in the agenda materials. Mr. Estep seconded the motion. Motion passed.

6. Consent Agenda

Mr. Tyson moved the adoption of the consent agenda including the following items:

A. Approval of Bachelor of Arts in Music at Fairmont State University

Resolved, That the West Virginia Higher Education Policy Commission approves the establishment of the Bachelor of Arts in Music at Fairmont State University, effective August 2010. As a condition of approval, the institution will initiate immediate efforts to attain accreditation for the program from the National Association of Schools of Music.

B. Approval of Bachelor of Social Work at West Liberty University

Resolved, That the West Virginia Higher Education Policy Commission approves the Bachelor of Social Work to be implemented at West Liberty University, effective August 2010.

C. Approval of Bachelor of Music at West Liberty University

Resolved, That the West Virginia Higher Education Policy Commission approves the Bachelor of Music to be implemented at West Liberty University, effective August 2010.

D. Approval of Master of Science in Physician Assistant Studies at West Liberty University

Resolved, That the West Virginia Higher Education Policy Commission approves the Master of Science in Physician Assistant Studies at West Liberty University, effective July 2011.

E. Approval of Bachelor of Arts in International Studies at West Virginia State University

Resolved, That the West Virginia Higher Education Policy Commission approves the establishment of the Bachelor of Arts in International Studies at West Virginia State University, effective August 2010.

F. Approval of Master of Business in Entrepreneurship at West Virginia State University

Resolved, That the West Virginia Higher Education Policy Commission approves the Master of Business in Entrepreneurship to be implemented at West Virginia State University effective, August 2010.

G. Approval of Master of Science in Law Enforcement and Administration at West Virginia State University

Resolved, That the West Virginia Higher Education Policy Commission approves the Master of Science in Law Enforcement and Administration to be implemented at West Virginia State University, effective August 2010.

Dr. Berry seconded the motion. Motion passed.

7. Access

A. Approval of Summer Awards, Eligibility Requirements, and Annual Award Amount for the PROMISE Scholarship Program

Mr. Jack Toney, Director of State Financial Aid Programs, provided a detailed overview of summer awards, eligibility requirements, and annual award amount for the PROMISE Scholarship Program. Mr. Toney noted that \$400,000 has been allocated for summer awards and, thus far, 71 students have submitted applications for consideration. Mr. Toney noted that eligibility criteria have not changed; however, Senate Bill 373 has instituted an annual award amount of \$4,750 for those receiving the scholarship after January 1, 2010. Those who received the scholarship prior to January 1, 2010 will continue to receive full tuition and fees for up to a total of eight semesters.

In closing, Mr. Toney noted that award letters were mailed to graduating high school students who will receive the PROMISE Scholarship Program beginning with the Fall 2010 semester.

Ms. Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves proposed summer awards, eligibility requirements, and the annual award amount for the PROMISE Scholarship Program.

Mr. Brown seconded the motion. Motion passed.

B. Approval of Fiscal Year 2011 Distribution Plan for the West Virginia Higher Education Grant Program

Mr. Toney stated that changes to Series 42, the rule that regulates the West Virginia Higher Education Grant Program, has allowed staff the opportunity to make program adjustments. As a result, staff is requesting approval to lower the award amount in order to serve a greater number of students. The changes will mirror the award amount for the Federal Pell Grant. This change, which is being recommended by the Higher Education Student Financial Aid Advisory Board and Commission staff, will allow the Commission to provide financial aid to more needy West Virginians.

Secretary Eddy inquired if the award amount could be increased. Mr. Toney responded that the award amount could be increased depending on the yield rate and the availability of funding.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the proposed Fiscal Year 2011 Distribution Plan for the West Virginia Higher Education Grant Program.

Dr. Leon seconded the motion. Motion passed.

C. Approval of Final Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students

Dr. Bruce Flack, Director of Academic Affairs, provided an overview of proposed revisions and comments received during the formal thirty-day comment period. Dr. Flack noted that Commission staff thoroughly reviewed the comments, but did not make any changes to the rule.

Mr. Brown moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students, for final filing with the Secretary of State.

Ms. Eddy seconded the motion. Motion passed.

D. Report on Adult Learner Task Force and RBA Today Initiative

Dr. Flack introduced Dr. Suzanne Shipley, President of Shepherd University and Chair of the Adult Learner Task Force, who provided a detailed report on the Adult Learner Task Force and the RBA Today initiative. As part of the update, President Shipley indicated that all of the state's four-year public colleges and universities have agreed to participate in RBA Today by sharing courses and providing enhanced services to returning adult students. President Shipley noted that RBA Today will be promoted through the use of radio spots, mass mailings, and earned media.

Chairman Hendrickson applauded President Shipley, Dr. Flack, and members of the Adult Learner Task Force for the development and implementation of this cutting-edge program. The Chairman noted that West Virginia is a national leader in terms of seeking the enrollment of new adult learners and the re-enrollment of returning adult learners.

Commissioner Leon inquired about the gender composition of the identified student pool. President Shipley responded that a large portion of the identified students are female.

Vice Chairman Berry echoed the sentiments of Chairman Hendrickson and expressed his appreciation of RBA Today serving as an example of seamless transition from one institution to another without losing credits or having to retake certain courses.

E. Update on West Virginia GEAR UP and College Foundation of West Virginia

Dr. Adam Green, Director of Student Success and P-20 Initiatives, provided an overview of recent outreach and college access activities and initiatives including West Virginia GEAR UP and the College Foundation of West Virginia. Dr. Green reported that West Virginia GEAR UP completed the second year of a six-year grant. Dr. Green provided an overview of training and outreach; marketing and public information campaigns; progress and outcomes; and upcoming initiatives and activities as part of the College Foundation of West Virginia adoption schedule and implementation plan.

8. Cost and Affordability

A. Approval of Final Series 51, Bookstores and Textbooks

Mr. Bruce Walker, General Counsel, provided a detailed overview of the work of the Statewide Task Force on Textbook Affordability and the recommendation to implement a statewide rule to provide guidance to institutions regarding bookstores and textbooks. Mr. Walker indicated that the proposed rule was provided to the higher education community as part of informal and formal comment periods. As a result of feedback, Mr. Walker

noted that various changes were made to the rule in order to provide greater clarification.

Commissioner Brown applauded Secretary Goodwin for her work on addressing the issue of textbook affordability through her service on and leadership of the Statewide Task Force on Textbook Affordability.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Series 51, Bookstores and Textbooks, for final filing with the Secretary of State.

Dr. Berry seconded the motion. Motion passed.

B. Approval of Allocations of Fiscal Year 2011 State Appropriations to Institutions and Other Entities

Mr. Richard Donovan, Chief Financial Officer, discussed in detail the allocations of the Fiscal Year 2011 state appropriations, which include funding to institutions, the rural health consortium, and other programs. Mr. Donovan stated that the Legislature appropriated approximately \$276,662,113 directly to four-year institutions and medical schools, a decrease of \$8,891,725 from the previous year. The reductions to the base budgets will be backfilled with funding from the American Reinvestment and Recovery Act (ARRA).

Ms. Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the allocation of Fiscal Year 2011 state appropriations to institutions and other entities.

Dr. Berry seconded the motion. Motion passed.

C. Approval of Fiscal Year 2011 Institutional Capital Assessments

Mr. Donovan presented the proposed institutional assessments for debt service and facilities planning administration payments. Mr. Donovan stated that Commission staff will transfer funds from institutional accounts on September 1 and March 1 to make the debt service payments.

Mr. Estep moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 institutional capital assessments.

Dr. Leon seconded the motion. Motion passed.

D. Approval of Fiscal Year 2011 Higher Education Resource Assessment

Mr. Donovan presented the proposed Higher Education Resource Assessment (HERA) for FY 2011. The HERA funds are used by the Commission to support statewide initiatives and projects as well as the West Virginia Higher Education Grant Program. Mr. Donovan noted that the actual projects and requested award amounts will be presented to the Commission for approval at the next regular meeting.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 Higher Education Resource Assessment.

Mr. Estep seconded the motion. Motion passed.

E. Bond Projects

Mr. Donovan provided an overview of recent legislation and activities related to the approval and funding of bond projects for the state's four-year public colleges and universities. Mr. Donovan noted that the project list will be presented to the Commission for approval at the next regular meeting.

F. Approval of Tuition and Fees for 2010-11 Academic Year

Chancellor Noland provided an overview of tuition and fees from a state, regional, and national level. Dr. Noland provided examples of financial challenges in American higher education as a result of current economic downturn. Dr. Noland cited that many institutions have adopted layoffs and furloughs, eliminated academic programs and support services, closed colleges, limited course offerings, increased class sizes, and capped enrollment to offset budget reductions and minimize tuition and fee increases. Chancellor Noland indicated that West Virginia is in a relatively stable financial condition due to the availability of federal stimulus funding and sound financial planning.

Chancellor Noland indicated that institutional tuition and fees will not be approved by the Commission at this time, because several institutions have yet to submit their requests. Dr. Noland stated that the item would be the subject of a special meeting in the coming weeks.

Chairman Hendrickson encouraged institutions to closely examine all line items in their respective budgets in order to eliminate duplication and maximize efficiencies.

9. Learning and Accountability

A. Approval of 2009 Institutional Compact Update for Marshall University

Dr. Flack presented the institutional compact update for Marshall University. Dr. Flack noted that compact updates for the remaining institutions were approved at the January 22, 2010 meeting. Marshall University did not submit their compact update by the deadline and, therefore, it was not presented for approval by the Commission at that time.

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the 2009 institutional compact update for Marshall University.

Mr. Estep seconded the motion. Motion passed.

B. Approval of Authorization of National College to Operate in West Virginia

Dr. Flack presented a proposal from National College to relocate a campus from Bluefield, Virginia to Princeton, West Virginia. Dr. Flack noted that the institution offers associate and baccalaureate degrees as well as diplomas in information systems, computer applications, medical office support services, general office support, business administration, and pharmacy technician. Dr. Flack stated that the institution meets all of the essential conditions as outlined in Series 20, the Commission's legislative rule on the authorization of degree granting institutions.

Secretary Eddy inquired about the timeline for National College to gain accreditation for the new location. Dr. Flack indicated that the institution will have to undergo an on-site review before being considered for full accreditation.

Vice Chairman Berry inquired about the Commission's oversight of the authorization of for-profit institutions that operate in West Virginia. Dr. Flack indicated that the role and oversight of the Commission is outlined in Series 20. Dr. Berry urged the Commission to request additional oversight from the Legislature in this area.

Commissioner Leon indicated that institutions like National College are private institutions and, therefore, have limited government oversight or control.

Commissioner Brown indicated that this item was presented to the West Virginia Council for Community and Technical College Education as an informational item, but was not subject to approval by the Council. Dr. Flack noted that, under the provisions of Series 20, the highest degree offered

mandates the approving body. Commissioner Brown noted that since National College will offer a baccalaureate degree, the approval falls under the jurisdiction of the Commission not the Council.

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the request of National College to open a campus in West Virginia and to commence offering degree programs in the Summer of 2010.

Further Resolved, That the West Virginia Higher Education Policy Commission approves that, for continuing authorization to operate in West Virginia, National College must meet the criteria for authorization set forth in Series 20, Authorization of Degree Granting Institutions.

Dr. Leon seconded the motion. Motion passed.

C. Approval of Authorization of Tri-State College of Pharmacy to Operate in West Virginia

Dr. Flack presented a request from Tri-State School of Pharmaceutical Sciences to operate a college of pharmacy in West Virginia. Dr. Flack provided a detailed overview of the process, the institution's request, and the results of the on-site visit.

Secretary Eddy inquired if the institution needed approval from the Commission to move forward in the process for both planning and accreditation. Dr. Flack responded that gaining authorization from the Commission was necessary in order to be considered for accreditation.

Vice Chairman Berry inquired about how the institution will be considered for accreditation without enrolling any students. Dr. Berry also noted that the institution minimally meets the essential conditions as outlined in Series 20. Dr. Flack responded that the Commission's rule is similar to the process utilized in other states. In order to obtain authorization, the institution needs to meet all of the essential conditions outlined in the rule.

Chairman Hendrickson inquired if the institution has met all of the essential conditions. Dr. Flack responded that the report of the review team noted concerns in three areas including the following: degrees and academic programs (including classrooms, laboratories, and learning resources facilities); faculty credentials; and library resources.

Commissioner Leon inquired about the Commission's potential concerns regarding authorization. Dr. Leon noted that approval from the Commission is the first step in a long process. Other regulatory agencies, including the accrediting body, will be able to provide guidance and direction to the institution as it moves forward. Chairman Hendrickson expressed his belief

that the Commission should provide consumer protection for the state's students.

Dr. Pedram Ghafourifar, who spoke on behalf of the institution, indicated that the institution recently received \$1 million to expand library resources and laboratories. Dr. Ghafourifar also stated that the institution has hired two additional clinical faculty.

Prior to Dr. Flack's presentation, Commissioner Tyson recused himself.

Dr. Leon moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Tri-State College of Pharmacy for Preliminary State Authorization for a period of six months, until October 23, 2010. Under provisions of Series 20, Authorization of Degree Granting Institutions (Sections 10.7.14 - 10.7.1.10), Tri-State College of Pharmacy shall have a six- month period to initiate efforts to attain accreditation from the Accreditation Council for Pharmacy Education and the Higher Learning Commission of the North Central Association of Colleges and Schools. During this initial period, the institution shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted Category IV authorization status, Maintaining Reasonable and Timely Process Toward Accreditation. Continuing authorization of Tri-State College of Pharmacy to operate in West Virginia is contingent on the institution making adequate progress toward receiving accreditation from the Accreditation Council for Pharmacy Education and Higher Learning Commission of the North Central Association of Colleges and Schools. Final authorization and Category I status is achieved upon attainment of accreditation from the two accrediting agencies.

Dr. Berry seconded the motion. Motion passed.

10. Possible Executive Session

Prior to Executive Session, Chairman Hendrickson introduced Ms. Sonja Petry, who provided a presentation on behalf of the Take Back Tech Committee. Ms. Petry provided a detailed overview of the Committee's objectives, the legislative and legal mandate for a strategic plan for West Virginia University Institute of Technology, the Committee's outreach to the Legislature including the Legislative Oversight Commission on Education Accountability, recent legal action, and the Committee's recommendation for personnel action at West Virginia University Institute of Technology. Chairman Hendrickson thanked Ms. Petry for her presentation.

Dr. Berry moved to go into Executive Session under the authority of WV Code §6-9A-4 to discuss personnel issues. The motion was seconded by Mr. Estep. Motion passed.

Dr. Berry moved to rise from Executive Session. Mr. Estep seconded the motion. Motion passed.

A. Approval of Acting President at West Virginia School of Osteopathic Medicine

Mr. Tyson moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the appointment of an Acting President at the West Virginia School of Osteopathic Medicine consistent with the terms and conditions communicated to the Commission by the West Virginia School of Osteopathic Medicine Board of Governors.

Mr. Estep seconded the motion. Motion passed.

B. Approval of Contract Extension for Chancellor

Dr. Berry moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission extends the contract of Chancellor Brian Noland through June 30, 2013 and delegates to the Chair to enter into a contract consistent with the terms and conditions discussed by the Commission.

Ms. Eddy seconded the motion. Motion passed.

11. Adjournment

There being no further business, the meeting was adjourned.

David K. Hendrickson

Chairman

Kathy Eddy

Secretary

MINUTES

HIGHER EDUCATION POLICY COMMISSION

May 12, 2010

1. Call to Order

Chairman David Hendrickson convened a work session of the Higher Education Policy Commission at 4:00 PM in the 9th Floor Conference Room at 1018 Kanawha Boulevard East, Charleston, West Virginia and by conference call. The following Commission members were present: Kathy Eddy, Kay Goodwin, David Hendrickson, John Leon, and Steve Paine. Absent: Bruce Berry, Bob Brown, John Estep, and David Tyson.

2. Approval of Tuition and Fees for 2010-11 Academic Year

Dr. Brian Noland, Chancellor, stated that much of the information contained in the agenda notebook was presented and discussed in detail at the April 23, 2010 meeting. However, the Commission was unable to vote at that meeting given that several institutions had not submitted their formal requests.

At Chancellor Noland's request, Mr. Richard Donovan, Chief Financial Officer, provided an overview of the institutional tuition and fee requests for the 2010-11 academic year. Mr. Donovan stated that the institutions have complied with Governor Manchin's request and were not requesting increased tuition and fee rates for in-state undergraduate students. Mr. Donovan noted that both Marshall University and West Virginia University have approved and implemented technical increases linked to changes in bond covenants and the increased cost to provide certain student services.

Chairman Hendrickson inquired about the impact of limited tuition and fees increases on the ability of institutions to make strategic investments in faculty and staff salaries. Chancellor Noland responded that the state's higher education system is working to maintain and protect affordability for students, but a significant gap remains for faculty and staff salaries when compared regionally and nationally, and one of the negative consequences of this action is that institutions will be limited in their ability to respond to market salary pressures on a broad basis.

Ms. Eddy moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves tuition and fees for the 2010-11 academic year.

Dr. Leon seconded the motion. Motion passed.

In closing, Chairman Hendrickson thanked the institutions for following the Governor's directive and working to maintain and protect the affordability of higher education for all West Virginians.

3. Adjournment

There being no further business, the meeting was adjourned.

_____ Chairman
David K. Hendrickson

_____ Secretary
Kathy Eddy

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Report on Adult Learner Task Force and
Implantation of RBA Today

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Bruce Flack

BACKGROUND:

Dr. Suzanne Shipley, President of Shepherd University and Chair of the Adult Learner Task Force, will provide an update on the implementation of the RBA Today.

ADULT LEARNER INITIATIVE: “RBA TODAY”

Administrative Leadership

RBA Today, the new adult learner initiative effective the fall 2010 semester, will make available baccalaureate-level coursework in compressed-time formats and at convenient times for adults. All West Virginia’s public four-year colleges and universities will administer the program through the institutional Regents degree (RBA) offices. Each institution has pledged to provide accelerated courses, wider transfer acceptance, flexible scheduling, enhanced advising, and adequate staffing in delivering RBA Today. Twenty new accelerated courses, most available online, have been developed for use by all the state’s colleges and universities.

Among the various administrative tasks to be undertaken by the RBA directors in the launch of RBA Today this next year will be one to modify the current Regents’ degree structure to enable students to complete the degree with as few as 120 academic credits.

Marketing and Community Outreach

Background:

In order to maximize efficiency and build on current best practices in the state, the Commission’s Adult Learner Task Force chose to enhance the state’s existing Regents Bachelor of Arts degree in order to provide a flexible and desirable degree option for adult students who may be juggling other commitments such as family-lives and full-time jobs. This new initiative, called “RBA Today,” aims to increase awareness of the RBA degree option and serve as the catalyst for the successful return to college of adults in West Virginia — particularly those who have earned 60 credit hours or more but stopped short of completing a bachelor’s degree. During a ten-year period ending in 2005, nearly 26,000 adults living in West Virginia stopped out after earning 60 hours or more.¹

Adult Students Who “Stopped Out” and Hours Earned (1995-2005*)						
	0	001-29	30-59	60-89	90+	Total
Bluefield State College	504	2,303	1,181	969	896	5,853
Concord University	392	1,804	926	559	499	4,180
Fairmont State University	1,145	4,174	1,929	1,619	1,441	10,308
Glenville State College	475	1,949	899	768	849	4,940
Marshall University	1,154	6,231	3,550	2,717	2,647	16,299
Potomac State College of WVU	453	1,697	694	617	62	3,523
Shepherd University	596	2,419	1,323	1,018	793	6,149
West Liberty State College	250	1,114	779	619	815	3,577
West Virginia State University	990	3,765	1,787	1,254	957	8,753
West Virginia University	1,061	6,776	4,781	2,778	2,204	17,600
WVU Institute of Technology	442	1,586	716	678	704	4,126
Total	7,462	33,818	18,565	13,596	11,867	85,308

Through the RBA Today initiative, the Commission has developed more subject areas of emphasis (the RBA equivalent of academic majors), a greater number of online courses, and courses offered in compressed time frames. The RBA degree is now an even more attractive opportunity for adult learners to return to school and fulfill their dreams of earning a college diploma.

All of West Virginia's public four-year colleges and universities have committed to participating in the RBA Today initiative. These institutions have pledged to provide:

- Courses: Accelerated, compressed, or online courses available from the Commission must be incorporated into the course offerings of the institution.
- Transfer acceptance: Transfer processes must be in place to accept all compressed courses developed through RBA Today, which are offered at other institutions in West Virginia.
- Flexible scheduling: Courses must be scheduled at convenient times for working adults, such as during the evening and on weekends.
- Individual advising: Institutions must provide an individual approach to advising, with processes in place to award academic credit for work and life experience.
- Enhanced communication: A website landing page must be created for students to acquire information about RBA Today programming at the campus level.
- Staffing: Adequate staffing must be maintained to respond to the needs of adult learners and any increase in demand as a result of the marketing and outreach efforts.

Marketing Strategy:

Audience research and a survey of state, regional and national best practices guided by experts at SREB directed and informed much of the marketing team's strategy. Primary and secondary research indicated key barriers and potential motivators for the target audience, including:

Barriers:

- Existing family responsibilities; the larger the family, the greater the negative impact on potential students' pursuit of a degree.²
- Existing professional responsibilities; most probable RBA candidates are currently employed.²⁻³
- Finances; though potential students seem to agree that earning a bachelor's degree is a valuable long-term investment, they cite the immediate financial impact as a barrier.²
- Lack of urgency; research in Kentucky shows that many adults say they plan to complete their degree within their lifetime, but few anticipate doing so within the immediate future. Most respondents also indicated that they feel little or no outside pressure to complete their degree now.³

Motivators:

- Enhanced career opportunities; additional or new options for a career, rather than an increase in salary, seem to be the driving force behind this response.²⁻³
- Enhanced sense of self-satisfaction or self-fulfillment.²⁻³

Based on this research, the Task Force and the marketing team identified five main goals of the marketing campaign:

1. Inform potential students of the availability of the RBA degree, as well as the enhancements made through the RBA Today initiative;
2. Alleviate potential students' concerns regarding existing family and professional responsibilities by positioning the RBA program as a flexible and personalized approach to earning a degree;
3. Increase potential students' knowledge of financial aid options, and position the RBA degree as both an affordable option and a solid financial investment;
4. Showcase the career and personal advancement opportunities an RBA degree can provide; and
5. Motivate the target audience to act now in pursuing an RBA degree.

In order to achieve these goals, the marketing team has focused the campaign's message on the ideas of flexibility and self-actualization, while also addressing affordability, and timeliness as secondary concepts for advertisements and informational items. The team has also utilized "real life" success stories in much of the marketing materials, in order to showcase the RBA program as flexible, versatile and feasible.

Tactics and Outreach Channels:

Based on market research and funds available, the Task Force and marketing team chose to utilize the following tactics and outreach channels:

- Radio: a statewide radio campaign began airing in mid-May and will continue through mid-August;
- Newspaper: advertisements began running statewide in regional and some local newspapers in mid-June and will continue through the end of July;
- Online: ads targeting West Virginians between the ages of 30 and 54 were placed on Facebook for 20 days in early May;
- Informational: Brochures were created and distributed to institutions and partner organizations, such as Workforce West Virginia;
- Earned media: news releases were distributed to media outlets and institutions in late April. These releases generated media coverage in three major newspapers. An op-ed from the Chancellor has been drafted and will be pitched to three regional newspapers in mid-July. The marketing team will also propose the adult learner initiative as a topic for the Governor Manchin's weekly column.
- Direct mail: The Commission is working to locate the current addresses of students who previously attended a public four-year college in West Virginia but stopped out after earning 60 credit hours or more. These addresses will be utilized in a direct mail marketing campaign that will be launched during the 2010 fall semester.

Marketing and Outreach Objectives and Progress To Date:*

* As of July 6, 2010.

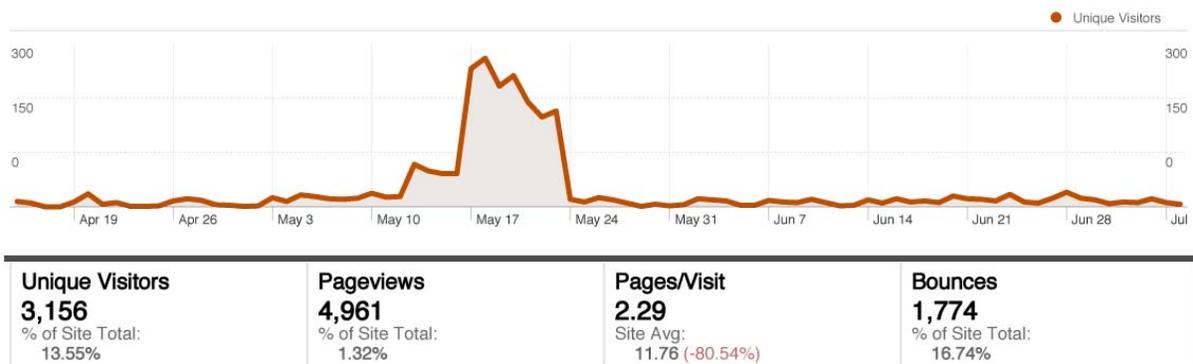
OBJECTIVE 1: To secure a firm commitment from at least five of the 12 institutions eligible to participate in the RBA Today initiative.

Status: All 12 eligible institutions signed the required participation agreement, pledging to provide the support, infrastructure and services required to be considered full participants in the RBA Today initiative.

OBJECTIVE 2: To increase potential students' knowledge of and interest in the program.

Measure 1: To drive 5,000 unique visitors to the RBA Today section of cfwv.com.

Status: 3,156 unique visitors have logged on to the RBA Today content since those pages launched in mid-April. Note: the significant increase in mid-May coincides with the Facebook ad campaign, which yielded 2,254 visits to the site over a 20-day period.



Measure 2: To increase the number of adult learner accounts created on cfwv.com by 10% during the campaign period (as compared to the previous six months' average). Note: a year-to-year comparison would be a far better indicator, as on average interest may decline during the summer months. However, metrics are not available for summer 2009, as cfwv.com only launched in October of 2009.

Status: During the previous six months (November 2009 through April 2010) the number of adult accounts created averaged 267.5 per month. During the months of May and June, the average was 306, representing an increase of slightly more than 14 percent.

OBJECTIVE 3: To increase participating institutions' interaction with potential students by encouraging 1,000 students to directly explore the opportunities afforded by the RBA program at individual institutions.

Measure 1: To increase the number of visitors to the RBA content pages of each participating institution's website.

Status: Shepherd University has reported a 79 percent increase in page views (year-to-year comparison). West Virginia University has also reported a "significant spike" but has not provided data to date. Institutions will be asked to provide site usage data for the length of the campaign at the end of the fall 2010 semester.

Measure 2: To encourage students to take direct action by signing up to receive more information regarding the RBA Today initiative.

Status: Unknown – institutions will be asked to report any increase in inquiries near the end of the fall semester. Twenty-one students have requested more information through the cfwv.com portal, but it is to be expected that most students would contact the institution they are interested in attending directly, as they are encouraged to do so on the RBA Today pages of the cfwv.com site.

Resources:

1. West Virginia Higher Education Policy Commission, Division of Policy and Planning.
2. Morehouse, Becky and DeSotel, Denton. "Survey of Kentucky Adults with Some College." Kentucky Council on Postsecondary Education, 2007.
3. Wood, Jennifer. "Survey of RBA Students and RBA Graduates." West Virginia Higher Education Policy Commission, 2010.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Revision to Series 21, Freshman Assessment and Placement Standards

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 21, Freshman Assessment and Placement Standards, as revised, for submission to the Secretary of State for a thirty-day public comment period and that if no substantive comments are received that the Commission extends final approval.

STAFF MEMBER: Bruce Flack

BACKGROUND:

Series 21, Freshman Assessment and Placement Standards, establishes freshman assessment and placement standards for institutions in assignment to initial credit-bearing courses in English and mathematics. The procedural rule sets forth assessments in English and mathematics, such as ACT sub-section scores or equivalent measures, that institutions employ in determining whether entering first-time students are eligible to enroll in initial credit-bearing courses in the two fields. Students not meeting the standard(s) are required to successfully complete a developmental program in the respective field.

In recent months, several institutions have expressed interest in using alternatives to non-credit developmental education courses. One such approach is the stretch course, a credit-bearing course that extends (stretches) over one or two semesters, to give more time to those students who may need additional experience in college-level mathematics or writing. Course materials are the same as those in the traditional course, but additional activities, tutorials, etc. are provided in an extended delivery format. The proposed revision to Series 21 would provide institutions the flexibility to utilize such alternatives with approval of the Chancellor.

Another revision would add an additional assessment measure for determining preparedness in mathematics. The change (Section 4.1.6) would permit the use of nationally-normed test scores, such as the Mathematical Association of America Basic Algebra test, with Chancellor's approval.

The West Virginia Council for Community and Technical College Education has a commensurate rule for Series 21. The revisions proposed to the Commission's rule will also be added to the Council's rule.

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
SERIES 21**

FRESHMAN ASSESSMENT AND PLACEMENT STANDARDS

§133-21-1. General.

- 1.1. Scope - This policy establishes freshman assessment and placement standards for institutions in assignment to initial credit-bearing courses in mathematics and English.
- 1.2. Authority - West Virginia Code § 18B-1B-4
- 1.3. Filing Date - ~~July 2, 2002~~
- 1.4. Effective Date - ~~August 1, 2002~~

§133-21-2. Policy.

- 2.1. The policy, *Freshman Assessment and Placement Standards*, for students in West Virginia public colleges and universities was developed to assure the integrity of associate and baccalaureate degrees, to increase the retention and graduation rates of students, and to encourage high school students to improve their academic preparation for college. The standards for freshman assessment and placement are designed to establish uniform procedures for the placement of students in credit-bearing courses in mathematics and English which can be applied toward an undergraduate academic degree.

§133-21-3. Definitions.

- 3.1. Developmental Education.

Developmental education programs and services commonly address academic preparedness, diagnostic assessment and placements, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses are “pre-college” courses and do not count toward a baccalaureate degree, an A.A. degree, an A.S. degree, or an A.A.S. degree.

Developmental education includes, but is not limited to all forms of learning assistance, such as tutoring, mentoring, and supplemental

instruction; personal, academic, and career counseling; academic advisement; and coursework.

3.2. Stretch Courses.

Stretch courses are credit-bearing courses that extend over one or two semesters, to give more time to those students who may need additional experience in college-level mathematics or writing. Stretch courses are designed for English or math students who are capable, but who might need more time. Course materials are the same as those in the traditional course, but additional activities, tutorials, etc. are provided in an extended delivery format.

§133-21-34. Mathematics.

34.1. Students may not enroll at any two-year or four-year institution in West Virginia public colleges and universities in a mathematics course which is designed to be applied toward a baccalaureate degree, an associate of arts (A.A.) degree, an associate of science (A.S.), an associate of applied science (A.A.S.) degree at a four-year college or university or an A.A., A.S. or A.A.S. degree at a community college unless the minimum score prescribed below is earned on one of the following tests:

34.1.a. A score of 19 on the mathematics section of the American College Testing Program's ACT Assessment Test.

34.1.b. A score of 460 on the quantitative portion of the College Board's Scholastic Assessment (SAT-1).

34.1.c. A scaled score of 40 on the numerical test *and* 38 on the elementary algebra test of the American College Testing Program's Assessment of Skills for Successful Entry and Transfer (ASSET).

34.1.d. A scaled score of 59 on the pre-algebra test and a scaled score of 36 on the algebra test of the American College Testing Program's Computerized Adaptive Placement Assessment and Support System (COMPASS).

34.1.e. A scaled score of 85 on the arithmetic test and 84 on the elementary algebra test of the College Board's ACCUPLACER Testing System.

4.1.f. Nationally-normed test scores, such as the Mathematical Association of America Basic Algebra test, with Chancellor's approval.

- 34.2. Students not meeting this standard must successfully complete a program or programs in developmental (pre-college level) mathematics in order to be placed in mathematics courses which count toward a baccalaureate degree, an A.A. degree, an A.S. degree, or an A.A.S. degree. Institutions ~~that do not offer developmental courses~~ may require students who do not meet the standard to complete such courses at another institution or design ~~an~~ equivalent coursework, such as stretch courses, or programs of remediation with approval of the Higher Education Policy Commission Chancellor, as a pre-requisite to freshman placement.
- 34.3. A transfer student having met the placement standard for enrollment who has successfully completed the developmental course or its equivalent may enroll in a credit-bearing course in mathematics or transfer to another West Virginia state college or university and shall be deemed to have met the placement standard at the receiving institution and shall not be required to enroll in a developmental course or its equivalent at a West Virginia state college or university in mathematics. The assessment measure and score by which the student met the placement standard in mathematics shall be recorded on the student's transcript.

§133-21-45. English Composition.

- 45.1. Students may not enroll at any two-year or four-year institution in West Virginia public colleges and universities in an English composition course which is designed to be applied toward a baccalaureate degree, an A.A. degree, an A.S. degree, or an A.A.S. degree at a four-year college or university or an A.A., A.S, or A.A.S. degree at a community college unless the minimum score prescribed below is earned on one of the following tests:
- 45.1.a. A score of 18 on the English section of the ACT.
- 45.1.b. A score of 450 on the verbal portion of the SAT-1.
- 45.1.c. A scaled score of 38 on the writing skills test of the ASSET.
- 45.1.d. A scaled score of 71 on the English Skills test of the American College Testing Programs Computerized Adaptive Placement Assessment and Support System (COMPASS).
- 45.1.e. A scaled score of 88 on the Sentence Skills test of the College Board's ACCUPLACER Testing System.
- 45.1.f. Satisfactory performance on a writing sample administered by each institution, with Chancellor's approval.

- 45.2. Students not meeting this standard must successfully complete a program or programs in developmental (pre-college level) English composition in order to be placed in English composition courses which count toward a baccalaureate degree, an A.A. degree, an A.S. degree, or an A.A.S. degree. Institutions ~~that do not offer developmental courses~~ may require students who do not meet the standard to complete such courses at another institution or design ~~an~~ equivalent coursework, such as stretch courses, or programs of remediation with approval of the Higher Education Policy Commission Chancellor as a pre-requisite to freshman placement.
- 45.3. A transfer student having met this standard for enrollment who has successfully completed the developmental course or its equivalent may enroll in a credit-bearing course in English or transfer to another West Virginia state college or university and shall be deemed to have met the placement standard at the receiving institution and shall not be required to enroll in a developmental course or its equivalent at a West Virginia state college or university in English. The assessment measure and score by which the student met the placement standard in English shall be recorded on the student's transcript.

§133-21-56. Reading.

- 56.1. Students scoring 17 on the reading section of the ACT, 420 or above on the verbal section of the SAT-1, 36 on the reading skills test of the ASSET, 30 percentile above on the Nelson-Denny Reading Test, 75 on the reading test of the American College Testing Programs Computerized Adaptive Placement Assessment and Support System (COMPASS), or 79 on the Reading Comprehension test of the College Board's ACCUPLACER Testing System will be considered to have met minimal reading skill requirements at those institutions which have developmental programs in reading.
- 56.2. Institutions in the state higher education system are encouraged to provide assistance for students who do not meet the standard and who are enrolled in a program leading to an associate or bachelor's degree.
- 56.3. A student having met the placement standard in reading on transfer to another West Virginia state college or university shall be deemed to have met the placement standard at the receiving institution and shall not be required to enroll in a developmental course in reading. The assessment measure and score by which the student met the placement standard in reading shall be recorded on the student's transcript.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Report on Master's Degree Programs

INSTITUTIONS: Concord University, Fairmont State University, Shepherd University, West Liberty University, and West Virginia State University

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Bruce Flack

BACKGROUND:

In accordance with West Virginia Code §18B-1A-6(g), Concord University, Fairmont State University, Shepherd University, West Liberty University, and West Virginia State University have submitted reports on the viability of master's degree programs at their respective institutions. With the exception of West Liberty University, each of the institutions has completed the seventh year of graduate program offerings. West Liberty implemented its first graduate program in the 2008-09 academic year.

The reporting elements as delineated in West Virginia Code are:

1. The number of programs being offered and the courses offered within each program;
2. The disciplines in which programs are being offered;
3. The locations and times at which courses are offered;
4. The number of students enrolled in the program; and
5. The number of students who have obtained master's degrees through each program.

The first master's level programs at the former baccalaureate-only institutions were approved by the Commission for initial offering in the 2003-04 academic year. The number of graduate programs across the institutions has increased from five to seventeen over the seven-year period. The most recent approvals were for law enforcement administration and entrepreneurship at West Virginia State University and physician assistant studies at West Liberty University. Summary comments on notable developments and achievements in the graduate offerings at each institution and a chart that lists number of program enrollees and graduates are as follows:

Concord University

- Concord University offers a single master's degree program, the Master of Education.
- The M.Ed. program includes six content specializations, with reading (68 students) and educational leadership (54 students) having the greatest

- enrollment.
- Since the implementation of the program in 2003, a total of 130 students have graduated.
 - The number of M.Ed. graduates declined in 2009-10 to 20 graduates compared to 25 the previous year.
 - Concord University is developing a proposal for the addition of a Master of Arts in Teaching degree (MAT) for implementation in 2011.

Fairmont State University

- Fairmont State University offers five graduate programs of study: Education, Master of Arts in Teaching, Criminal Justice, Business Administration, and Human Services. In addition, the Marshall University Master of Science program is available on the Fairmont campus.
- Enrollment of degree seeking students in the five graduate programs (427) increased by 10.7 percent over the previous year and number of graduates rose from 72 to 78.
- The Master of Education degree program has the most enrollments and has produced the largest number of graduates.
- The majority of Fairmont State University graduate courses are offered online.

Shepherd University

- Shepherd University offers five graduate programs. Master of Business Administration, Master of Arts in Teaching, Master of Arts in Curriculum and Instruction, Master of Arts in College Student Development and Administration, and Master of Music, Music Education.
- Enrollment in Shepherd graduate programs increased by 10.9 percent in 2009-10 (183 to 203), but the number of graduates decreased from 64 to 51 this last year.
- Shepherd is modifying its MBA program to include a cohort/hybrid delivery option and is adding a concentration in accounting. These changes should enhance the growth of what is currently the largest graduate program at the university in terms of overall enrollment.

West Liberty University

- West Liberty University offers one graduate program, Master of Arts in Education, with concentrations in Advanced Teaching, Technology Integration, and Multi-Categorical Special Education. The program was implemented in 2008-09 and will produce its first graduates in December 2010.
- While 28 students were in the first cohort, currently 52 students are enrolled in the Master of Arts in Education program.
- West Liberty will implement a Master of Physician Assistant Studies in July 2011.

West Virginia State University

- Enrollment in the two graduate programs offered by West Virginia State University was relatively unchanged in 2009-10 from the previous year. Twenty-nine students are enrolled in the Master of Arts Media Studies program and thirteen students are pursuing the Master of Science Biotechnology degree.
- There were six graduates in Media Studies in 2009-10 compared to zero during the prior academic year.
- West Virginia State University, through its ongoing program review process, is assessing the Media Studies program's viability and has taken some steps to improve productivity. Productivity in both current graduate programs will be reviewed by the Commission in 2011.
- The university will implement two new master's level programs in August 2010, Master of Business in Entrepreneurship and Master of Science in Law Enforcement Administration. It is also developing a proposal to implement a Master of Education in Multicultural Instructional Leadership in 2011.

Summary comments

- Overall graduate enrollment among the five institutions increased markedly in 2009-10 with 890 degree-seeking enrollees compared to 693 in 2008-09.
- The total number of graduates in 2009-10 increased slightly (156 to 160).
- Fairmont State University graduate programs continue to have the most enrollments and produce the most graduates among those of the former baccalaureate-only institutions. The largest of the Fairmont programs is the Master of Education (M.Ed.) with 270 enrollees and 47 graduates in 2009-10.
- The Commission will conduct a productivity review to monitor viability of all West Virginia public college and university degree programs, including master's-level programs in 2011.
- Three new graduate programs have been approved thus far this year:
 - West Liberty University - Master of Physician Assistant Studies
 - West Virginia State University - Master of Business in Entrepreneurship
 - West Virginia State University - Master of Science in Law Enforcement Administration
- Nearly all the graduate offerings are available at times convenient for adult students. Most are delivered online and many are offered in compressed time frames.

**Enrollment Summary for
 Concord University, Fairmont State University,
 Shepherd University, West Liberty University, and West Virginia State University
 Master's Degree Programs
 2009-2010**

Institution	Program	Term of Implementation	Total Program Enrollment (Degree Seeking)		Graduates	
			2008-09	2009-10	2009-10	Total
Concord University	MEd Education	Fall 2003	98	166	20	130
Fairmont State University	MEd Education	Fall 2003	240	270	47	154
	MAT Teaching	Spring 2005	50	52	7	33
	MS Criminal Justice	Fall 2005	30	35	7	19
	MBA Business Administration	Fall 2006	54	63	15	38
	MS Human Services	Fall 2007	7	7	2	4
Shepherd University	MA Curriculum & Instruction	Fall 2003	28	38	8	53
	MA Student Development & Administration	Fall 2006	21	31	10	26
	MAT Teaching	Fall 2005	18	21	4	12
	MM Music Education	Fall 2005	16	21	4	7
	MBA Business Administration	Fall 2005	61	92	25	91
West Liberty University	MA Education	Fall 2008	28	52	Dec. 2010	---
	MS Physician Assistant Studies	Fall 2011	---	---	---	---
West Virginia State University	MA Media Studies	Fall 2003	28	29	6	16
	MA/MS Biotechnology	Fall 2003	14	13	5	21
	MB Entrepreneurship	Fall 2010	---	---	---	---
	MS Law Enforcement Administration	Fall 2010	---	---	---	---
Totals			693	890	160	604

Program Review Report
Master of Education

Concord University
Athens, West Virginia

Submitted to the Higher Education Policy Commission

June 15, 2010

**Master of Education
Program Report
Concord University**

Concord University offers a Master of Education (M.Ed.) degree with content specializations. The M.Ed. is a 36-hour program that includes a 15-hour Professional Education Core and six content specializations. The content specializations include:

- Behavioral Science (15 credit hours required + 6 credit hours of electives)
- Educational Leadership and Supervision Pre K-Adult (21 credit hours)
- Geography (21 credit hours required)
- Health Promotion (21 credit hours required)*
- Reading Specialist Pre K-Adult (24 credits required)
- Social Studies (21 credit hours required)

* Health Promotion is a new content specialization that began in fall 2009 semester.

Teachers who already hold a Masters Degree in Education from a regionally-accredited institution may complete the 24-hour Reading Specialist (Pre K-Adult) Certification Program or the 18-hour Educational Leadership and Supervision Certification (Pre K-Adult) Program. Eight (8) students completed the Educational Leadership and Supervision Certification in 2009-2010.

The University offered a 24-hour Post-Baccalaureate Program and an 18-hour Alternative Certification Program for individuals holding undergraduate degrees in a discipline (e.g., chemistry, mathematics, English, etc.) from a regionally-accredited institution during 2009-2010. Candidates enrolled in these programs must meet testing requirements specified in WV Policy 5100 and may be required to complete additional coursework in the content area for certification. During the academic year, only one (1) student was enrolled in the Alternative Certification program in Math 5-adult. Three (3) candidates were enrolled in the Post-Baccalaureate Program during 2009-2010 in the areas of Biology 9-Adult, General Science 5-Adult, and Social Studies 5-Adult.

The Department of Education decided to eliminate admittance into the 24-hour Post-Baccalaureate Program and 18-hour Alternative Certification Program beginning in the fall 2009 semester due to low enrollment and overloads of faculty. Courses will be offered for individuals currently enrolled in the program until completion. Concord University is currently seeking approval for a Master of Arts in Teaching (MAT) degree that will combine the requirements of 24-hour Post-Baccalaureate Program and an 18-hour Alternative Certification Program into a master's program that will allow students to obtain initial teaching certification and a master's degree upon completion. The Intent to Plan the MAT will be presented to the Concord Board of Governor's for approval on June 16, 2010.

Appendix A includes a complete list of the Professional Education Core required for all M.Ed. candidates. A complete list of courses included in each of the six content specializations can be

found in Appendices B-G, respectively. Appendix H contains a complete listing of the Post-Baccalaureate Program, and Appendix I includes the Alternative Certification Program.

Doctoral Faculty from the Department of Education teach the courses in the Professional Education Core, Educational Leadership and Reading Specialist content specializations, as well as the Post-Baccalaureate and Alternative Certification Programs. Courses in each of the other content specializations are taught by doctoral faculty in the disciplines. Since the M.Ed. program is designed primarily for practicing teachers, all courses are delivered in the evenings, and most are a combination of class meeting/distance delivery, or online. Coursework in the Post-Baccalaureate and Alternative Certification Programs, with the exception of any undergraduate coursework required for certification, is delivered on-line. All courses are delivered from the Athens campus or the Erma Byrd Higher Education Center in Beckley. A complete listing of the courses offered during the 2009-2010 academic year is included in Appendix J.

There were 308 students enrolled in graduate courses during the 2009-2010 academic year. There were 20 graduates from the M.Ed. program during the 2009-2010 academic year. (Note: The number of graduates does not include any students who are scheduled to complete the M.Ed. program at the end of summer, 2010). Three (3) students were enrolled in the Post-Baccalaureate Program. Additionally, one (1) student was enrolled in the Alternative Certification Program for 2009-2010.

The following chart provides data for the M.Ed. Program since its inception.

Data Points	2009-2010	2008-2009	2007-2008	2006-2007	2005-2006	2004-2005	2003-2004
Degree Program (M. Ed.)	1	1	1	1	1	1	1
Non-Degree Programs with Initial Certification (Post-Baccalaureate, Alternative Certification)	2	2	2	2	2	0	0
Content Specializations	6	6	5	5	5	5	4
Total Enrollment (seat count)	987	546	374	541	609	209	129
Degree-Seeking Enrollment	166	98	91	146	124	97	53
Non-degree Enrollment	95	114	50	81	116	89	66
Certification only Enrollment	43	*	*	*	*	*	*
Post Baccalaureate/Alternative Certification Enrollment	4	*	*	*	*	*	*
M.Ed. Graduates	20	25	33	22	7	15	8
Number of classes offered	79	64	48	57	45	38	23
Class Enrollment by Content (Behavioral Science)	6	23	19	37	19	13	3
Class Enrollment by Content (Educational Leadership)	54	85	113	98	165	95	42
Class Enrollment by Content (Geography)	15	126	38	68	43	36	2

Data Points	2009-2010	2008-2009	2007-2008	2006-2007	2005-2006	2004-2005	2003-2004
Class Enrollment by Content (Health Promotion)	21	-	-	-	-	-	-
Class Enrollment by Content (Reading)	68	74	76	113	67	13	0
Class Enrollment by Content (Social Studies)	2	5	16	18	3	3	3

*Data not included in previous years

- Program not offered until fall 2009

The M.Ed. Program at Concord University continues to fill the needs for advanced degrees and/or specialized courses for PreK-12 teachers in Southern West Virginia.

ANNUAL REPORT ON GRADUATE PROGRAMS AT FAIRMONT STATE UNIVERSITY 2010

Fairmont State University currently has five (5) independent graduate programs of study:

- **Master of Education** with various specializations including Special Education, Leadership Studies, Professional Studies, Online Learning, and Reading
- **Master of Arts in Teaching**
- **Master of Science in Criminal Justice**
- **Master of Business Administration**
- **Master of Science in Human Services**

A sixth graduate program, the **Master of Science in Nursing**, is offered collaboratively with Marshall University. *Students admitted, enrolled, and graduated are included in reports submitted by Marshall University.*

The following table contains the number of students enrolled in each graduate program:

	<u>2009-10</u>	<u>To Date</u>
Master of Education	270	1549 students enrolled
Master of Arts in Teaching	52	278 students enrolled
Master of Science in Criminal Justice	35	142 students enrolled
Master of Science in Human Service	7	25 students enrolled
Master of Business Administration	63	288 students enrolled
Non-Degree Seeking Graduate Students	<u>31</u>	<u>658 students enrolled</u>
TOTAL	458	2940 students enrolled

We have conferred the following graduate degrees*:

	<u>2009-10</u>	<u>To Date</u>
Master of Education	47 graduates	154 graduates
Master of Arts in Teaching	7 graduates	33 graduates
Master of Business Administration	15 graduates	38 graduates
Master of Science in Criminal Justice	7 graduates	19 graduates
Master of Science in Human Services	<u>2 graduates</u>	<u>4 graduates</u>
TOTAL	78 students	248 students

**Note: The 2009-2010 graduates do not include Spring 2010 degrees; they have not yet been officially conferred.*

Fairmont State University offered the following graduate courses in 2009-10:

Master of Education (Leadership Studies, Online Learning, Professional Studies, Special Education and Reading):

Course Number	Course Title	Location/Time
EDUC 6300	<i>Foundations of American Education</i>	Online
EDUC 6301	<i>Research in Education</i>	Online
EDUC 6302	<i>Advanced Studies in Human Development</i>	Online
EDUC 6303	<i>Advanced Studies in Educational Psychology</i>	Online
EDUC 6305	<i>Advanced Educational Technology and Media</i>	Online
EDUC 6395	<i>Demonstration Project in Education</i>	Online
ONLR 6800	<i>Introduction to Online Learning</i>	Online
ONLR 6801	<i>Online Course Management Strategies</i>	Online
ONLR 6802	<i>Instruct Design Online Crse Dev</i>	Online
ONLR 6803	<i>Online Assessment Techniques</i>	Online
ONLR 6804	<i>Online Copyright Issues</i>	Online
ONLR 6806	<i>Online Course Development Practicum</i>	Online
ONLR 6808	<i>Tech Tools for Online Learning</i>	Online
READ 6300	<i>Foundations in Read & Writing</i>	Online
READ 6310	<i>Teaching Reading to Special Learners</i>	Online
READ 6315	<i>Teach Con Area Literacy</i>	Online
READ 6320	<i>Psyc, Socy & Ling Factors</i>	Online
READ 6330	<i>Diag & Correction of Reading: Clinic I</i>	Online
READ 6340	<i>Diag & Correction of Reading: Clinic Pract</i>	Online
READ 6370	<i>Adm & Supervision of Reading/Writing Prog</i>	Online
READ 6370	<i>Thesis Seminar</i>	Online
SPED 5323	<i>Math Strat for Except Learners</i>	Online
SPED 6320	<i>Student with Sp Learning Prob</i>	Online
SPED 6321	<i>Students Sp Behr Prob</i>	Online
SPED6322	<i>Evaluation in Special Education</i>	Online
SPED 6323	<i>Behavioral Support for Special Students</i>	Online
SPED 6324	<i>Instructional Techniques in Special Education</i>	Online
SPED 6330	<i>Introduction to Autism</i>	Online
SPED 6331	<i>Strategies for Autism</i>	Online
SPED 6390	<i>Special Education Practicum</i>	Online

Master of Arts in Teaching:

Course Number	Course Title	Location/Time
EDUC 6195	<i>Clinical Experience I</i>	Online
EDUC 6295	<i>Clinical Experience II</i>	Online
EDUC 6300	<i>Foundations of American Education</i>	Online
EDUC 6301	<i>Research in Education</i>	Online
EDUC 6302	<i>Advanced Studies in Human Growth & Dev.</i>	Online
EDUC 6303	<i>Advanced Studies in Educational Psychology</i>	Online
EDUC 6304	<i>Diversity and Disabilities</i>	Online
EDUC 6305	<i>Advanced Educational Technology</i>	Online
EDUC 6306	<i>Education Evaluation</i>	Online
EDUC 6490	<i>Advanced Classroom Org & Practice</i>	Online
EDUC 6495	<i>Clinical Experience III</i>	Fairmont/Arranged
READ 6315	<i>Teaching Content in Reading Literacy</i>	Online
SPED 6320	<i>Students with Special Learning Problems</i>	Online
SPED 6321	<i>Students with Special Behavior Problems</i>	Online

Criminal Justice:

Course Number	Course Title	Location/Time
CRJU 5504	<i>Constitutional Law</i>	Online
CRJU 5525	<i>White Collar Crime</i>	Fairmont/ W 4-7
CRJU 5599	<i>Juvenile Law and Process</i>	Online
CRJU 6601	<i>Advanced Criminal Justice Studies</i>	Online
CRJU 6602	<i>Criminal Law</i>	Online
CRJU 6610	<i>Advanced Penology</i>	Online
CRJU 6640	<i>Seminar in Corrections</i>	Online
CRJU 6645	<i>Independent Study</i>	Fairmont/Arranged
CRJU 6650	<i>Seminar in Planning and Evaluation</i>	Online
CRJU 6696	<i>Thesis I</i>	Fairmont/ Arranged
CRJU 6697	<i>Thesis II</i>	Fairmont/ Arranged

Master of Business Administration:

Course Number	Course Title	Location/Time
MBA 5000	<i>MBA Essentials</i>	Fairmont/ MW 6-9
MBA 5110	<i>Leadership Workshop</i>	Fairmont/ R 6-9
MBA 5120	<i>Tactical HR Practices-Online</i>	Online
MBA 5130	<i>Labor Relations & Dispute Res</i>	Fairmont/ Arranged
MBA 5140	<i>Strategic HRM & Emp Advocacy</i>	Fairmont/ T 6-9
MBA 5200	<i>Management Information</i>	Fairmont/ W 6-9
MBA 5300	<i>Managerial Economics</i>	Fairmont/ W 6-9
MBA 5400	<i>Business Environments</i>	Fairmont/ R 6-9
MBA 5550	<i>Financial Reporting & Analysis</i>	Online
MBA 5600	<i>Marketing for Managers</i>	Fairmont/ M 6-9
MBA 5700	<i>Quantitative Analysis</i>	Fairmont/ T 6-9
MBA 5710	<i>Operations Management</i>	Fairmont/T 6-9
MBA 5800	<i>Knowledge Management</i>	Online
MBA 5810	<i>Project Management</i>	Fairmont/ M 6-9
MBA 5820	<i>Advanced Project Management</i>	Fairmont/ T 6-9
MBA 5850	<i>Project Management Capstone</i>	Fairmont/ W 6-9
MBA 6000	<i>Strategic Management</i>	Fairmont/ M 6-10
MBA 6010	<i>Managerial Practicum</i>	Fairmont/ Arranged
MBA 6020	<i>Global Business Strategy</i>	Fairmont/Arranged

Human Service:

Course Number	Course Title	Location/Time
HSMS 6610	<i>Prof Ethics & Leadership</i>	Online
HSMS 6615	<i>Urban & Community Resources</i>	Online
HSMS 6640	<i>Data Analysis & Comprehension</i>	Online
HSMS 6671	<i>Advanced Human Service Theory</i>	Online
HSMS 6685	<i>Tests and Measurement</i>	Fairmont/T 4-7

Shepherd University
Division of Graduate Studies

Report to the West Virginia Higher Education Policy Commission
Annual Graduate Degree Report – 2010

Pursuant to West Virginia Code §18B-1A-6, please find the following relating to the Graduate Degrees at Shepherd University ending Spring Semester 2010.

1. The number of programs being offered and the courses offered within each program:

Programs Offered: 5

1. Master of Arts in College Student Development Administration, 2. Master of Arts in Curriculum and Instruction 3. Master of Arts in Teaching, 4. Master of Business Administration, and 5. Master of Music in Music Education

Courses within each program: [Note: All Programs have a 599 or 699 Independent Studies, Special Topics or Research Course]

Master of Arts in College Student Development & Administration (CSDA)

Required Courses:

CSDA 501 Introduction to College Student Personnel
CSDA 510 History of Higher Education
CSDA 511 Governance and Administration in Higher Education
CSDA 525 Evaluation and Assessment Techniques
CSDA 550 Student Development Theory
CSDA 551 Multicultural Issues
CSDA 613 The Higher Education Student
CSDA 660 Legal and Ethical Accountability in Higher Education
CSDA 678 Interventions Capstone
CSDA 598 Practicum

Elective Courses:

CSDA 650 Advanced Student Development Theory
PSYC 501 Adolescent Psychology
CSDA 503 Fundamentals of Enrollment Management
PSYC 505 Social Psychology
PSYC 510 Psychology of Personality
PSYC 515 Tests & Measurements
PSYC 564 Lifespan Developmental Psychology
CSDA 611 Women in Higher Education
CSDA 612 Sexual Orientation Issues in Higher Education

Master of Arts in Curriculum and Instruction

Core Pedagogy Courses

EDUC 500 Advancing The Use of Technology In The Classroom
 EDUC 501 Methods Of Educational Research
 EDUC 502 Curriculum And Pedagogy
 EDUC 523 Diversity Awareness and the Contemporary Educator
 EDUC 504 Structures Of Effective Student Assessment
 EDUC 580. Action Research Thesis

Specialization Strands (Select Fifteen Credit Hours)

Art

ART 510 Graduate Level Interdisciplinary Studio
 ART 511 Drawing Studio
 ART 512 Curators and Exhibit Proposals
 ART 513 Computer Applications: Graphic Design Photography
 ART 514 Professional Practices in Art
 ART 599 Special Topics in Art
 ART 699 Special Topics in Art

Elementary Education

EDUC 520 Conceptual Development for Integrating Language Arts and Social Studies
 EDUC 521 Conceptual Development for Integrating Mathematics and Science
 EDUC 522 Contemporary Issues in Education
 EDUC 523 Diversity Awareness and the Contemporary Educator
 EDUC 524 Investigations of Learning in Context
 EDUC 525 The Special Learner in the Regular Classroom
 EDUC 526 Teacher as a Creative Catalyst
 EDUC 599 Special Topics: Education

English

ENGL 530 Theories of Rhetoric and Composition
 ENGL 531 Chaucer
 ENGL 532 Shakespeare
 ENGL 533 Studies in Milton
 ENGL 534 Literature and the Sexes
 ENGL 535 American Ethnic Literature
 ENGL 536 The Internet in Humanities Education
 ENGL 537 History of English
 ENGL 539 Seminar in British Literature
 ENGL 540 Seminar in American Literature
 ENGL 599 Special Topics in English
 ENGL 699 Special Topics in English

General Science

GSCI 540 Principles of Scientific Investigation
 GSCI 541 Historical Geology
 GSCI 542 General Astronomy
 GSCI 543 Environmental Chemistry

GSCI 599 Special Topics in General Science

GSCI 699 Special Topics in General Science

BIOL 599 Special Topics in Biology

BIOL 699 Special Topics in Biology

Mathematics

MATH 550 Teaching Probability and Statistics

MATH 551 Abstract Structures in School Mathematics

MATH 552 Real Analysis for Teachers

MATH 553 Geometric Structures in School Mathematics

MATH 554 Functions and Modeling

MATH 599 Special Topics in Math

MATH 699 Special Topics in Math

Physical Education

PHED 560 Advanced Measurement and Assessment for the Physical Educator

PHED 561 Psycho-Social Aspects of Physical Activity

PHED 562 Teaching Behavior in Health and Physical Education

PHED 563 Administration of Athletes and Physical Education

PHED 564 Curricular Models in Teaching Physical Education

PHED 565 Advanced Strength and Conditioning for Physical Education and Athletic Programs

PHED 566 Exercise Management for Special Populations

PHED 590 Advanced Human Growth Development for HPERS Professionals

PHED 599 Special Topics in Physical Education

PHED 699 Special Topics in Physical Education

HLTH 599 Special Topics in Health

Social Studies

SOCI 570 Social Forces, Education, and Knowledge

ECON 571 The Teaching of Economics in a Global Economy: Principles and Strategies

HIST 520 American Colonial History

HIST 521 American Revolutionary Era

HIST 572 American Society in An Era of Crises, 1917-1945

HIST 573 History of Women in Europe

HIST 574 The History of Modern East Asia

PSCI 575 The Policy and Politics in Education

PSYC 576 Personality Theories

ECON 599 Special Topics in Economics

ECON 699 Special Topics in Economics

HIST 599 Special Topics in History

HIST 699 Special Topics in History

PSCI 599 Special Topics in Political Science

PSCI 699 Special Topics in Political Science

PSYC 599 Special Topics in Psychology

PSYC 699 Special Topics in Psychology

SOCI 599 Special Topics in Sociology

SOCI 699 Special Topics in Sociology

Master of Arts in Teaching Elementary Strand Core

Core Courses

EDUC 500 Advancing the Use of Technology in the Classroom
 EDUC 525 The Special Learner in the Regular Classroom
 EDUC 560 Survey of Exceptionalities
 EDUC 581 Social Foundations of American Education
 EDUC 582 Learning in Contexts
 EDUC 583 Planning, Conducting, and Assessing Instruction
 EDUC 584 Classroom Ecology
 EDUC 586 Literacy Acquisition and Developmental Reading
 EDUC 587 Diagnosing and Correcting Reading Difficulties
 EDUC 588 Integrated Pedagogy
 EDUC 589 Reading and Responding to Children's Literature OR
 EDUC 503 Reading in the Content Area

Elective Courses (See below)

Pre-Student Teaching Field Experiences

The State of West Virginia requires that each teacher candidate complete 125 hours of pre-student teaching field experiences.

Student Teaching (6 of the total 39 Credit Hours)

Secondary Strand

Core Courses

EDUC 500 Advancing the Use of Technology in the Classroom
 EDUC 503 Reading in the Content Area
 EDUC 525 The Special Learner in the Regular Classroom
 EDUC 560 Survey of Exceptionalities
 EDUC 581 Social Foundations of American Education
 EDUC 582 Learning in Context
 EDUC 583 Planning, Conducting, and Assessing Instruction
 EDUC 584 Classroom Ecology
 EDUC 585 Content Pedagogy OR
 Any graduate level Special Methods course

Electives (choose from the following list)

EDUC 520 Conceptual Dev. for Integrating Language Arts and Social Studies
 EDUC 521 Conceptual Development of Integrating Mathematics and Science
 Any approved graduate level course in candidate's content area

Pre-Student Teaching Field Experiences

The State of West Virginia requires that each teacher candidate complete 125 hours of pre-student teaching field experiences.

Student Teaching (6 of the total 39 Credit Hours)

Student Teaching Courses

EDUC 600 Student Teaching Elementary Grades
 EDUC 601 Student Teaching Secondary 5-12
 EDUC 602 Student Teaching Secondary 9-12
 EDUC 603 Student Teaching Pre-K-Adult

Master of Business Administration

MBA Core Courses

MBA 500 Challenges to Modern Business
 MBA 508 International Business
 MBA 510 Advanced Management Theory
 MBA 519 Business Ethics
 MBA 540 Advanced Marketing Theory
 MBA 560 Managerial Economics
 MBA 570 Managerial Accounting
 MBA 579 Advanced Financial Management
 MBA 582 Management Information Systems

MBA Health Administration - Emphasis (In lieu of Elective Courses)

MBA 511 Health Administration and Strategy
 MBA 512 Health Policy and Law
 MBA 513 Health Economics and Finance

MBA Elective Courses

MBA 505 Business in West Virginia
 MBA 509 Statistical Analysis
 MBA 517 Human Resources
 MBA 545 Professional Selling and Sales Management
 MBA 548 Select Topics Applied Business
 MBA 549 Select Topics Applied Business
 MBA 572 Personal Financial Planning
 MBA 575 Advanced Auditing
 MBA 576 Advanced Tax Strategies
 MBA 580 Introduction to Networking
 MBA 581 Web Programming
 MBA 588 Database Management Systems
 MBA 590 Applied Research Project
 MBA 599 Special Topics: MBA Seminar
 MBA 699 Special Topics: MBA Seminar

Master of Music, Music Education**Music Core Courses**

MUSC 500 Music Theory Pedagogy
MUSC 501 Research Methods in Music
MUSC 502 Graduate Seminary in Musicology

Education Core Courses

MUSC 503 Foundations of Music Education
MUSC 504 Learning and Teaching in Music Education
MUSC 505 Practicum in Music Education

Courses in Concentration**General**

MUSC 506 Introduction to General Music Education
MUSC 510 Kodály I
MUSC 511 Kodály II

Choral

MUSC 513 Choral Literature
MUSC 514 Choral Conducting
MUSC 515 Vocal Pedagogy

Wind/Percussion

MUSC 516 Wind Literature
MUSC 517 Instrumental Conducting
MUSC 518 Score Study and Analysis

Strings

MUSC 519 Orchestral Literature
MUSC 517 Instrumental Conducting
MUSC 518 Score Study and Analysis

Thesis/Recital

MUSC 650 Thesis
OR MUSC 603 Recital

AND EITHER MUSC 573 String Techniques **OR** MUAP 602 Accompanying Applied

2. The disciplines in which programs are being offered

Master of Arts in College Student Development Administration

Student Affairs

Enrollment Management

Master of Arts in Curriculum and Instruction

Art

Elementary Education

English

General Science

Mathematics

Physical Education

Social Studies

Master of Arts in Teaching (Areas of Certification)

Art	K-A
Biology	9-A
Chemistry	9-A
English	5-A
General Science	5-A
Math	5-A
P.E.	K-A
Health	5-A only with P.E.
Social Studies	5-A
Family & Consumer Science	5-A
Elementary Education	K-6
Spanish	5-A

Master of Business Administration

Business Administration: Management or Marketing

Finance

Economics

Accounting

Information Science

Health Administration (Emphasis)

Master of Music in Music Education

General (with emphasis on Kodaly)

Choral

Wind/Percussion

Strings

3. The locations and times at which courses are offered

Master of Arts in College Student Development Administration

Summer 1 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
CSDA	699	01	S	1000-0300pm	WH 106

Summer 2 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
CSDA	598	01	TBA	TBA	CC TBA

Fall 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
CSDA	501	01	T	0500-0740pm	LB 256
CSDA	598	01	R	0400-0450pm	LB 256
CSDA	612	01	R	0500-0740pm	LB 256
CSDA	613	01	W	0500-0740pm	LB 256
CSDA	660	01	M	0500-0740pm	LB 256

Spring 2010

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
CSDA	550	01	T	0500-0740pm	LB 256
CSDA	551	01	W	0500-0740pm	LB 256
CSDA	598	01	W	0400-0450pm	LB 256
CSDA	678	01	R	0500-0740pm	LB 256
CSDA	599A	01	FS	0900-0300pm	TBA TBA
CSDA	699A	01	M	0500-0740pm	LB 256

Master of Arts in Curriculum and Instruction & Master of Arts in Teaching
(Education Graduate Courses and Specialization Courses)

Summer 1 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
ART	510	01	MTWRF 0100- 0300pm	CO	115
ART	511	01	MTWRF 0100- 0300pm	CO	115
EDUC	500	01	TR 0500- 0900pm	KN	102
EDUC	503	01	TR 0500- 0900pm	KN	111
EDUC	522	01	MW 0500- 0900pm	KN	111
EDUC	586	01	MW 0500- 0900pm	KN	112

Summer 2 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
ART	510	01	MTWRF 0100- 0300pm	CO	115
ART	511	01	MTWRF 0100- 0300pm	CO	115
ART	599	01	TBA TBA	CO	TBA
EDUC	502	01	MW 0830- 1230pm	KN	111
EDUC	560	02	TR 0100- 0500pm	KN	111
EDUC	587	01	TR 0830- 1230pm	KN	111
ENGL	599	01	TBA TBA	TBA	TBA
ENGL	699	01	MTWR 0530- 0735pm	KN	203
GSCI	699	01	MTWRF 0900- 0500pm	SN	TBA
MATH	699	01	TBA TBA	TBA	TBA

Summer 3 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
PHED	599	01	W 0600- 0900pm	BC	TBA
PHED	599	02	W 0600- 0840pm	BC	214

Fall 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
ART	510	01	R	0600-0850pm	CO 226
ART	511	01	R	0600-0850pm	CO 226
EDUC	500	01	TR	0315-0430pm	KN 102
EDUC	501	01	W	0500-0740pm	NU 104
EDUC	520	01	R	0500-0740pm	KN 111
EDUC	526	01	M	0500-0740pm	KN 110
EDUC	560	01	W	0500-0740pm	KN 110
EDUC	580	01	TBA	TBA	TBA TBA
EDUC	581	01	T	0500-0740pm	KN 111
EDUC	585	01	R	0500-0740pm	KN 110
EDUC	588	01	M	0500-0740pm	KN 113
EDUC	600	01	TBA	TBA	TBA TBA
ENGL	599A	02	TR	0435-0550pm	KN 203
HIST	599	01	TBA	TBA	TBA TBA
PHED	563	01	TBA	TBA	BC 219
PHED	599	01	TBA	TBA	BC 214

Spring 2010

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
ART	510	01	T	0500-0750pm	CO 115
ART	511	01	T	0500-0750pm	CO 115
ART	599	01	TBA	TBA	TBA TBA
EDUC	504	01	R	0500-0740pm	KN 110
EDUC	525	01	R	0500-0740pm	KN 111
EDUC	580	01	W	0500-0740pm	KN 113
EDUC	582	01	W	0500-0740pm	KN 110

EDUC	600	01	TBA	TBA	TBA	TBA
EDUC	601	01	TBA	TBA	TBA	TBA
EDUC	599A	02	T	0500-0740pm	KN	110
GSCI	699A	01	TBA	TBA	TBA	TBA
HIST	520	01	M	0600-0840pm	WH	307
MATH	599	01	TBA	TBA	TBA	TBA
MATH	699	01	TBA	TBA	TBA	TBA
PHED	563	01	TBA	TBA	BC	219

Master of Business Administration

Summer 1 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
MBA	545	01	US	0800-0600pm	WH 113
MBA	699	01	US	0900-0600pm	WH 113

Summer 2 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
MBA	509	01	R	0600-0900pm	TBA TBA
MBA	579	01	TBA	TBA	TBA TBA
MBA	599	01	TBA	TBA	TBA TBA

Summer 3 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
MBA	599	01	TBA	TBA	TBA TBA

Fall 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
MBA	508	01	W	0600-1000pm	WH 113
MBA	510	01	W	0600-1000pm	WH 104
MBA	511	01	M	0600-0900pm	TBA TBA
MBA	519	01	S	1000-0300pm	TBA TBA
MBA	548	01	M	0600-0840pm	WH 110
MBA	570	01	M	0600-0840pm	TBA TBA

MBA	579	01	T	0600- 1000pm	WH	106
MBA	581	01	W	0410- 0650pm	SN	27
MBA	582	01	R	0530- 0810pm	SN	27
MBA	588	01	TR	1225- 0140pm	SN	27
MBA	599A	01	TBA	TBA	OL	TBA
MBA	599B	01	TBA	TBA	OL	TBA
MBA	599C	01	TBA	TBA	OL	TBA

Spring 2010

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>	
MBA	500	01	F	0600- 0900pm	WH 233
MBA	512	01	T	0600- 0930pm	NU 104
MBA	517	01	R	0600- 0930pm	WH 113
MBA	519	01	TBA	TBA	TBA TBA
MBA	540	01	R	0600- 0930pm	WH 113
MBA	560	01	M	0600- 0840pm	WH 112
MBA	570	01	W	0600- 0840pm	WH 111
MBA	579	01	T	0600- 1000pm	WH 106
MBA	580	01	TR	0935- 1050am	SN 29
MBA	582	01	R	0530- 0810pm	SN 27
MBA	588	01	MW	0535- 0650pm	SN 27
MBA	590	01	TBA	TBA	TBA TBA
MBA	599A	01	TBA	TBA	TBA TBA
MBA	599B	01	TBA	TBA	OL TBA
MBA	599C	01	TBA	TBA	OL TBA
MBA	599D	01	TBA	TBA	OL TBA

Master of Music in Music Education

Summer 1 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>
MUSC 505	01	TBA	TBA	CA TBA
MUSC 516	01	TBA	TBA	CA M16
MUSC 519	01	TBA	TBA	CA M16

Summer 2 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>
MUSC 510	01	TBA	TBA	CA M21

Fall 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>
MUSC 501	01	M	0600-0840pm	LB 307
MUSC 505	01	TBA	TBA	CA TBA

Spring 2010

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>
MUSC 503	01	M	0600-0840pm	CA A09
MUSC 505	01	TBA	TBA	TBA TBA
MUSC 514	01	R	0600-0840pm	CA M08
MUSC 650	01	TBA	TBA	TBA TBA

Non-Degree, Stand Alone Graduate Courses

Summer 2 2009

<u>Course</u>	<u>Sec.</u>	<u>Day</u>	<u>Time</u>	<u>Location</u>
THEA 501	01	TBA	0900-1100pm	TBA TBA

4. The number of students enrolled in the programs: 2009-2010

Master of Arts in Curriculum and Instruction.....	38
Master of Business Administration.....	92
Master of Arts in Teaching.....	21
Master of Arts in College Student Development & Administration.....	31
Master of Music, Music Education.....	21

Total: 202

[Note: one student switched programs]

5. The number of students who have obtained master's degrees through each program

Master of Arts in Curriculum and Instruction.....	53
Master of Business Administration.....	91
Master of Arts in Teaching.....	12
Master of Arts in College Student Development & Administration.....	26
Master of Music, Music Education.....	7

Total number of students who have obtained master's degrees through Spring 2010 Semester: 189

[Note: Source for all data from 1. Shepherd University Institutional Research, and 2. Shepherd University Registrar]

Contact Person: Russell Porter, Ph.D., Ed.D., Dean-Graduate Studies and Continuing Ed.
Phone: 304-876-5313; email: rporter@shepherd.edu



WEST LIBERTY UNIVERSITY

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West Liberty, WV 26074
mccullip@westliberty.edu

To: Dr. Bruce Flack
Director of Academic Affairs, WV HEPC

From: John P. McCullough

Date: June 10, 2010

Re: Annual Graduate Degree Report

The following report outlines the requirements specified in the May 5, 2010 memorandum from Dr. Flack on behalf of the Higher Education Policy Commission.

1. The number of programs being offered and the courses offered within each program:
 - West Liberty University has one graduate program—Master of Arts in Education
Three concentrations are available within the degree, including
 - o Advanced Teaching
 - o Technology Integration
 - o Multi-Categorical Special Education
2. The disciplines in which programs are being offered:
 - College of Education
The College of Education incorporates the Department of Professional Education and the Department of Health and Human Performance.
3. The locations and times at which courses are offered:
 - 2008-2009 AY, courses were offered at the Warwood Center
 - 2009 Summer courses were offered at the Warwood Center
 - 2009-2010 AY, courses were offered at the Highlands Center
 - 2010 Summer courses are being offered at the Highlands Center

 - The graduate courses are offered on Mondays-Thursdays, typically from 5:00pm to 7:50pm. In the summer session, some courses are offered during the daytime hours.
4. The number of students enrolled in the program:
 - 28 Students were in the original cohort
 - As of May 5, 2010, 52 students are enrolled in the program
 - 15 students are being considered for admittance for summer or fall 2010

Biotechnology Graduate Program Annual Report, AY 2009 - 2010

1. number of courses being offered and the courses offered
2. locations and times at which the courses were offered

In AY 2009 - 2010, a total of 17 graduate courses were conducted: 1 in Summer 2009 (2 sections), 8 in Fall 2009 (12 sections), 6 in Spring 2010 (11 sections). Note that these data do not include sections of courses that were offered but in which no students enrolled (ex. Summer 2009 BT 695 section 02).

		<u>location and time</u>
Summer 2009		
Master's Thesis Research	BT 695 - 01	arranged
Master's Thesis Research	BT 695 - 03	arranged
Fall 2009		
Special Topics: Molecular Genetics	Biol 599 - 01	H134 MW 9:00 - 11:50
Field Botany	Biol 640 - 01	H203 TR 9:30 - 12:20
Cancer Biology	Biol 666 - 01	H203 TR 6:00 - 7:15
Biotechnology Seminar	BT 511 - 01	H002 F 2:00 - 3:50
Current Concepts in Biotechnology	BT 567 - 01	H134 TR 1:30 - 2:45
Techniques in Biotechnology I	BT 571 - 01	H203 MW 1:00 - 3:45
Graduate Research	BT 590 - 01	arranged
Master's Thesis Research	BT 695 - 03	arranged
Master's Thesis Research	BT 695 - 04	arranged
Master's Thesis Research	BT 695 - 06	arranged
Master's Thesis Research	BT 695 - 08	arranged
Master's Thesis Research	BT 695 - 09	arranged
Spring 2010		
Special Topics: Seminar for Teaching Assistants	Biol 599 - 01	H002 R 9:30 - 10:45
Biotechnology Seminar	BT 511 - 01	HAUD F 2:00 - 3:50
Biostatistics	BT 555 - 01	H203 MW 4:30 - 5:45
Techniques in Biotechnology II	BT 572 - 01	H134 TR 1:30 - 4:20
Graduate Research	BT 590 - 02	arranged
Graduate Research	BT 590 - 03	arranged
Master's Thesis Research	BT 695 - 01	arranged
Master's Thesis Research	BT 695 - 02	arranged
Master's Thesis Research	BT 695 - 04	arranged
Master's Thesis Research	BT 695 - 06	arranged
Master's Thesis Research	BT 695 - 09	arranged

3. number of students enrolled in the program

(i.e. enrolled in Biotechnology graduate courses in AY 2009 - 2010)

Fall 2009	13 active students
Spring 2010	13 active students

4. number of students who obtained Master's degrees

August 2009 2 MS
 Fall 2009 2 MS
 Spring 2010 1 MS

5. additional information

* based on a full teaching load of 15 hours for undergraduate faculty
 ** based on a full teaching load of 12 hours for graduate faculty

	<u>credit hours</u>	<u>enrollment</u>	<u>student credit hours</u>	<u>full-time equivalents (15*)</u>	<u>full-time equivalents (12**)</u>
Summer 2009					
BT 695 - 01	1	1	1	0.07	0.08
BT 695 - 03	6	2	12	0.80	1.00
sub-totals		3	13	0.87	1.08
Fall 2009					
Biol 599 - 01	4	5	20	1.33	1.67
Biol 640 - 01	4	1	4	0.27	0.33
Biol 666 - 01	3	5	15	1.00	1.25
BT 511 - 01	1	5	5	0.33	0.42
BT 567 - 01	3	6	18	1.20	1.50
BT 571 - 01	2	6	12	0.80	1.00
BT 590 - 01	1	2	2	0.13	0.17
BT 695 - 03	3	1	3	0.20	0.25
BT 695 - 04	4	1	4	0.27	0.33
BT 695 - 06	6	2	12	0.80	1.00
BT 695 - 08	8	1	8	0.53	0.67
BT 695 - 09	9	1	9	0.60	0.75
sub-totals		36	112	7.46	9.34
Spring 2010					
Biol 599 - 01	1	6	6	0.40	0.50
BT 511 - 01	1	5	5	0.33	0.42
BT 555 - 01	3	9	27	1.80	2.25
BT 572 - 01	2	7	14	0.93	1.17
BT 590 - 02	2	1	2	0.13	0.17
BT 590 - 03	3	1	3	0.20	0.25
BT 695 - 01	1	2	2	0.13	0.17
BT 695 - 02	2	2	4	0.27	0.33
BT 695 - 04	4	1	4	0.27	0.33
BT 695 - 06	6	1	6	0.40	0.50
BT 695 - 09	9	1	9	0.60	0.75
sub-totals		36	82	5.46	6.84
totals		75	207	13.79	17.26

6. Graduate Student Information

Fall 2009 13 active graduate students, including 8 TAs, 4 RAs, 1 Academic Lab Manager

Spring 2010 13 active graduate students, including 8 TAs, 4 RAs, 1 Academic Lab Manager

**West Virginia State University
Media Studies Program Annual Report
5/21/10**

1. Number of Courses being offered and the courses offered.

In AY 2009-2010 there were 15 courses offered:

MS 500	Media Design
MS 501	Critical Approaches to Media Studies
MS 505	Media Research
MS 515	Public Relations Theory and Practice
MS 541	Digital Video Production
MS 548	Screenwriting
MS 565	Producers Seminar
MS 600	3 D Design
MS 645	Film Theory
MS 677	Special Topics
MS 695	Media Systems Management
MS 696	Independent Research (4 sections)
MS 698	Thesis/Project I (3 cr)
MS 699	Thesis/Project II (3 cr)
MS 699	Thesis/Project II (1 cr)

2. Location and times at which the courses were offered:

MS 500	7-9:45 PM, Wed., Room 119 Cole Complex, WV St. University, Institute
MS 501	7-9:45 PM Tues., Room 110 Cole Complex, WV St. University, Institute
MS 505	7-9:45 PM, Thurs., Room 110 Cole Complex, WV St. University, Institute
MS 515	7-9:45 PM Thurs, Room 119 Cole Complex, WV St. University, Institute
MS 541	7-9:45 PM Tues., Room 110 Cole Complex, WV St. University, Institute
MS 548	5:30-6:45 MW, Room 110 Cole Complex, WV St. University, Institute
MS 565	5:30-6:45 MW, Room 119 Fine Arts, WV St. University, Institute
MS 600	7-9:45 PM Mon., Room 119 Cole Complex, WV St. University, Institute
MS 645	7-9:45 PM, Thurs, Room 119 Cole Complex, WV St. University, Institute
MS 677	Arranged
MS 695	7-9:45 PM, Mon., Room 407 Fine Arts, WV St. University, Institute
MS 696	Arranged
MS 698	Arranged
MS 699	Arranged
MS 699	Arranged

3. Number of students enrolled in the program:

# Graduate Students Enrolled, Fall 2009	31
# Graduate Students Enrolled, Spring 2010	29

Strengths: The major strengths of the Media Studies graduate program are: (1) the quality of its faculty and students and (2) its health and vitality with respect to enrollment (student headcount and FTE). As previously described, department faculty are actively committed to the program and to promoting student success. Students feel very much “connected” with faculty and to each other because of the collaborative nature of the degree program and its courses. The theses/projects that have been generated by the seventeen MA graduates (since the program’s inception) have been excellent, both in terms of creativity and quality.

The graduate program has also improved program quality on the undergraduate level. The presence of graduate students in the department has, in a sense, raised the bar for faculty expectations and student aspirations. Our faculty have all commented that student work has improved at all levels and we attribute this in part to the fact that our undergraduates regularly interact with the graduate students.

We’ve identified three significant challenges: (1) numbers of graduates (seventeen between 2003 and 2009) (2) level of writing competence of many entering students, (3) adequate space dedicated to the program.

We are pleased to report that six students graduated in 2009-1010. This brings the total graduates to 23 over the past 4 years (since 2006), an average of 5.75/year. At the date of this report, there are 10 students who had completed their coursework and are working on their theses/projects. Five of these students have been in the program longer than three years. To address this problem, faculty who are directing theses/projects have been asked to present status reports on all of their students twice each semester and a matrix was recently developed that charts the status of all graduate students in the program.

Media Studies faculty are increasingly concerned about the inconsistency in the writing capabilities of our entering students. In spite of admission requirements that include minimum undergraduate grade point average of 3.0 and GRE scores of 950, we have noticed that many of our students have difficulties meeting minimum composition standards of a typical graduate student. We have addressed this problem by requiring a new course (beginning in the fall 2010 semester), MS 502 – Graduate Research and Writing – which will be required of all students.

Because we share space in Cole Complex with the Kanawha Valley Community and Technical College, we have had difficulties arranging classrooms and securing office space for faculty and graduate assistants. If, as publicized, the KVCTC moves to South Charleston, the Media Studies Graduate program will, hopefully, be able to utilize the rooms and labs that they have occupied.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Bachelor of Organizational Leadership and Administration

INSTITUTION: West Liberty University

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the Bachelor of Organizational Leadership and Administration to be implemented at West Liberty University, effective August 2010.

STAFF MEMBER: Bruce Flack

BACKGROUND:

West Liberty University proposes the implementation of the Bachelor of Organizational Leadership and Administration effective with the Fall 2010 semester. The purpose of the new program is to provide baccalaureate completion opportunities for non-traditional adult learners (age 23 and over) who have completed at least 60 college level credit hours. The goal of the degree program is to produce graduates who are well-prepared for receiving employment and/or career advancement based on the program's emphasis on applied learning in leadership within for-profit and non-profit organizations. Organizational Leadership and Administration fits the West Liberty University compact goals, particularly the charge to "produce adults and the non-traditional students prepared for professional advancement in current or alternative vocations."

To enroll in the program, students must be at least 23 years of age, must have had at least two years of work experience, and must have completed at least 60 academic credit hours with a minimum 2.0 cumulative grade-point average. As a baccalaureate completion degree, the program is especially targeted to students who have completed an associate degree.

The Organizational Leadership and Administration Program will include 36 upper-level credit hours in subject area courses. The 36-hour instructional block is offered on Saturdays on a cohort basis, with anticipated cohorts of 8-12 students. All students must also complete 56 credits from four-year institutions. The degree provides considerable flexibility in that work and life experience credits may be included through portfolio review. Students also have the opportunity to amass credit through standardized proficiency tests, such as CLEP.

Students complete the subject area courses through participation in cohorts. The 36-hour block culminates with a capstone course that is an applied research project. The curriculum is designed to be completed within 19 to 20 months. Courses will be offered

on Saturdays with the new Highlands Center as the primary location. Course instruction will be face-to-face with some online components.

Only two other institutions, Wheeling Jesuit University and Mountain State University, both independent institutions, offer accelerated adult degree completion leadership programs similar to the one proposed by West Liberty. The West Liberty University program has the advantage of a convenient, accessible campus location (the Highlands Center) and affordable tuition levels.

A West Liberty feasibility study indicates need for an organizational leadership program targeted to adult learners. Responses from area businesses have been favorable and there has been an expression of student interest. This new program is also complementary to the new statewide RBA Today program, which has an organizational leadership area of emphasis.

The new program will in part utilize faculty who are currently employed by West Liberty University. Director of the program is the Dean of Professional Studies, who will also teach in the program. The Dean will have the responsibility of recruiting full-time and part-time adjunct faculty as needed.

The program will not require any additional physical space or renovations of existing facilities. Library resources in the Elbin Library and Highlands Center are adequate for the start-up of the program. University support services are also adequate to sustain the new degree offering.

Estimated costs for the program are \$163,450 in the first year and \$189,990 for the fifth year. As the program will be supported by tuition and fee revenues, the University will seek no additional funding. Projected enrollments for the first year are 20, with a total of 50 anticipated by the fifth year. By year five, West Liberty projects the number of graduates to be 30.

There is no program-specific professional accrediting agency for organizational leadership and administration. The program, however, will be evaluated through the traditional institutional assessment and program review processes. Additionally, the program will be subject to a post-audit review conducted by the Commission during the 2013-14 academic year.

Proposal to Add New Degree Program

Bachelor of Arts in Organizational Leadership and Administration (BLA)

West Liberty University



June 2, 2010

Brief Summary Statement: This document supports our request for approval to offer a Bachelor of Arts in Organizational Leadership and Administration at West Liberty University as outlined in Title 133 Procedural Rule of the West Virginia Higher Education Policy Commission, Series 11. Approval of our Intent to Plan was documented in a letter from Chancellor Noland on November 17, 2009.

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In accordance with Title 133 Procedural Rule of the West Virginia Higher Education policy Commission, Series 11, the following plan for the creation of a Bachelor of Arts in Organizational Leadership and Administration (**BLA**) Degree Program at West Liberty University is hereby submitted. The projected date for the implementation of this plan is October 9, 2010.

§ 133-11-3.9 PROGRAM DESCRIPTION

3.9.1 Program Objectives

State the program objectives so they can be related to the criteria in the evaluation plans (Section 7).

The overall goals of this program are to:

- A. Provide a high-quality degree completion program for non-traditional learners (age 23 and older) who have completed at least 60 college level credit hours.
- B. Produce graduates who are well-prepared for securing employment and/or career advancement due to the program's emphasis on applied learning in leadership within for-profit and non-profit organizations.
- C. Provide non-traditional students with a leadership program whose schedule of courses and entire curriculum suits a demanding work and life schedule.
- D. Produce graduates who value professionalism and exemplary leadership within organizations.

These goals foster the Core Values of West Liberty's Mission and Goals in that they embody and emphasize:

- A. A commitment to excellence through continuous improvement of one's leadership capabilities
- B. The merits of consistent professionalism
- C. Curricular contents that respect the non-traditional learner's experience and needs
- D. The vital importance of leadership with ethics and integrity

To these ends, the following program learning outcomes are established. Graduates of this program will:

- Communicate effectively (orally and in writing) in organizations with customers, clients, co-workers, superiors and governing board members
- Be able to identify and know how to apply various motivational and leadership styles
- Use decision making, conflict resolution, and negotiation skills within organizations

- Demonstrate leadership or leadership potential which incorporates principles of management, financial administration, and project marketing
- Be capable applied researchers as demonstrated through development and presentation of an applied research project
- Be able to use appropriate technology to perform typical tasks of contemporary leaders and administrators
- Be able to identify and apply aspects of business and employment law, and human resources administration which are relevant to organizational leadership and administration
- Display professionalism that incorporates ethics and integrity as foundations for successful leadership

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 Educational Statistics.

The following program identification is provided in the Classification of Instructional Programs (CIP) developed and published by the U.S. Department of Education Center for Education statistics.

52.0213 Organizational Leadership. A program that focuses on leadership skills that can be applied to a business, government, non-profit, or educational setting, includes instruction in organizational planning, dynamics of leadership, finance, team building, conflict resolution and mediation, communication and other management skills.

3.9.3 Program Features

3.9.3.1 Admissions and Performance Standards

Describe admissions and performance standards and their relationship to the program objectives.

Admission to the Bachelor of Arts in Organizational Leadership and Administration (BLA) Program will require that the candidate:

- Be at least 23 years old
- Have at least two years of work experience
- Have completed a minimum of 60 academic credit hours from an accredited post-secondary institution with at least a 2.0 cumulative grade-point average.

Students will be expected to maintain a minimum 2.0 GPA overall as well as achieving a grade of ‘C’ or better in all BLA courses. These criteria are intended to ensure a level of performance consistent with the program goals and outcomes.

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.

The BLA Program itself will require 36 upper-level credit hours. These hours will be part of the overall 128 credit hours required for graduation from West Liberty University. Graduates of the program will be required to earn 56 credit hours from four-year institutions and 40 upper-level credit hours as presently required of all baccalaureate graduates.

Graduates of the program will also be required to complete 36 General Education credit hours. These General Education requirements will be completed in the following areas:

Communications	6
Humanities	6
Natural Science	6
Social Science	6
Mathematical Science or Computer Applications	3
General Education Electives	9
TOTAL	36

Students will also have the opportunity to submit a work/life portfolio detailing and documenting their work and life experiences for earning college credits. The assessment of their portfolios will be done by a team of West Liberty faculty and administration. The protocol for this portfolio development, submission and assessment will conform to the assessment protocols already established for West Liberty University’s (former) Accelerated Business Program and Regents’ Bachelor of Arts Program.

In situations where a student’s existing credits and awarded credits from portfolio assessment would not earn him or her sufficient credits for baccalaureate graduation (128 credit hours) even when added to the 36 upper-level credits of the BLA program, the student will be advised to complete the requisite number credits by taking select West Liberty courses, including appropriate on-line offerings. Students will also have the

opportunities to earn needed and appropriate credits through standardized proficiency tests such as CLEP, PEP, and DSST (formerly DAN TES).

Additionally, students may earn academic credit via work/life credit. These students will receive careful advising so that the courses taken would fulfill the BLA program requirements for General Studies, upper-level credit hours, and the 56 credits from a four-year institution.

BLA students will also be advised to complete as many of their “additional” credits as possible before they begin the BLA curriculum sequence, so that as much as possible the 36 upper-level BLA credit hours are the final 36 credits for their baccalaureate graduation.

Students will matriculate through the BLA course curriculum in cohorts, and each course in the sequence is a pre-requisite for the successive course. The curriculum will not allow for any other courses to substitute for the courses in the sequence. If a student decides to “stop-out” of the course sequence at any given point, he or she will be able to “re-start” the sequence only with a different cohort which is at the curricular point where the student “stopped-out.”

In line with the BLA Program’s commitment to excellence as communicated in the program goals and learning outcomes, members of the BLA Curriculum Committee are developing the Program’s courses in very careful and comprehensive ways. Each course will have a Student Guide and Instructor Guide. The Instructor Guide will include detailed “lesson and assignment plans” for all of the class sessions, as well as the exercises for the online sessions (see below). These Instructor Guides will not only cover all aspects of the course material, but also offer suggestions for in-class interpretation, delivery and coverage of the material. These Guides will be so developed as to enable a different instructor who might teach the course to do so, while maintaining Program consistency and quality. The Student Guides will also be finely detailed, and, thereby, enable students to digest and process course material so that they can fully accomplish their class preparations, meet assignment requirements, and reflect on material within the contexts of their own work and life experiences.

The BLA curriculum will be comprised of in-seat courses, which will include online segments. The BLA curriculum is designed to be completed within 19 to 20 months, and students will take their BLA courses year round. In their cohort, students will take one BLA course at a time, and all BLA class sessions will be on Saturdays.

Students will develop their Applied Research project, the “Capstone” of their BLA program, with the close direction of their professor. As an applied project students will select and develop a research topic which conforms to one of four possible categories:

- 1) Policy Development or Policy Change within an organization

- 2) A Project Management Plan or New Product/Service Marketing Plan for an organization
- 3) A Significant Grant Application for an organization
- 4) A Community Service Project Plan

In addition to submitting a substantive applied research paper, students will be required to offer a public presentation of their project, which will take place during the last Saturday session of the “Capstone” course.

Table 3.9.3.2.A. Bachelor of Arts in Organizational Leadership and Administration Program Course Sequence

Curriculum

<p>BLA 300</p> <p>1 cr.</p>	<p>Introduction to the Bachelor of Organizational Leadership and Administration (BLA) Program</p> <p>These sessions introduce participants to the BLA program by providing overviews and explanations of the program’s mission, goals and outcomes, the curricular contents, class preparation expectations, the types of assignments, the grade evaluation criteria, and the applied research project. These sessions will also introduce students to the basics of technologies available and useful for the program. These sessions will include the administration of early program assessment instruments; those are assessment instruments which will aim to measure participants’ progress in regard to a specific program outcome at the beginning and the end of the program. Finally, participants will complete and discuss a Kiersey self-assessment examination.</p>
<p>BLA 302</p> <p>3 cr.</p>	<p>Perspectives on Leadership</p> <p>This course exposes participants to some major historical perspectives on leadership. In addition, it examines two major features of effective leadership, namely creativity and change. Special emphasis is placed on exploring how these views of and features of leadership can be applied in participants’ own professional and personal lives. A major assignment for this course is the development of a leadership definition, by each student, that integrates aspects of the course contents. Prerequisite: BLA 300</p>
<p>BLA 304</p> <p>3 cr.</p>	<p>Organizational Communication and Negotiation</p> <p>In this course, students learn how to become effective oral and written communicators and negotiators in organizational settings. Communication theories are examined and discussed as the basis for understanding the dynamics of the communication and negotiation processes. Students apply these concepts as they develop skills in oral presentation, negotiation, and in writing composition in regard to writing letters, memoranda, e-mails and reports. A major course assignment is an individual oral presentation in which students use presentation management technology that is appropriate to tasks that leaders typically perform in organizations. Prerequisite: BLA 302</p>
<p>BLA 306</p> <p>3 cr.</p>	<p>Current Theories of Leadership and Management</p> <p>This course examines major current theories of leadership and “followership,” which includes various multicultural perspectives. It also examines some historical perspectives on management theory and the ways in which some current management theories are practically applicable in organizations (e.g., systems management and management by objectives). Emphasis is additionally placed on learning about: 1) The similarities and differences between management and leadership; 2) leading and managing organizational change; 3) effective leadership within the diversity of an organization; and, 4) resolving conflicts due to diversity and other cultural differences. Prerequisite: BLA 304</p>

<p>BLA 308</p> <p>3 cr.</p>	<p>Organizational Ethics</p> <p>This course focuses on the ethical challenges and issues that face individuals at all levels within an organization. Students become familiar with types of organizational ethics policies and codes, and ways in which the ethics culture of an organization develops. A model for ethical decision making is presented, which is applied in numerous types of exercises and case studies. Case studies and case analyses are also created by students through which they address actual ethical situations from their experiences in organizations. Prerequisite: BLA 306</p>
<p>BLA 310</p> <p>3 cr.</p>	<p>Leadership in Literature and Film</p> <p>Through reading works from various literary genres [e.g., biography, essay, novel, novella, play (tragedy or comedy), short story, poetry] and viewing a film, this course will examine the lives, representations, or portrayals of leaders. Students will practice decision making by assessing the leadership in the literary work(s) and film according to leadership theories and their own definition of leadership. Prerequisite: BLA 308</p>
<p>BLA 400</p> <p>3 cr.</p>	<p>Marketing for Leaders</p> <p>This course studies basic principles of and important strategies for marketing in for-profit and non-profit organizations. Emphases are placed upon examining 1) the role of marketing in creating and delivering the value proposition, and 2) how marketing fits into an organizational structure. A major assignment in this course is for the students to develop a management/ administrative plan for marketing a particular project or program within an organization. Prerequisite: BLA 310</p>
<p>BLA 402</p> <p>3 cr.</p>	<p>Research Methods and Design</p> <p>Students examine key concepts of research design, methods of data collection and data analysis. They are familiarized with the fundamentals of writing a clear research question, literature review, hypothesis formation, sampling techniques, developing questionnaires, interviewing, and designing tables and graphs. They also learn to use appropriate research technologies, which can be applied to their work in organizational situations. A major outcome of this course is that students will complete a proposal and a detailed research plan for their applied research projects. Prerequisite: BLA 400</p>
<p>BLA 404</p> <p>3 cr.</p>	<p>Finance for Administrators</p> <p>Students investigate the financial concepts and principles necessary to be fiscally competent and responsible leaders and administrators in organizations. They are provided with a working knowledge of essential concepts, techniques, and technologies that are used in understanding and administering the finances of organizations. Sound decision making in the application of those concepts, techniques, and technologies for effective organizational leadership is a principal emphasis. Prerequisite: BLA 402</p>

<p>BLA 406</p> <p>3 cr.</p>	<p>Organizational Psychology</p> <p>This course familiarizes students with the application of the principles and methods of the science of behavior and mental processes to people at work. Topics include motivational theory, the role of organizational vision and mission statements, performance appraisals, conflict resolution, job satisfaction, employee safety and health, and various human relations issues in organizational administration. Prerequisite: BLA 404</p>
<p>BLA 408</p> <p>3 cr.</p>	<p>Human Resources for Administrators</p> <p>Students are provided with a basic understanding of policies and practices in personnel administration in organizations, such as job analysis, selection of employees, placement, training, compensation and benefits, employee services, and labor relations. In addition, emphasis is placed on the role that human resources has in the strategic planning and implementation process in an organization. Prerequisite: BLA 406</p>
<p>BLA 410</p> <p>3 cr.</p>	<p>Legal Issues in Organizational Leadership and Administration</p> <p>This course explores the fundamental principles of law pertinent to for-profit and non-profit organizations. Besides the general administration of business and non-profit law, specific topics include property, intellectual property, torts, contracts, insurance, agency, negotiable instruments, business organizations, security relations, and trade regulations. Students practice decision making by applying relevant laws and principles to analyses of cases. Prerequisite: BLA 408</p>
<p>BLA 412</p> <p>2 cr.</p>	<p>Capstone: Applied Research Project</p> <p>Students' applied research projects are completed with the close guidance of a director. The culmination of their work is a public presentation of their project. Prerequisite: BLA 410</p>

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.

The specific BLA Program learning outcomes are enumerated in Section 3.9.1. Graduates of this program will:

- Communicate effectively (orally and in writing) in organizations with customers, clients, co-workers, superiors and governing board members
- Be able to identify and know how to apply various motivational and leadership styles
- Use decision making, conflict resolution, and negotiation skills within organizations
- Demonstrate leadership or leadership potential which incorporates principles of management, financial administration, and project marketing
- Be capable applied researchers as demonstrated through development and presentation of an applied research project
- Be able to use appropriate technology to perform typical tasks of contemporary leaders and administrators
- Be able to identify and apply aspects of business and employment law, and human resources administration which are relevant to organizational leadership and administration
- Display professionalism that incorporates ethics and integrity as foundations for successful leadership

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.

The BLA Program will be delivered through traditional in-seat class meetings supplemented by online sessions. Online components of the courses will be supported through the use of the SAKAI Learning Management System in common use at West Liberty University.

The BLA Program curriculum will be delivered in an accelerated fashion, year round.

There are no specific additional costs associated with any aspect of the Program's delivery.

§ 133-11-4. 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.

The BLA Program relates extremely well to the goals and objectives of West Liberty University, to the statewide master plan, and to the institution Compact. Four of the goals listed in the Institutional Master Plan for West Liberty University 2008-2013 are especially well aligned with this Program. These goals state that West Liberty will:

“Produce students prepared to participate in a knowledge-intensive global economy.”

Organizational Leadership is a knowledge-intensive profession which demands comprehensive familiarity with a variety of areas. The curriculum of the BLA Program will cultivate a graduate who is holistically prepared to lead successfully within organizations. The curriculum exposes the learner to: 1) use of leadership-relevant technologies; 2) foundations of marketing, management, human resource management, organizational finance, organizational legal principles, organizational psychology, ethics and relevant humanities works of literature and film. The BLA Program is indeed knowledge-intensive in this comprehensive, holistic fashion.

“Produce students qualified in high demand fields.”

Over the past 20 years leadership studies in many areas, such as business, education, and political science have been emerging strongly. A leadership degree has become a highly respected academic credential recognized for its versatility and the professional competence it denotes.

“Produce adults and other non-traditional students prepared for professional advancement in current or alternative vocations.”

The target population for the BLA Program is the non-traditional student. Within West Liberty's service area non-traditional students are an underserved population. As one of the overall goals of the Program states: Produce graduates who are well-prepared for receiving employment and/or career advancement due to the program's emphasis on applied learning in leadership within for-profit and non-profit organizations

“Increase the number of degrees awarded by West Liberty by 10% by 2012.”

This aim is cited as a measurable objective in West Liberty's institutional planning goals. The BLA Program will contribute to reaching this goal.

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.

Within West Virginia only two other institutions offer accelerated adult degree completion leadership programs similar to the proposed BLA program, namely: 1) Wheeling Jesuit University's Bachelor of Organizational Leadership and Development program, and 2) Mountain State University's Bachelor of Science in Organizational Leadership program. Neither of these two programs, however, is as amenable to an adult learner's typical work schedule, and financially affordable as is intended with the BLA program. In addition, since the BLA program will be offered primarily at West Liberty's new Highlands Center, its classes will be more easily accessible for working adults than the other two similar programs within West Liberty's service area. Finally, no institution of higher education located within the eastern counties of the state of Ohio that are part of West Liberty's service area offers a comparable adult degree completion program.

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?

Planning for the BLA Program began in the Spring of 2009 with the completion of a feasibility study in June 2009. The details of the BLA Program were articulated by the Provost, the Vice-Provost, the Dean of the School of Professional Studies, and the Coordinator of Continuing Education.

The curriculum was approved by the West Liberty University Curriculum Committee and the Faculty Senate during the Spring semester 2010. In June 2010 the West Liberty University Board of Governors unanimously approved the BLA Program for submission to the West Virginia HEPC.

Resources already invested in the BLA program are: 1) The Dean of Professional Studies has invested .20 of his time in the development of the Program, in regard to annual salary that amounts to \$18,000. 2) Twelve faculty members of the BLA Curriculum and Assessment Committee have been given stipends for their work in developing courses, designing assessment measures, and editing their colleagues' course materials; the amount for those stipends totals \$26,400) The Administrative Assistant for the Dean of the School of Professional Studies has devoted about .10 of her time to the BLA Program; that translates into about \$3,600. The Coordinator of Continuing Education has invested about .10 of his time in the BLA Program, which translates into \$4000. The total amount for personnel investment in the BLA Program is \$52,000.

At this time there have been no other resources invested in the development of the BLA Program.

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 or other institutions, governmental agencies or other indicators justifying the need for the program.

The BLA Program will meet a number of social and occupational needs for the non-traditional student. Some of the most pressing needs which will be met include:

- 1) **Improved Degree Production:** Throughout West Virginia public colleges and universities have been striving to improve degree production. Though there are various reasons for this effort, one important statistic is that only 17% of West Virginians have completed a bachelor's degree, which is the lowest attainment rate of any state in the nation. West Virginia also has the nation's smallest percentage, only 25%, of adults (ages 25-64) with an associate's degree or higher. As part of its strategic plan, each public institution in West Virginia is required to address the degree production issue and include specific plans for improvement. A review of non-graduates of West Liberty for just the past five years revealed that some 800 learners with 60 credits or more never completed their degrees. The BLA Program will be beneficial for improving West Liberty's and West Virginia's overall degree attainment rate.
- 2) **Improved Economic Development:** The relationship between educational attainment and economic development is compelling. Degreed individuals earn more money, pay more taxes, own more homes, are healthier, and are less likely to be unemployed. In general, college graduates will earn about \$1 million more than high school graduates in their lifetimes. Given the difficult and challenging economic conditions in West Liberty's service area, the BLA Program will, to some extent, positively advance the area's economic development.
- 3) **Improved Service to the Area's Adult Population:** According to demographic information based on U.S. Census Bureau Data, there are 112,000 individuals in West Liberty's service area who have 1-3 years of college but have not graduated. As a conservative estimate, at least 33% of those individuals would probably be eligible for admission to the BLA Program. That would be a population of 36,960 from which to draw potential BLA learners.
- 4) **Improved Adult Learning Options:** Based on a Feasibility Study for a BLA-type program conducted for WLU and based on anecdotal evidence provided by adult learners and professors familiar with adult degree completion programs in West

Liberty's service area, the most emphasized concerns are that existing programs are: a) prohibitively expensive, b) not amendable to a work schedule, c) require difficult commutes, or d) are very lengthy. The intended BLA Program will satisfy each of these concerns and enable an adult learner to earn his or her bachelor's degree without having to contend with the challenges that these concerns identify.

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 numbers of jobs for which such a curriculum is appropriate.

Adult degree completion programs in the various fields of leadership have proliferated over the past 25 years. An online search shows that there are literally hundreds of such programs offered at public and private accredited four-year institutions of higher education throughout the U.S.A. The various fields for which such programs prepare students for employment include education, government, business and non-profit organizations. As with such programs nationally, many of the students who will likely matriculate in the West Liberty BLA program will be already employed and be seeking to advance their careers. An informal survey of just 30 current adult learners at West Liberty University has shown that there are at least 19 of them who are interested in enrolling in one of the early BLA Cohorts, and 8 of those 19 are interested in and will be eligible for Cohort #1. All of those 8 adult learners are presently employed.

As Attachment #1 in this proposal evidence, two major local businesses support the development of the BLA program. The Executive Vice-President - Human Resources of Wesbanco, Inc. states that “. . . this degree will be taken seriously by the business community. This degree will also provide a much-needed competitive advantage to those job candidates seeking employment with Wesbanco.” The President and CEO of Riesbeck Food Markets, Inc. states that in regard to the educational preparation, Riesbeck's seeks for entry-level and management positions, “the ability to think critically, the ability to effectively express ideas in both oral and written form, and the ability to lead others toward achieving specific goals” are “highly desirable.” The President and CEO states further that “. . . the retail food industry, as well as our company, can be better served by managers possessing a Foundational understanding of these concepts [critical thinking, communication, and leadership] as early in their careers as possible.”

Although the BLA program degree is not profession-specific as with such degrees as the B.S.N. (Nursing) or the B.S.W. (Social Work), it is clear that on the basis of the large numbers nationally of such adult degree completion programs in leadership and from the interests of two major local businesses, the BLA degree will well-position graduates to secure employment or advance their present employment.

4.6. Program Impact

Describe the impact of this program on other programs that it will support or that will be supported by it.

The BLA Program is not designed to support any specific existing programs at West Liberty University. It will, however, support area community colleges since it will offer a most viable option for their non-traditional student graduates to complete a baccalaureate degree. Attachment #2 to this proposal contains a letter from the Vice-President of Academic Affairs at West Virginia Northern Community College (WVNCC) in Wheeling, which expresses support for the BLA Program as a “viable option” for WVNCC’s graduates, and, in particular, states that the “Saturday delivery model will meet the scheduling needs of many working adult students who may not otherwise pursue a baccalaureate education.”

The West Liberty Dean of the School of Professional Studies and the Coordinator of Continuing Education have also met with administrative leaders at Belmont Technical College, Belmont, OH, Eastern Gateway Community College in Steubenville, OH and at the Community College of Allegheny County in Washington, PA. The administrators at all of these institutions expressed genuine interest in and support for the BLA Program as a viable adult baccalaureate degree completion option for their graduates.

4.7 Cooperative Arrangements

Describe any cooperative arrangements (Including clinical affiliations, internship opportunities, personnel exchanges and equipment sharing) that have been explored.

No formal cooperative agreements have been established at this time, although the formal articulation agreements for credit transfers into West Liberty from WVNCC, Belmont Technical College, Eastern Gateway Community College, and Community College of Allegheny County have been or are in the process of being reviewed and updated.

4.8 Alternative to Program Development

Describe any alternatives to the development of this program that have been considered and why they were rejected.

As an adult degree completion program in organizational leadership and administration, the BLA Program will be unique at West Liberty. Consequently, no alternatives to the Program were considered or posed.

§ 133-11-5. 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.

The BLA Program will be housed within the School of Professional Studies, which also includes Continuing Education Programs, the Bachelor of Applied Science Program, and the Regents' Bachelor of Arts Program. The School of Professional Studies is located at the West Liberty Highlands Center. The BLA Program/Continuing Education Coordinator and the School of Professional Studies Senior Secretary both report to the Dean of the School of Professional Studies.

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 the 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.

A cohort in the BLA Program will require a minimum of 8 students and admit a maximum of 12 students. Stipulating an average of 10 students per cohort, 2011 will start-up 2 cohorts, 20 students (one in October 2010 and one in March 2011). For the successive years, 2012, 2013, 2014 and 2015, the projections are that the Program will start-up 3, 4, and 5 cohorts in both 2014 and 2015 (see FORM 1). The FTE in FORM 1 is calculated on a Fall/Spring semester basis, which is the standard formula for such a calculation. The number of degrees to be granted (annual total) on FORM #1 is based on projections of the number of students in the cohorts which will complete the BLA program and their baccalaureate degree.

FORM 1

**FIVE YEAR PROJECTIONS OF
PROGRAM SIZE**

	First Year (2011)	Second Year (2012)	Third Year (2013)	Fourth Year (2014)	Fifth Year (2015)
*Number of Students Served through Course Offerings of the Program:					
Headcount:	20	30	40	50	50
FTE – Fall/Spring	12	18	24	30	30
Student credit hours generated by courses within the program (fall/spring)	360	540	720	900	900
Number of Majors:					
Headcount:	20	30	40	50	50
FTE majors - Fall/Spring:	12	18	24	30	30
Student credit hours generated by majors within the program (fall/spring)	360	540	720	900	900
Number of degrees to be granted (annual total)	0	10	25	30	30

*Estimated number of students in major + minor + others. Non-major students are assumed to take 6 credit hours in the program on average.

5.3 Faculty Instructional Requirements

Indicate the number, probable rank, experience and cost of faculty required over the five-year period.

Beside other administrative responsibilities, the Dean of the School of Professional Studies will direct the BLA Program and teach within it. The Dean will also be responsible for recruiting full-time West Liberty faculty and well-qualified adjunct faculty for teaching in the Program. The Dean has already recruited some full-time West Liberty faculty and some adjunct faculty for the Curriculum and Assessment Committee of the Program.

The Dean's condensed Bio statement, Background in Non-Traditional Education, and Abbreviated Curriculum Vitae are presented as Attachment #3.

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.

The West Liberty Elbin Library presently has adequate resources, i.e., books, journals, and online data bases for the BLA program. In addition, the Dean of the School of Professional Studies has collected many resources, books, journal articles, and videos, in the areas of leadership studies which will be available for BLA Program faculty and student use at the Highlands Center. Both the Elbin Library and Highlands Center resources will grow as the semesters pass.

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 cost and describe how such expansion will be incorporated into the institutional budget.

Computer facilities are adequate for the BLA Program students and faculty, both at the Elbin Library and at the Highlands Center.

These are no other requirements for additional support services.

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.

The BLA Program will not require any additional space or the remodeling or renovation of existing space.

5.7 Operating Resource Requirements

Using FORM 2, provide a summary of operating resource requirements by object of expenditure.

FORM 2 follows on the next page. A budget narrative follows FORM 2.

FORM 2

**FIVE-YEAR PROJECTION OF
TOTAL OPERATING RESOURCES REQUIREMENT**

	FIRST YEAR (2011)	SECOND YEAR (2012)	THIRD YEAR (2013)	FOURTH YEAR (2014)	FIFTH YEAR (2015)
A. FTE POSITIONS					
1. Administrators	0.30	0.30	0.30	0.30	0.30
2. Full-time Faculty	1.50	2.00	2.50	3.00	3.00
3. Adjunct Faculty	1.50	2.00	2.50	3.00	3.00
4. Graduate Assistants	0.00	0.00	0.00	0.00	0.00
5. Other Personnel:					
a. Clerical Workers	0.25	0.25	0.25	0.25	0.25
b. Professionals	0.30	0.30	0.30	0.30	0.30
B. OPERATING COSTS (Appropriated Funds Only)					
1. Personal Services					
a. Administrators	\$32,400	\$32,400	\$33,000	\$33,480	\$34,080
b. Full-time Faculty	\$68,250	\$73,450	\$78,650	\$83,850	\$83,850
c. Adjunct Faculty	\$10,800	\$14,400	\$18,000	\$21,600	\$21,600
d. Graduate Assistants	\$0	\$0	\$0	\$0	\$0
e. Non-Academic Personnel:					
Clerical Workers	\$10,800	\$10,800	\$10,950	\$11,040	\$11,160
Professionals	\$14,400	\$14,400	\$14,640	\$14,820	\$15,000
TOTAL SALARIES:	\$136,650	\$145,450	\$155,240	\$164,790	\$165,690

**FIVE-YEAR PROJECTION OF
TOTAL OPERATING RESOURCES REQUIREMENTS**

	FIRST YEAR (2011)	SECOND YEAR (2012)	THIRD YEAR (2013)	FOURTH YEAR (2014)	FIFTH YEAR (2015)
1. Salaries	\$136,650	\$145,450	\$155,240	\$164,790	\$165,690
2. Current Expenses:					
a. Marketing/Promotion	12,000	12,000	12,000	12,000	12,000
b. Assessment	5,000	5,000	5,000	5,000	5,000
c. Correspondence	750	750	750	750	750
d. Phone	550	550	550	550	550
e. Office Supplies	1,000	1,000	1,000	1,000	1,000
f. Miscellaneous	2,000	2,000	2,000	2,000	2,000
3. Repairs & Alterations	0	0	0	0	0
4. Equipment:					
a. Instructional Materials	2,000	2,000	2,000	2,000	2,000
b. Library Books	500	500	500	500	500
5. Non-recurring Expense					
Office Furniture	3,000	3,000	0	0	0
TOTAL COSTS:	\$163,450	\$172,750	\$179,040	\$188,590	\$189,490

C. SOURCES

1. General Fund Appropriations <i>(Appropriated Funds Only)</i>	0	0	0	0	0
2. Federal Government <i>(Non-appropriated Funds Only)</i>	0	0	0	0	0
3. Private and other <i>(Tuition and Fees)</i>	\$166,358.56	\$261,713.52	\$369,212.28	\$484,092.80	\$507,795.05
TOTAL ALL SOURCES:	\$166,358.56	\$261,713.52	\$369,212.28	\$484,092.80	\$507,795.05

Budget Narrative

For the purpose of budget projections, all salaries indicated, except for “Adjunct Faculty,” include the appropriate percentages for benefits. Adjunct Faculty salaries are calculated on the basis of \$650 per academic credit hour taught. Appropriate percentages for raises are also added to all salaries.

On the second page of FORM 2, the amount for “Assessment” includes stipends for some members of the BLA Program Curriculum and Assessment Committee, whose task it will be to collect, collate, and analyze assessment data.

The “Tuition and Fees” are calculated in the following manner: Using the “Headcount” figure from FORM 1, a BLA cohort is projected as having a mean average of 10 students, 9 students at in-state rate and 1 student at metro rate. The 2011 in-state rate for one credit hour = \$203.33, and the metro rate = \$425.01. For 2011, 20 students (2 cohorts) are projected, 18 at the in-state rate and 2 at the metro rate. Each student will also have a \$200 materials fee. The BLA Program is 36 credit hrs, so the total projected tuition and fees for 2011 are: $[36 \times \$203.33 \times 18 + \$3600 = \$135,357.84] + [\$425.01 \times 36 \times 2 + 400 = \$31,000.72]$. $\$135,357.84 + \$31,000.72 = \$166,358.56$ tuition and fees for 2011.

The in-state and metro per credit hour tuition rates for 2012, 2013, 2014 and 2015 are calculated with a 5% increase for each of those years. The \$200 fee is constant for those years.

5.8 Source of Operating Resources

Indicate the source of operating resource requirements if the service levels are to reach those projected by 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.

West Liberty is not seeking any new financial support for the BLA Program.

The Program will be supported by tuition and fees revenues and General Fund Appropriations.

There are no expectations that supplementary resource needs beyond the usual or expected institutional allocations derived through the regular budget request process will be needed.

§ 133-11-6. OFFERING EXISTING PROGRAMS AT NEW LOCATIONS

Not applicable

§ 133-11-7. PROGRAM EVALUATIONS

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 role in contributing to human development and its social utility in contributing to the further development of West Virginia.

Evaluation of the BLA Program will be conducted in accord with requirements of the West Liberty University Board of Governors. The Program will also be evaluated using methods compatible with other programs at West Liberty University, such as the institutional review.

The institutional review will determine the viability and sustainability of the Program. During the second, third and fourth years, using data-driven decision making, the Program will be examined by the Dean of the School of Professional Studies, Executive Director of Enrollment Services, Chief Financial Officer, Chief Academic Officer and other stakeholders. Areas to be examined will include enrollment, retention, graduation rate, budget, and attainment of program goals and objectives. A report based on this review will be presented to the President and Board of Governors. If the program's viability and

sustainability appear strong at the end of these reviews, the program will move into the institution's regular review cycle with the next review due during the sixth year of the program.

In addition to the institutional reviews, assessment will be an integral part of the BLA Program. Assessment will be focused on three areas: 1) evaluation of professors, 2) assessment for student performance in courses, and 3) program assessment. All data collected in these three areas will be reviewed by the Dean of the School of Professional Studies, will be submitted to the West Liberty Officer of Assessment and Institutional Research, and will be integrated into the institutional reviews. Data from areas 2) and 3) will also be reviewed by the BLA Program Curriculum and Assessment Committee.

The evaluation of professors will be conducted using two methods. First of all, the standard West Liberty student evaluation instrument and protocol will be employed. Secondly, course-specific evaluation instruments will be used, which will focus mainly on whether, according to students' judgments, the course fulfilled its stated learning outcomes. Professors will also be evaluated through class visitations by the Dean or senior faculty member involved in the BLA Program.

The assessment of student performance will be detailed and comprehensive. Each assignment students complete will be graded according to pre-specified rubrics, this includes written, oral presentation, and online exercise assignments. These assignment-specific grading instruments will be included in the Instructor Guide for each course.

Program assessment will focus on determining whether the BLA Program's learning outcomes are being attained (see above 3.9.4). There will be a number of ways in which this assessment will be accomplished. For instance, students' abilities in oral and written communication will be assessed early in the program by the professors in the BLA 304 course. The same instrument for the early assessment will be applied by the professor for BLA 412, the final course in the program. Students will also complete a "leadership self-assessment" in BLA 300, which they will complete again in BLA 412. Finally, students will complete a "program evaluation instrument" in BLA 412 which will target students' evaluations of whether the specific BLA Program Learning Outcomes were achieved.

7.2 Accreditation Status

Indicate the accrediting agency for the proposed program, the schedule for initiating and receiving accreditation and the costs of each state of the process. Attach to the proposal the statement of standards used by the accrediting agency for such a program.

Besides the accreditation reviews which all programs at West Liberty must undergo, such as with the North Central Accreditation, there is no BLA Program-specific professional accrediting organization.

ATTACHMENT 1

Letters of Support from Local Businesses



May 25, 2010

Dr. Thomas Michaud, Ph. D.
Coordinator & Dean of Professional Studies
West Liberty University
355 Wharton Circle - Suite 200
Triadelphia WV 26059

Dr. Michaud,

Please consider this letter as our strongest endorsement to continue to pursue the obtainment of a Bachelors of Arts degree in Organizational Leadership and Administration.

As you know, Wesbanco employs over 1,400 people in West Virginia, Ohio and Pennsylvania. Six hundred-eighty seven (687) of those employees live in our Upper Ohio Valley Market, with several pursuing degrees through West Liberty University (WLU). As we assess our future needs organization leadership is one of the top three skill sets we will need to help drive WesBanco in a positive direction in future years! West Liberty University providing a Bachelor of Arts degree in Organizational Leadership and Administration will help answer our need and the needs of other similarly situated businesses in the Upper Ohio Valley. This is especially important since many of our current employees both work and attend WLU's classes! Based upon a review of your curriculum this degree will be taken seriously by the business community. This degree will also provide a much-needed competitive advantage to those job candidates seeking employment with Wesbanco.

We commend and thank West Liberty University for undertaking such a needed program! I would be please to provide any additional information as would be needed for this program.

Sincerely,

A handwritten signature in black ink that reads 'John W. Moore, Jr.' with a stylized flourish at the end.

John W. Moore, Jr.
Executive Vice President- Human Resources
Wesbanco, Inc
Wesbanco Bank, Inc.

WesBanco Bank, Inc.
1 Bank Plaza
Wheeling, WV 26003-3565
(304) 234-9000



Riesbeck Food Markets, Inc.

Corporate Office

48661 National Road • St. Clairsville, OH 43950 • 740-695-7050

May 26, 2010

To Whom It May Concern:

Please be advised that our company employs approximately 1,400 associates in 16 locations throughout eastern Ohio and northern West Virginia. As a food retailer, we continually face the increasing challenge of delivering our value proposition in the highly competitive supermarket industry dominated by organizations many times our size. Due to our industry being extremely people-centric, selecting and retaining qualified associates in both entry-level and management positions is vital to our survival.

Over the course of time, our Human Resources function has identified highly desirable competencies possessed by those seeking management positions with our company. Among these are the ability to think critically, the ability to effectively express ideas in both oral and written form, and the ability to lead others toward achieving specific objectives. Based on our experiences, we now view these skills as determinants of positive performance by individuals holding management positions of department manager, store director, program director, and function leader.

We have also observed that a number of our management associates holding both baccalaureate and graduate academic degrees in business still lack full measures of the skills we feel are necessary for effective performance contribution. While critical thinking, communication, and leadership are always further developed and honed by actual experiences in the field, it is now apparent that the retail food industry, as well as our company, can be better served by managers possessing a foundational understanding of these concepts as early in their careers as possible.

If you would like more information, please do not hesitate to contact me.

Sincerely,

Richard L. Riesbeck, President
President and Chief Executive Officer

ldl

ATTACHMENT 2

Letter of Support from Area Two-Year Institution



**West Virginia
Northern
COMMUNITY COLLEGE**

180 Park Avenue
Weirton, WV 26062
304-723-2210

141 Main Street
New Martinsville, WV 26155
304-455-4684

1704 Marker Street
Wheeling, WV 26003
304-233-5900

May 25, 2010

Thomas A Michaud, Ph.D.
Dean, School of Professional Studies
Highlands Center, West Liberty University
Suite 200, 355 Wharton Circle
Triadelphia, WV 26059

Dear Dr. Michaud:

I am pleased to support the implementation of a B.A. in Organizational Leadership and Administration by West Liberty University. Such a degree completion program available in the area will provide West Virginia Northern Community College associate degree graduates a viable option to continue their education.

The Saturday delivery model will meet the scheduling needs of many working adult students who may not otherwise pursue a baccalaureate education. Baccalaureate completion programs also provide a credential that many students desire for employment enhancement or promotion.

I look forward to working with you and your staff to share information on your new program and to identify other areas where we may partner to benefit our regional students. Best wishes in your new program endeavor.

Sincerely,

Vicki L. Riley, Ed.D.
Vice President of Academic Affairs

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Reauthorization of Lindsey Wilson College to Offer Baccalaureate and Master's Degree Programs at Southern West Virginia Community and Technical College

INSTITUTION: Southern West Virginia Community and Technical College

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the request of Lindsey Wilson College to continue to offer a Bachelor of Arts in Human Services and a Master of Education in Counseling and Human Development at Southern West Virginia Community and Technical College extending through June 30, 2014.

STAFF MEMBER: Bruce Flack

BACKGROUND:

In June 2006, Lindsey Wilson College was approved to offer two degree programs at Southern West Virginia Community and Technical College: Bachelor of Arts in Human Services and Counseling and the Master of Education in Counseling and Human Development with a specialization in Mental Health Counseling. Lindsey Wilson College and Southern West Virginia Community and Technical College now seek to renew the arrangement for an additional four years.

Lindsey Wilson College, an independent college located in Columbia, Kentucky, delivers an on-site cohort program for students in the BA program in Human Services. Lindsey Wilson College is accredited by the Southern Association of Colleges and Schools (SACS), the regional accrediting body that serves Kentucky. Southern provides the first 80 hours of instruction, while Lindsey Wilson offers the required 48 hours of upper division courses. Lindsey Wilson provides a locally-offered, weekend-based program offering a guaranteed course sequence leading to the Bachelor's Degree in Human Services with an option to continue through the Master's Degree in Counseling and Human Development. All courses are taught in a face-to-face arrangement. An on-site coordinator is employed by Lindsey Wilson College to recruit, advise and coordinate services.

To date, 51 students have graduated with the BA in Human Services and Counseling and 30 students have graduated with the M.Ed. in Counseling and Human Development. Currently, 37 students are enrolled in the undergraduate program and 19

are enrolled in the graduate program.

The reauthorization to Lindsey Wilson College to operate in West Virginia is limited to the programs listed above, and in accordance with provisions of Series 20, *Authorization of Degree Granting Institutions*, extends through June 30, 2014.

A copy of the Memorandum of Agreement, signed by the respective presidents, to extend the partnership for an additional four years is attached.

**ADDENDUM TO
The existing
Partnership Agreement
between
Lindsey Wilson College
and
Southern West Virginia Community and Technical College**

Addendum:

Lindsey Wilson College, through its Extended Programs Initiative, has adapted its undergraduate program in Human Services and graduate program in Mental Health Counseling to accommodate non-traditional students in a curriculum and delivery format that considers the work schedules and/or other obligations of working adults. Southern West Virginia Community and Technical College (Southern) has recognized an unmet need for students to continue their education beyond the associate degree and seeks to provide opportunities for them to pursue Bachelor's and Master's degrees within the district served by Southern.

Due to the success of these programs in meeting the needs of students in Southern's service area, both institutions wish to extend the existing partnership agreement to serve additional cohorts of students in both the baccalaureate and master's degree programs. Under the terms of the foundation agreement, any extension of the existing agreement will be in the form of jointly signed addenda, or Memoranda of Agreement, with the specific term of such extension to be subject to the approval of the West Virginia Higher Education Policy Commission.

It is the intent of both institutions to market, advertise, and represent these programs as a partnership between Lindsey Wilson College and Southern West Virginia Community and Technical College to better meet the educational needs of working adults in the geographic area served by Southern.

The elements of the original agreement pertaining to the delivery of an on-site Bachelor's Degree in Human Services and Master's Degree in Counseling and Human Development at Southern West Virginia Community and Technical College will remain in place as currently specified in the foundation agreement without modification.

The renewal and extension of this agreement will become effective upon signature by the Presidents of both institutions and subsequent written approval by the West Virginia Higher Education Policy Commission. It is anticipated the newest cohort of students will begin with the Fall 2010 semester.

The program may be extended to include the formation of subsequent cohorts if both parties agree and appropriate authorization is obtained as required under Title 135

Procedural Rule, Series 20 of the West Virginia Council for Community and Technical College Education and Title 133 Procedural Rule, Series 20 of the West Virginia Higher Education Policy Commission. Subsequent agreements will be in the form of jointly signed addenda, or Memoranda of Agreement, to the original agreement unless modified and agreed upon by the Presidents of both institutions.

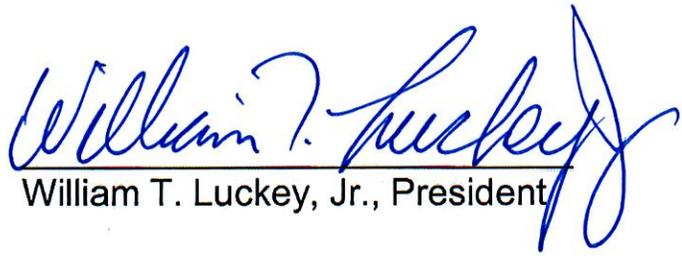
Agreed:

For Southern West Virginia Community and Technical College


Joanne Jaeger Tomplin, President

6/1/10
Date

For Lindsey Wilson College


William T. Luckey, Jr., President

6/1/10
Date

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of West Virginia and Maryland Tuition Reciprocity Agreement

INSTITUTION: West Virginia University

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the tuition reciprocity agreement between West Virginia and Maryland involving West Virginia University and Garrett College until June 30, 2013.

STAFF MEMBER: Mark Stotler

BACKGROUND:

West Virginia has had a tuition reciprocity agreement with the State of Maryland since 1979. The West Virginia Code authorizes the Commission to participate in regional and interstate agreements determined to be mutually beneficial to the citizens of the participating states and which provide an opportunity for qualified nonresident students to enroll on a resident tuition and fee charge basis. Current participating institutions include West Virginia University and Garrett College (MD). Data for the 2009-2010 academic year revealed 28 West Virginia residents being served by Garrett (down from 43 at the last approval) and 12 Maryland residents being served by West Virginia University. Commission and institutional staff have been working for the past year to develop revisions that will continue serving students, while recognizing service regions of West Virginia community and technical colleges. The role of West Virginia University remains virtually unchanged. The key provisions of the revised agreement are summarized below.

1. Garrett College will offer selected programs to West Virginia residents from 13 counties. For those counties that border Garrett County (Preston, Tucker and Mineral), residents will have access to 9 programs at reduced tuition. Residents in the remaining 10 counties - Monongalia, Marion, Harrison, Taylor, Barbour, Randolph, Pendleton, Grant, Hardy, and Hampshire – will have access to four programs.
2. West Virginia University will offer selected baccalaureate programs to associate degree graduates from Garrett. Programs are limited to those not available at Frostburg State University.

While interest remains for expanding the agreement to include additional West Virginia institutions, the revised agreement has deleted the section on Future Expansion. The current economic climate precludes any significant changes to the agreement for the

foreseeable future.

The agreement will be effective July 1, 2010 and expire June 30, 2013. The agreement may be considered for termination or modification at any time by any of the signature parties. Since the agreement involves associate degrees, it will also require approval by the West Virginia Council for Community and Technical College Education.



TUITION RECIPROCITY AGREEMENT BETWEEN MARYLAND AND WEST VIRGINIA

Under the provisions of 18B-4-3 of the West Virginia Code and 16-310(a) of the Maryland Code, the following agreement is entered into among the West Virginia Higher Education Policy Commission (HEPC), West Virginia Council for Community and Technical College Education (CCTCE), the Maryland Higher Education Commission, Garrett College, and West Virginia University.

The purpose of this agreement is to improve access to cost-effective public higher education for designated residents of Maryland and West Virginia at minimum expense to these states and to promote the existing higher education resources in the region, thus sustaining higher levels of institutional utilization.

The provisions of this agreement shall be effective beginning July 1, 2010 and expire on June 30, 2013, and will commence with any registration after the effective date. In the event this agreement is terminated, a student enrolled under this agreement may continue to attend the selected institution at the designated rate as long as he or she maintains continuous satisfactory academic progress.

West Virginia Residents to Garrett College

With a maximum submission of Maryland State Aid of 125 FTE students per fiscal year for this agreement, Garrett College agrees to accept at in-county resident tuition and fee rates, full or part-time students with West Virginia residency in the following counties:

Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Randolph, Pendleton, Grant, Hardy, Mineral and Hampshire

Participation is limited to the following programs:

In West Virginia counties of Barbour, Grant, Hampshire, Hardy, Harrison, Marion, Monongalia, Pendleton, Randolph and Taylor:

Associate degree and Certificate programs in: Adventure Sports, Juvenile Justice, Natural Resources and Wildlife Technology

In West Virginia counties of Preston, Tucker, and Mineral:

Associate degree and Certificate programs in: Adventure Sports, Business Management, Computer Applications for Business, Computer Repair/Network Technician, Juvenile Justice, Natural Resources and Wildlife Technology, Graphic Web Design, and Network Administration

Certificate program in: Cybersecurity

Additional programs may be added after consultation between Garrett College and the West Virginia Council for Community and Technical College Education.



Maryland Residents to West Virginia University

West Virginia University agrees to enroll residents of Garrett County, Maryland, as full/part-time baccalaureate degree seeking students at resident tuition and fee rates based on criteria established by West Virginia University at its main campus in Morgantown and its Potomac State College campus near Keyser. Students must have an associate's degree from Garrett College. In cases where the student's time to baccalaureate degree completion would be extended unnecessarily by completing the associate degree requirements at Garrett College, the student may be considered for early transfer to West Virginia University without an associate's degree from Garrett College. Garrett College students may be accepted to West Virginia University under this agreement only if the student applies to be enrolled in a program not available at Frostburg State University. Garrett College students who wish to enroll in degree programs in engineering with the exception of mechanical engineering, or in the five year teacher education program, with the exception of students interested in teaching Math, Science, or Technology, are also covered under this reciprocity agreement.

Administrative Review

An annual review shall be conducted by the institutional Presidents or their designees and a representative from the West Virginia HEPC and CCTCE, and the Maryland Higher Education Commission. This agreement may be terminated at the request of any of the parties after notice of at least one academic year. Each participating institution will provide an annual report by July 1 of each year in a format prescribed by the West Virginia Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education, or the Maryland Higher Education Commission.



Signature Page

Jeanne Neff, President
Garret College

Date

James E. Lyons, Sr., Secretary
Maryland Higher Education Commission

Date

James P. Clements, President
West Virginia University

Date

Brian Noland, Chancellor
West Virginia Higher Education Policy Commission

Date

James Skidmore, Chancellor
West Virginia Council for Community
and Technical College Education

Date

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Report on Efficiencies Task Force

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Kevin Walthers

BACKGROUND:

Dr. Stephen Kopp, President of Marshall University and Chair of the Efficiencies Task Force, will provide an update regarding current work and future plans.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Appointment to the Higher Education Student Financial Aid Advisory Board

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the appointment of Ms. Sandra Oerly-Bennett to the Higher Education Student Financial Aid Advisory Board.

STAFF MEMBER: Jack Toney

BACKGROUND:

The Higher Education Student Financial Aid Advisory Board is a body statutorily charged to provide financial aid expertise and policy guidance to the Higher Education Policy Commission and the Council for Community and Technical College Education on matters related to federal, state, and private student financial aid resources and programs.

The Higher Education Student Financial Aid Advisory Board consists of seven members. Three members are appointed by the Commission for one, two, and three-year terms; respectively, two members by the Council, one member by the West Virginia Independent Colleges and Universities, and one member by the West Virginia School Counselor Association.

The statute provides that members appointed by the Commission and Council shall possess a broad knowledge of state and federal higher education student financial aid programs and have experience in administering these programs, preferably at the campus or system level.

Consistent with the qualifications provided for in the statute and after consultation with the West Virginia Association of Student Financial Aid Administrators, staff recommends the appointment of Ms. Sandra Oerly-Bennett, Director of Financial Aid at Shepherd University to replace Ms. Karen Lay, Director of Financial Aid at Glenville State College, whose one-year term ended on June 30, 2010. Ms. Oerly-Bennett will serve a one-year term.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of 403(b) Tax Deferred Retirement Savings Plan and 457(b) Deferred Compensation Plan Documents

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the revised 403(b) Tax Deferred Retirement Savings Plan and 457(b) Deferred Compensation Plan Documents to provide for a brokerage window option for investment of employee contributions.

STAFF MEMBER: Richard Donovan

BACKGROUND:

The Commission and the Council for Community and Technical College Education provide three major types of tax deferred retirement plans for higher education employees:

- a 401(a) qualified defined contribution retirement plan into which certain benefit eligible employees contribute six percent of wages, and employers provide a six percent match;
- an optional 403(b) tax deferred retirement savings plan; and,
- an optional 457(b) deferred compensation plan.

The Commission and the Council operate these plans through TIAA-CREF and Great West Retirement Services.

The Commission approved the 401(a) and 457(b) plan documents in 2005; however, at that time, the Internal Revenue Service (IRS) had not issued model 403(b) plan document language. Subsequently, the Internal Revenue Code was amended, model plan documents language was adopted by the IRS and Plan Sponsors were required to bring their 403(b) plans into compliance by December 31, 2009. Commission staff worked with Bowles Rice McDavid Graff & Love, LLP and a committee of higher education legal, finance, and human resources professionals to develop a 403(b) plan document which complied with current IRS regulations.

The plan restricts payroll deductions to the Commission's and Council's approved vendors, TIAA-CREF and Great West Retirement Services. This 403(b) plan document was approved by the Commission on November 20, 2009.

In response to the elimination of 403(b) payroll deductions to non-approved vendors, the Commission requested staff to propose options which would allow employees to direct tax deferred contributions through payroll deductions to many of the investment vehicles offered by the non-approved vendors. Given that the new IRS rules place a burden on the Commission and Council to verify compliance at the individual investor level, the complexity of offering several vendors outweighed the associated benefit. In allowing only two brokers the Commission and Council will be able to comply with the new rules. Employees may continue to invest with other providers but the investments must be made after taxes.

For those employees who prefer to exercise more control over their accounts, both TIAA-CREF and Great West offer a window to a self-directed brokerage account. The brokerage account provides investors access to multiple mutual fund investments and provides tools and information needed to research, compare and select investments by those employees (investors) who believe they have the expertise to make and manage self-directed investments through an approved broker. TIAA-CREF and Great West both have approved brokers. TIAA-CREF's broker is Pershing, LLC, and Great West offers a choice of either TD Ameritrade or Schwab.

The brokerage window offered by TIAA-CREF and Great West is fully integrated with their respective pension record-keeping systems. This is important because, as noted above, the new IRS regulations place greater responsibility on Plan Sponsors to monitor and report on all aspects of their 403(b) plans. Of particular concern is the need to ensure that loans and hardship withdrawals are within IRS mandated limits across all plan providers.

Fees associated with using the brokerage window would be borne solely by the investor as would the market risk. Currently, TIAA-CREF charges an annual fee of \$40 per account and transaction fees may apply for those mutual funds not included within the no-transaction fee program. Customers of Great West currently pay \$120 per participant account in addition to transaction fees applied by the broker.

The proposed modifications needed in the 403(b) and 457(b) plan documents to implement the brokerage window are attached. Changes are denoted by underlines and strikeouts.

403(B) TAX DEFERRED RETIREMENT SAVINGS PLAN

OF

**WEST VIRGINIA HIGHER EDUCATION POLICY
COMMISSION AND WEST VIRGINIA COUNCIL FOR
COMMUNITY AND TECHNICAL COLLEGE EDUCATION
EFFECTIVE JANUARY 1, 2009**

INTRODUCTION

The purpose of the Plan is to provide retirement savings through annuity contracts and/or mutual fund custodial accounts for Employees of the Employers covered under the Plan.

This written document sets forth the terms of the Plan, which constitutes a tax deferred retirement savings plan within the meaning of Section 403(b) of the Internal Revenue Code of 1986, as amended from time to time (“Code”). This Plan is further intended to comply with the Treasury Regulations promulgated under Section 403(b) of the Code, which become effective January 1, 2009.

403(b) TAX DEFERRED RETIREMENT SAVINGS PLAN

ARTICLE I – DEFINITIONS

The following words and terms, when used in the Plan, have the meaning set forth below.

1.1 *Accumulation Account:* The account or accumulation maintained for the benefit of any Participant or Beneficiary under an Annuity Contract or a Custodial Account.

1.2 *Account Balance:* The bookkeeping account maintained for each Participant which reflects the aggregate amount credited to the Participant's Account under all Accounts, including the Participant's Elective Deferrals, the earnings or loss of each Annuity Contract or a Custodial Account (net of expenses) allocable to the Participant, any transfers for the Participant's benefit, and any distribution made to the Participant or the Participant's Beneficiary. If a Participant has more than one Beneficiary at the time of the Participant's death, then a separate Account Balance shall be maintained for each Beneficiary. The Account Balance includes any account established under Section 6 for rollover contributions and plan-to-plan transfers made for a Participant, the account established for a Beneficiary after a Participant's death, and any account or accounts established for an alternate payee (as defined in Section 414(p)(8) of the Code).

1.3 *Administrator:* The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education, or any successor(s) thereto designated to act jointly as the administrator of the Plan.

1.4 *Annuity Contract:* A non-transferable contract as defined in Section 403(b)(1) of the Code, established for each Participant by the Employer, or by each Participant individually, that is issued by an insurance company qualified to issue annuities in West Virginia and that includes payment in the form of an annuity.

1.5 *Approved Vendor:* The provider of an Annuity Contract or Custodial Account which has been selected and approved by the Plan Sponsor to provide Annuity Contracts or Custodial Accounts. The Plan Sponsor shall maintain a list of Approved Vendors, which is incorporated herein by reference. Effective January 1, 2009, all newly established Annuity Contract or Custodial Accounts shall only be provided by an Approved Vendor. Effective December 31, 2009, Elective Deferrals shall only be credited to an Employee's Annuity Contract or Custodial Account with an Approved Vendor. If an Approved Vendor ceases to be an Approved Vendor, the Plan Sponsor will enter into an Information Sharing Agreement to the extent the Plan Sponsor's contract with the Vendor does not provide for the continued exchange of information described in Section 1.22(1) and (2).

1.6 *Beneficiary(ies):* The designated person(s) who is entitled to receive benefits under the Plan after the death of a Participant, subject to such additional rules as may be set forth in the Individual Agreements.

1.7 *Self-Directed Brokerage Account:* A Funding Vehicle option provided by a Fund Sponsor which permits Participants to direct the investment and reinvestment of assets held under the Brokerage Account in mutual funds in accordance with Section 403(b)(7) of the Code

by providing investment instructions directly to the broker appointed for purposes of executing transactions under the account ~~a independent broker as designated by the participant and in accordance with such rules or provisions as may be instituted by the Commission and Council from time to time with regard to such investments.~~

1.71.8 Code: The Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

1.81.9 Commission: The West Virginia Higher Education Policy Commission, or any successor thereto.

1.91.10 Compensation: (a) All cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Employee's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee's gross income for the calendar year but for a compensation reduction election under Section 125, 132(f), 401(k), 403(b), or 457(b) of the Code (including an election under Article II made to reduce compensation in order to have Elective Deferrals under the Plan). (b) With respect to an Employee who is totally and permanently disabled within the meaning of Code Section 22(e)(3), Compensation also includes any cash compensation for services to the Employer that satisfies (a) above which the Employee would have received for the calendar year if the Employee was paid at the rate of compensation paid immediately before becoming disabled, if such compensation is greater than the compensation determined under (a) above.

1.101.11 Council: The West Virginia Council for Community and Technical College Education, or any successor thereto.

1.111.12 Custodial Account: The group or individual custodial account or accounts, as defined in Section 403(b)(7) of the Code, established for each Participant by the Plan Sponsor, or by each Participant individually, to hold assets of the Plan.

1.121.13 Disabled: The definition of disability provided in the applicable Individual Agreement.

1.131.14 Elective Deferral: The Employer contributions made to the Plan at the election of the Participant in lieu of receiving cash compensation. The term "Elective Deferral" includes Roth Elective Deferrals.

1.141.15 Employee: Each individual, whether appointed or elected, who is a common-law employee of the Employer performing services for the Employer, except student teachers. Former Employees of the Employer and independent contractors of the Employer are hereby specifically excluded from the definition of Employee; provided, however, that an Employee who is receiving Compensation while totally and permanently disabled within the meaning of Code Section 22(e)(3) shall be considered an Employee hereunder while receiving such Compensation. This definition is not applicable unless the Employee's compensation for performing services for the Employer is paid by the Employer. Further, a person occupying an elective or appointive public office is not an Employee performing services for the Employer

unless such office is one to which an individual is elected or appointed only if the individual has received training, or is experienced, in the field of education. A public office includes an elective or appointive office of a State or local government.

1.151.16 *Employer:* The Commission, the Council, the administrative units of the Commission or Council and all state institutions of higher education in the State of West Virginia as defined in West Virginia Code § 18B-1-2. All Employers, as such term is used herein, shall be political subdivisions, agencies or instrumentalities of the State of West Virginia.

1.161.17 *Excess Elective Deferrals:* Those Elective Deferrals that are includable in a Participant's gross income under Section 402(g) of the Code to the extent the Participant's Elective Deferrals for a taxable year exceed the dollar limitation under such Code Section.

1.171.18 *Fund Sponsor:* An insurance, variable annuity or investment company that provides Funding Vehicles available to Participants under this Plan.

1.181.19 *Funding Vehicles:* ~~The Annuity Contracts or Custodial Accounts issued for funding amounts held under the Plan and which meets the requirements of Code § 403(b), specifically approved by the Administrator for use under the Plan. A Self-Directed Brokerage Account shall also constitute a Funding Vehicle option for purposes of this Plan and shall be available as an investment option selected by a Participant, including the investments selected and held pursuant to such Self-Directed Brokerage Account; provided, however, that any investments provided through such Self-Directed Brokerage Account shall meet the requirements of Section 403(b) and shall be permitted to be selected by the Participant only in accordance with such rules as shall be applicable to the Self-Directed Brokerage Account. Responsibility for due diligence regarding the investments selected and held pursuant to such Self-Directed Brokerage Account Funding Vehicle and investigation and payment of fees applicable to a selected Self-Directed Brokerage Account Funding Vehicle shall rest solely with the Participant, and each Brokerage Account shall be specifically approved by the Administrator though the mutual funds in which each Participant's Brokerage Account invests shall be determined pursuant to Participant direction and the Individual Account Agreements.~~

1.191.20 *Grandfathered Vendor:* The provider of an Annuity Contract or Custodial Account which is not an Approved Vendor but which has established an Annuity Contract or Custodial Account with a Participant prior to January 1, 2009. The Plan Sponsor shall maintain a list of Grandfathered Vendors which is incorporated herein by reference. Effective January 1, 2009, no new Annuity Contracts or Custodial Account shall be established for Participants with Grandfathered Vendors. Effective December 31, 2009, no Elective Deferrals shall be credited to an Employee's Annuity Contract or Custodial Account with a Grandfathered Vendor.

1.201.21 *Includible Compensation:* An Employee's actual wages in Box 1 of Form W-2 for a year for services to an Employer, but subject to a maximum of \$200,000 (or such higher maximum as may apply under Section 401(a)(17) of the Code) and increased (up to the dollar maximum) by a compensation reduction election under Sections 125, 132(f), 401(k), 403(b) or 457(b) of the Code (including any Elective Deferral other than Roth Elective Deferrals under the Plan). The amount of Includible Compensation is determined without regard to any community property laws.

1.241.22 *Individual Agreement(s)*: The agreements between an Approved Vendor or Grandfathered Vendor and the Employer or a Participant that constitutes or governs a Custodial Account or an Annuity Contract. A Self-Directed Brokerage Account may be selected as a Funding Vehicle subject to the acceptance by the Administrator of a properly executed Self-Direct Brokerage Account application by the Participant or Beneficiary.

1.221.23 *Information Sharing Agreement*: An agreement with a Vendor and the Plan Sponsor under which the Plan Sponsor and the Vendor will from time to time in the future provide each other with the following information: (1) Information necessary for the resulting contract or custodial account, or any other contract or custodial accounts to which contributions have been made by the Employer, to satisfy Section 403(b) of the Code, including the following: (i) the Plan Sponsor providing information as to whether the Participant's employment with the Employer is continuing, and notifying the Vendor when the Participant has had a Severance from Employment (for purposes of the distribution restrictions in Section 6.1); (ii) the Vendor notifying the Plan Sponsor of any hardship withdrawal made in violation of Section 6.5 (hardship withdrawals are only permitted by Approved Vendors) which would result in a 6-month suspension of the Participant's right to make Elective Deferrals under the Plan; and (iii) the Vendor providing information to the Plan Sponsor or Approved Vendors concerning the Participant's or Beneficiary's Section 403(b) contracts or custodial accounts or qualified employer plan benefits (to enable an Approved Vendor to determine the amount of any plan loans and any rollover accounts that are available to the Participant under the Plan in order to satisfy the financial need under the hardship withdrawal rules of Section 6.5); and (2) Information necessary in order for the resulting contract or custodial account and any other contract or custodial account to which contributions have been made for the Participant by an Eligible Employer to satisfy other tax requirements, including the following: (i) the amount of any plan loan that is outstanding to the Participant in order for an Approved Vendor to determine whether an additional plan loan satisfies the loan limitations of Section 4.3, so that any such additional loan is not a deemed distribution under Section 72(p)(1); and (ii) information concerning the Participant's or Beneficiary's after-tax employee contributions in order for a Vendor to determine the extent to which a distribution is includible in gross income.

1.231.24 *Institution*: A state institution of higher education in West Virginia as defined in West Virginia Code § 18B-1-2.

1.241.25 *Participant*: An individual for whom Elective Deferrals are currently being made, or for whom Elective Deferrals have previously been made, under the Plan and who has not received a distribution of his or her entire benefit under the Plan.

1.251.26 *Plan Sponsor*: The Commission and the Council, which shall jointly approve the terms of this Plan and any amendments hereto or termination hereof.

1.261.27 *Plan*: The 403(b) Tax Deferred Retirement Savings Plan of The West Virginia Higher Education Policy Commission and West Virginia Council for Community and Technical College Education, as the same may be amended from time to time.

1.271.28 *Plan Year*: January 1 through December 31.

1.281.29 *Related Employer:* The Employer and any other entity which is under common control with the Employer under Section 414(b) or (c) of the Code. For this purpose, the Plan Sponsor shall determine which entities are Related Employers based on a reasonable, good faith standard and taking into account the special rules applicable under Notice 89-23, 1989-1 C.B. 654.

1.291.30 *Severance from Employment:* For purposes of the Plan, Severance from Employment means Severance from Employment with the Employer and any Related Employer. However, a Severance from Employment also occurs on any date on which an Employee ceases to be an Employee of the Employer, even though the Employee may continue to be employed by a Related Employer that is another unit of the State or local government that is not a public school or in a capacity that is not employment with a public school (e.g., ceasing to be an Employee performing service for the Employer but continuing to work for the same State or local government employer).

1.301.31 *State:* Means the State of West Virginia, a political subdivision of the State of West Virginia or any agency or instrumentality of the State of West Virginia.

1.311.32 *Vendor:* The provider of an Annuity Contract or Custodial Account which is not an Approved Vendor or Grandfathered Vendor.

1.321.33 *Valuation Date:* Each business day unless otherwise provided in any applicable Funding Vehicle; provided, however, that such Valuation Date shall occur at least annually.

ARTICLE II – PARTICIPATION AND CONTRIBUTIONS

2.1 Eligibility. Each Employee shall be eligible to participate in the Plan and elect to have Elective Deferrals made on his or her behalf hereunder immediately upon becoming employed by the Employer.

2.2 Compensation Reduction Election. (a) **General Rule.** An Employee elects to become a Participant by executing an election to reduce his or her Compensation (and have that amount contributed as an Elective Deferral on his or her behalf) and filing it with the Administrator. This Compensation reduction election shall be made on the agreement provided by the Administrator under which the Employee agrees to be bound by all the terms and conditions of the Plan. The participation election shall also include designation of the Funding Vehicles and Accounts therein to which Elective Deferrals are to be made (in whole number percentages, the total of which shall equal 100%) and a designation of Beneficiary. Any such election shall remain in effect until a new election is filed; provided that effective December 31, 2009, Elective Deferrals may only be made to Funding Vehicles and Accounts therein issued by Approved Vendors. Only an individual who performs services for the Employer as an Employee may reduce his or her Compensation under the Plan. Each Employee will become a Participant and such elections will become effective in accordance with the terms and conditions of the Individual Agreements. All Elective Deferrals (excluding Roth Elective Deferrals under Section 2.7) shall be made on a pre-tax basis. An Employee shall become a Participant as soon as administratively practicable following the date applicable under the Employee's election.

2.3 Information Provided by the Employee. Each Employee enrolling in the Plan should provide to the Administrator at the time of initial enrollment, and later if there are any changes, any information necessary or advisable for the Administrator to administer the Plan, including any information required under the Individual Agreements.

2.4 Change in Elective Deferrals Election. Subject to the provisions of the applicable Individual Agreements, an Employee may at any time revise his or her participation election, including a change of the amount of his or her Elective Deferrals, his or her investment direction, and his or her designated Beneficiary. A change in the investment direction shall take effect as of the date provided by the Administrator on a uniform basis for all Employees and subject to the provisions of the applicable Individual Agreements, which Individual Agreements may be more restrictive with regard to such changes. A change in the Beneficiary designation shall take effect when the election is accepted by the Approved Vendor or Grandfathered Vendor, as applicable.

2.5 Contributions Made Promptly. Elective Deferrals under the Plan shall be transferred to the applicable Funding Vehicle within 15 business days following the end of the month in which the amount would otherwise have been paid to the Participant.

2.6 Leave of Absence. Unless an election is otherwise revised, if an Employee is absent from work by leave of absence, Elective Deferrals under the Plan shall continue to the extent that Compensation continues.

2.7 Roth Contributions. (a) **General Rule.** The Plan shall accept Roth Elective Deferrals made on behalf of Employees. An Employee's Roth Elective Deferrals shall be allocated to a

separate account maintained for such deferrals. Unless specifically stated otherwise, Roth Elective Deferrals shall be treated as Elective Deferrals for all purposes under the plan. (b) **Separate Accounting.** Contributions and withdrawals of Roth Elective Deferrals shall be credited and debited to the Roth elective deferral account maintained for each Employee. The Plan shall maintain a record of the amount of Roth Elective Deferrals in each Employee's account. Gains, losses, and other credits or charges must be separately allocated on a reasonable and consistent basis to each Employee's Roth Elective Deferral Account and the Employee's other accounts under the Plan. No contributions other than Roth Elective Deferrals and properly attributable earnings shall be credited to each Employee's Roth Elective Deferral Account. (c) **Definition of Roth Elective Deferrals.** A "Roth Elective Deferral" means an Elective Deferral that is: (i) Designated irrevocably by the Employee at the time of the Compensation Reduction Election as a Roth Elective Deferral that is being made in lieu of all or a portion of the pre-tax Elective Deferrals the Employee is otherwise eligible to make under the Plan; and (ii) Treated by the Employer as includible in the Employee's income at the time the Employee would have received that amount in cash if the Employee had not made a Compensation Reduction Election.

ARTICLE III – FUNDING AND CONTRIBUTIONS

3.1 Basic Annual Limitation. Except as provided in Sections 3.2 and 3.3, the maximum amount of the Elective Deferral under the Plan for any calendar year shall not exceed the lesser of (a) the applicable dollar amount or (b) the Participant's Includible Compensation for the calendar year. The applicable dollar amount is the amount established under Section 402(g)(1)(B) of the Code, and is adjusted for cost-of-living after 2007 to the extent provided under Section 415(d) of the Code.

3.2 Special Section 403(b) Catch-up Limitation for Employees With 15 Years of Service. Because the Employer is a qualified organization (within the meaning of § 1.403(b)-4(c)(3)(ii) of the Income Tax Regulations), the applicable dollar amount under Section 3.1(a) for any "qualified employee" is increased (to the extent provided in the Individual Agreements) by the least of:

- (a) \$3,000;
- (b) The excess of:
 - (1) \$15,000, over
 - (2) The total special 403(b) catch-up elective deferrals made for the qualified Employee by the Employer for prior years; or
- (c) The excess of:
 - (1) \$5,000 multiplied by the number of years of service of the Employee with the Employer, over
 - (2) The total Elective Deferrals made for the Employee by the qualified organization for prior years.

For purposes of this Section 3.2, a “qualified employee” means an Employee who has completed at least 15 years of service, taking into account only employment with a qualified organization.

3.3 *Age 50 Catch-up Elective Deferral Contributions.* An Employee who is a Participant who will attain age 50 or more by the end of the calendar year is permitted to elect an additional amount of Elective Deferrals, up to the maximum age 50 catch-up Elective Deferrals for the year. The maximum dollar amount of the age 50 catch-up Elective Deferrals for a year is \$5,000 for 2007, and is adjusted for cost-of-living after 2007 to the extent provided under the Code.

3.4 *Coordination.* Amounts in excess of the limitation set forth in Section 3.1 shall be allocated first to the special 403(b) catch-up under Section 3.2 and next as an age 50 catch-up contribution under Section 3.3. However, in no event can the amount of the Elective Deferrals for a year be more than the Participant’s Compensation for the year.

3.5 *Special Rule for a Participant Covered by Another Section 403(b) Plan.* For purposes of this Article III, if the Participant is or has been a participant in one or more other plans under Section 403(b) of the Code (and any other plan that permits elective deferrals under Section 402(g) of the Code), then this Plan and all such other plans shall be considered as one plan for purposes of applying the foregoing limitations of this Article III. For this purpose, the Administrator shall take into account any other such plan maintained by any Related Employer and shall also take into account any other such plan for which the Administrator receives from the Participant sufficient information concerning his or her participation in such other plan. Notwithstanding the foregoing, another plan maintained by a Related Entity shall be taken into account for purposes of Section 3.2 only if the other plan is a § 403(b) plan.

3.6 *Correction of Excess Elective Deferrals.* If the Elective Deferral on behalf of a Participant for any calendar year exceeds the limitations described above, or the Elective Deferral on behalf of a Participant for any calendar year exceeds the limitations described above when combined with other amounts deferred by the Participant under another plan of the Employer under Section 403(b) of the Code (and any other plan that permits elective deferrals under Section 402(g) of the Code for which the Participant provides information that is accepted by the Administrator), then the Elective Deferral, to the extent in excess of the applicable limitation (adjusted for any income or loss in value, if any, allocable thereto), shall be distributed to the Participant.

3.7 *Protection of Persons Who Serve in a Uniformed Service.* An Employee whose employment is interrupted by qualified military service under Section 414(u) of the Code or who is on a leave of absence for qualified military service under Section 414(u) of the Code may elect to make additional Elective Deferrals upon resumption of employment with the Employer equal to the maximum Elective Deferrals that the Employee could have elected during that period if the Employee’s employment with the Employer had continued (at the same level of Compensation) without the interruption or leave, reduced by the Elective Deferrals, if any, actually made for the Employee during the period of the interruption or leave. Except to the extent provided under Section 414(u) of the Code, this right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave).

ARTICLE IV – LOANS

4.1 *Loans.* Loans shall be permitted under the Plan to the extent permitted by the Individual Agreements and in accordance with any Fund Sponsor procedures. Notwithstanding any other provision of this Plan to the contrary, loans are only permitted against Annuity Contracts or Custodial Accounts which are provided by an Approved Vendor. Effective December 31, 2009, loans are not permitted against Annuity Contracts or Custodial Accounts provided by Grandfathered Vendors.

4.2 *Information Coordination Concerning Loans.* Each Approved Vendor is responsible for all information reporting and tax withholding required by applicable federal and state law in connection with distributions and loans. To minimize the instances in which Participants have taxable income as a result of loans from the Plan, the Administrator shall take such steps as may be appropriate to coordinate the limitations on loans set forth in Section 4.3, including the collection of information from Approved Vendors, and transmission of information requested by any Approved Vendor, concerning the outstanding balance of any loans made to a Participant under the Plan or any other plan of the Employer. The Administrator shall also take such steps as may be appropriate to collect information from Approved Vendors, and transmission of information to any Approved Vendor, concerning any failure by a Participant to repay timely any loans made to a Participant under the Plan or any other plan of the Employer.

4.3 *Maximum Loan Amount.* No loan to a Participant under the Plan may exceed the lesser of: (a) \$50,000, reduced by the greater of (i) the outstanding balance on any loan from the Plan to the Participant on the date the loan is made or (ii) the highest outstanding balance on loans from the Plan to the Participant during the one-year period ending on the day before the date the loan is approved by the Administrator (not taking into account any payments made during such one-year period); or (b) one half of the value of the Participant's vested Account Balance (as of the valuation date immediately preceding the date on which such loan is approved by the Administrator). For purposes of this Section 4.3, any loan from any other plan maintained by an Employer and any Related Employer shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided, however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.

ARTICLE V – VESTING

5.1 *Elective Deferrals.* Elective Deferrals shall be fully vested and non-forfeitable when such Elective Deferrals are made.

ARTICLE VI – BENEFIT DISTRIBUTIONS

6.1 *Benefit Distributions At Severance from Employment or Other Distribution Event.* Except as permitted under Section 3.6 (relating to excess Elective Deferrals), Section 6.4 (relating to withdrawals of amounts rolled over into the Plan), Section 6.5 (relating to hardship), or Section 10.2 (relating to termination of the Plan), distributions from a Participant's Account may not be made earlier than the earliest of the date on which the Participant has a Severance from Employment, dies, becomes Disabled, or attains age 59½. Distributions shall otherwise be made in accordance with the terms of the Individual Agreements.

6.2 *Small Account Balances.* The terms of the Individual Agreement may permit distributions to be made in the form of a lump-sum payment, without the consent of the Participant or Beneficiary, but no such payment may be made without the consent of the Participant or Beneficiary unless the Account Balance does not exceed \$1,000 (determined by taking into account eligible rollover distributions from an Employee's Roth Elective Deferral Account but determined without regard to any other separate account that holds rollover contributions under Section 7.1).

6.3 *Minimum Distributions.* Each Individual Agreement shall comply with the minimum distribution requirements of Section 401(a)(9) of the Code and the regulations thereunder. For purposes of applying the distribution rules of Section 401(a)(9) of the Code, each Individual Agreement is treated as an individual retirement account (IRA) and distributions shall be made in accordance with the provisions of § 1.408-8 of the Income Tax Regulations, except as provided in § 1.403(b)-6(e) of the Income Tax Regulations.

6.4 *In-Service Distributions From Rollover Account.* If a Participant has a separate account attributable to rollover contributions to the Plan, to the extent permitted by the applicable Individual Agreement, the Participant may at any time elect to receive a distribution of all or any portion of the amount held in the rollover account.

6.5 *Hardship Withdrawals.* (a) Hardship withdrawals shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets to be withdrawn to satisfy the hardship. Notwithstanding any provision in this Plan to the contrary, hardship withdrawals are only permitted from an Annuity Contract or Custodial Account provided by Approved Vendors. Effective December 31, 2009, hardship withdrawals are not permitted from Accounts provided by Grandfathered Vendors. If applicable under an Individual Agreement, no Elective Deferrals shall be allowed under the Plan during the 6-month period beginning on the date the Participant receives a distribution on account of hardship. (b) The Individual Agreements shall provide (or, alternatively, the Approved Vendors by separate agreement shall provide) for the exchange of information among the Plan Sponsor and the Approved Vendors to the extent necessary to implement the Individual Agreements, including, in the case of a hardship withdrawal that is automatically deemed to be necessary to satisfy the Participant's financial need (pursuant to § 1.401(k)-1(d)(3)(iv)(E) of the Income Tax Regulations), the Approved Vendor notifying the Plan Sponsor of the withdrawal in order for the Plan Sponsor to implement the resulting 6-month suspension of the Participant's right to make Elective Deferrals under the Plan. In addition, in the case of a hardship withdrawal that is not automatically deemed to be necessary to satisfy the financial need (pursuant to § 1.401(k)-

1(d)(3)(iii)(B) of the Income Tax Regulations), the Approved Vendor shall obtain information from the Plan Sponsor or other Approved Vendors to determine the amount of any plan loans and rollover accounts that are available to the Participant under the Plan to satisfy the financial need.

6.6 Rollover Distributions. (a) A Participant or the Beneficiary of a deceased Participant (or a Participant's spouse or former spouse who is an alternate payee under a domestic relations order, as defined in Section 414(p) of the Code) who is entitled to an eligible rollover distribution may elect to have any portion of an eligible rollover distribution (as defined in Section 402(c)(4) of the Code) from the Plan paid directly to an eligible retirement plan (as defined in Section 402(c)(8)(B) of the Code) specified by the Participant in a direct rollover. In the case of a distribution to a Beneficiary who at the time of the Participant's death was neither the spouse of the Participant nor the spouse or former spouse of the Participant who is an alternate payee under a domestic relations order, a direct rollover is payable only to an individual retirement account or individual retirement annuity (IRA) that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of Section 408(d)(3)(C) of the Code). (b) Each Approved Vendor or Grandfathered Vendor, as applicable, shall be separately responsible for providing, within a reasonable time period before making an initial eligible rollover distribution, an explanation to the Participant of his or her right to elect a direct rollover and the income tax withholding consequences of not electing a direct rollover.

ARTICLE VII - ROLLOVERS TO THE PLAN AND TRANSFERS

7.1 Eligible Rollover Contributions to the Plan. (a) **Eligible Rollover Contributions.** To the extent provided in the Individual Agreements, an Employee who is a Participant who is entitled to receive an eligible rollover distribution from another eligible retirement plan may request to have all or a portion of the eligible rollover distribution paid to the Plan. Such rollover contributions shall be made in the form of cash only. The Approved Vendor or Grandfathered Vendor, as applicable, may require such documentation from the distributing plan as it deems necessary to effectuate the rollover in accordance with Section 402 of the Code and to confirm that such plan is an eligible retirement plan within the meaning of Section 402(c)(8)(B) of the Code. (b) **Eligible Rollover Distribution.** For purposes of Section 7.1(a), an eligible rollover distribution means any distribution of all or any portion of a Participant's benefit under another eligible retirement plan, except that an eligible rollover distribution does not include (1) any installment payment for a period of 10 years or more, (2) any distribution made as a result of an unforeseeable emergency or other distribution which is made upon hardship of the Employee, or (3) for any other distribution, the portion, if any, of the distribution that is a required minimum distribution under Section 401(a)(9) of the Code. In addition, an eligible retirement plan means an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, a qualified trust described in Section 401(a) of the Code, an annuity plan described in Section 403(a) or 403(b) of the Code, or an eligible governmental plan described in Section 457(b) of the Code, that accepts the eligible rollover distribution. (c) **Separate Accounts.** The Approved Vendor or Grandfathered Vendor, as applicable, shall establish and maintain for the Participant a separate account for any eligible rollover distribution paid to the Plan. (d) **Roth Rollover.** The Plan will accept a rollover contribution to a Roth Elective Deferral account only if it is a direct rollover from another Roth elective deferral account under an applicable retirement plan described in section 402A(e)(1) of

the Code and only to the extent the rollover is permitted under the rules of section 402(c) of the Code. A rollover of an Eligible Rollover Distribution that includes Roth Elective Deferrals will only be accepted if the Administrator obtains information regarding the Employee's tax basis under section 72 of the Code in the amount rolled over.

7.2 *Plan-to-Plan Transfers to the Plan.* (a) At the direction of the Plan Sponsor, for a class of Employees who are participants or beneficiaries in another plan under Section 403(b) of the Code, the Administrator may permit a transfer of assets to the Plan as provided in this Section 7.2. Such a transfer is permitted only if the other plan provides for the direct transfer of each person's entire interest therein to the Plan and the Participant is an Employee or former Employee of the Employer. The Administrator and any Approved Vendor accepting such transferred amounts may require that the transfer be in cash or other property acceptable to it. The Administrator or any Approved Vendor accepting such transferred amounts may require such documentation from the other plan as it deems necessary to effectuate the transfer in accordance with § 1.403(b)-10(b)(3) of the Income Tax Regulations and to confirm that the other plan is a plan that satisfies Section 403(b) of the Code. (b) The amount so transferred shall be credited to the Participant's Account Balance, so that the Participant or Beneficiary whose assets are being transferred has an accumulated benefit immediately after the transfer at least equal to the accumulated benefit with respect to that Participant or Beneficiary immediately before the transfer. (c) To the extent provided in the Individual Agreements holding such transferred amounts, the amount transferred shall be held, accounted for, administered and otherwise treated in the same manner as an Elective Deferral by the Participant under the Plan, except that (1) the Individual Agreement which holds any amount transferred to the Plan must provide that, to the extent any amount transferred is subject to any distribution restrictions required under Section 403(b) of the Code, the Individual Agreement must impose restrictions on distributions to the Participant or Beneficiary whose assets are being transferred that are not less stringent than those imposed on the transferor plan and (2) the transferred amount shall not be considered an Elective Deferral under the Plan in determining the maximum deferral under Section 3.

7.3 *Plan-to-Plan Transfers from the Plan.* (a) At the direction of the Plan Sponsor, and to the extent permitted by the Individual Agreements, the Administrator may permit a class of Participants and Beneficiaries to elect to have all or any portion of their Account Balance transferred to another plan that satisfies Section 403(b) of the Code in accordance with §1.403(b)-10(b)(3) of the Income Tax Regulations. A transfer is permitted under this Section 7.3(a) only if the Participants or Beneficiaries are Employees or former Employees of the Employer (or the business of the Employer) under the receiving plan and the other plan provides for the acceptance of plan-to-plan transfers with respect to the Participants and Beneficiaries and for each Participant and Beneficiary to have an amount deferred under the other plan immediately after the transfer at least equal to the amount transferred. (b) The other plan must provide that, to the extent any amount transferred is subject to any distribution restrictions required under Section 403(b) of the Code, the other plan shall impose restrictions on distributions to the Participant or Beneficiary whose assets are transferred that are not less stringent than those imposed under the Plan. In addition, if the transfer does not constitute a complete transfer of the Participant's or Beneficiary's interest in the Plan, the other plan shall treat the amount transferred as a continuation of a pro rata portion of the Participant's or Beneficiary's interest in the transferor plan. (c) Upon the transfer of assets under this Section

7.3, the Plan's liability to pay benefits to the Participant or Beneficiary under this Plan shall be discharged to the extent of the amount so transferred for the Participant or Beneficiary. The Administrator may require such documentation from the receiving plan as it deems appropriate or necessary to comply with this Section 7.3 (for example, to confirm that the receiving plan satisfies Section 403(b) of the Code and to assure that the transfer is permitted under the receiving plan) or to effectuate the transfer pursuant to § 1.403(b)-10(b)(3) of the Income Tax Regulations.

7.4 *Contract and Custodial Account Exchanges.* A Participant or Beneficiary is permitted to change the investment of his or her Account Balance among the Approved Vendors under the Plan, subject to the terms of the Individual Agreements. However, an investment change that includes an investment with any Vendor other than an Approved Vendor is not permitted.

7.5 *Permissive Service Credit Transfers.* (a) If a Participant is also a participant in a tax-qualified defined benefit governmental plan (as defined in Section 414(d) of the Code) that provides for the acceptance of plan-to-plan transfers with respect to the Participant, then the Participant may elect to have any portion of the Participant's Account Balance transferred to the defined benefit governmental plan. A transfer under this Section 7.5(a) may be made before the Participant has had a Severance from Employment. (b) A transfer may be made under Section 7.5(a) only if the transfer is either for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under the receiving defined benefit governmental plan or a repayment to which Section 415 of the Code does not apply by reason of Section 415(k)(3) of the Code. (c) In addition, if a plan-to-plan transfer does not constitute a complete transfer of the Participant's or Beneficiary's interest in the transferor plan, the Plan shall treat the amount transferred as a continuation of a pro rata portion of the Participant's or Beneficiary's interest in the transferor plan (e.g., a pro rata portion of the Participant's or Beneficiary's interest in any after-tax employee contributions).

ARTICLE VIII - INVESTMENT OF CONTRIBUTIONS

8.1 *Manner of Investment.* All Elective Deferrals or other amounts contributed to the Plan, all property and rights purchased with such amounts under the Funding Vehicles, and all income attributable to such amounts, property, or rights shall be held and invested in one or more Annuity Contracts or Custodial Accounts. Each Custodial Account shall provide for it to be impossible, prior to the satisfaction of all liabilities with respect to Participants and their Beneficiaries, for any part of the assets and income of the Custodial Account to be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries.

8.2 *Investment of Contributions; Fee Disclosures.* Each Participant or Beneficiary shall direct the investment of his or her Account among the investment options available under the Annuity Contract or Custodial Account in accordance with the terms of the Individual Agreements. Transfers among Annuity Contracts and Custodial Accounts may be made to the extent provided in the Individual Agreements and permitted under applicable Income Tax Regulations. In accordance with the terms of any Individual Agreement and the terms of any services, administrative or recordkeeping agreement or agreements entered into between a Fund Sponsor and Administrator, as the same may be amended from time to time, a Fund Sponsor shall disclose in writing to each Participant prior to the selection of investment options under a

Funding Vehicle offered under the Plan by the Fund Sponsor and periodically at such other time or times as may be agreed upon between the Fund Sponsor and Administrator in any services, administrative or recordkeeping agreement or agreements, all investment fees, costs and expenses, including without limitation, any surrender charges, applicable to the investment options under such Funding Vehicle. All reasonable expenses of administration, including, but not limited to, investment through Self-Directed those involved in retaining necessary professional assistance for Brokerage Account Funding Vehicles, may be paid directly from the assets of those Funding Vehicles, subject to the Individual Agreements.

8.3 Current and Former Vendors. The Administrator shall maintain a list of all Approved Vendors and Grandfathered Vendors under the Plan. Such list is hereby incorporated as part of the Plan. Each Approved Vendor and Grandfathered Vendor and the Administrator shall exchange such information as may be necessary to satisfy Section 403(b) of the Code or other requirements of applicable law. In the case of a vendor which is not eligible to receive Elective Deferrals under the Plan (including a Vendor which has ceased to be an Approved Vendor or Grandfathered Vendor eligible to receive Elective Deferrals under the Plan), the Employer shall keep such vendor informed of the name and contact information of the Administrator in order to coordinate information necessary to satisfy Section 403(b) of the Code or other requirements of applicable law.

8.4 Participant Education. In accordance with the terms of any Individual Agreement and the terms of any service, administration or recordkeeping agreement or agreements between the Fund Sponsor and the Administrator, as the same may be amended from time to time, each Fund Sponsor shall make available to Participants investment education at no cost; provided however, that if a Participant elects to invest in a Self-Directed Brokerage Account Funding Vehicle which requires a fee for providing brokerage or other services, said fees for professional assistance shall be paid and disclosed by the Brokerage Service pursuant to Section 8.2 of this Agreement.

ARTICLE IX – ADMINISTRATION

9.1 Plan Administrator. The Plan will be administered by the Administrator. The Administrator will have full power to administer the Plan in all of its details. The Administrator shall have the authority to control and manage the operation and administration of the Plan.

9.2 Authority of the Administrator. The Administrator has all the powers and authority expressly conferred upon it herein and further shall have discretionary and final authority to determine all questions concerning eligibility and contributions under the Plan, to interpret and construe all terms of the Plan, including any uncertain terms, and to determine any disputes arising under and all questions concerning administration of the Plan. Any determination made by the Administrator shall be given deference, if it is subject to judicial review, and shall be overturned only if it is arbitrary or capricious. In exercising these powers and authority, the Administrator will always exercise good faith, apply standards of uniform application, and refrain from arbitrary action. The Administrator may employ attorneys, agents, and accountants as it finds necessary or advisable to assist it in carrying out its duties. The Administrator, by action of its Board, may designate a person or persons other than the Administrator to carry out any of its powers, authority, or responsibilities. Any delegation will be set forth in writing.

9.3 Action of the Administrator. Any act authorized, permitted, or required to be taken by the Administrator under the Plan, which has not been delegated in accordance with Section 9.2 above, may be taken by a majority of the members of the Commission and a majority of the members of the Council, either by vote at a meeting, or in writing without a meeting. All notices, advice, directions, certifications, approvals, and instructions required or authorized to be given by the Administrator under the Plan will be in writing and signed by either (i) a majority of the members of the Commission, or by any member or members as may be designated by an instrument in writing, signed by all members, as having authority to execute the documents on its behalf, or (ii) a person who becomes authorized to act for the Administrator in accordance with the provisions of Section 9.2 above. Any action taken by the Administrator that is authorized, permitted, or required under the Plan and is in accordance with Funding Vehicles contractual obligations are final and binding upon the Administrator, and all persons who have or who claim an interest under the Plan, and all third parties dealing with the Administrator.

9.4 Indemnification. The Commission and Council will satisfy any liability actually and reasonably incurred by any members of the Commission and Council, respectively, and the Commission and Council will jointly satisfy any liability actually and reasonably incurred by any person to whom any power, authority or responsibility of the Administrator is delegated pursuant to Section 9.2 above (other than the Fund Sponsors). These liabilities include expenses, attorney's fees, judgments, fines, and amounts paid in connection with any threatened, pending or completed action, suit or proceeding related to the exercise (or failure to exercise) of this authority. This is in addition to whatever rights of indemnification exist under the regulations or by-laws of the Commission and Council, under any provision of law, or under any other agreement.

ARTICLE X – AMENDMENT AND TERMINATION

10.1 Termination of Contributions. The Plan Sponsor has adopted the Plan with the intention and expectation that elective deferral contributions will be continued indefinitely. However, the Plan Sponsor has no obligation or liability whatsoever to maintain the Plan for any length of time and may discontinue such contributions under the Plan at any time without any liability hereunder for any such discontinuance.

10.2 Amendment and Termination. The Plan Sponsor reserves the authority to amend or terminate this Plan at any time.

10.3 Distribution upon Termination of the Plan. The Plan Sponsor may provide that, in connection with a termination of the Plan and subject to any restrictions contained in the Individual Agreements, all Accounts will be distributed, provided that the Employer and any Related Employer on the date of termination do not make contributions to an alternative Section 403(b) contract that is not part of the Plan during the period beginning on the date of plan termination and ending 12 months after the distribution of all assets from the Plan, except as permitted by the Income Tax Regulations.

ARTICLE XI - MISCELLANEOUS

11.1 *Non-Assignability.* Except as provided in Section 11.2 and 11.3, the interests of each Participant or Beneficiary under the Plan are not subject to the claims of the Participant's or Beneficiary's creditors; and neither the Participant nor any Beneficiary shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Plan, which payments and interest are expressly declared to be non-assignable and non-transferable.

11.2 *Domestic Relation Orders.* Notwithstanding Section 11.1, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant is made pursuant to the domestic relations law of any State ("domestic relations order"), then the amount of the Participant's Account Balance shall be paid in the manner and to the person or persons so directed in the domestic relations order and to the extent consistent with the rules of the Fund Sponsor. Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. The Administrator shall establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order.

11.3 *IRS Levy.* Notwithstanding Section 11.1, the Administrator may pay from a Participant's or Beneficiary's Account Balance the amount that the Administrator finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary in accordance with the procedures of the Fund Sponsor.

11.4 *Tax Withholding.* Contributions to the Plan are subject to applicable employment taxes (including, if applicable, Federal Insurance Contributions Act (FICA) taxes with respect to Elective Deferrals, which constitute wages under Section 3121 of the Code). Any benefit payment made under the Plan is subject to applicable income tax withholding requirements (including Section 3401 of the Code and the Employment Tax Regulations thereunder). A payee shall provide such information as the Administrator may need to satisfy income tax withholding obligations, and any other information that may be required by guidance issued under the Code.

11.5 *Payments to Minors and Incompetents.* If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of such Participant or Beneficiary in accordance with the procedures of the Fund Sponsor. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.

11.6 *Mistaken Contributions.* If any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any,

allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer.

11.7 Procedure When Distributee Cannot Be Located. The Administrator shall make all reasonable attempts to determine the identity and address of a Participant or a Participant's Beneficiary entitled to benefits under the Plan. For this purpose, a reasonable attempt means (a) the mailing by certified mail of a notice to the last known address shown on the Employer's or the Administrator's records, (b) notification sent to the Social Security Administration or the Pension Benefit Guaranty Corporation (under their program to identify payees under retirement plans), and (c) the payee has not responded within 6 months. If the Administrator is unable to locate such a person entitled to benefits hereunder, or if there has been no claim made for such benefits, the Funding Vehicle shall pay such benefits to the Participant's estate unless the Individual Agreement or the procedures of the Fund Sponsor provide otherwise.

11.8 Incorporation of Individual Agreements. The Plan, together with the Individual Agreements, is intended to satisfy the requirements of Section 403(b) of the Code and the Income Tax Regulations thereunder. Terms and conditions of the Individual Agreements are hereby incorporated by reference into the Plan, excluding those terms that are inconsistent with the Plan or Section 403(b) of the Code.

11.9 Governing Law. The Plan will be construed, administered and enforced according to the Code and the laws of the State of West Virginia.

11.10 Headings. Headings of the Plan have been inserted for convenience of reference only and are to be ignored in any construction of the provisions hereof.

11.11 Gender. Pronouns used in the Plan in the masculine or feminine gender include both genders unless the context clearly indicates otherwise.

11.12 Plan Non-Contractual. Nothing in this Plan will be construed as a commitment or agreement on the part of any person to continue his or her employment with the Employer or any Related Employer, and nothing in this Plan will be construed as a commitment on the part of the Employer to continue the employment or the rate of compensation of any person for any period, and all Employees of the Employer will remain subject to discharge to the same extent as if the Plan had never been put into effect.

11.13 Claims of Other Persons. The provisions of the Plan will not be construed as giving any Participant or any other person, firm, or corporation, any legal or equitable right against the Employer, any Related Employer, the Commission, the Council, any of their officers, employees, or trustees, except the rights as specifically provided for in this Plan or created in accordance with the terms and provisions of this Plan.

11.14 Contracts - Incorporation by Reference. The terms of each Funding Vehicle issued to a Participant are a part of this Plan as if fully set forth in this written plan document and the provisions of each are incorporated by reference into the Plan. The terms of the Funding Vehicle control in any case where there is any inconsistency or ambiguity between the terms of the Plan and the terms of the Funding Vehicle.

IN WITNESS WHEREOF, the Commission and Council have executed this Plan
on _____, 2009, effective January 1, 2009.

**WEST VIRGINIA COUNCIL FOR
COMMUNITY AND TECHNICAL
COLLEGE EDUCATION**

By: _____

Title: _____

**WEST VIRGINIA HIGHER
EDUCATION POLICY COMMISSION**

By: _____

Title: _____

VENDOR LIST

This Vendor List is attached and incorporated into the 403(b) Tax Deferred Retirement Savings Plan of the West Virginia Higher Education Policy Commission and West Virginia Council for Community and Technical College Education (“Plan”) by reference.

All terms in this list have the same meaning as defined in the Plan.

Approved Vendors: The following Vendors have been approved by the Plan Sponsor to receive contributions, provide loans, if applicable, provide hardship withdrawals, if applicable and have agreed to exchange all such information as may be necessary to satisfy Section 403(b) of the Code or other requirements of applicable law.

Great West

TIAA-CREF

Grandfathered Vendors: The following Vendors have been identified by Plan Sponsor and or Employer. Grandfathered Vendors are not permitted to provide loans or hardship withdrawals to participants. However, all Grandfathered Vendors have agreed to exchange all such information as may be necessary to satisfy Section 403(b) of the Code or other requirements of applicable law.

This list may be updated from time to time as determined by the Plan Sponsor.

***457(B) DEFERRED
COMPENSATION PLAN
OF THE
WEST VIRGINIA HIGHER
EDUCATION POLICY COMMISSION AND
WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION***

Amended and restated Effective July 1, 2004

INTRODUCTION

The purpose of the Plan is to provide deferred compensation for eligible Employees of the Participating Employers covered under the Plan.

This Plan document is intended to constitute a governmental eligible deferred compensation plan within the meaning of Section 457 of the Internal Revenue Code of 1986, as amended, regulations issued thereunder and other applicable law. The Plan incorporates provisions that are substantially similar in all material respects to the Model Amendments provided by the Internal Revenue Service in Revenue Procedure 2004-56.

The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education are the Plan Sponsors of this Plan and its employees shall be eligible to participate hereunder in accordance with the terms set forth below. In addition, the administrative units of The West Virginia Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education and any West Virginia public college or university shall be Participating Employers hereunder.

The original effective date of the Plan was January 1, 2003 (“Original Effective Date”) and the effective date of the Plan as amended and restated is July 1, 2004 (“Restated Effective Date”).

SECTION 1 - DEFINITIONS

- 1.1 **“Administrator”**: The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education, 1018 Kanawha Boulevard East, Suite 700, Charleston, West Virginia 25301, or any successor(s) thereto designated to be the administrator of the Plan, shall act jointly as Administrator of the Plan.
- 1.2 **“Account Balance”**: The bookkeeping account maintained with respect to each Participant which reflects the value of the deferred Compensation credited to the Participant, including the Participant’s Annual Deferrals, the earnings or loss from the fund (net of fund expenses) allocable to a Participant, any transfers for the Participant’s benefit, and any distribution made to the Participant or the Participant’s Beneficiary. If a Participant has more than one Beneficiary at the time of the Participant’s death, then a separate Account Balance shall be maintained for each Beneficiary. The Account Balance includes any account established under Section 6 for rollover contributions and plan-to-plan transfers made for a Participant, the account established for a Beneficiary after a Participant’s death, and any account or accounts established for an alternative payee (as defined in section 414(p)(8) of the Code).
- 1.3 **“Annual Deferral”**: The amount of Compensation deferred in any year.
- 1.4 **“Beneficiary”**: The designated person (or, if none, the Participant’s estate) who is entitled to receive benefits under the Plan after the death of a Participant.
- 1.5 **“Code”**: The Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.
- 1.6 **“Compensation”**: All cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Employee’s gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee’s gross income for the calendar year but for a compensation reduction election under section 125, 132(f), 401(k), 403(b), or 457(b) of the Code (including an election to defer compensation under Section 2).
- 1.7 **“Employee”**: The term “Employee” shall include any natural person who is employed by the Employer and meets the “Eligible Employee” policy provisions set forth in Addendum #1 attached hereto and incorporated herein as a part of this Plan, as the same may be amended from time to time.
- 1.8 **“Employer”**: The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education, together with any other Participating Employer.
- 1.9 **“Includible Compensation”**: An Employee’s actual wages in box 1 of Form W-2 for a year for services to the Employer, but subject to a maximum of \$200,000 (or such higher maximum as may apply under section 401(a)(17) of the Code) and increased (up to the dollar maximum) by any compensation reduction election under section 125, 132(f), 401(k),

403(b) or 457(b) of the Code (including an election to defer Compensation under Section 3).

~~1.10~~ **“Investment Options”**: The accounts or investment options offered by the Investment Sponsors and designated pursuant to the terms of this Plan as being available for the purpose of allocating contributions, rollovers and/or transfers under this Plan.

1.10 A Self-Directed Brokerage Account shall constitute an Investment Option for purposes of this Plan. If so directed by the Administrator and subject to the acceptance of a properly executed Self-Directed Brokerage Account application of a Participant or Beneficiary, all or a portion of the assets of an account of said Participant or Beneficiary shall be segregated into an individual Self-Directed Brokerage Account established for the benefit of said Participant or Beneficiary. A Self-Directed-Brokerage Account shall permit Participants to direct the investment and reinvestment of assets held under the Self-Directed Brokerage Account in mutual funds by providing investment instructions directly to the broker appointed for purposes of executing transactions under the account; provided that Participants are only permitted to select investments in accordance with such rules as shall be applicable to the Self-Directed Brokerage Account. Responsibility for due diligence regarding the investments selected and held pursuant to such Self-Directed Brokerage Account Investment Option and investigation and payment of fees applicable to a selected Self-Directed Brokerage Account Investment Option shall rest solely with the Participant.

1.11 **“Investment Sponsors”**: TIAA-CREF and Great-West Life & Annuity Insurance Company (“Great West”) or any other insurance company, regulated investment company, or other entity providing Investment Options under the Plan.

1.12 **“Normal Retirement Age”**: Age 65.

1.13 **“Participant”**: An individual who is currently deferring Compensation, or who has previously deferred Compensation under the Plan by salary reduction and who has not received a distribution of his or her entire benefit under the Plan. Only individuals who perform services for the Employer as an Employee may defer Compensation under the Plan.

1.14 **“Participant Employer or Participating Employer”**: The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education, the administrative units thereof and public institutions of higher education in West Virginia as defined in West Virginia Code § 18B-1-2. All Participant Employers, as such term is used herein, and collectively referred to as “Employer” are political subdivisions, agencies or instrumentalities of the State of West Virginia.

1.15 **“Plan”**: The 457(b) Deferred Compensation Plan of The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education, as set forth herein, as the same is amended from time to time.

1.16 **“Plan Sponsor(s)”**: The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education, and any successor(s) thereof designated to be the sponsor(s) of this Plan.

- 1.17 **“Plan Year”**: The twelve (12) consecutive month period beginning on January 1 and ending on December 31.
- 1.18 **“Severance from Employment”**: The term “Severance from Employment” means the date that the Employee dies, retires, or otherwise has a severance from employment with the Employer, as determined by the Administrator (and taking into account guidance issued under the Code).
- 1.19 **“TIAA-CREF”**: Teachers Insurance and Annuity Association and College Retirement Equities Fund.
- 1.20 **“Trust Agreement”**: The Custodial Account Agreement for the West Virginia Higher Education Policy Commission and West Virginia Council for Community and Technical College Education Section 457(b) Deferred Compensation Agreement, as the same is amended from time to time. Pursuant to Code § 457(g)(3), said Custodial Account Agreement is deemed to be a trust.
- 1.21 **“Trust Fund”**: The deemed trust fund created under and subject to the Trust Agreement.
- 1.22 **“Trustee”**: Such entity or entities as may appropriately be designated as a “trustee” or deemed trustee for purposes of this Plan.
- 1.23 **“Valuation Date”**: The last business day of the Plan Year and such other dates as are necessary or desired for the proper administration of the Plan.

SECTION 2 - PARTICIPATION AND CONTRIBUTIONS

2.1 **Eligibility.**

Each Employee shall be eligible to participate in the Plan and defer compensation as follows:

- (a) Any Employee who is employed with an Employer as of the Original Effective Date of the Plan shall be eligible to participate in the Plan on the Original Effective Date.
- (b) Any individual who does not qualify as an Employee as of the Original Effective Date pursuant to paragraph (a) above, shall be eligible to participate in the Plan upon qualification as an Employee.
- (c) Notwithstanding any of the foregoing, if any individual is not classified as Employee by a Participating Employer and is subsequently reclassified as an Employee by any overriding governmental or regulatory authority, such individual shall nevertheless be deemed to have become an Employee prospectively only, effective as of the date of such reclassification (and not retroactive to the date on which he or she was found to have first become eligible for any other purposes), and then only if he or she otherwise satisfies the requirements of this Plan.

- 2.2 ***Election Required for Participation.*** An Employee may elect to become a Participant by executing an election to defer a portion of his or her Compensation (and have that amount contributed as an Annual Deferral on his or her behalf) and filing it with the Administrator. This participation election shall be made on the deferral agreement provided by the Administrator under which the Employee agrees to be bound by all the terms and conditions of the Plan. The Administrator may establish a minimum deferral amount, and may change such minimums from time to time. The participation election shall also include designation of investment funds and a designation of Beneficiary. Any such election shall remain in effect until a new election is filed.
- 2.3 ***Commencement of Participation.*** An Employee shall become a Participant as soon as administratively practicable following the date the Employee files a participation election pursuant to Section 2.2. Such election shall become effective no earlier than the calendar month following the month in which the election is made. A new Employee may defer Compensation payable in the calendar month during which the Participant first becomes an Employee if an agreement providing for the deferral is entered into on or before the first (1st) day on which the Participant performs services for any Participating Employer.
- 2.4 ***Information Provided by the Participant.*** Each Employee enrolling in the Plan should provide the Administrator at the time of initial enrollment, and later if there are any changes, any information necessary or advisable for the Administrator to administer the Plan, including, without limitation, whether the Employee is a participant in any other Code section 457(b) Plan.
- 2.5 ***Contributions Made Promptly.*** Annual Deferrals by the Participant under the Plan shall be transferred to the Trust Fund within a period that is not longer than is reasonable for the proper administration of the Participant's Account Balance. For this purpose, Annual Deferrals shall be treated as contributed within a period that is not longer than is reasonable for the proper administration if the contribution is made to the Trust Fund within fifteen (15) business days following the end of the month in which the amount would otherwise have been paid to the Participant.
- 2.6 ***Amendment of Annual Deferrals Election.*** Subject to other provisions of the Plan, a Participant may at any time revise his or her participation election, including a change of the amount of his or her Annual Deferrals, his or her investment direction and his or her designated Beneficiary. Unless the election specifies a later date, a change in the amount of the Annual Deferrals shall take effect as of the first (1st) day of the next following month or as soon as administratively practicable if later. A change in the investment direction shall take effect as of the date provided by the Administrator on a uniform basis for all Employees. A change in the Beneficiary designation shall take effect when the election is accepted by the Administrator.
- 2.7 ***Leave of Absence.*** Unless an election is otherwise revised, if a Participant is absent from work by leave of absence, Annual Deferrals under the Plan shall continue to the extent that Compensation continues.

- 2.8 **Disability.** A disabled Participant may elect Annual Deferrals during any portion of the period of his or her disability to the extent that he or she has actual Compensation (not imputed Compensation and not disability benefits) from which to make contributions to the Plan and has not had a Severance from Employment.

SECTION 3 - LIMITATIONS ON AMOUNTS DEFERRED

- 3.1 **Basic Annual Limitation.** The maximum amount of the Annual Deferral under the Plan for any calendar year shall not exceed the lesser of (i) the Applicable Dollar Amount (as defined herein), or (ii) the Participant's Includible Compensation for the calendar year. The “**Applicable Dollar Amount**” is the amount established under section 457(e)(15) of the Code applicable as set forth below:

For the following years:	The Applicable Dollar Amount is:
2002	\$ 11,000
2003	\$ 12,000
2004	\$ 13,000
2005	\$ 14,000
2006 or thereafter	\$ 15,000, adjusted for cost-of-living after 2006 to the extent provided under section 415(d) of the Code.

- 3.2 **Age 50 Catch-up Annual Deferral Contributions.** A Participant who will attain age 50 or more by the end of the calendar year is permitted to elect an additional amount of Annual Deferrals, up to the maximum age 50 catch-up Annual Deferrals for the year. The maximum dollar amount of the age 50 catch-up Annual Deferrals for a year is as follows:

For the following years:	The maximum age 50 catch-up dollar amount is:
2002	\$ 1,000
2003	\$ 2,000
2004	\$ 3,000
2005	\$ 4,000
2006 or thereafter	\$ 5,000, adjusted for cost-of-living after 2006 to the extent provided under the Code.

- 3.3 **Special Section 457 Catch-up Limitation.** If the applicable year is one of a Participant's last three (3) calendar years ending before the year in which the Participant attains Normal Retirement Age and the amount determined under this Section 3.3 exceeds the amount computed under Sections 3.1 and 3.2, then the Annual Deferral limit under this Section 3 shall be the lesser of:

- (a) An amount equal to two (2) times the Section 3.1 Applicable Dollar Amount for such year; or
- (b) The sum of:
 - (1) An amount equal to (A) the aggregate Section 3.1 limit for the current year plus each prior calendar year beginning after December 31, 2001 during which the Participant was an Employee under the Plan, minus (B) the

aggregate amount of Compensation that the Participant deferred under the Plan during such years, plus

- (2) An amount equal to (A) the aggregate limit referred to in section 457(b)(2) of the Code for each prior calendar year beginning after December 31, 1978 and before January 1, 2002 during which the Participant was an Employee (determined without regard to Sections 3.2 and 3.3), minus (B) the aggregate contributions to Pre-2002 Coordination Plans (as defined in Section 3.4 below) for such years.

However, in no event can the deferred amount be more than the Participant's Compensation for the year.

3.4 ***Special Rules.*** For purposes of this Section 3, the following rules shall apply:

- (a) **Participant Covered By More Than One Eligible Plan.** If the Participant is or has been a participant in one or more other Code section 457(b) Eligible Plans, then this Plan and all such other plans shall be considered as one plan for purposes of applying the foregoing limitations of this Section 3. For this purpose, the Administrator shall take into account any other such Code section 457(b) Eligible Plan maintained by a Participating Employer and shall also take into account any other such Code section 457(b) Eligible Plan for which the Administrator receives from the Participant sufficient information concerning his or her participation in such other plan.
- (b) **Pre-Participation Years.** In applying Section 3.3, a year shall be taken into account only if (i) the Participant was eligible to participate in the Plan during all or a portion of the year, and (ii) Compensation deferred, if any, under the Plan during the year was subject to the basic annual limitation described in Section 3.1 above, or any other plan ceiling required by section 457(b) of the Code.
- (c) **Pre-2002 Coordination Years.** For purposes of Section 3.3(b)(2)(B), "contributions to Pre-2002 Coordination Plans" means any employer contribution, salary reduction or elective contribution under any other Code section 457(b) Eligible Plan, or a salary reduction or elective contribution under any Code section 401(k) qualified cash or deferred arrangement, Code section 402(h)(1)(B) simplified employee pension (SARSEP), Code section 403(b) annuity contract, and Code section 408(p) simple retirement account, or under any plan for which a deduction is allowed because of a contribution to an organization described in section 501(c)(18) of the Code, including plans, arrangements or accounts maintained by any Participating Employer or any employer for whom the Participant performed services. However, the contributions for any calendar year are only taken into account for purposes of Section 3.3(b)(2)(B) to the extent that the total of such contributions does not exceed the aggregate limit referred to in section 457(b)(2) of the Code for that year.
- (d) **Disregard Excess Deferral.** For purposes of Sections 3.1, 3.2 and 3.3, an individual is treated as not having deferred compensation under a plan for a prior taxable year to the extent Excess Deferrals under the plan are distributed, as described in Section

3.5. To the extent that the combined deferrals for pre-2002 years exceeded the maximum deferral limitations, the amount is treated as an Excess Deferral for those prior years.

- 3.5 ***Correction of Excess Deferrals.*** If the Annual Deferral on behalf of a Participant for any calendar year exceeds the limitations described above, or the Annual Deferral on behalf of a Participant for any calendar year exceeds the limitations described above when combined with other amounts deferred by the Participant under another Code Section 457(b) Eligible Deferred Compensation Plan for which the Participant provides information that is accepted by the Administrator, then the Annual Deferral, to the extent in excess of the applicable limitation (adjusted for any income or loss in value, if any, allocable thereto), shall be distributed to the Participant.
- 3.6 ***Protection of Persons Who Serve in a Uniformed Service.*** An Employee whose employment is interrupted by qualified military service under Code section 414(u) or who is on a leave of absence for qualified military service under Code section 414(u) may elect to make additional Annual Deferrals upon resumption of employment with the Participating Employer equal to the maximum Annual Deferrals that the Employee could have elected during that period if the Employee's employment with the Participating Employer had continued (at the same level of Compensation) without the interruption or leave, reduced by the Annual Deferrals, if any, actually made for the Employee during the period of the interruption or leave. This right applies for five (5) years following the resumption of employment (or, if sooner, for a period equal to three (3) times the period of the interruption or leave).
- 3.7 ***Modifications to Amount Deferred.*** A Participant may elect up to four (4) times in any calendar year to change his or her Annual Deferral rate with respect to future Compensation by submitting a new properly completed and executed Voluntary Salary Deferral Agreement to her or his Participating Employer or its designee. Such change shall take effect as soon as administratively practicable but not earlier than the first (1st) pay period commencing with or during the first (1st) month following receipt by the Participating Employer or its designee of such Voluntary Salary Deferral Agreement.
- 3.8 ***Termination of Deferral.*** A Participant may terminate his or her election to have Compensation deferred by so notifying her or his Participating Employer or its designee in writing. Such termination shall take effect as soon as administratively practicable, but not earlier than the first pay period commencing with or during the first (1st) month following receipt by the Participating Employer or its designee of satisfactory written notice of such revocation.
- 3.9 ***Participating Employer Non-Elective Contributions.*** No Participating Employer will make any non-elective contributions to the Plan on behalf of any Participant in its employ.
- 3.10 ***Participating Employer Matching Contributions.*** No Participating Employer will make any matching contributions to the Plan on behalf of any Participant in its employ who makes Annual Deferrals.

- 3.11 **Vesting.** A Participant shall be fully vested at all times in his or her accrued benefits under this Plan. Such accrued benefits shall be non-forfeitable at all times.
- 3.12 **Acceptance of Rollover Contributions.** On or after January 1, 2002, if a Participant is entitled to receive, and elects to receive, a distribution from another Eligible Deferred Compensation Plan maintained by a State, political subdivision of a State or any agency or instrumentality of a State or political subdivision of a State, or from a plan qualified under Section 401(a) or 403(a) of the Code, or a plan described in Section 403(b) of the Code, that is in each case an eligible rollover distribution under the Code, each Investment Sponsor shall, subject to the rules of such Investment Sponsor, accept such amount under this Plan, provided that the rollover to this Plan is made either directly from another such plan or by the Participant within sixty days of the receipt of the distribution. Any such amounts rolled over from any such plan shall be accounted for separately upon acceptance as a rollover under this Plan. Such funds and the accumulation generated from them shall be fully vested and nonforfeitable at all times.

SECTION 4 - LOANS

- 4.1 **Loans.** A Participant who is an Employee may apply for and receive a loan from his or her Account Balance as provided in this Section 4. Any such loan may not be for an amount less than the minimum amount specified by the Administrator.
- 4.2 **Maximum Loan Amount.** No loan to a Participant hereunder may exceed the lesser of:
- (a) \$50,000, reduced by the greater of (i) the outstanding balance on any loan from the Plan to the Participant on the date the loan is made or (ii) the highest outstanding balance on loans from the Plan to the Participant during the one-year period ending on the day before the date the loan is approved by the Administrator (not taking into account any payments made during such one-year period), or
 - (b) one half ($\frac{1}{2}$) of the value of the Participant's vested Account Balance (as of the Valuation Date immediately preceding the date on which such loan is approved by the Administrator).

For purposes of this Section 4.2, any loan from any other plan maintained by a Participating Employer shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided, however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan under this Section 4.2 to exceed the amount that would otherwise be permitted in the absence of this paragraph.

- 4.3 **Terms of Loan.** The terms of the loan shall:
- (a) require level amortization with payments not less frequently than quarterly throughout the repayment period, except that alternative arrangements for repayment may apply in the event that the borrower is on a bona fide unpaid leave of absence for a period not to exceed one (1) year for leaves other than a qualified military leave

within the meaning of section 414(u) of the Code or for the duration of a leave which is due to qualified military service;

- (b) require that the loan be repaid within five (5) years unless the Participant certifies in writing to the Administrator that the loan is to be used to acquire any dwelling unit which within a reasonable time is to be used (determined at the time the loan is made) as a principal residence of the Participant; and
- (c) provide for interest at a rate equal to one (1) percentage point above the prime rate as determined by the Investment Sponsors based upon a published prime rate as of the first (1st) business day of the month in which the loan is approved by the Administrator.

4.4 ***Security for Loan; Default.***

- (a) **Security.** Any loan to a Participant under the Plan shall be secured by the pledge of the portion of the Participant's interest in the Plan invested in such loan.
- (b) **Default.** In the event that a Participant fails to make a loan payment under this Section 4 within ninety (90) days after the date such payment is due, a default on the loan shall occur. In the event of such default, (i) all remaining payments on the loan shall be immediately due and payable, (ii) effective as of the first (1st) day of the calendar month next following the month in which any such loan default occurs, the interest rate for such loan shall be (if higher than the rate otherwise applicable) the rate being charged on loans from the Plan that are approved by the Administrator in the month in which such default occurs, (iii) no contributions shall be made on such Participant's behalf prior to the first (1st) payroll period that follows by twelve (12) calendar months the date of repayment in full of such loan, and (iv) the Participant shall be permanently ineligible for any future loans from the Plan.

In the case of any default on a loan to a Participant, the Administrator shall apply the portion of the Participant's interest in the Plan held as security for the loan in satisfaction of the loan on the date of Severance from Employment. In addition, the Administrator shall take any legal action it shall consider necessary or appropriate to enforce collection of the unpaid loan, with the costs of any legal proceeding or collection to be charged to the Account Balance of the Participant.

Notwithstanding anything elsewhere in the Plan to the contrary, in the event a loan is outstanding hereunder on the date of a Participant's death, his or her estate shall be his or her Beneficiary as to the portion of his or her interest in the Plan invested in such loan (with the Beneficiary or Beneficiaries as to the remainder of his or her interest in the Plan to be determined in accordance with otherwise applicable provisions of the Plan).

- 4.5 ***Repayment.*** The Participant shall be required, as a condition to receiving a loan, to enter into an irrevocable agreement authorizing the Participating Employer to make payroll deductions from his or her Compensation as long as the Participant is an Employee and to

transfer such payroll deduction amounts to the Trustee in payment of such loan plus interest. Repayments of a loan shall be made by payroll deduction of equal amounts (comprised of both principal and interest) from each paycheck, with the first such deduction to be made as soon as practicable after the loan funds are disbursed; provided however, that a Participant may prepay the entire outstanding balance of his loan at any time (but may not make a partial prepayment); and provided, further, that if any payroll deductions cannot be made in full because a Participant is on an unpaid leave of absence or is no longer employed by a Participating Employer (that has consented to make payroll deductions for this purpose) or the Participant's paycheck is insufficient for any other reason, the Participant shall pay directly to the Plan the full amount that would have been deducted from the Participant's paycheck, with such payment to be made by the last business day of the calendar month in which the amount would have been deducted.

SECTION 5 - DISTRIBUTION OF BENEFITS

- 5.1 ***Benefit Distributions At Retirement or Other Severance from Employment.*** Upon retirement or other Severance from Employment (other than due to death), a Participant is entitled to receive a distribution of his or her Account Balance under any form of distribution permitted under Section 5.3 commencing at the date elected under Section 5.2. If a Participant does not elect otherwise, the distribution shall be paid as soon as practicable following Normal Retirement Age or, if later, following retirement or other Severance from Employment and payment shall be made in quarterly installments of the minimum annual payments described in paragraph (b) of Section 5.3.
- 5.2 ***Election of Benefit Commencement Date.*** A Participant may elect to commence distribution of benefits at any time after retirement or other Severance from Employment by a notice filed at least thirty (30) days before the date on which benefits are to commence. However, in no event may distribution of benefits commence later than the date described in Section 5.8.
- 5.3 ***Forms of Distribution.*** In an election to commence benefits under Section 5.2, a Participant entitled to a distribution of benefits under this Section 5 may elect to receive payment in any of the following forms of distribution:
- (a) a lump sum payment of the total Account Balance, or
 - (b) payment for a fixed period of not less than five years and not more than thirty years, or
 - (c) annual installment payments through the year of the Participant's death, the amount payable each year equal to a fraction of the Account Balance equal to one (1) divided by the distribution period set forth in the Uniform Lifetime Table at section 1.401(a)(9)-9, A-2, of the Income Tax Regulations for the Participant's age on the Participant's birthday for that year. If the Participant's age is less than age seventy (70), the distribution period is 27.4 plus the number of years that the Participant's age is less than age seventy (70). At the Participant's election, this annual payment can be made in monthly or quarterly installments. The Account Balance for this calculation

(other than the final installment payment) is the Account Balance as of the end of the year prior to the year for which the distribution is being calculated. Payments shall commence on the date elected under Section 5.2. For any year, the Participant can elect distribution of a greater amount (not to exceed the amount of the remaining Account Balance) in lieu of the amount calculated using this formula.

- 5.4 ***Death Benefit Distributions.*** Commencing in the calendar year following the calendar year of the Participant's death, the Participant's Account Balance shall be paid to the Beneficiary in a lump sum.

Alternatively, if the Beneficiary with respect to the Participant's Account Balance is a natural person, at the Beneficiary's election, distribution can be made in annual installments (calculated in a manner that is similar to installments under Section 5.3) with the distribution period determined under this paragraph. If the Beneficiary is the Participant's surviving spouse, the distribution period is equal to the Beneficiary's life expectancy using the single life table in section 1.401(a)(9)-9, A-1, of the Income Tax Regulations for the spouse's age on the spouse's birthday for that year. If the Beneficiary is not the Participant's surviving spouse, the distribution period is the Beneficiary's life expectancy determined in the year following the year of the Participant's death using the single life table in section 1.401(a)(9)-9, A-1, of the Income Tax Regulations for the Beneficiary's age on the Beneficiary's birthday for that year, reduced by one (1) for each year that has elapsed after that year. For any year, a Beneficiary can elect distribution of a greater amount (not to exceed the amount of the remaining Account Balance) in lieu of the amount calculated using this formula.

- 5.5 ***Account Balances of \$ 1,000 or Less.*** Notwithstanding Sections 5.2, 5.3 and 5.4, if the amount of a Participant's Account Balance is \$1,000 or less on the date that payments commence under Section 5.3 or on the date of the Participant's death, then payment shall be made to the Participant (or to the Beneficiary if the Participant is deceased) in a lump sum equal to the Participant's Account Balance as soon as practicable following the Participant's retirement, death, or other Severance from Employment.

- 5.6 ***Amount of Account Balance.*** Except as provided in Section 5.3, the amount of any payment under this Section 5 shall be based on the amount of the Account Balance on the preceding Valuation Date.

- 5.7 ***Revocation of Prior Election.*** Any election made under this Section 5 may be revoked at any time.

- 5.8 ***Latest Distribution Date.*** In no event shall any distribution under this Section 5 begin later than the later of (a) April 1 of the year following the calendar year in which the Participant attains age 70 ½, or (b) April 1 of the year following the year in which the Participant retires or otherwise has a Severance from Employment. If distributions commence in the calendar year following the later of the calendar year in which the Participant attains age 70 ½ or the calendar year in which the Severance from Employment occurs, the distribution on the date that distribution commences must be equal to the annual installment payment for the year that the Participant has a Severance from Employment determined under paragraph (b) of Section 5.3 and an amount equal to the annual installment payment for the year after

Severance from Employment determined under paragraph (b) of Section 5.3 must also be paid before the end of the calendar year of commencement.

5.9 ***In-Service Distributions From Rollover Account.*** If a Participant has a separate account attributable to rollover contributions to the Plan, the Participant may at any time elect to receive a distribution of all or any portion of the amount held in the rollover account.

5.10 ***Unforeseeable Emergency Distribution.***

- (a) Distribution. If the Participant has an unforeseeable emergency before retirement or other Severance from Employment, the Participant may elect to receive a lump sum distribution equal to the amount requested or, if less, the maximum amount determined by the Administrator to be permitted to be distributed under this Section 5.10.
- (b) Unforeseeable emergency defined. An unforeseeable emergency is defined as a severe financial hardship of the Participant resulting from: (i) an illness or accident of the Participant, the Participant's spouse, or the Participant's dependent (as defined in section 152(a)), (ii) loss of the Participant's property due to casualty (including the need to rebuild a home following damage to a home not otherwise covered by homeowner's insurance, e.g., as a result of a natural disaster), (iii) the need to pay for the funeral expenses of the Participant's spouse or dependent (as defined in section 152(a) of the Code), or (iv) other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant. For example, the imminent foreclosure of or eviction from the Participant's primary residence may constitute an unforeseeable emergency. In addition, the need to pay for medical expenses, including non-refundable deductibles, as well as for the cost of prescription drug medication, may constitute an unforeseeable emergency. However, Except as otherwise specifically provided in this Section 5.10, neither the purchase of a home nor the payment of college tuition is an unforeseeable emergency.
- (c) Limitations with respect to definition of an unforeseeable emergency. Though the circumstances that will constitute an Unforeseeable Emergency will depend upon the facts of each case, but, in any case, payment may not be made to the extent that such hardship is or may be relieved:
 - (1) Through reimbursement or compensation by insurance or otherwise,
 - (2) By liquidation of the Participant's assets, to the extent that liquidation of such assets would not itself cause severe financial hardship, or
 - (3) By cessation of deferrals under the Plan.
- (d) Unforeseeable emergency distribution standard. A distribution on account of unforeseeable emergency may not be made to the extent that such emergency is or may be relieved through reimbursement or compensation from insurance or otherwise, by liquidation of the Participant's assets, to the extent the liquidation of

such assets would not itself cause severe financial hardship, or by cessation of deferrals under the plan.

- (e) Distribution necessary to satisfy an unforeseeable emergency need. Distributions because of an unforeseeable emergency may not exceed the amount reasonably necessary to satisfy the emergency need (which may include any amounts necessary to pay any federal, state, or local income taxes or penalties reasonably anticipated to result from the distribution).

5.11 ***Mandatory Distributions for Certain Account Balances of \$1,000 or Less.*** At the direction of the Administrator, a Participant's total Account Balance shall be paid in a lump sum as soon as practical following the direction if (a) the total Account Balance is \$1,000 or less, (b) the Participant has not previously received a distribution of the total amount payable to the Participant under this Section 5.11, and (c) no Annual Deferral has been made with respect to the Participant during the two-year period ending immediately before the date of the distribution.

5.12 ***Rollover Distributions.***

- (a) A Participant or the surviving spouse of a Participant (or a Participant's former spouse who is the alternate payee under a domestic relations order, as defined in section 414(p) of the Code) who is entitled to an eligible rollover distribution may elect, at the time and in the manner prescribed by the Administrator, to have all or any portion of the distribution paid directly to an eligible retirement plan specified by the Participant in a direct rollover.
- (b) For purposes of this Section 5.12, an "eligible rollover distribution" means any distribution of all or any portion of a Participant's Account Balance, except that an eligible rollover distribution does not include (a) any installment payment under Section 5.3 for a period of ten (10) years or more, (b) any distribution made under Section 5.10 as a result of an unforeseeable emergency, or (c) for any other distribution, the portion, if any, of the distribution that is a required minimum distribution under section 401(a)(9). In addition, an eligible retirement plan means an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, a qualified trust described in section 401(a) of the Code, an annuity plan described in section 403(a) or 403(b) of the Code, or an eligible governmental plan described in section 457(b) of the Code, that accepts the eligible rollover distribution.

5.13 ***Failure to Make Election.*** Notwithstanding any contrary provision herein, if a Participant or Beneficiary fails to elect a form of payment in a timely manner, benefits shall be paid in a lump sum.

SECTION 6 - ROLLOVERS TO THE PLAN AND TRANSFERS

6.1 ***Eligible Rollover Contributions to the Plan.***

- (a) A Participant who is an Employee and who is entitled to receive an eligible rollover distribution from another eligible retirement plan may request to have all or a portion of the eligible rollover distribution paid to the Plan. The Administrator may require such documentation from the distributing plan as it deems necessary to effectuate the rollover in accordance with section 402 of the Code and to confirm that such plan is an eligible retirement plan within the meaning of section 402(c)(8)(B) of the Code.
- (b) For purposes of Section 6.01(a), an eligible rollover distribution means any distribution of all or any portion of a Participant's benefit under another eligible retirement plan, except that an eligible rollover distribution does not include (1) any installment payment for a period of ten (10) years or more, (2) any distribution made as a result of an unforeseeable emergency or other distribution which is made upon hardship of the employee, or (c) for any other distribution, the portion, if any, of the distribution that is a required minimum distribution under section 401(a)(9) of the Code. In addition, an eligible retirement plan means an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, a qualified trust described in section 401(a) of the Code, an annuity plan described in section 403(a) or 403(b) of the Code, or an eligible governmental plan described in section 457(b) of the Code, that accepts the eligible rollover distribution.
- (c) The Plan shall establish and maintain for the Participant a separate account for any eligible rollover distribution paid to the Plan from any eligible retirement plan that is not an eligible governmental plan under section 457(b) of the Code. In addition, the Plan shall establish and maintain for the Participant a separate account for any eligible rollover distribution paid to the Plan from any eligible retirement plan that is an eligible governmental plan under section 457(b) of the Code.

6.2 ***Plan-to-Plan Transfers to the Plan.*** At the direction of any Participating Employer, the Administrator may permit a class of Participants who are participants in another eligible governmental plan under section 457(b) of the Code to transfer assets to the Plan as provided in this Section 6.02. Such a transfer is permitted only if the other plan provides for the direct transfer of each Participant's interest therein to the Plan. The Administrator may require in its sole discretion that the transfer be in cash or other property acceptable to the Administrator. The Administrator may require such documentation from the other plan as it deems necessary to effectuate the transfer in accordance with section 457(e)(10) of the Code and section 1.457-10(b) of the Income Tax Regulations and to confirm that the other plan is an eligible governmental plan as defined in section 1.457-2(f) of the Income Tax Regulations. The amount so transferred shall be credited to the Participant's Account Balance and shall be held, accounted for, administered and otherwise treated in the same manner as an Annual Deferral by the Participant under the Plan, except that the transferred amount shall not be considered an Annual Deferral under the Plan in determining the maximum deferral under Section 3.

6.3 ***Plan-to-Plan Transfers from the Plan.***

- (a) At the direction of any Participating Employer, the Administrator may permit a class of Participants and Beneficiaries to elect to have all or any portion of their Account Balance transferred to another eligible governmental plan within the meaning of section 457(b) of the Code and section 1.457-2(f) of the Income Tax Regulations. A transfer is permitted under this Section 6.03(a) for a Participant only if the Participant has had a Severance from Employment with the Participating Employer and is an employee of the entity that maintains the other eligible governmental plan. Further, a transfer is permitted under this Section 6.03(a) only if the other eligible governmental plan provides for the acceptance of plan-to-plan transfers with respect to the Participants and Beneficiaries and for each Participant and Beneficiary to have an amount deferred under the other plan immediately after the transfer at least equal to the amount transferred.
- (b) Upon the transfer of assets under this Section 6.03, the Plan's liability to pay benefits to the Participant or Beneficiary under this Plan shall be discharged to the extent of the amount so transferred for the Participant or Beneficiary. The Administrator may require such documentation from the receiving plan as it deems appropriate or necessary to comply with this Section 6.03 (for example, to confirm that the receiving plan is an eligible governmental plan under paragraph (a) of this Section 6.03, and to assure that the transfer is permitted under the receiving plan) or to effectuate the transfer pursuant to section 1.457-10(b) of the Income Tax Regulations.

6.4 *Permissive Service Credit Transfers.*

- (a) If a Participant is also a participant in a tax-qualified defined benefit governmental plan (as defined in section 414(d) of the Code) that provides for the acceptance of plan-to-plan transfers with respect to the Participant, then the Participant may elect to have any portion of the Participant's Account Balance transferred to the defined benefit governmental plan. A transfer under this Section 6.04(a) may be made before the Participant has had a Severance from Employment.
- (b) A transfer may be made under Section 6.04(a) only if the transfer is either for the purchase of permissive service credit (as defined in section 415(n)(3)(A) of the Code) under the receiving defined benefit governmental plan or a repayment to which section 415 of the Code does not apply by reason of section 415(k)(3) of the Code.

SECTION 7 - TRUST FUNDS

- 7.1 **Trust Fund.** All amounts of Annual Deferrals, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held and invested in the deemed Trust Fund in accordance with this Plan and the Trust Agreement. The Trust Fund, and any subtrust established under the Plan, shall be established pursuant to a written agreement that constitutes a valid contract under the law of West Virginia. The Trustee shall ensure that all investments, amounts, property, and rights held under the Trust Fund are held for the exclusive benefit of Participants and their Beneficiaries. The Trust Fund shall be held in trust pursuant to the Trust Agreement for the exclusive benefit of Participants and their Beneficiaries and defraying reasonable expenses of the Plan and of the Trust Fund. It shall be impossible, prior to the satisfaction of all liabilities with respect to Participants and their Beneficiaries, for any part of the assets and income of the Trust Fund to be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries.

SECTION 8 - BENEFICIARIES

- 8.1 **Designation.** A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time prior to commencement of benefits, in writing, in a form approved by the Plan Sponsor or its designee. Such designation, amendment or revocation shall be effective upon satisfactory receipt by the Participating Employer or its designee.
- 8.2 **Failure to Designate a Beneficiary.** If, prior to the date a Participant commences to receive payment of benefits under the Plan, the Participant has not designated a Beneficiary or no designated Beneficiary survives the Participant and benefits are payable following the Participant's death, such benefits shall be paid to the Participant's estate.

SECTION 9 - PLAN ADMINISTRATION

- 9.1 **Plan Administration.** The Administrator shall have sole discretionary responsibility for the interpretation of the Plan, enrolling Participants in the Plan, sending contributions on behalf of each Participant to the applicable Investment Sponsor, and for performing other duties required for the operation of the Plan. Any action taken on any matter within the discretion of the Administrator shall be made in its sole and absolute discretion based on this Plan, and shall be final, conclusive, and binding on all parties. In order to discharge its duties hereunder, the Administrator shall have the power and authority to delegate ministerial duties and to employ such outside professionals as may be required for prudent administration of the Plan. The Administrator may also designate certain persons or entities to be responsible for performing administrative duties required for the operation of the Plan. The Administrator shall also have authority to enter into agreements on behalf of any Participating Employer necessary to implement this Plan.
- 9.2 **Authority of the Commission and Council.** The Commission and Council shall jointly have all the powers and authority expressly conferred upon them herein and further shall have discretionary and final authority to determine all questions concerning eligibility and

contributions under the Plan, to interpret and construe all terms of the Plan, including any uncertain terms, and to determine any disputes arising under and all questions concerning administration of the Plan. Any determination made by the Commission and Council shall be given deference, if it is subject to judicial review, and shall be overturned only if it is arbitrary or capricious. In exercising these powers and authority, the Commission and Council will always exercise good faith, apply standards of uniform application, and refrain from arbitrary action. The Commission and Council may employ attorneys, agents, and accountants as it finds necessary or advisable to assist it in carrying out its duties. The Commission and Council by action of their respective Boards, may designate a person or persons other than the Commission and Council to carry out any of their powers, authority, or responsibilities as administrator. Any delegation will be set forth in writing.

- 9.3 ***Action of the Commission or Council.*** Any act authorized, permitted, or required to be taken by the Commission and Council under the Plan, which has not been delegated in accordance with the "Authority of the Commission and Council" section of Article 9.2, may be taken by a majority of the members of the Commission and a majority of the members of the Council, either by vote at a meeting, or in writing without a meeting. All notices, advice, directions, certifications, approvals, and instructions required or authorized to be given by the Commission and Council under the Plan will be in writing and signed by either (i) a majority of the members of the Commission, a majority of the members of the Council, or by any member or members as may be designated by an instrument in writing, signed by all members, as having authority to execute the documents on its behalf, or ii) a person who becomes authorized to act for the Commission and Council in accordance with the provisions of the "Authority of the Commission and Council" in section 9.2. Any action taken by the Commission and Council that is authorized, permitted, or required under the Plan and is in accordance with Investment Sponsors contractual obligations are final and binding upon the Commission, Council and all persons who have or who claim an interest under the Plan, and all third parties dealing with the Commission and/or Council.
- 9.4 ***Indemnification.*** The Commission and Council will satisfy any liability actually and reasonably incurred by any members of the Commission and/or Council, respectively, and the Commission and Council will satisfy any liability actually and reasonably incurred by any person to whom any power, authority or responsibility of the Commission and Council is delegated pursuant to the "Authority of the Commission and Council" in Section 9.2 (other than the Investment Sponsors). These liabilities include expenses, attorney's fees, judgments, fines, and amounts paid in connection with any threatened, pending or completed action suit or proceeding related to the exercise (or failure to exercise) of this authority. This is in addition to whatever rights of indemnification exist under the articles of incorporation, regulations or by-laws of the Commission and/or Council, under any provision of law, or under any other agreement.
- 9.5 ***Accounts and Expenses.*** The Plan Sponsor shall establish and maintain contracts and/or accounts on behalf of each Participant. Such Participant's contracts and/or accounts shall be valued at fair market value as of the last day of the Plan Year and such other dates as are necessary or desired for the proper administration of the Plan. Each Participant shall receive a written notice of his or her contract value or Account Balance following such valuation or

valuations, provided that such notice shall not be required to be given more than one time per calendar quarter. Each Participant's contract value and Account Balance shall reflect his or her aggregate Annual Deferrals, non-elective contributions, matching contributions, transfers and rollovers, if any, and shall also reflect investment experience credited to such contracts and/or accounts and shall reflect ~~expense charges and distributions therefrom and charges for all reasonable expenses of administration including, but not limited to, those expenses and fees involved in investment through a Self-Directed Brokerage Account Investment Option.~~

- 9.6 ***Investments.*** A Participant may request that amounts contributed to the Plan on his or her behalf be allocated among the available Investment Options established under the Plan. The Investment Options shall include the Investment Options made available by any approved Investment Sponsors. The initial allocation request may be made at the time of enrollment. Once made, an investment allocation request shall remain in effect for all subsequent contributions until changed by the Participant. A Participant may change his or her investment allocation by submitting a written request to the Participating Employer or its designee on such form as may be required by the Participating Employer or its designee. A Participant may also request transfers between Investment Options established under the Plan. Such changes shall become effective as soon as administratively feasible after the Participating Employer or its designee receives a satisfactory written request. ~~Although the Participating Employer intends to invest contributions according to the Participant's requests, it reserves the right to invest without regard to such requests.~~ If a Self Directed Brokerage Account Investment Option is selected, a Participant shall have the authority to direct the investment and reinvestment of assets held under the Self-Directed Brokerage Account in mutual funds by providing investment instructions directly to the broker appointed for purposes of executing transactions under the account; provided that Participants are only permitted to select investments in accordance with such rules as shall be applicable to the Self-Directed Brokerage Account and in accordance with any rules or requirements applicable under federal law, regulations or administrative guidance or as may be instituted by the Commission and Council with respect to the Self-Directed Brokerage Account. Responsibility for due diligence regarding the investments selected and held pursuant to such Self-Directed Brokerage Account Investment Option and investigation and payment of fees applicable to a selected Self-Directed Brokerage Account Investment Option shall rest solely with the Participant.

SECTION 10 - AMENDMENT OR TERMINATION OF PLAN

- 10.1 ***Amendment and Termination.*** While it is expected that this Plan will continue indefinitely, the Plan Sponsor reserves the right at any time to amend, otherwise modify, or terminate the Plan (by joint consent or approval of the Council and Commission) and without any liability for such action. No amendment shall increase the duties or responsibilities of any Investment Sponsor without its prior consent thereto in writing. In the event of a termination of the Plan, the Plan Sponsor shall notify the Administrator, which shall notify Participants of the termination.

SECTION 11 - MISCELLANEOUS

- 11.1 **Plan Non-Contractual.** Nothing contained in this Plan will be construed as a commitment or agreement on the part of any person to continue his or her employment with any Participating Employer, and nothing contained in this Plan will be construed as a commitment on the part of the Plan Sponsor or any Participating Employer to continue the employment or the rate of compensation of any person for any period, and all Employees of the Plan Sponsor or any Participating Employer will remain subject to discharge to the same extent as if the Plan had never been put into effect.
- 11.2 **Claims of Other Persons.** The provisions of the Plan will in no event be construed as giving any Participant or any other person, firm, corporation or other legal entity, any legal or equitable right against the Plan Sponsor or any Participating Employer, its officers, employees, directors or trustees, except the rights as are specifically provided for in this Plan or created in accordance with the terms and provisions of this Plan.
- 11.3 **Non-Assignability.** Except as provided in Section 11.4 and 11.5, the interests of each Participant or Beneficiary under the Plan are not subject to the claims of the Participant's or Beneficiary's creditors; and neither the Participant nor any Beneficiary shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Plan, which payments and interest are expressly declared to be non-assignable and non-transferable.
- 11.4 **Domestic Relation Orders.** Notwithstanding Section 11.3, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant is made pursuant to the domestic relations law of any State ("domestic relations order"), then the amount of the Participant's Account Balance shall be paid in the manner and to the person or persons so directed in the domestic relations order. Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. The Administrator shall establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order.
- 11.5 **IRS Levy.** Notwithstanding Section 11.3, the Administrator may pay from a Participant's or Beneficiary's Account Balance the amount that the Administrator finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.
- 11.6 **Mistaken Contributions.** If any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in

value, if any, allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Participating Employer.

- 11.7 ***Payments to Minors and Incompetents.*** If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of such Participant or Beneficiary. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.
- 11.8 ***Procedure When Distributee Cannot Be Located.*** The Administrator shall make all reasonable attempts to determine the identity and address of a Participant or a Participant's Beneficiary entitled to benefits under the Plan. For this purpose, a reasonable attempt means (a) the mailing by certified mail of a notice to the last known address shown on the Participating Employer's or the Administrator's records, (b) notification sent to the Social Security Administration or the Pension Benefit Guaranty Corporation (under their program to identify payees under retirement plans), and (c) the payee has not responded within six (6) months. If the Administrator is unable to locate such a person entitled to benefits hereunder, or if there has been no claim made for such benefits, the Trust Fund shall continue to hold the benefits due such person.
- 11.9 ***Contracts.*** The terms of each arrangement pursuant to which an Investment Option is offered hereunder, the terms of a trust in which an Investment Option may be held, and any contract issued on behalf of a Participant or certificate issued to a Participant, are a part of the Plan as if fully set forth in the Plan document and the provisions of which are hereby incorporated by reference into the Plan. In the case where there is any inconsistency or ambiguity between the terms of the Plan and those of any contract, certificate or trust, if any, funding the Plan, the terms of the Plan control.
- 11.10 ***Pronouns.*** Whenever used herein, the masculine pronoun is deemed to include the feminine. The singular form, whenever used herein, shall mean or include the plural form where applicable, and vice versa.
- 11.11 ***Representations.*** Neither the Plan Sponsor nor any Participating Employer represents or guarantees that any particular Federal or State income, payroll, personal property or other tax consequence will result from participation in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his or her participation. Furthermore, neither the Plan Sponsor nor any Participating Employer represents or guarantees investment returns with respect to any Investment Options and shall not be required to restore any loss which may result from such investment or lack of investment.
- 11.12 ***Severability.*** If a court of competent jurisdiction holds any provision of this Plan to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.

11.13 ***Applicable Law.*** This Plan shall be construed in accordance with applicable Federal law and, to the extent otherwise applicable, the laws of the State of West Virginia.

IN WITNESS WHEREOF, this Plan has been duly executed this _____ day of _____, ~~2005~~2010.

WEST VIRGINIA HIGHER EDUCATION
POLICY COMMISSION

By: _____

Its: _____

WEST VIRGINIA COUNCIL FOR
COMMUNITY AND TECHNICAL
COLLEGE EDUCATION

By: _____

Its: _____

ADDENDUM #1

ELIGIBLE EMPLOYEE

Purpose:

To outline the definition and requirements for an employee to be considered an Eligible Employee under the Plan.

Authority:

West Virginia Code of State Regulations applicable to the Commission and Council (Series 8).

Employee Eligibility:

This policy applies to the following categories of employees of the Commission and Council Office staff, the West Virginia Network for Educational Telecomputing, and the state institutions of higher education (the term “state institutions of higher education” having the meaning set forth in West Virginia Code §18B-1-2): classified staff, non-classified, faculty and faculty equivalents/academic professionals (FE/AP) as defined below.

Benefits Eligibility:

In order for a classified, non-classified, or FE/AP position to be benefits eligible and an “Eligible Employee” for purposes of the Plan, the position must be created to last for at least nine months or a twelve month period and be scheduled to work a minimum of 1040 hours during the 12 month period.

Faculty employed for a full academic year, with a minimum 9 month contract, with at least 6 credit hours teaching per semester or its equivalent are benefits eligible and therefore “Eligible Employees.”

Determination of Full-Time Equivalency (FTE):

Classified, Non-Classified, Faculty and Faculty Equivalents/Academic Professionals (FE/AP): Full-time equivalency is the percentage of time (hours) for which a position is established, in a twelve month period, based on a 1950 hours per year being a 1.00 FTE.

Full-time Faculty:

Employment as a faculty member for a full academic year (at least a nine-month contract basis) for at least six (6) semester credit hours teaching per semester or the equivalent in teaching, research, public service, and/or administrative responsibilities.

Definitions:

Full-Time Regular Classified Employees:

Any employee in a regular classified position created to last a minimum of nine months in a twelve month period and working a minimum of 1040 hours during this period of time is considered full-time regular for benefits purposes. The FTE (full time equivalent) of such an appointment must be reported at no less than .53 FTE.

A full-time regular classified employee, as defined above, is benefits eligible and therefore an “Eligible Employee” for Plan purposes, provided the employee meets the qualifying standards or conditions for each benefit.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Capital Projects Funding

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed list of projects in Table 1 consistent with the staff recommendation.

STAFF MEMBER: Brian Noland and Richard Donovan

BACKGROUND:

During the 2009 Special Session, the Legislature approved reauthorization of the Education, Arts, Science and Tourism (EAST) Bonds with debt service to be funded using Lottery revenue currently dedicated to bonds that will be fully amortized on July 1, 2010. Under the terms of the authorization, the Commission was to submit a list of projects equal to sixty percent of the bond proceeds (\$90 million of an estimated \$150 million in total proceeds).

The following bullets provide background and context for the Commission's consideration with respect to approving an updated EAST Bond project list:

- In August 2009, the Commission approved a list of EAST Bond projects totaling approximately \$95 million which also identified institution funding matches of twelve and one-half percent for deferred maintenance (renovation) projects and twenty-five percent for new projects.
- This list was forwarded to the Governor for certification as required by West Virginia Code.
- On February 1, 2010, the Governor certified a modified list of projects totaling \$90 million.
- The new list was limited to deferred maintenance projects and provided full funding for the certified EAST Bond projects, thereby obviating the need for institutions to provide a funding match for these projects.
- Senate Bill 612 from the 2010 Regular Session further modified the EAST Bond process by allowing the Governor to adjust the certified list of projects up to the time of bond issuance.

- According to current projections, additional EAST Bond proceeds of approximately \$100 million may be available.

Senate Bill 612 also provides an additional \$5 million in Lottery revenue, allowing the Commission to issue additional tax-exempt capital improvement bonds estimated to generate between \$77 and \$85 million in bond proceeds depending on market conditions at the time of issuance and the type of bonds sold. The Commission, as the result of the passage of Senate Bill 612, must identify additional projects to fund with the new Higher Education Capital Improvement Bond proceeds.

The following tables provide background information and options for the Commission in considering an update to the EAST Bond project list and for the new Higher Education Capital Improvement Bond project list:

- Table 1 provides a comprehensive list of deferred maintenance and new capital construction projects. The total volume of deferred maintenance is \$155,700,000 and the funds required to finalize new construction projects equate to \$70,565,000. All new construction projects require some degree of institutional matching funds.
- Table 2 provides background information on each project contained in the Commission's EAST Bond project list.

After extensive discussions with stakeholders, Commission staff recommends the following:

- That the remaining projects not funded by the EAST Bonds in Table 1 serve as the basis for the bond project list to be funded by Higher Education Capital Improvement Bond proceeds;
- That the Commission place priority on new projects, utilizing Higher Education Capital Improvement Bond proceeds to fund such initiatives; and
- That any residual funds be applied to those deferred maintenance projects in Table 1 not funded via EAST Bond proceeds.

EAST Bond Projects
July 10, 2010

Inst.	Project	Funding Source				Running Total Bond Proceeds
		Original EAST Bond Requested Proceeds	Current Funds Available	Revised Project Costs	Institution, Federal, and/or Private Funding	
Building and Campus Renewal (Renovation)						
EAST Bond Projects						
WVU	White Hall	23,000,000	0	23,000,000	0	23,000,000
MU	Smith Hall Repairs	9,000,000	0	4,600,000	0	27,600,000
WVU	Fleming Hall Renovation & Addition	15,000,000	0	15,000,000	0	42,600,000
BSC	Mahood Hall Renovation	5,000,000	0	5,000,000	0	47,600,000
WLU	Shaw Hall Renovations (ADA)	2,750,000	0	2,750,000	0	50,350,000
CU	Fine Arts Building & Library Renovation	6,000,000	0	6,000,000	0	56,350,000
WVU	Phase II HVAC Replacement in Building B (Main) and Building C (Old Clinic)	3,500,000	0	3,500,000	0	59,850,000
WVSOM	Turley Center Renovations	6,000,000	0	6,000,000	0	65,850,000
SU	Renovation to White, Snyder, Stutzman-Slonaker & Ikenberry Halls	1,150,000	0	1,150,000	0	67,000,000
MU	Academic Buildings Renovation/Repair	13,000,000	0	13,000,000	0	80,000,000
BSC	Basic Science & Dickason Hall Lab Upgrades	1,000,000	0	1,000,000	0	81,000,000
FSU	Wallman Hall Renovations	5,200,000	0	5,200,000	0	86,200,000
FSU	Musick Library Elevator	2,000,000	0	2,000,000	0	88,200,000
WVU	HSC Electrical Upgrade (HSC) College of Pharmacy Program	2,000,000	0	2,000,000	0	90,200,000
WVU	Renovation/Expansion	1,500,000	0	1,500,000	0	91,700,000
FSU	Hardway Hall Renovations	5,500,000	0	5,500,000	0	97,200,000
WVU-Tech	Old Main Renovations	3,000,000	0	3,000,000	0	100,200,000
Additional Projects Subject to Available Funding						
WVU	Wallace Hall Renovation	1,800,000	0	1,800,000	0	102,000,000
WVU	Davis Fine Arts Renovation	2,000,000	0	2,000,000	0	104,000,000
WVU	Research Laboratories (HSC)	3,200,000	0	3,200,000	0	107,200,000
WVU	Renovation of Health Sciences North (HSC)	15,000,000	0	15,000,000	0	122,200,000
BSC	Campus Infrastructure Improvements	6,000,000	0	6,000,000	0	128,200,000
MU	Forensic Science Center Annex/Renovation	5,992,100	4,992,100	1,000,000	0	129,200,000
WVU	Chemistry Research Annex Renovation	1,500,000	0	1,500,000	0	130,700,000
WVU	Hodges Renovation	25,000,000	0	25,000,000	0	155,700,000
Subtotal E&G Bldg. & Campus Renewal		\$74,492,100	\$4,992,100	\$69,500,000	\$0	\$155,700,000
New Buildings & Facilities						
WLU	Science Center	15,000,000	0	15,000,000	2,250,000	12,750,000
SU	Visual Arts Project	13,900,000	0	13,900,000	2,085,000	11,815,000
MU	Biotechnology Development Center & Applied Engineering	50,000,000	0	50,000,000	25,000,000	49,565,000
GSC	Multi-Function Health and Wellness Education Center (State funding to be applied to academic facilities only)	30,000,000	0	26,000,000	15,000,000	60,565,000
HEPC	Dow Research Park - Building Renovation	20,500,000	0	20,500,000	10,500,000	70,565,000
Subtotal New E&G Buildings & Facilities		\$129,400,000	\$0	\$125,400,000	\$54,835,000	\$70,565,000
Total - E&G Facilities		\$294,492,100	\$4,992,100	\$281,100,000	\$54,835,000	\$226,265,000

Institution	Deferred Mntc.	New Bldg.	Total
BSC	\$12,000,000	\$0	\$12,000,000
CU	\$6,000,000	\$0	\$6,000,000
FSU	\$18,700,000	\$0	\$18,700,000
GSC	\$0	\$11,000,000	\$11,000,000
MU	\$18,600,000	\$25,000,000	\$43,600,000
SU	\$1,150,000	\$11,815,000	\$12,965,000
WLU	\$2,750,000	\$12,750,000	\$15,500,000
WVSOM	\$3,500,000	\$0	\$3,500,000
WVU	\$18,800,000	\$0	\$18,800,000
WVU	\$71,200,000	\$0	\$71,200,000
WVU - Tech	\$3,000,000	\$0	\$3,000,000
HEPC	\$0	\$10,000,000	\$10,000,000
Total	\$155,700,000	\$70,565,000	\$226,265,000

HIGHER EDUCATION POLICY COMMISSION
Bond Projects List
July 10, 2010

Inst.	Project	Year Built	Building Use	Requested Bond Funds	Project Description	Running Total	Running Total
E&G PROJECTS							
Building and Campus Renewal (Renovation)							
WVU	White Hall	1942	Classroom	\$23,000,000	This project will provide for complete renovation of White Hall for the Physics Department. Scope revisions include an additional 13,474 square feet for mechanical space, 1,714 for a Planetarium and renovation of 20,000 square feet of additional space. Smith Hall is an eight-story building and was built in 1966. Lottery bond funds from the 2004 B bond issue were expended to upgrade the HVAC system and various renovations. Additional funds are required to complete window replacement, ADA upgrading, roof replacement, sanitary pipe replacement, electrical service and lighting upgrades, air-handlers upgrade, elevators and various other repairs as documented in a facilities assessment performed by URS. This will complete the renovation of Smith Hall which began in 2004, with an allocation of bond proceeds from the 2004B Lottery Revenue Bonds.	\$23,000,000	23,000,000
MU	Smith Hall Repairs	1966	Classroom & General Use Facility	\$4,600,000	This facility was built in 1941 and is in need of complete renovation and an addition to bring it up to contemporary standards and to make it more functional. Fleming Hall provides classroom space for general academic programs as well as for the Health and Physical Education Department. It also houses the Gymnasium.	\$32,000,000	27,600,000
WVSU	Fleming Hall Renovation & Addition	1941	Classroom & General Use Facility	\$15,000,000	Mahood Hall houses the School of Business and was last renovated 1979. The project will provide for interior renovation, a new roof, asbestos abatement, a new HVAC system and new windows.	\$47,000,000	42,600,000
BSC	Mahood Hall Renovation	1939	Classroom	\$5,000,000	The project will provide for interior renovation, a new roof, asbestos abatement, a new HVAC system and new windows.	\$52,000,000	47,600,000
WLU	Shaw Hall Renovations	1916	Office	\$2,750,000	The college plans to consolidate all its administrative offices in this building.	\$54,750,000	50,350,000
CU	Fine Arts Building & Library Renovation	1967 1940	Classroom, Theater & Library	\$6,000,000	New lighting, modernization of the HVAC system and asbestos abatement will be performed in the Fine Arts Building. The University Library expansion is designed to accommodate 25 years of growth in the library's traditional monographic collection. This project will also provide HVAC modernization and climate control for the entire Library facility, new windows, and new interior finishes.	\$60,750,000	56,350,000
WVSOM	Phase II HVAC Replacement in Building B (Main) and Building C (Old Clinic)	1929	Classroom & General Use Facility	\$3,500,000	Phase I of this project was completed in the summer of 2006. Phase II will allow WVSOM to continue the work and will replace the two 50 year old gas fired, steam boiler systems in the Main Building with a hot water system. Completion of Phase II will eliminate the water hammer problem, eliminate the overheating of the areas above the boiler room, eliminate the almost daily maintenance of repairing leaks in the pipes during winter, and will provide individual heating and cooling controls in each room of the Main Building and Building C.	\$64,250,000	\$9,850,000
FSU	Turley Center Renovations	1958 1975	Classroom & General Use Facility	\$6,000,000	This project will renovate and convert Turley Center, the former student center, to classroom space and provide a permanent home for Community and Technical College Food Service Program.	\$70,250,000	65,850,000
SU	Renovation to White, Snyder, Stutzman-Slonaker & Ikenberry Halls	1942 1976 1966	Classroom, Laboratory & Office	\$1,150,000	This project will replace old, inefficient windows with new energy-efficient replacements. Also minor renovations will be performed.	\$71,400,000	67,000,000
MU	Academic Buildings Renovation/Repair	Various	Classroom & General Use Facility	\$13,000,000	This project will upgrade the following facilities: Medical Educational Building Phase II - this will complete renovation of the building and will include upgrading the HVAC, plumbing and electrical systems, renovation of gross anatomy, teaching labs and classrooms and addressing life-safety code issues; Guillickson Hall - replace galvanized pipes, water heaters, tanks, pumps, etc. and replace skylights; Henderson Center - waterproof south side of building, replacing air handlers/air conditioning and roof system; Pritchard Hall - ADA compliance, upgrades to electrical and plumbing systems, installation of new elevator and boiler replacement; Corbly Hall - renovation of classrooms, chiller replacement and boiler replacement; and Fine and Performing Arts Center - new roof, install dehumidification system and chiller replacement. This will improve the functionality and reduce building maintenance cost in these facilities. Major building components and systems have exceeded their expected lifespan.	\$84,400,000	80,000,000
BSC	Basic Science & Dickason Hall Lab Upgrades	1952 1970	Laboratory	\$1,000,000	The Brown-Gilbert Basic Science building was built in 1970, and the science labs have not been upgraded. With the many advancements in technology, these labs need to be retrofitted to current standards and to provide greater accessibility for disabled students.	\$85,400,000	81,000,000
FSU	Wallman Hall Renovations	1964	Laboratory	\$5,200,000	Wallman Hall, the fine arts building, was built in 1964 and needs general renovation, particularly of the HVAC and electrical systems.	\$90,600,000	86,200,000
FSU	Musick Library Elevator	1950	Library	\$2,000,000	This project will provide ADA access from upper level of the campus to lower level of campus.	\$92,600,000	88,200,000
WVU	HSC Electrical Upgrade (HSC) College of Pharmacy Program Renovation & Expansion			\$2,000,000	An electrical upgrade is needed to meet the expanding requirements of the HSC research and educational objectives.	\$94,600,000	90,200,000
WVU	Hardway Hall Renovations	1915	Classroom & Office	\$1,500,000	Additional instructional space is needed for program expansion.	\$96,100,000	91,700,000
FSU	Hardway Hall Renovations	1915	Classroom & Office	\$5,500,000	Hardway Hall was built in 1915, and although generally well maintained, it needs general renovation, particularly of the HVAC system, and fire alarm and fire suppression systems.	\$101,600,000	97,200,000
WVU	Old Main Renovations (WVUIT)	1895	Office	\$3,000,000	Old Main requires renovation to deal with major deferred maintenance, upgrade of the electrical system and asbestos abatement.	\$104,600,000	100,200,000
WVSU	Wallace Hall Renovation	1970	Classroom	\$1,800,000	Classrooms need to be renovated to contemporary standards.	\$106,400,000	102,000,000
WVSU	Davis Fine Arts Renovation	1964	Classroom	\$2,000,000	Classrooms need to be renovated to contemporary standards in this 1960's era building.	\$108,400,000	104,000,000
WVU	Research Laboratories - Health Sciences Center (HSC)			\$3,200,000	This project involves construction and/or renovation of 20 research laboratories within the Health Sciences Center (HSC), encompassing approximately 24,000 square feet. This space will be necessary to house the research efforts associated with the HSC Strategic Research Plan.	\$111,600,000	107,200,000

HIGHER EDUCATION POLICY COMMISSION
Bond Projects List
July 10, 2010

Inst.	Project	Year Built	Building Use	Requested Bond Funds	Project Description	Running Total	Running Total
WVU	Renovation of Health Sciences North (HSC)	1957	Classroom	\$15,000,000	Renovation and renewal of existing facilities, eliminating associated deferred maintenance costs while increasing the effectiveness of life safety needs.	\$126,600,000	122,200,000
BSC	Campus Infrastructure Improvements	N/A	N/A	\$6,000,000	This project has been a campus masterplan objective since the 1990's. Upgrading access between the north and south sides of the campus which is bisected by US Route 52 would take care of a major safety problem for vehicular and pedestrian traffic traveling from one side of the campus to the other. This was partially accomplished when the WV Department of Transportation replaced the Easley Bridge, but needs to be completed.	\$132,600,000	128,200,000
MU	Forensic Science Center Annex/Renovation	1968	Laboratory	\$1,000,000	This project will complete the third floor of this new facility by constructing faculty research laboratories, offices and research support areas to enable Forensic facility to apply for additional grants in the areas of DNA-based forensic science technologies and to continue assisting law enforcement entities at the national, state, and local level in improving their use of these methodologies. The total estimated project cost is \$5,992,100. MU has \$4,992,100 on-hand.	\$133,600,000	129,200,000
WVU	Chemistry Research Annex Renovation	1968	Laboratory	\$1,500,000	This is a research facility that requires extremely clean air filtration and flow to labs. The present HVAC system is not adequate for this purpose.	\$135,100,000	130,700,000
WVU	Hodges Renovation	1950	Classroom	\$25,000,000	Hodges Hall, an academic building, was built in 1950 and requires major renovations due to old age and safety code changes.	\$160,100,000	155,700,000
Subtotal E&G Bldg. & Campus Renewal				\$155,700,000			

New Buildings & Facilities							
WLU	Science Center	New	Classroom & Laboratory	\$12,750,000	Science classes are scattered around campus and they are using outdated or obsolete facilities and equipment. The buildings are forty to fifty years old. The new center would allow the college to consolidate science classes into one building. Additionally, the college is looking to expand the sciences to add degrees in physician assistant and other programs. The total cost for the facility is \$15,000,000 and the institution will raise matching funds of \$2,250,000 to cover construction costs.	\$175,100,000	168,450,000
SU	Visual Arts Project	New	Classroom & Theater	\$11,815,000	This building will provide 30,000 square feet of additional space for the visual arts program and a studio theater. This will allow the University to demolish Sara Cree Hall in accordance with the campus master plan. The total cost for the facility is \$13,900,000 and the institution will raise matching funds of \$2,085,000 to cover construction costs. SU has raised \$2.2 million in private fund raising for the project to date.	\$189,000,000	180,265,000
MU	Biotechnology Development Center & Applied Engineering	New	Classroom & Laboratory	\$25,000,000	The Engineering facility will enable Marshall University to provide research scientists, entrepreneurs and existing industries with the practical expertise and support in technology transfer, business development and intellectual property rights necessary to create new regional business. The building will support academic programs and provide technical capabilities designed to support the operations of high-end engineering. The total estimated cost of the project is \$50,000,000. This proposed bond allocation assumes that MU will raise at least half of the estimated project cost through other funding opportunities.	\$239,000,000	205,265,000
GSC	Multi-Function Health and Wellness Education Center (State funding to be applied to academic facilities only)	New	Classroom, General Use & Auxiliary	\$11,000,000	This facility will be designed to address critical needs of the College and the surrounding area. The facility will provide additional clinical opportunities for nursing students as well as enhanced facilities for the planned health promotion major. The facility will serve as a teaching facility (land resources, Physical Education, nursing and health promotion), a research center with specific emphasis on wellness programs for central West Virginia and our aligned 13-county initiative (outreach wellness education for K-12), exercise facilities to benefit students, faculty, staff, & the public, and the 247 medical facility will not only provide clinical opportunities for our students but will facilitate medical services for the public as well. The total estimated cost of the project is \$26,000,000. This proposed bond allocation assumes that GSC will raise at least \$15,000,000 of the estimated project cost through other funding opportunities.	\$219,000,000	216,265,000
HEPC	Dow Research Park Building Renovation	1960s	Office and Laboratory	\$10,000,000	This project encapsulates capital improvements across a range of facilities at the South Charleston Technology Park. Fund will be utilized for ADA and life safety improvements, code compliance, energy savings, and a broad range of other improvements required to complete the renovations of Buildings 2000, 740, and 770. The total cost for the facility is \$20,500,000 and the Commission will generate external funds of \$10,500,000 to cover construction costs.		226,265,000
Subtotal New E&G Buildings & Facilities				\$70,565,000			
Total - E&G Facilities				\$226,265,000			

Institution	Bond Series	Final Installment	Maximum Interest Rate	Principal Outstanding	
				2009	2008
West Virginia University	Auction Rate Certificates Federally Taxable Revenue Refunding and Improvement Bonds 2004, Series A	2035	Variable	\$ 11,625	\$ 15,450
West Virginia University	Revenue Refunding Bonds 2004, Series B	2021	5.00 %	55,430	55,430
West Virginia University	Revenue Improvement Bonds 2004, Series C	2035	5.00 %	138,710	138,710
Marshall University	University Facilities Revenue Bonds 2001	2031	5.30 %	41,775	42,820
Glenville State College	Student Housing Bonds, Series 2000A	2030	6.20 %	4,410	4,505
Glenville State College	Campus Community Center Bonds, Series 2006 (ten year reset)	2026	4.30 %	1,375	1,426
Glenville State College	Science Building Bonds, Series 2007, (ten year reset)	2037	4.68 %	3,985	4,052
Fairmont State University	College Facilities Revenue Bonds 2002, Series A	2032	5.38 %	15,995	16,385
Fairmont State University	Infrastructure Revenue Bonds 2002, Series B	2032	5.00 %	8,070	8,275
Fairmont State University	College Facilities Revenue Bonds 2003, Series A	2032	5.25 %	12,160	12,460
Fairmont State University	Student Activity Revenue Bonds 2003, Series B	2032	5.25 %	20,920	21,440
Fairmont State University	Facilities Improvement Revenue Bonds, 2006 Series (ten year reset)	2026	4.18 %	7,622	7,925
Shepherd University	Student Fee Revenue Bonds	2033	5.13 %	5,440	5,555
Shepherd University	Infrastructure Revenue Bonds, Series 2004B	2024	4.50 %	2,730	2,865
Shepherd University	Residence Facilities Revenue Bonds	2035	5.00 %	22,040	22,490
Shepherd University	Wellness Center Facilities Revenue Bonds, Series 2007	2037	4.77 %	19,055	19,400
WV State University	Student Union Revenue Bonds 2002, Series A	2022	6.20 %	4,120	4,350
West Liberty University	Dormitory Revenue Bonds 2003, Series A	2028	6.13 %	7,650	7,875
West Liberty University	University Union Revenue Bonds 2003, Series B	2018	5.63 %	865	940
West Liberty University	Capital Improvement Revenue Bonds 2003, Series C	2028	6.00 %	3,345	3,445
Subtotal				387,322	395,798
	Less unamortized bond discount			(575)	(516)
	Loss on bond defeasance			(3,235)	(3,994)
	Add unamortized bond premium			5,378	5,587
Total	Total			\$ 388,890	\$ 396,875

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Fiscal Year 2011 Higher Education Policy Commission Division Operating Budgets and Higher Education Resource Assessment Projects

INSTITUTION: West Virginia Higher Education Policy Commission

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 division operating budgets and Higher Education Resource Assessment projects.

STAFF MEMBER: Richard Donovan and Terry Hess

BACKGROUND:

Given declining state revenues and the five percent appropriation reductions to the Commission's base budget, division directors met with Vice Chancellor Walthers and finance staff to discuss operating budgets and efficiencies for Fiscal Year (FY) 2011. Finance staff prepared the proposed division budgets for FY 2011 totaling approximately \$7.8 million. Personal services, employee benefits, and Other Post Employment Benefits (OPEB) total \$5.3 million, or 68 percent, of the operating budget of the Commission Office. Other fixed operating costs such as building rent, telecommunications, and on-going contractual services total \$1.8 million, or 23 percent, leaving nine percent (\$728,000) in discretionary operating costs for office expenses, travel, hospitality, and other miscellaneous expenses.

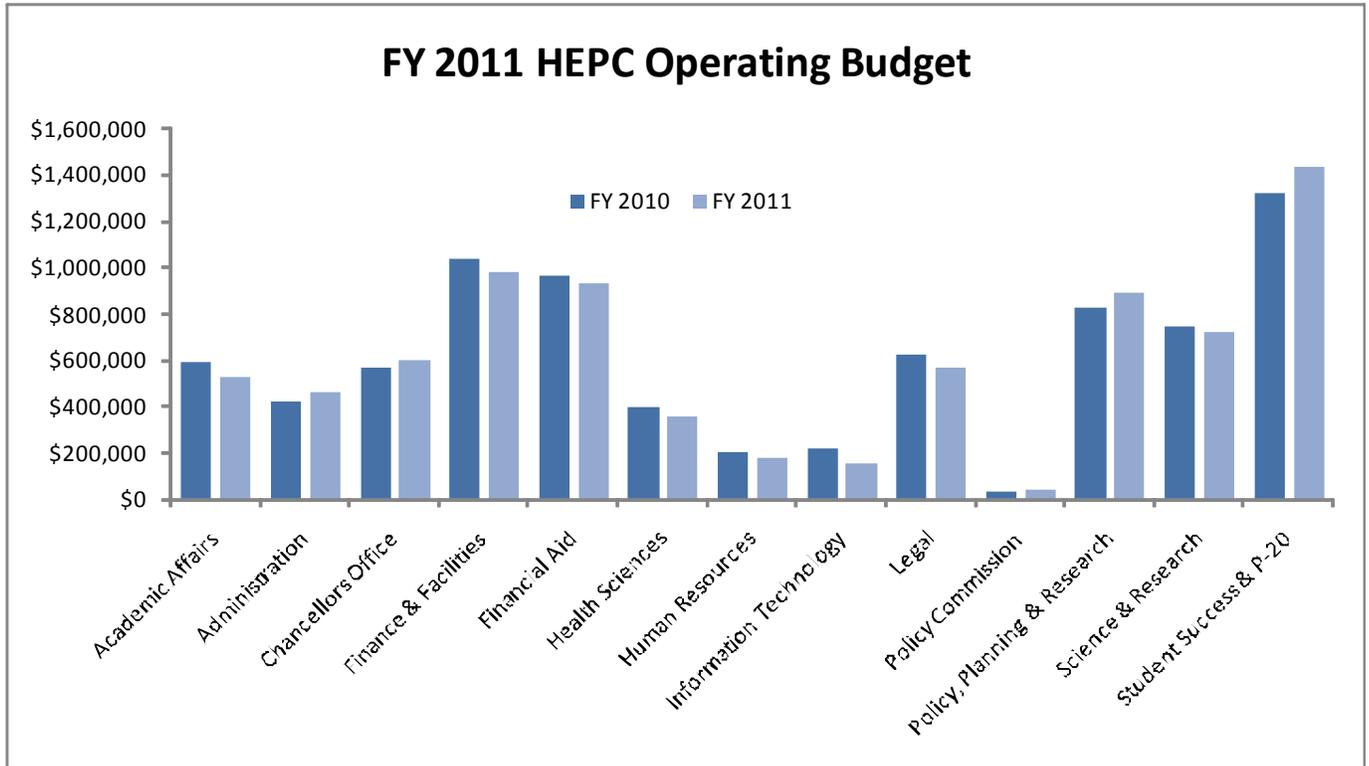
The following charts and tables summarize the proposed division budgets and sources of revenue:

- Table 1 provides detail for divisional budgets;
- Chart 1 shows the budgeted dollar amounts recommended for each division;
- Chart 2 details the various funding sources that contribute to the total Commission Office operating budget;
- Chart 3 provides a detail of expenditures and revenues by revenue source for FY 2011; and,
- Table 2 identifies the proposed Higher Education Resource Assessment (HERA) budget that supports numerous system initiatives for FY 2011.

Table 1**HEPC Proposed FY 2011 Budget**

Revenue		FY 2011	
General Revenue		\$2,164,509	27.6%
HERA		1,289,300	16.4%
Facilities		482,326	6.1%
Lottery		233,774	3.0%
PROMISE		527,107	6.7%
HEGP		718,297	9.1%
HEAPS		180,404	2.3%
Research Challenge		359,775	4.6%
Other		72,770	0.9%
Federal		1,826,379	23.3%
	Total	<u><u>\$7,854,640</u></u>	
Expenditures by Division		FY 2011	
Academic Affairs		\$531,573	6.8%
Administration		461,651	5.9%
Chancellors Office		597,947	7.6%
Finance & Facilities		978,734	12.5%
Financial Aid		934,936	11.9%
Health Sciences		358,236	4.6%
Human Resources		177,952	2.3%
Information Technology		157,260	2.0%
Legal		572,583	7.3%
Policy Commission		37,800	0.5%
Policy, Planning & Research		889,814	11.3%
Science & Research		721,962	9.2%
Student Success & P-20		1,434,194	18.3%
	Total	<u><u>\$7,854,640</u></u>	
Expenditures by Function		FY 2011	
Personal Services		\$4,362,167	55.5%
Benefits		958,405	12.2%
Current Expense		1,944,947	24.8%
Rent		403,870	5.1%
Travel		185,251	2.4%
	Total	<u><u>\$7,854,640</u></u>	

Chart 1



	Academic Affairs	Admin.	Chancellors Office	Finance & Facilities	Financial Aid	Health Sciences	Human Resources	Information Technology	Legal	Policy Commission	Policy, Planning & Research	Science & Research	Student Success & P-20
FY 2010	\$ 592,340	\$ 420,740	\$ 569,256	\$ 1,040,255	\$ 968,892	\$ 396,348	\$ 200,294	\$ 215,416	\$ 626,344	\$ 31,200	\$ 824,657	\$ 748,949	\$ 1,326,459
FY 2011	\$ 531,573	\$ 461,651	\$ 597,947	\$ 978,734	\$ 934,936	\$ 358,236	\$ 177,952	\$ 157,260	\$ 572,583	\$ 37,800	\$ 889,814	\$ 721,962	\$ 1,434,194

Chart 2

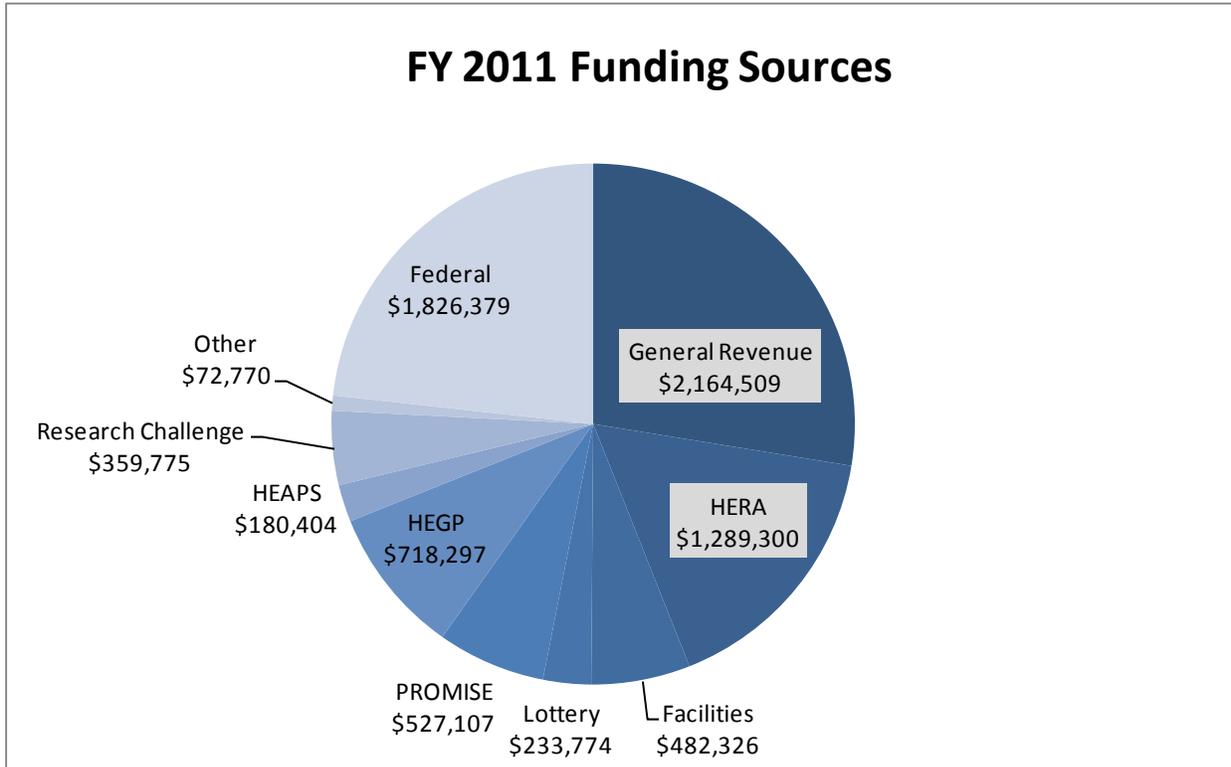


Chart 3

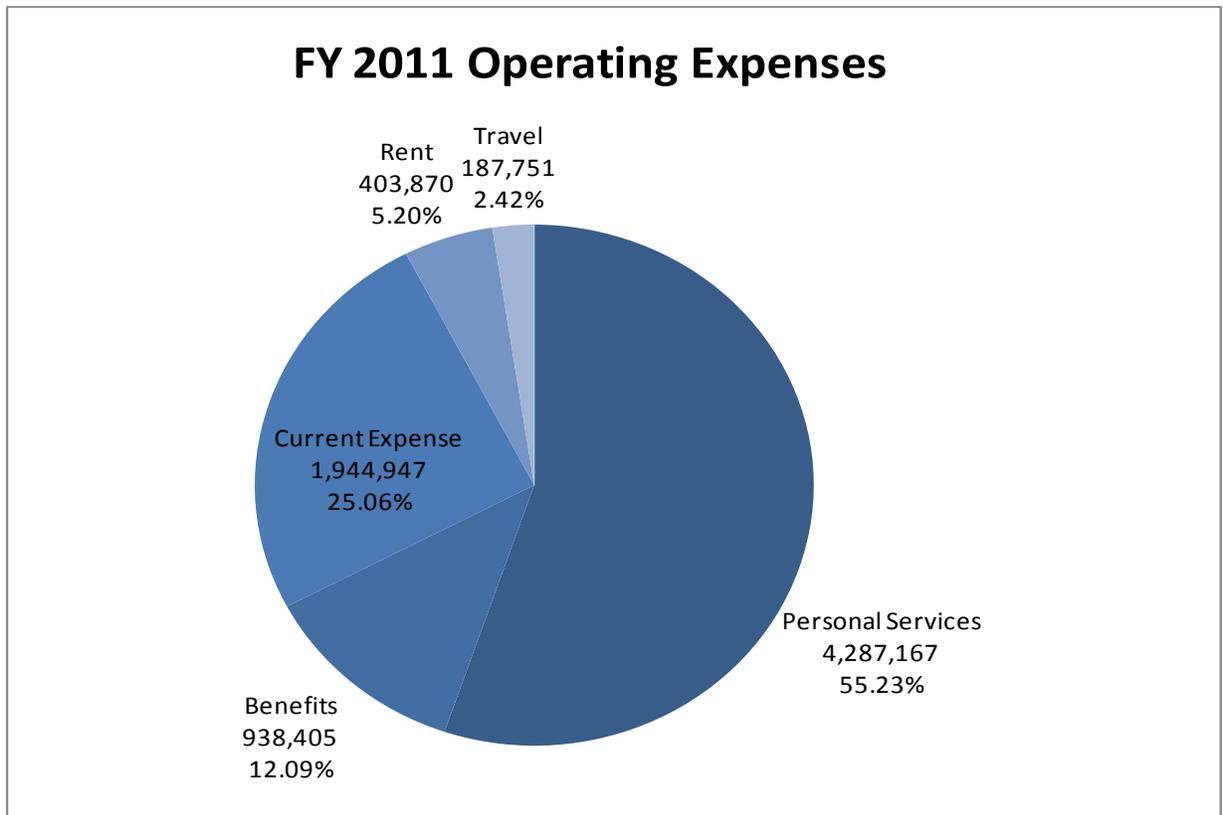


Table 2**HERA PROJECTS
FY 2011**

	HEPC Allocation	CTCS Allocation	Total Allocation
	88.0%	12.0%	100%
Revenue	\$ 4,528,499	\$ 619,790	\$ 5,148,289
Carryover Balance	55,751	-	55,751
FY 2011 Allocation	4,528,499	619,790	5,148,289
			-
Expenditures	\$ 4,584,250	\$ 587,604	\$ 5,171,854
CTCS Chancellor's Office			
Board of Governors Member & Staff Training		15,000	15,000
Grant Development		35,000	35,000
On-Line Course Initiative	-	20,000	20,000
Sector Based Workforce Development Initiative		25,000	25,000
Statewide CTC Marketing		60,000	60,000
HEPC Chancellor's Office			
Board of Governors Member & Staff Training	70,000		70,000
Adult Student Initiatives	50,000		50,000
Chancellor's Initiatives	80,000		80,000
Chancellor's Leadership Initiatives	50,000		50,000
WVU - Chancellor's Scholars	265,000		265,000
West Virginia Campus Compact	75,000		75,000
Academic Affairs			
Academic Affairs Dissemination	21,990	3,010	25,000
Collegiate Learning Assessment	120,000	-	120,000
Compact Implementation	20,000	-	20,000
Faculty Development Conference	5,000	3,000	8,000
International Studies - FACDIS	30,000	-	30,000
International Education	120,000	-	120,000
MAP-Works	23,800	-	23,800
Mathematics Projects	125,785	17,215	143,000
NCATE	21,000	-	21,000
Virtual Learning Network	87,961	12,039	100,000
WebCT VISTA - Service Contract	240,554	-	240,554
WebCT VISTA - Host Sites	43,981	6,019	50,000
Financial Aid and Student Services			
Higher Education Grant Program	1,583,302	216,698	1,800,000
Social Justice Program Grants	87,961	12,039	100,000
Student Leadership Conference	13,634	1,866	15,500
Student Retention/Recruitment Conference	13,194	1,806	15,000
Student Retention Initiatives	50,000	-	50,000
College Access Campaign	60,000	-	60,000
Policy & Planning			
Research Studies	72,500	-	72,500
Economic Research Reports	37,500		37,500
Chancellors Diversity Initiative	30,000		30,000
Student Success & P-20			
Statewide Access Conference	25,000	-	25,000
Central Support Services			
HEPC - Administration	659,709	90,291	750,000
HEPC - Legal	325,457	44,543	370,000
WVNET	175,922	24,078	200,000
Balance	\$ -	\$ 32,186	\$ 32,186
Discretionary Project Funding	\$ -	\$ 32,186	\$ 32,186
Total HEPC & CTC Projects	\$ 4,584,250	\$ 587,604	\$ 5,171,854

West Virginia Higher Education Policy Commission HERA Projects

Board of Governors (BOG) Member and Staff Training. These funds will be used to support training sessions for new Board of Governors members and staff in spring 2011.

Adult Student Initiatives. These funds will be utilized to fund adult student initiatives. Currently, an Adult Learner Task Force is examining the issue and will be releasing a report with recommendations regarding next steps. The funds will be used to implement the report and recruit and graduate returning adult students.

Chancellor's Initiatives. These funds will be utilized to fund initiatives of the Chancellor. This includes, but is not limited to the following: special research projects, contracting with experts in various areas, and grants to institutions.

Chancellor Leadership Initiatives. These funds will be utilized to fund the creation of the Chancellor's Leadership Academy. The purpose of the initiative is to provide professional development and networking opportunities for emerging leaders within the state's higher education system.

WVU – Chancellor's Scholars. These funds are allocated to West Virginia University to supplement existing minority faculty diversity efforts at the university. The program is administered by the President's Office for Social Justice to support graduate assistantships, scholarships, and other resources to ensure adequate funding for selective doctoral students; an Academic Partnership effort that places minority visiting faculty (graduate students) in teaching roles at selected campuses in West Virginia's public higher education system(s); and the annual sponsorship of a colloquium for aspiring minority doctoral candidates.

West Virginia Campus Compact. These funds will be used to enhance West Virginia's participation with this national network. Campus Compact is a national coalition of college and university presidents having objectives that include: maintaining colleges and universities as vital agents and architects of a diverse democracy; commitment to educating students for responsible citizenship in ways that both deepen their learning and improve the quality of community life.

Academic Affairs Dissemination. These funds will be used to disseminate information to schools and prospective college students, including the 2011 baccalaureate admission standards, and to conduct a study of the status of programs of college courses for high school students

Collegiate Learning Assessment (CLA). These funds will be used to support institution efforts to administer the CLA, which seeks to measure the cognitive growth of college students.

Compact Implementation. These funds are for consultant fees and associated travel costs for reviewing institutions compact submission.

Faculty Development Conference. These funds will be used to sponsor an event known as the Great Teachers' Seminar. The forum which is held the last week in June at North Bend State Park, focuses on good teaching methods and provides an opportunity for faculty from all the state's public colleges and universities to come together to share insights, practical hints, etc on what constitutes good teaching.

International Studies (FACDIS). These funds will be provided to FACDIS, which sponsors workshops and other activities that promote the teaching of internationally-focused courses.

International Education. These funds will be used to provide startup grants, through a competitive application process, to colleges and universities that choose to implement initiatives to increase an international focus on campus. Possible areas would be curricular revisions (global focus), study abroad efforts, and attracting more international faculty to West Virginia institutions.

MAP-Works. This is a comprehensive retention tool with potential to improve student retention in WV's institutions. Continuation project with same three institutions participating (Marshall University, Fairmont State University and West Liberty University).

Mathematics Projects. These funds will support state-wide math initiatives designed to provide college level opportunities for qualified high school math students. Web-based math courses continue to be developed in college algebra, geometry and trigonometry. A state-wide conference of college and university math faculty is supported with the theme of fostering K-12/higher education alignment. It is anticipated that the Benedum Foundation would also award a grant to supplement the project.

National Council for Accreditation of Teacher Education (NCATE). These funds will be used to support West Virginia's state partnership with NCATE which provides consulting services and campus review visits.

Virtual Learning Network. These funds will support the Virtual Learning Network, a consortium of state institutions seeking to provide educational programs through online technology.

WebCT VISTA – Service Contract. These funds will pay for a service contract that ensures support for the online course management software that virtually all institutions use.

WebCT VISTA – Host Sites. These funds will support West Virginia University, Marshall University and Fairmont State University as WebCT host sites for other institutions.

Higher Education Grant Program. These funds will be used to supplement the State's allocation to the Higher Education Grant Program.

Social Justice Program Grants. These funds will be used to provide competitive grants to institutions to sponsor programs aimed at achieving social justice, to stage events that demonstrate a commitment to bring about mutual understanding and respect among individuals, to sponsor events to help eliminate all forms of discrimination, and to plan actions that enhance fairness and equity in the distribution of opportunities.

Student Leadership Conference. These funds will be used to support the third annual Student Leadership Conference in May 2011 for student association leaders and newly elected student government leaders from all state public higher education institutions.

Student Retention/Recruitment Conference. These funds will support a conference, which is planned for March 2011, that will explore best practices in student retention. The conference targets institutional student and academic affairs professionals and had approximately 180 attendees last year.

Student Retention Initiatives. These funds will be used to sponsor mini-grants at participating colleges and universities in an effort to increase the retention of undergraduate students and ultimately the graduation rates of West Virginia's public higher education institutions.

College Access Campaign. These funds will be used for West Virginia's college access campaign. It is designed to inform students, parents and others about the benefits of higher education and how to prepare for education after high school, both academically and financially. Activities will motivate students to pursue higher education through increased awareness of available financial aid and other services.

Research Studies. These funds will be used for studies of postsecondary education issues that aid in evaluating West Virginia higher education.

Economic Research Reports. These funds are being requested to pay for a series of economic research reports from the Bureau of Business and Economic Research at West Virginia University.

Chancellor's Diversity Initiative. These funds are requested for support of the Chancellor's Diversity Initiative and the Diversity Council, a statewide effort to evaluate, guide, and improve programs and policies aimed at helping underrepresented students get into and through college. Specific needs are for a (a) statewide campus team meeting in the fall; (b) hiring external experts for consulting on the project; (c) providing support for travel of Council members to meetings and project activities; and (d) covering travel expenses for Commission staff traveling to campuses and meetings.

Statewide Access Conference. These funds will be utilized to fund a statewide access conference to be coordinated by West Virginia GEAR UP staff and include attendees from secondary and postsecondary educational institutions.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Fiscal Year 2011 West Virginia Network for Educational Telecomputing Budget

INSTITUTION: West Virginia Network for Educational Telecomputing

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 West Virginia Network for Educational Telecomputing budget as presented.

STAFF MEMBER: Roberta Haddix

BACKGROUND:

The West Virginia Network for Educational Telecomputing (WVNET) budget consists of two (2) main categories of revenues and expenditures. These categories are the WVNET Operating Budget and the Pass-through Budget. The Pass-through Budget consists of charges which “flow through” WVNET accounts unchanged. WVNET is the central billing site for vendors and allocates charges back to the appropriate institutions based on agreed criteria. The Fiscal Year (FY) 2011 combined budget for these two categories is \$10,707,932 of revenues and expenditures. This is an increase of \$169,685 from the FY 2010 budget as amended. (See Tables 1, 2, and 3.)

Operating Budget (Tables 4 and 5)

Revenues: WVNET operating revenues are derived from the following sources: state appropriation, contracts, services, interest income, and an allocated portion of the Higher Education Resource Assessment.

The FY 2011 state appropriated funds decreased by \$96,889 over the initial FY 2010 base level, which represents an approximate 5.1 percent budget reduction. However, in FY 2010 there was a mid-year budget reduction of 3.4 percent or \$68,394. The FY 2011 appropriation of \$1,914,713 includes a 4 percent increase for PEIA and is a \$28,495 reduction from the FY 2010 amended amount.

Net operating revenues are expected to be approximately \$7.2 million, five million of which is expected from contracts and services. The overall net increase in revenues from FY 2010 is \$10,666. This slight increase is due to the net effect of an expected decrease in certain revenues and an increase due to the addition of another institutional Banner hosting and purchases of increased internet bandwidth.

Table 1

West Virginia Network for Educational Telecomputing
Proposed FY 2011 Combined Budget

	FY 2010 Budget	FY 2011 Budget	Difference	% Increase/ (Decrease)
Revenue	\$10,538,247	\$10,707,932	\$169,685	1.6%
State Appropriation ¹	1,943,208	1,914,713	(28,495)	-1%
HERA	200,000	200,000	0	0%
Cash Reserve / Interest Income	205,000	0	(205,000)	-100%
Grant Revenue			0	
Other Revenue	8,190,039	8,593,219	403,180	5%
Expenditures	\$10,538,247	\$10,707,932	\$169,685	1.6%
Personnel	2,627,343	2,505,464	(121,879)	-5%
Benefits	578,015	600,349	22,334	4%
Current Expenses	6,068,775	6,585,121	516,346	9%
Repairs and Alterations	37,486	26,716	(10,770)	-29%
Assets	1,120,003	884,982	(235,021)	-21%
Other Disbursements	106,625	105,300	(1,325)	-1%
Balance	0	0	0	

State Appropriation¹ FY10 amount reflects mid year budget cut. FY11 amount received a 5.0966% cut from the base amount of \$2,011,602 and then a 4% PEIA increase of \$5,635 to total \$1,914,713. Actual total reduction from FY10 is \$96,889.

Table 2

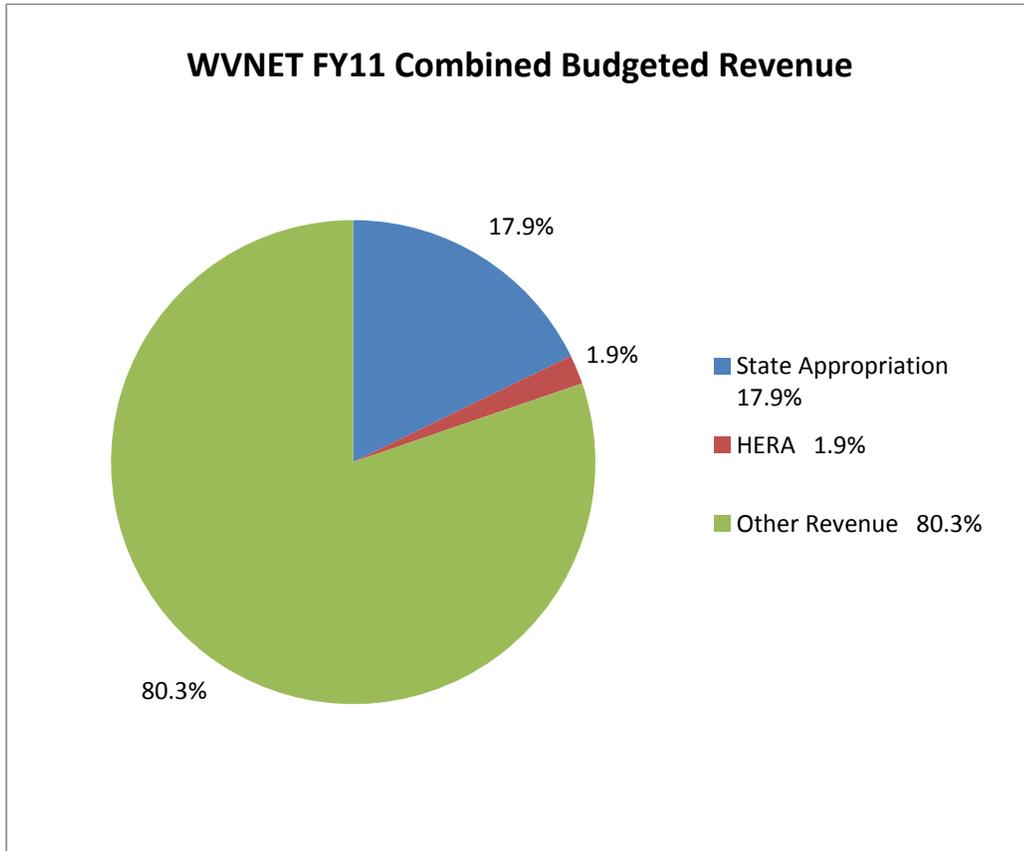


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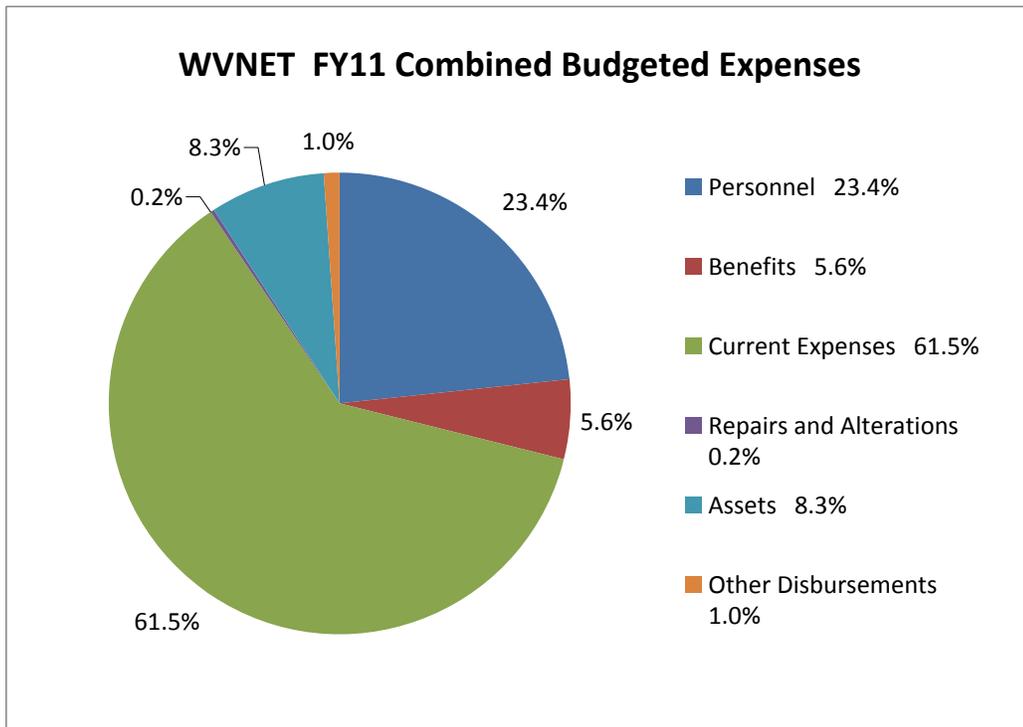


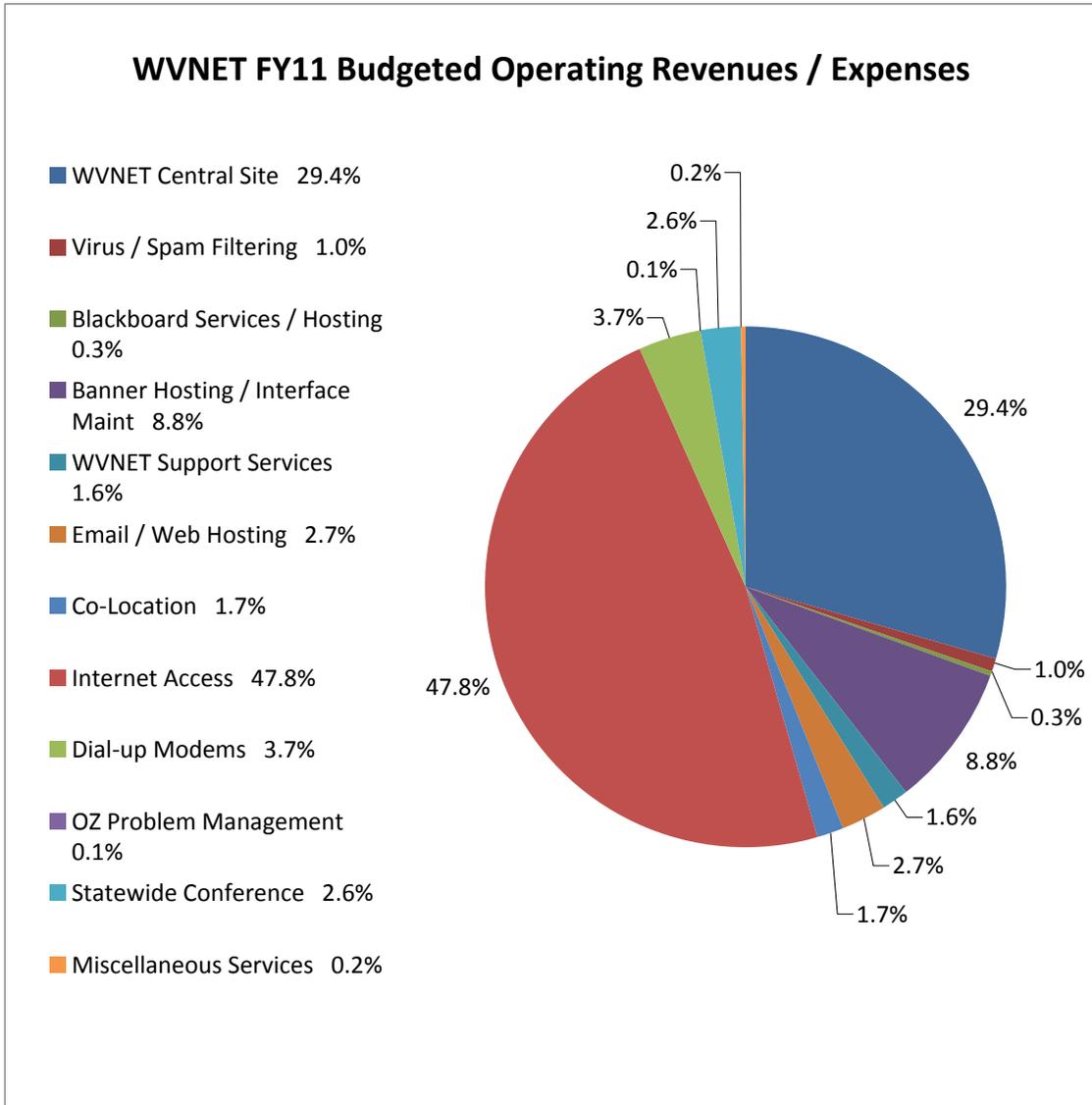
Table 4

West Virginia Network for Educational Telecomputing
Proposed FY 2011 Operating Budget

	FY 2010 Budget	FY 2011 Budget	Difference	% Increase/ (Decrease)
Revenue	\$7,187,325	\$7,197,991	\$10,666	0.1%
State Appropriation ¹	1,943,208	1,914,713	(28,495)	-1%
HERA	200,000	200,000	0	0%
Cash Reserve / Interest Income	205,000	0	(205,000)	-100%
Grant Revenue			0	
Contracts and Services	4,839,117	5,083,278	244,161	5%
Expenditures	\$7,187,325	\$7,197,991	\$10,666	0.1%
Personnel	2,627,343	2,505,464	(121,879)	-5%
Benefits	578,015	600,349	22,334	4%
Current Expenses	3,159,831	3,751,422	591,591	19%
Repairs and Alterations	37,486	26,716	(10,770)	-29%
Assets	678,025	208,740	(469,285)	-69%
Other Disbursements	106,625	105,300	(1,325)	-1%
Balance	0	0	(0)	

State Appropriation¹ FY10 amount reflects mid year budget cut. FY11 amount received a 5.0966% cut from the base amount of \$2,011,602 and then a 4% PEIA increase of \$5,635 to total \$1,914,713. Actual total reduction from FY10 is \$96,889.

Table 5



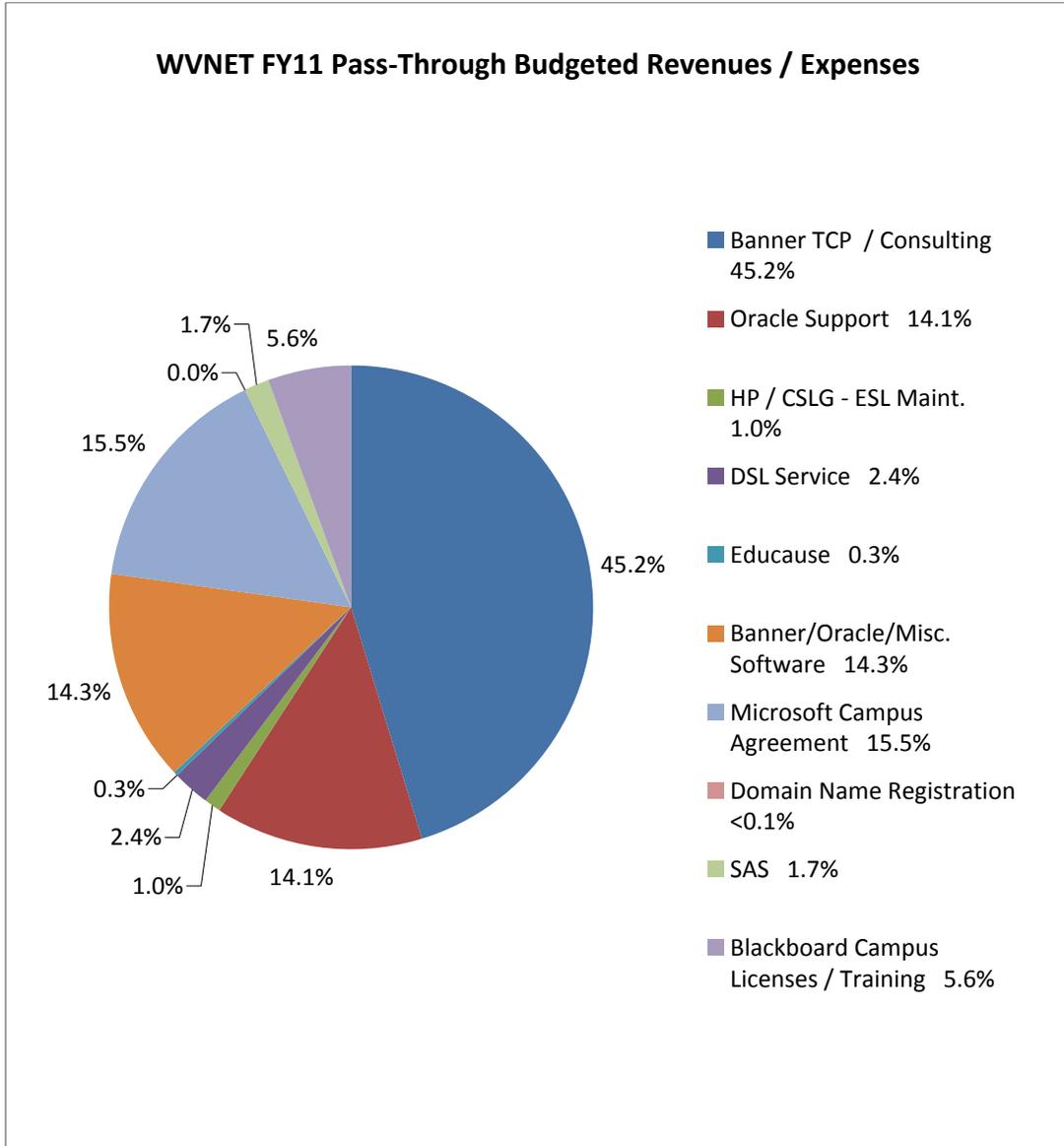
See Appendix A for service definitions.

Table 6

West Virginia Network for Educational Telecomputing
Proposed FY 2011 Pass-through Budget

	FY 2010 Budget	FY 2011 Budget	Difference	% Increase/ (Decrease)
Revenue	\$3,350,922	\$3,509,941	\$159,019	4.7%
Banner TCP Maintenance / Consulting	1,657,290	1,587,678	(69,612)	-4%
Oracle Maintenance	447,016	493,786	46,770	10%
HP / CSLG - ESL Maintenance	54,647	34,288	(20,359)	-37%
DSL Service	86,100	83,100	(3,000)	-3%
Educause	9,881	10,086	205	2%
Banner/Oracle/Misc. Software	266,038	500,302	234,264	88%
Microsoft Campus Agreement	543,360	543,360	0	0%
Domain Name Registration	1,500	1,500	0	0%
SAS	90,000	60,751	(29,249)	-32%
Blackboard Campus Licenses / Training	195,090	195,090	0	0%
Expenditures	\$3,350,922	\$3,509,941	\$159,019	4.7%
Banner TCP Maintenance / Consulting	1,657,290	1,587,678	(69,612)	-4%
Oracle Maintenance	447,016	493,786	46,770	10%
HP / CSLG - ESL Maintenance	54,647	34,288	(20,359)	-37%
DSL Service	86,100	83,100	(3,000)	-3%
Educause	9,881	10,086	205	2%
Banner/Oracle/Misc. Software	266,038	500,302	234,264	88%
Microsoft Campus Agreement	543,360	543,360	0	0%
Domain Name Registration	1,500	1,500	0	0%
SAS	90,000	60,751	(29,249)	-32%
Blackboard Campus Licenses / Training	195,090	195,090	0	0%
Balance	0	0	0	

Table 7



See Appendix B for service definitions.

APPENDIX A

West Virginia Network for Educational Telecomputing Major Operating Budget Activities

The WVNET operating budget funds a variety of services and support areas. These services are offered mainly to West Virginia higher education institutions. Major activities supported from operating funds include:

WVNET Central Site / Administration – Maintains the physical facilities that house WVNET, manages day to day operations, Banner application (functional) support, WVNET business office, and machine room.

Virus and Spam Filtering – Provides virus and spam filtering of email messages.

Blackboard Services / Hosting – WVNET provides support for Blackboard Campus users. WVNET also hosts Blackboard for two sites.

Banner Hosting – WVNET will host the Banner databases of eleven (11) institutions in FY 2011. This is an increase of four (4) over FY 2010. Hosting includes hardware, DBA and operations support of the Banner software.

WVNET Support Services – Provides communications, systems and Banner support to higher education institutions.

Email / Web Hosting – WVNET offers email and web hosting services to several customers. This includes email services for K-12.

Co-location – WVNET provides rack and floor space to entities who wish to place equipment in the WVNET machine room. WVNET monitors and provides support for equipment placed in the machine room.

Internet Access – WVNET provides internet access to many higher education institutions, K-12, and other state agencies.

Dial-up Modems – WVNET provides dial-up modem access to the internet with 24 hour help desk support for qualifying individuals.

OZ Problem Management System – OZ is a problem management system that entities can use to track and manage trouble tickets or issues. Users can submit tickets over the internet and are kept informed of the status of the ticket.

Statewide Technology Conference – WVNET, in collaboration with K-12, plans and coordinates this annual conference.

APPENDIX A

West Virginia Network for Educational Telecomputing Major Operating Budget Activities

Audio Conferencing – WVNET offers audio conferencing to customers.

Help Desk – WVNET operates a 24/7/365 help desk. WVNET will assist customers by providing primary or off hours help desk support.

Address Cleansing – WVNET offers address cleansing services of any address data including links to the National Change of Address database.

APPENDIX B

West Virginia Network for Educational Telecomputing Pass-through Budget Activities

The WVNET Pass-through Budget includes items for which WVNET acts as a billing agent. These costs flow through WVNET's budget unchanged. WVNET is invoiced by and pays the vendor and allocates the cost to the appropriate institutions. A less expensive price is often realized when items are purchased as a consortium or group.

Banner TCP Maintenance – This is the cost of maintaining the SunGard Banner software. This includes the cost of upgrades and SunGard support.

Oracle Maintenance – This is the cost of maintenance and support for Oracle products. In FY 2009 the purchase of additional Oracle licenses was required. A portion of this cost will be allocated to the institutions in FY 2010 and FY 2011.

HP Maintenance – This is the cost of maintaining HP products.

DSL Service – WVNET functions as a billing agent for DSL service provided by Verizon to several Health Departments and other state agencies including several K-12 entities. Only the portion of the fee that is paid to Verizon for DSL service is considered pass-through. In FY 2009, WVNET began billing the old "shared facilities" line fee as a part of the WVNET fee. (Customers were no longer charged by the Office of Technology.) This portion of the fee is accounted for in the Operating budget.

Educause – Membership dues for Educause. Institutions realize a consortium discount.

Software – Cost of miscellaneous software such as Multinet and Sigi Plus and the purchase of additional Banner or Oracle software.

Microsoft Campus Agreement – WVNET provides this contract each year for institutions to purchase Microsoft products and licenses.

Domain Name Registration – WVNET registers and renews domain names for entities.

SAS – SAS software, consultation, and training.

Blackboard Campus Edition – Several entities including higher education, K-12, and a state agency utilize Blackboard Campus Edition. Licenses and any training or customization needed are purchased through WVNET.

Expenditures: WVNET expects a corresponding increase in expenditures for FY 2011. To accommodate the increase in internet sales additional capacity needs to be purchased. The cost of the additional capacity will be partially offset by cutting the budget for equipment replacement. No major replacements are planned for FY 2011. However, WVNET does plan to purchase and activate additional memory for the p570 which runs institutional Banner databases.

Pass-through Budget (Tables 6 and 7)

The Pass-through Budget is expected to consist of revenues and expenses of approximately \$3.5 million. This budget depends largely on purchases made by the consortium of institutions or by institutions independently from WVNET contracts. Services mainly consist of software licenses, software support, and consulting. Pass-through costs “flow through” WVNET to higher education institutions. This enables the consortium to negotiate lower overall costs.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Acceptance of National Science Foundation Awards

INSTITUTIONS: Marshall University, West Virginia State University, and West Virginia University

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Higher Education Policy Commission approves acceptance of awards to West Virginia Experimental Program to Stimulate Competitive Research (EPSCoR) from the National Science Foundation.

STAFF MEMBER: Paul Hill

BACKGROUND:

The Division of Science and Research directs the National Science Foundation's (NSF) Experimental Program to Stimulate Competitive Research (EPSCoR) in West Virginia. Last October, the Division submitted program-authorized proposals on behalf of the state. The Division recently received notification of two large awards from NSF EPSCoR that are set to begin in the new fiscal year. Below are summaries of these Research Infrastructure Improvement (RII) awards.

RII Track 1 Award (2010-15)

West Virginia is receiving a \$20 million grant – the largest NSF award in state history – to significantly boost academic research and upgrade infrastructure at Marshall University, West Virginia State University, West Virginia University, and other institutions. With \$2 million in matching funds from the State of West Virginia and \$2 million from participating universities, this \$24 million RII project begins in July 2010 and will continue for five years. West Virginia's winning proposal, "*Bionanotechnology for Enhanced Public Security and Environmental Safety*," involves 42 senior faculty collaborators and nearly two dozen support staff from the Commission and institutions. Under the RII project, added infrastructure will include faculty positions, laboratory equipment and cyberinfrastructure on the three campuses, and support for five post doctoral positions and 40 graduate students. The proposal initiates extensive activities in science education, workforce development, broadening diversity, and outreach and communications.

RII C2 Award (2010-11)

West Virginia is receiving \$1,176,470 from the NSF through the American Recovery and Reinvestment Act of 2009 to enhance cyberinfrastructure across the state's higher education system over the next two years. Both intra- and inter- campus connectivity, research and education activities will be supported. West Virginia University will advance its intra-campus cyberinfrastructure to current research standards and Marshall University will work to enable inter-campus Internet2® access for the state's predominantly undergraduate institutions, community and technical colleges and the K-12 community. Internet2 is an advanced networking consortium led by the research and education community. It connects nearly 70,000 research and educational institutions nationwide and interconnects with 80 international research networks.

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Approval of Fiscal Year 2011 Division of Science and Research Spending Plan

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 Division of Science and Research Spending Plan.

STAFF MEMBER: Paul Hill

BACKGROUND:

Recommendations for programmatic allocations of grant appropriations of the state Research Challenge Fund, Research Trust Fund, and the National Science Foundation are made annually by the West Virginia Science and Research Council to the Commission. As authorized by West Virginia Code §18B-1B-10, the Council is charged with oversight of EPSCoR, the Research Challenge Fund, and the Research Trust Fund including annual spending plans proposed by staff. Based on current fund receipts and projections, the Fiscal Year (FY) 2011 spending plan below, developed and to be implemented by the Division of Science and Research, were approved by unanimous vote of the Council on June 1, 2010.

Research Challenge Fund

Purpose: The Research Challenge Fund provides the foundation for many of the competitive grant programs administered by the Division. The fund's establishment in 2004 by the West Virginia Legislature provides support to science and technology research and education. Science, technology, engineering, and mathematics (STEM) disciplines are eligible to participate.

Research Challenge Fund

Estimated Unobligated Funds FY 10	-48,453.00
Estimated Income FY 11	3,400,000.00
Total Estimated Funds	\$ 3,351,547.00

Existing Awards (previously approved)

SURE through 12/31/10	98,500.00
STEM through 12/31/10	249,988.50
Instrumentation/Innovation through 12/31/10	56,877.00
Tech Assistance through 02/28/11	96,000.00
Total Existing Awards	\$ 501,365.50

<u>New Awards and Renewals</u>	
STEM renewals	249,988.50
RCG renewals	790,000.00
DOE Energy match Yr. 4	200,000.00
RII match (shared facilities) Yr. 5	82,583.00
SURE new awards	120,000.00
Mini Grants new awards	40,000.00
URSP new awards	40,000.00
Instrumentation/Innovation new awards	90,000.00
Opportunity Grants new awards	50,000.00
Tech Assistance new award	48,000.00
RII Track 2 Cost Contribution Yr. 2	10,000.00
RII Track 1 Cost Share (10%) Yr. 1	365,000.00
Total New Awards and Renewals	\$ 2,085,571.50

<u>Administration</u>	
Payroll & Fringe	382,735.50
Office Rent	43,000.00
Contractual	20,000.00
Travel	11,000.00
Training & Development	6,000.00
Other	15,000.00
Other	23,080.00

Total Administration **\$ 500,815.50**

Total Expenses **\$ 3,087,752.50**

Estimated Ending Balance **\$ 263,794.50**

National Science Foundation (NSF)

Experimental Program to Stimulate Competitive Research (EPSCoR)

Purpose: NSF EPSCoR is a federal grant program that builds research capacity in smaller states to spur competitiveness, scientific discovery and economic development. Below are spending plans for the current Research Infrastructure Improvement (RII) awards from NSF EPSCoR under the direction of the Division.

RII Track 1 Award

Under the leadership of the Division, Marshall University, West Virginia State University, and West Virginia University developed and submitted a five-year, \$20 million RII proposal to the NSF in 2009. The RII program supports faculty recruitment, start-up research, equipment and students. The approved program is anticipated to begin on July 1, 2010.

NSF RII Track 1 Year 1

WVU sub award	1,936,605.00
MU sub award	1,088,395.00
WVSU sub award	500,000.00
PUI sub awards (TBD)	125,000.00
Total Sub Awards	\$ 3,650,000.00

Administration

Payroll & Fringe	161,660.00
Travel	22,000.00
Total Administration	\$ 183,660.00

Outreach/Communications

Publications	9,200.00
Other- TV show	27,000.00
Total Outreach/Communications	\$ 36,200.00

Evaluation

Contractual-external evaluator	60,000.00
Contractual-technical advisors	10,000.00
Hospitality	2,750.00
Travel	4,000.00
Total Evaluation	\$ 76,750.00

Indirect Costs

Total Indirect	\$ 53,390.00
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Total Year 1	\$ 4,000,000.00
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RII Track 2 Award

Under the leadership of the Division, Marshall University, West Virginia State University, and West Virginia University, developed and submitted a two-year proposal with the University of Arkansas system for a program, CI-TRAIN (Cyberinfrastructure for Transformational Scientific Discovery in Arkansas and West Virginia). This project, now in its second year, is building on common research in geosciences, virtual environments and computational sciences.

NSF RII Track 2 Year 2*

WVU sub award	356,464.00
MU sub award	481,395.00
WVSU sub award	196,705.00
National Youth Science Foundation	10,000.00
Total Sub Awards	\$ 1,044,564.00

Administration

Payroll & Fringe	16,090.00
Travel	3,162.00

Total Administration	\$ 19,252.00
<u>Indirect Costs</u>	
Total Indirect	\$ 5,265.00
Total Year 2	\$ 1,069,081.00

*09/01/10-08/31/11

RII Track C2 Award

Under the leadership of the Division, Marshall University and West Virginia University submitted a proposal to improve intra- and inter- campus connectivity, research and education activities. WVU will advance its intra-campus cyberinfrastructure to current research standards and MU will work to enable inter-campus Internet2® access for the state's predominantly undergraduate institutions, community and technical colleges and the K-12 community. The project is set to begin in July 2010.

NSF RII C2 Year 1

WVU sub award	571,632.00
MU sub award	289,467.00
Total Sub Awards	\$ 861,099.00
<u>Administration</u>	
Payroll & Fringe	22,915.00
Travel	4,000.00
Total Administration	\$ 26,915.00
<u>Evaluation</u>	
Contractual-external evaluator	12,000.00
Total Evaluation	\$ 12,000.00
Total Year 1	\$ 900,014.00

Research Trust Fund

Purpose: The Research Trust Fund was established under West Virginia Code §18B-18A-I *et seq.* and is referred to commonly as the "Bucks for Brains" program. Interest on the account is distributed through a competitive process to the state's undergraduate institutions while the principal is available to Marshall University and West Virginia University, as specified through the legislation, upon demonstration of equal matching dollars from private sources.

Research Trust Fund

<u>Principal - WVU</u>		<u>Interest</u>	
Current Balance	28,863,583.00	Balance 05/25/10	816,043.44
Estimated drawdowns	8,000,000.00	Estimated Income FY '11	70,000.00

Estimated Balance 06/30/11	\$ 20,863,583.00	Total Estimated Funds	\$ 886,043.44
<u>Principal - MU</u>		<u>Existing Awards</u>	
Current Balance	14,257,900.00	CU	100,000.00
Estimated drawdowns	1,000,000.00	WLU	100,000.00
Estimated Balance 06/30/11	\$ 13,257,900.00	Total Existing Awards	\$ 200,000.00
		<u>New Awards</u>	
		PUIs TBD	200,000.00
		Total New Awards	\$ 200,000.00
		<u>Administration</u>	
		Payroll & Fringe	0.00
		Office Rent	0.00
		Contractual	1,000.00
		Travel	0.00
		Training & Development	0.00
		Other	0.00
		Other	0.00
		Total Administration	\$1,000.00
		Total Expenses	\$ 401,000.00
		Estimated Ending Balance	\$ 485,043.44

**West Virginia Higher Education Policy Commission
Meeting of July 23, 2010**

ITEM: Presentation of the Proposed Funding Formula

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Information Item

STAFF MEMBER: Kevin Walthers

BACKGROUND:

Dr. Kevin Walthers, Vice Chancellor for Administration, will provide an overview of the proposed funding formula. Information related to the background and individual funding components contained within the funding formula appear on the following pages.

HEPC FUNDING FORMULA OVERVIEW

2010



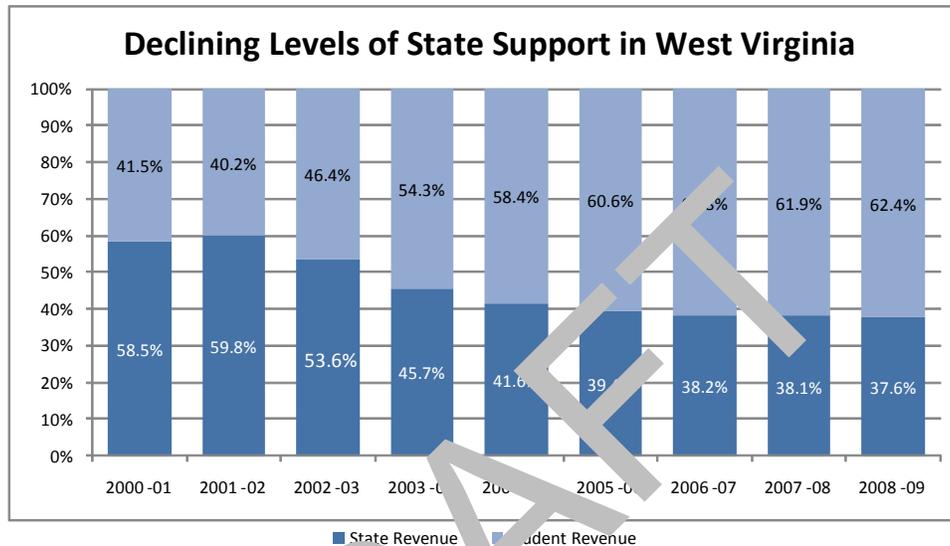
Determining
Recommendations
for State
Appropriations

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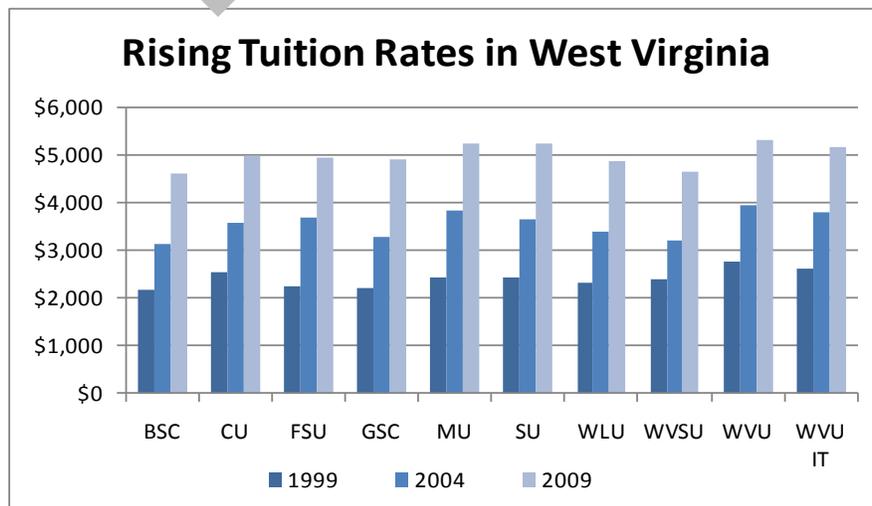
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Background

For the better part of this decade higher education finance policy in West Virginia lacked clear philosophical direction. The uncertain nature of state appropriations for the state's colleges and universities shifted the system from a primary reliance on state appropriations to student-generated tuition and fee revenues. In light of the current funding environment, the Chancellor and Commission staff believe it is imperative to develop a policy that restores balance between state funding and student generated revenues.



As tuition levels increased, legislative attention to student financial aid sharpened as funding for the West Virginia Higher Education Grant Program rose significantly. Yet, even with a doubling of such funds, West Virginia continues to struggle with issues of affordability as evidenced by a host of regional and national reports. While West Virginia is part of a national trend downward in affordability of its public higher education institutions, it is unique in that it requires institutions to cover the costs of capital construction through revenues generated from student fees, limiting institutional flexibility to react to economic downturns.



Policy Opportunities

As a coordinating board the Commission has authority over state appropriation recommendations across higher education. Over the last few years, as higher education has experienced shifting budget conditions, the state has relied upon a peer-based funding model to drive appropriations to institutions. However, this method was not holistic in that it was not used as a baseline for tuition discussions, and the total funding picture was absent of considerations for increasing costs associated with enrollment growth and inflationary pressures.

One of the opportunities inherent in the development of a Master Plan in *Charting the Future* (West Virginia Higher Education Policy Commission, 2007) is the chance to coherently integrate an institutional finance policy which supports specific goals and objectives. With these goals in mind, the Commission staff has developed a funding formula (Appendix B) that contains funding incentives strategically linked to the goals of *Charting the Future*. The proposed funding model specifically addresses: 1) economic growth through increased graduate production; 2) access for non-traditional students; 3) cost and affordability through funding for inflation and learning; and 4) accountability through retention and course completion.

Formula Description and Components

At its core, the proposed funding model entails a set of basic principles that serve to coherently integrate policies regarding institutional and state funding with the overarching goals West Virginia has set for higher education. Each facet of the formula relates to those outlined in *Charting the Future*. The formula is comprised of four major components, the sum of which equal the total recommended state funding to be received by each institution. These four components are: funding for enrollment, funding for inflation, funding for peer equity, and incentive-based funding. The following provides an overview:

Component 1: Funding for Enrollment - This component is constructed to fund institutional enrollment at the course level, beginning by calculating for adjusted student credit hours (ASCH). These calculations are structured to lend relative weight to certain courses based on several factors. For example, certain disciplines, such as STEM courses, are more costly to teach but are vital to our state's economic growth (as outlined in *Charting the Future*). This differential is accounted for by the addition of a course multiplier to each CIP code, weighted for higher cost programs. Another policy objective for higher education centers on retention. Accordingly, more weight is given to upper division levels than to lower division courses. Finally, total ASCH is calculated for each institution by multiplying actual enrollment course hours for each CIP code and division level by their respective weights (Appendix C).

Next, total recommended institutional funding for credit Hours (TFRCH), from both state *and* students, is determined by multiplying total ASCH by the calculated average revenue per credit hour (CARCH). For regional institutions, CARCH is determined by the average FY 2009 operating revenue (state appropriations plus student tuition and fees) per FTE; for Marshall University and West Virginia University CARCH is actual FY 2009.

In the next portion of the calculations, policy is established with regards to funding by state appropriations versus student tuition revenues. For most institutions this share is 50 percent state and 50 percent student; however, the formula is also constructed to account for other factors, such as institutional mission or heavy reliance on out-of-state students for enrollment and revenues. The ratio is adjusted according to these factors to give the percentage of funding for this component to be paid through state appropriations. Once this percentage is determined, it is multiplied by the previously determined TFRCH to arrive at the recommended institutional funding from state appropriations for credit hours. This is the

recommended state appropriations for credit hours (RSACH), and the first component of the funding formula.¹

Component 2: Funding for Inflation – This component ties to issues related to cost and affordability as described in *Charting the Future*. Students increasingly bear the brunt of higher education inflationary costs through tuition and fees. The funding formula captures increases in mandated costs by applying the regional Higher Education Price Index (HEPI) to current budgets.² Although this creates a lag in funding for increasing levels of mandated costs it does provide relief for the burden placed on the fee structure. The HEPI is multiplied by the RSACH, determined in the first component, to give the monetary value of the second component.

Component 3: Funding for Peer Equity – Institution specific peer sets for each school are utilized in this formula by calculating the five-year average (2004-08) total state and student funding per FTE for each institution's respective peers using IPEDS data. These adjusted five-year peer averages are divided by the respective West Virginia institution's current year (2008) total funding per FTE to determine the peer multiplier. This multiplier is then distributed over ten years with the goal that full peer equity, at the 90 percent level, will be achieved in ten years. The resultant peer equity annualized multiplier (PE) is then multiplied by the TRFCH, determined in the first component; this monetary value equals the third major component of the funding formula.

Component 4: Incentive-Based Funding – Incentives have been embedded in the funding formula to encourage institutions to meet educational goals inherent to the master plan. For example, this component creates monetary incentives for institutions to implement policies addressing issues of access for non-traditional student. Also incentivized are aspects of retention through course completion and economic growth through increased graduate production. The sum of the following three sub-components is the fourth and final major component of the funding formula:

- **a) Graduate Production** - An incentive is included in this formula for increased graduate production. The benchmark for number of bachelor degrees is determined by calculating the latest institution specific, 5-year rolling average, of the total Bachelor degrees awarded. For each additional degree above the 5-year rolling average, an institution receives \$3,786.³
- **b) Access** - Increased access to higher education is encouraged through the formula, particularly for non-traditional students. An incentive is instituted for serving more adult students, age 25 and older. The data used for this component is determined by calculating the latest, institution specific, five-year rolling average of non-traditional students enrolled (using the fall semester). For each additional non-traditional student enrolled in the current year's fall enrollment over the five-year average, the institution receives \$2,524.⁴
- **c) Completion** - Incentives are created by rewarding institutions that succeed in encouraging high course-completion rates. This component is calculated by dividing the number of student course hours attempted by at an institution by the number of student course hours completed. A benchmark of 70 percent is established for this component. Each percentage above this benchmark earns an institution an additional \$14,155.⁵

¹ If an institution's current total state appropriations are higher than the value calculated in this component of the funding formula, then the current appropriation amount will be used.

² SREB HEPI was 2.0% in 2009. The national HEPI for 2009 was 2.3%.

³ 50% of SREB FY 2008-09 Appropriations per FTE.

⁴ 33% of SREB FY 2008-09 Appropriations per FTE.

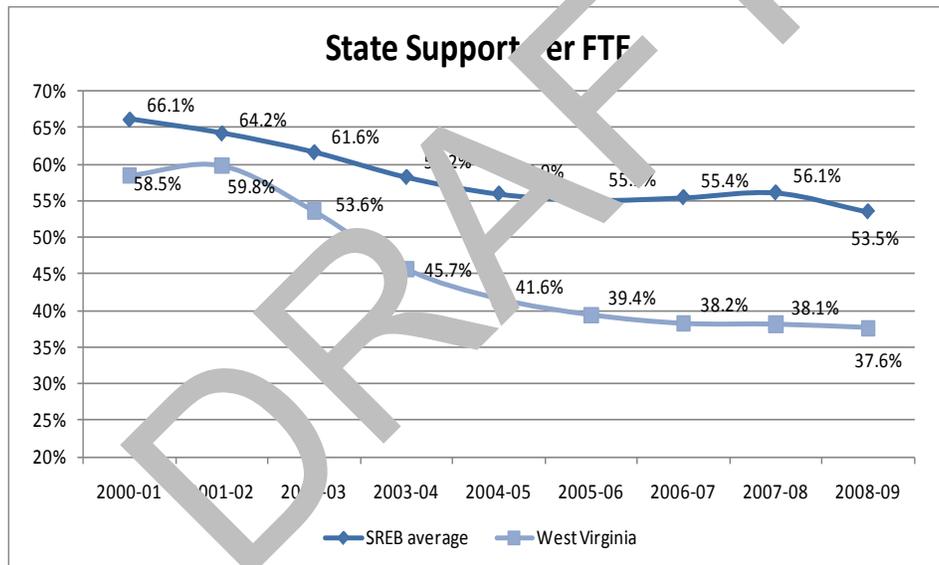
⁵ 100% of SREB FY 2008-09 Tuition & Fees + State Appropriations per FTE.

These four major components are added together to equal the total state appropriations for each HEPC institution (Appendix A). This formula is structured to address the specific needs of each institution: funding requirements based on enrollment is adjusted at the course level, economic realities are considered through funding for inflation, long term goals are established regarding peer equity, and policy is created to incentivize achievement in areas intrinsic to higher education goals in West Virginia.

Conclusion

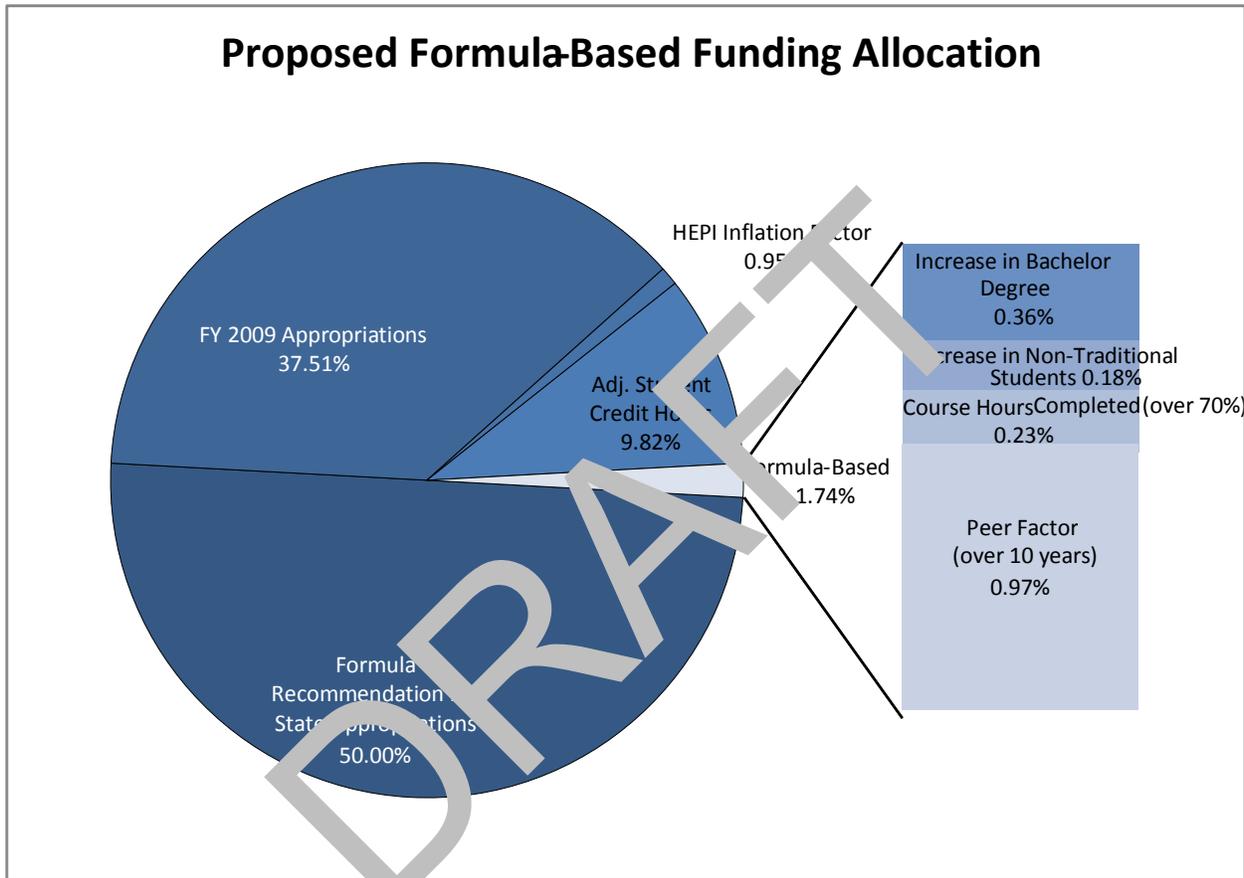
West Virginia higher education is currently facing enormous policy challenges. With a systemic budget weakness that often results in policymakers addressing long-term problems with short-term solutions, the state is searching for more effective education and fiscal policy. In what has traditionally been a low tuition state, education leaders are struggling with how to finance an education system built on the notion of access and meant to serve an undereducated populace.

As evidenced in the chart below, much work remains to be done in this area. During the past decade, the overall cost of funding the higher education institutions has shifted from state to student generated resources. While the funding formula does not present solutions to this challenge, it does create a policy driven benchmark by which the Commission can drive discussion related to higher education finance.



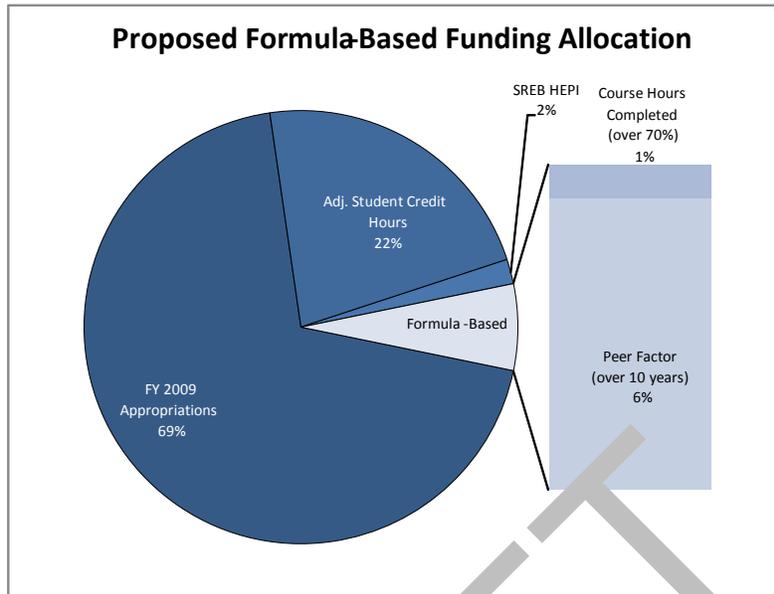
Through the creation of a unified finance policy, the Higher Education Policy Commission will be better positioned to serve the needs of the state with more thorough articulation of the financial needs of each institution. The formula provides the state with a series of data-driven benchmarks to assess performance while maintaining focus on the need for sustained investments in base budgets (i.e., faculty/staff salaries, research, and mandated costs related to the competitive health of the system). The creation of a unified finance policy enables the inherent link between state support and student generated revenues and demonstrates that, absent state appropriations, significant fee increases may be needed to protect the core components of institutional missions. It is further demonstrated that, without such appropriations, annual and sustained investments in both need and merit-based aid will be required to protect and secure educational access.

All Institutions

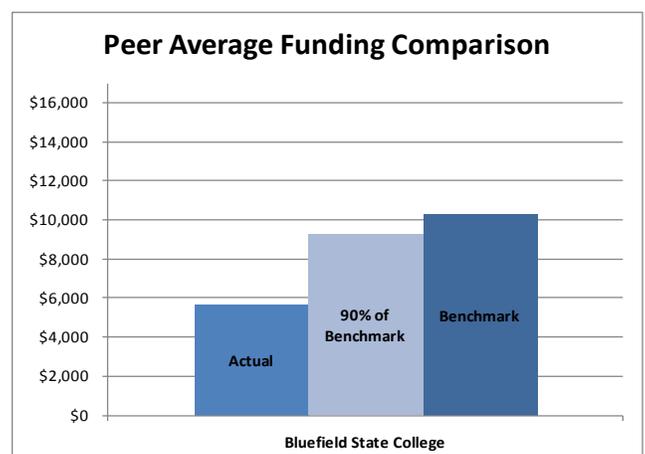
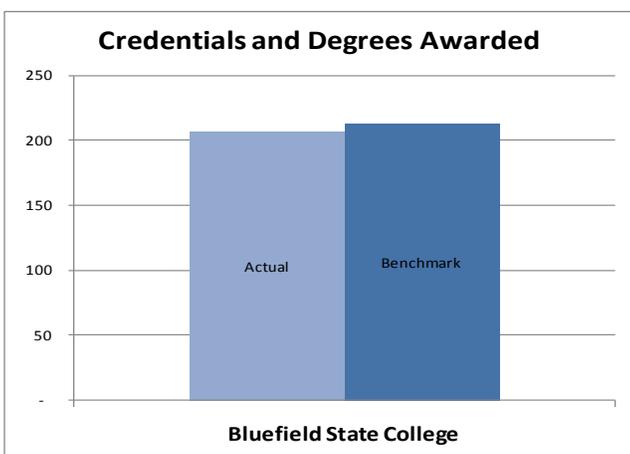
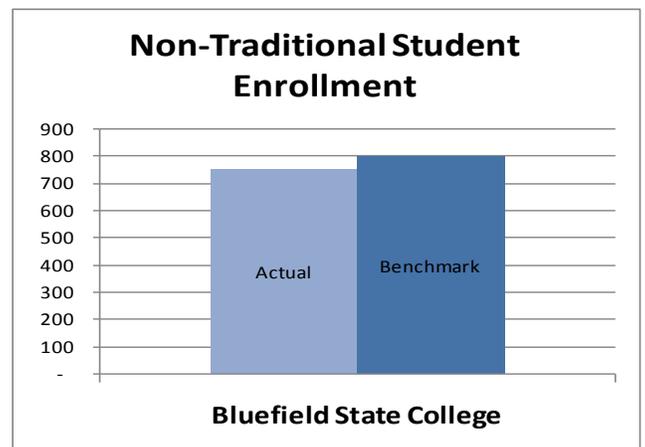
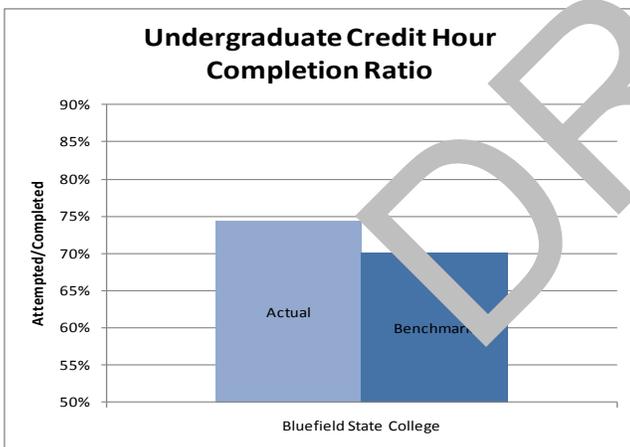


Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$329,308,032	\$247,065,777	\$64,646,979	\$2,347,320	\$1,158,516	\$1,491,532	\$6,363,653	\$6,234,255

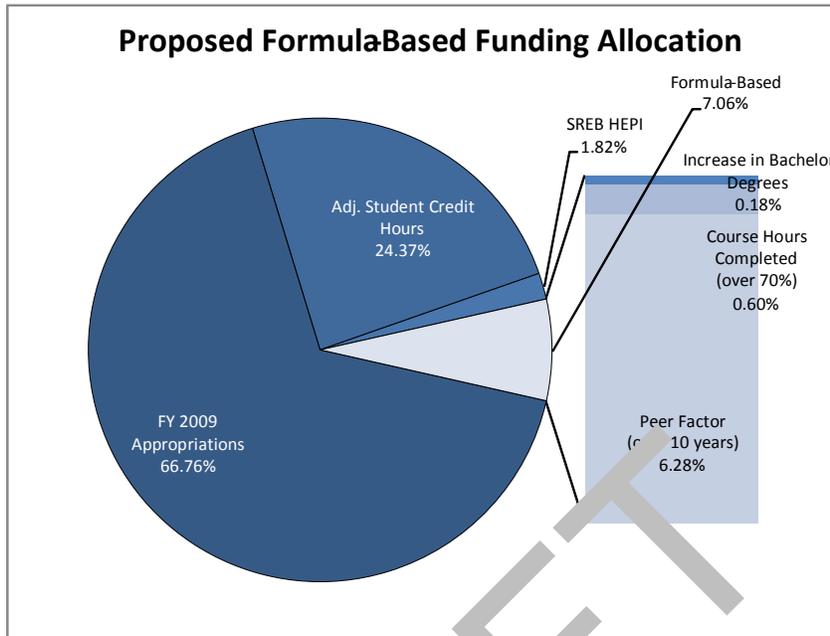
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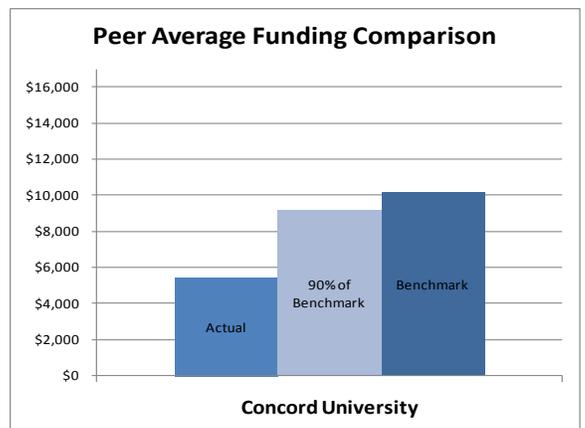
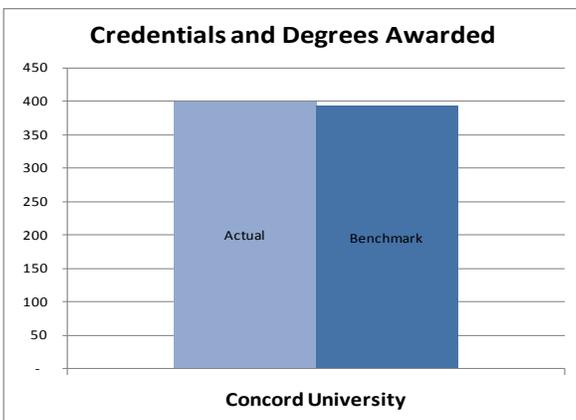
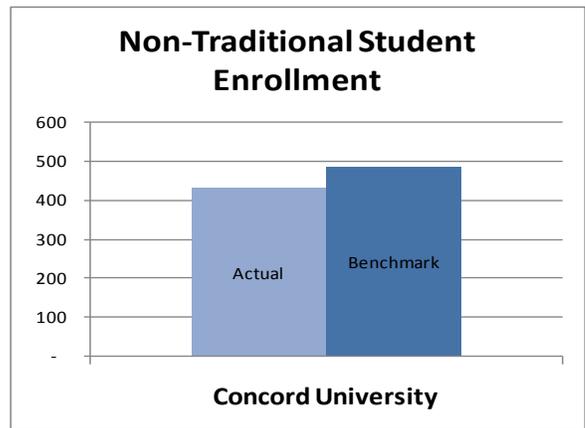
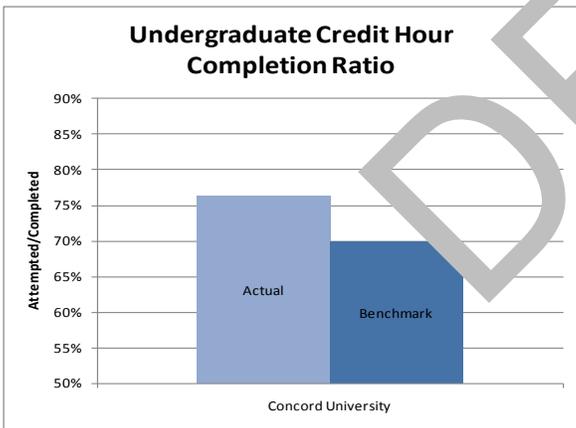
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$9,272,386	\$6,442,321	\$2,062,279	\$170,092	\$0	\$0	\$62,189	\$535,505



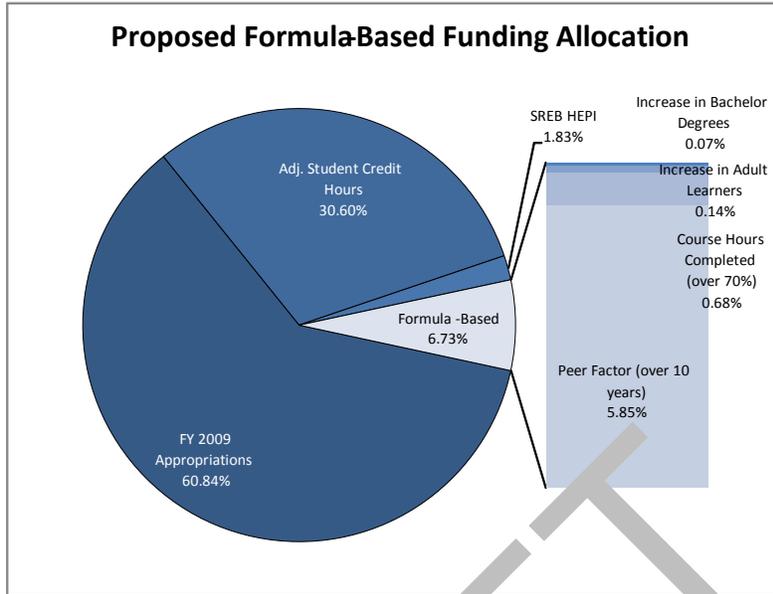
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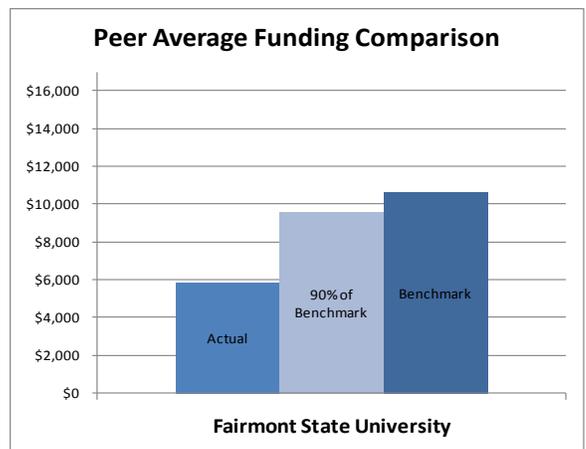
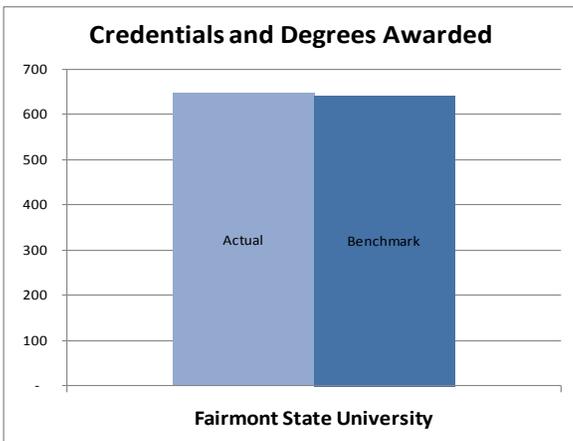
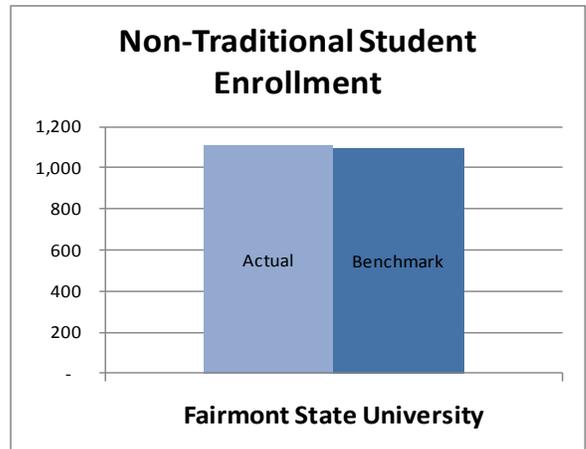
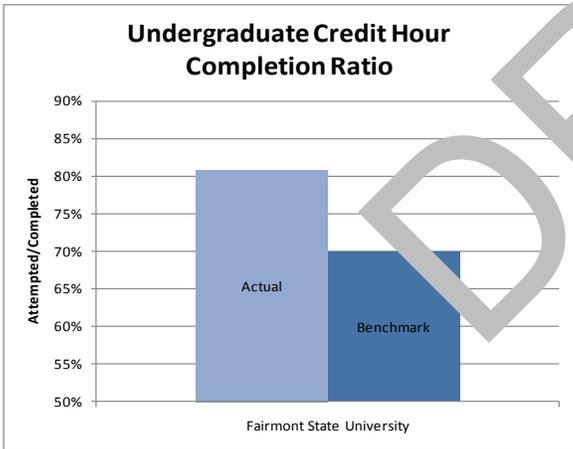
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$14,946,648	\$9,977,767	\$3,641,933	\$2,394	\$26,502	\$0	\$89,176	\$938,875



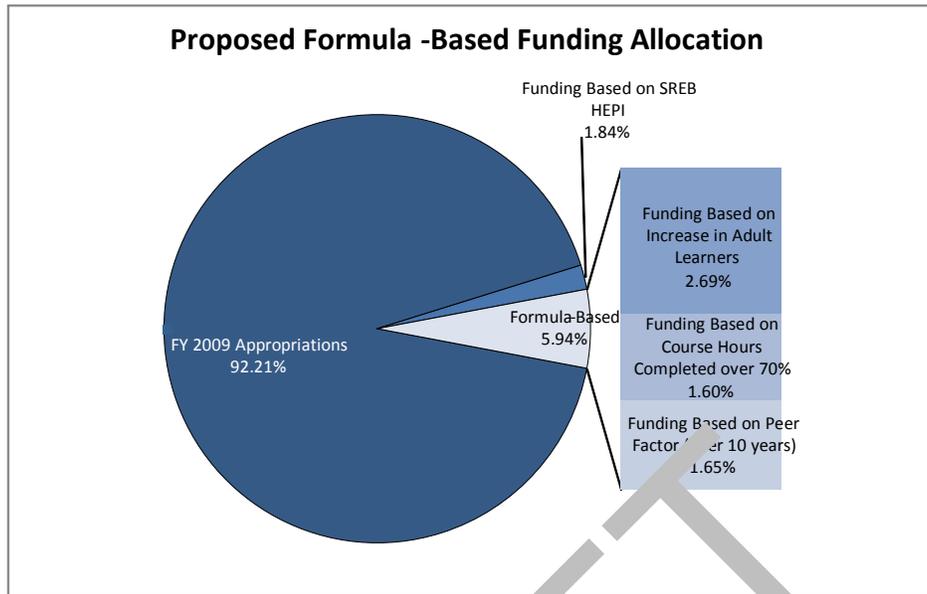
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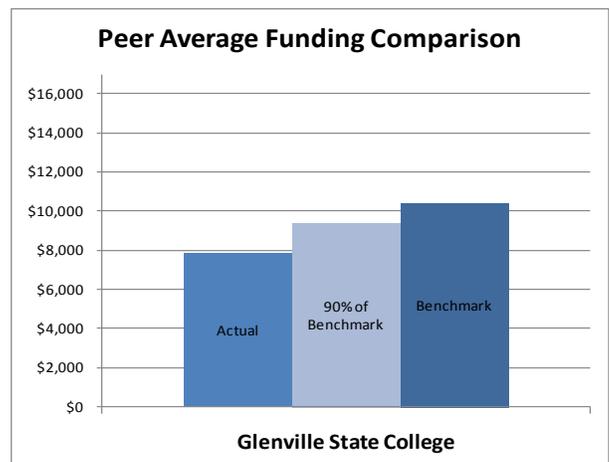
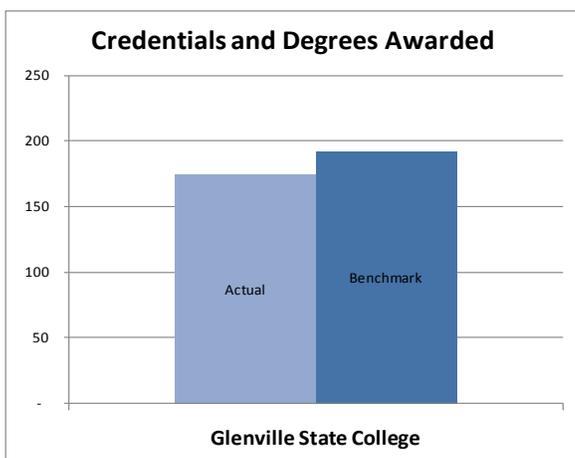
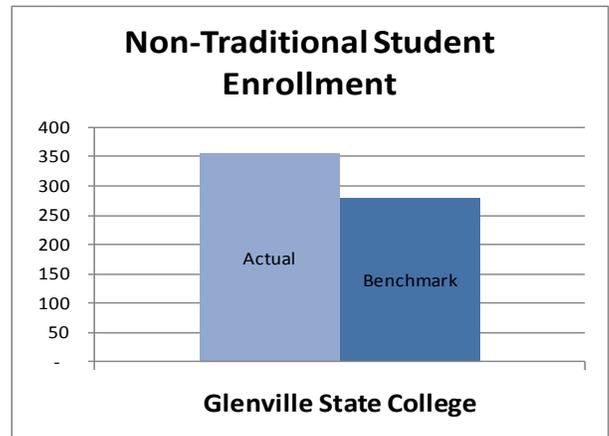
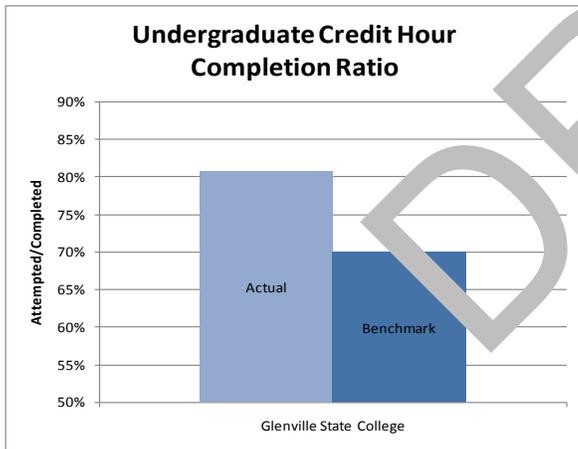
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$22,633,535	\$13,769,754	\$6,925,546	\$413,906	\$0	\$32,812	\$152,896	\$1,323,477



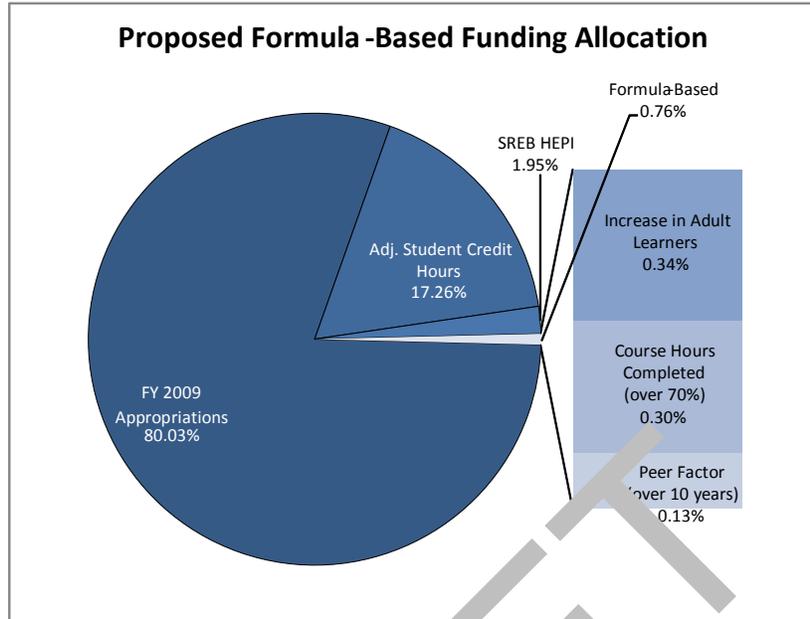
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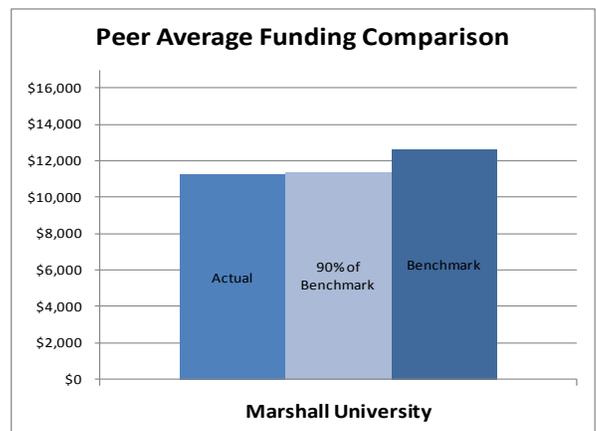
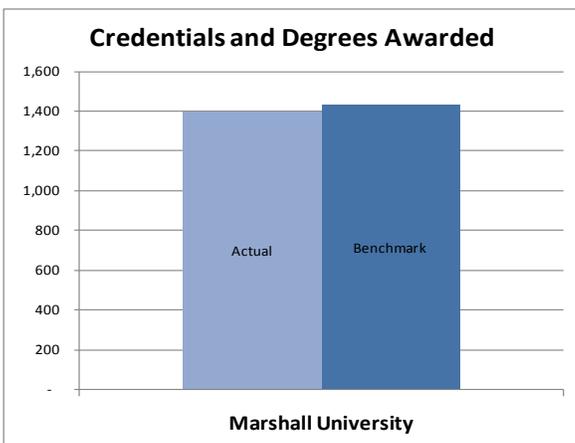
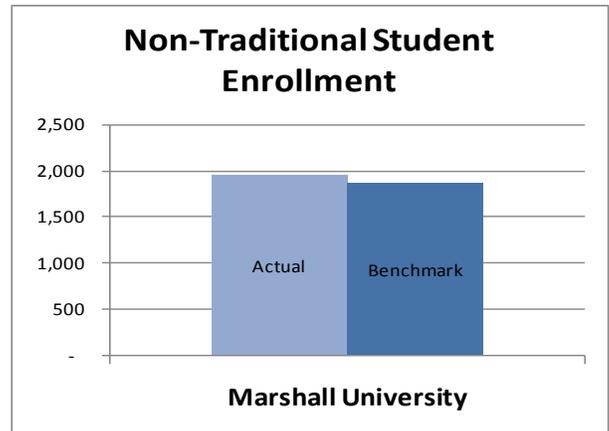
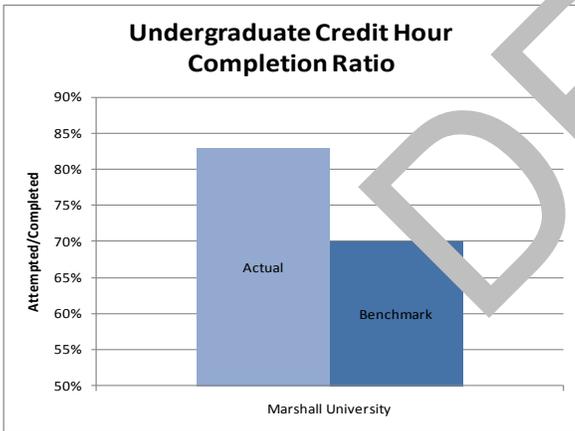
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$7,037,493	\$6,489,617	\$0	\$129,792	\$0	\$189,300	\$112,847	\$115,936



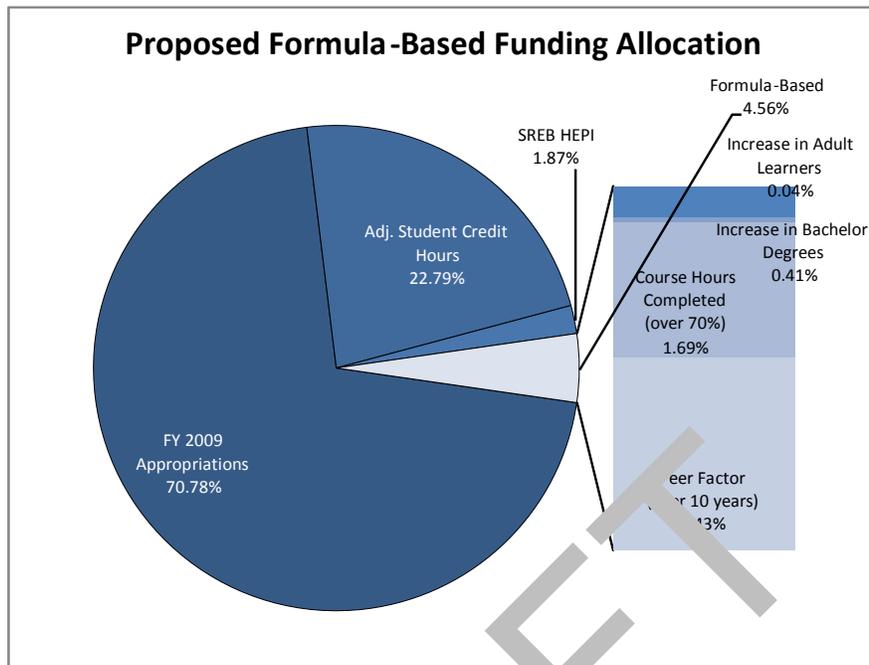
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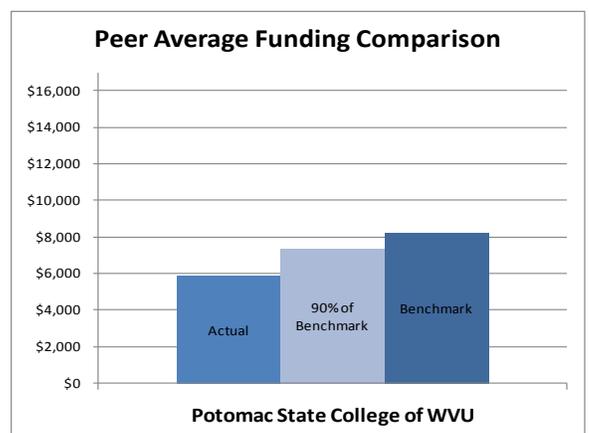
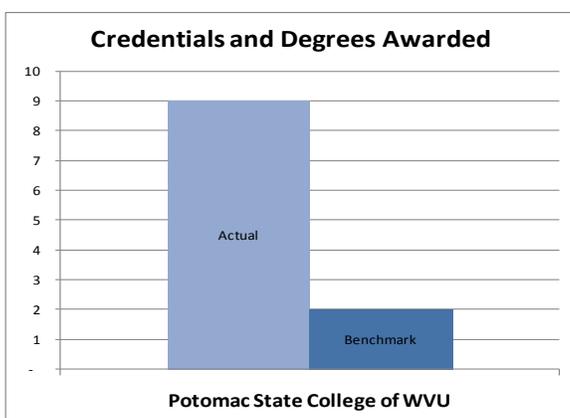
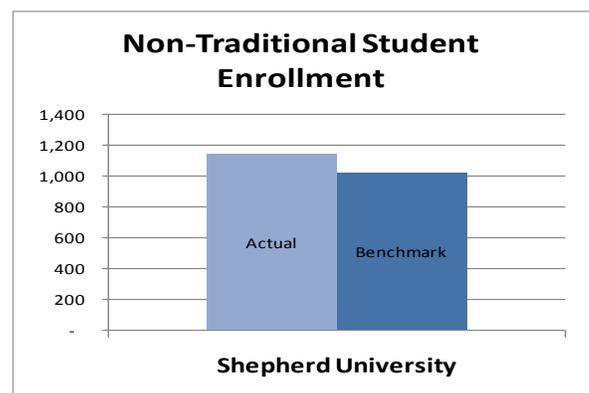
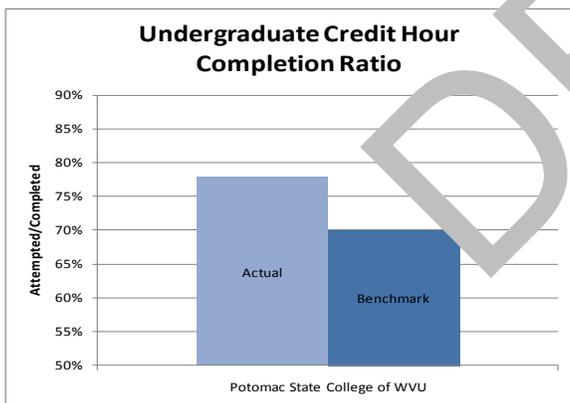
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$61,606,291	\$49,306,129	\$10,631,261	\$1,198,748	\$0	\$209,492	\$183,280	\$77,382



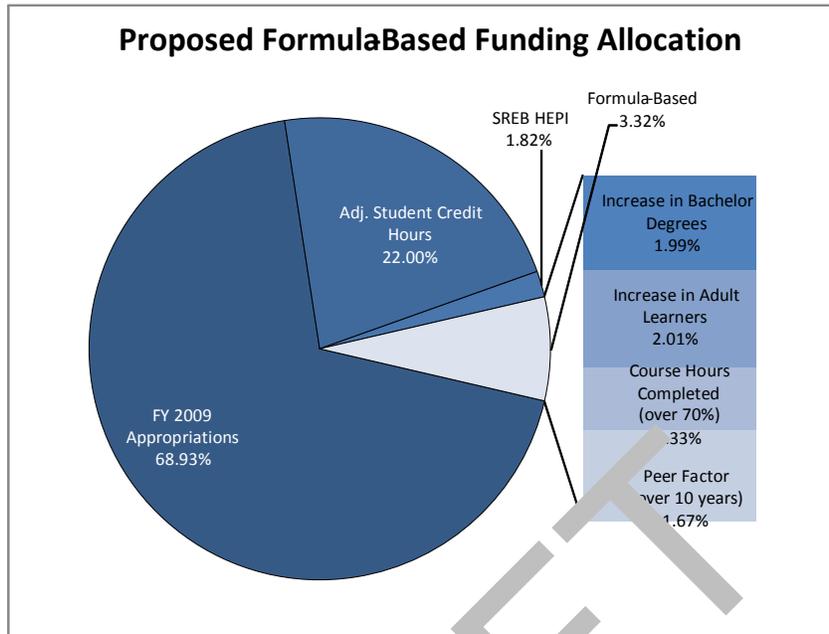
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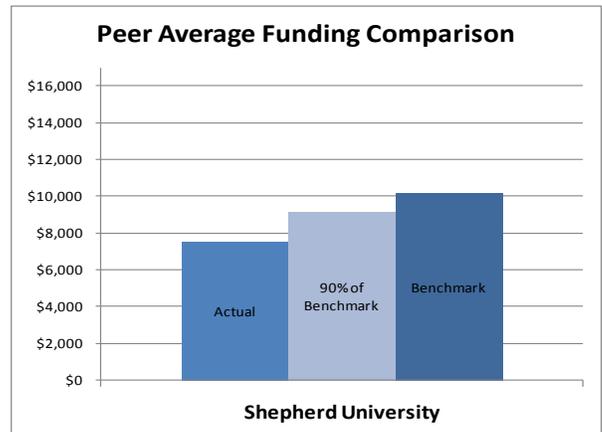
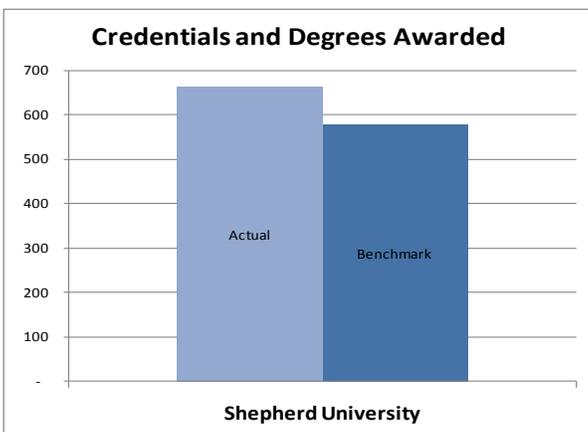
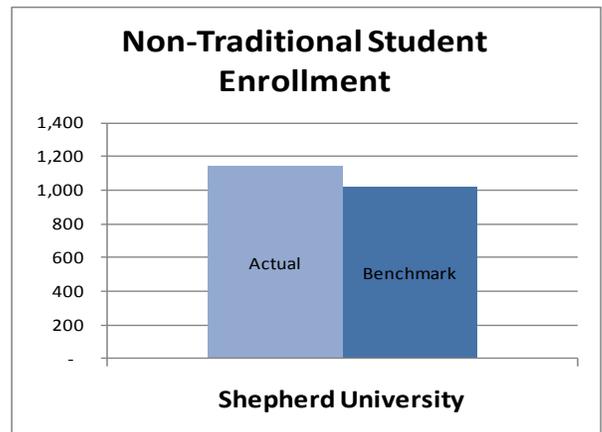
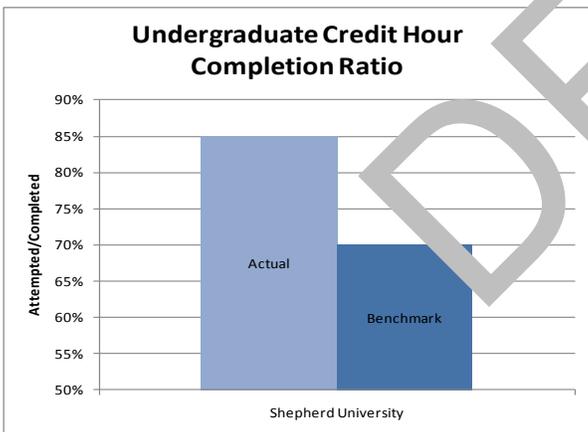
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$6,505,378	\$4,604,493	\$1,482,567	\$12,000	\$26,502	\$2,524	\$109,718	\$157,832



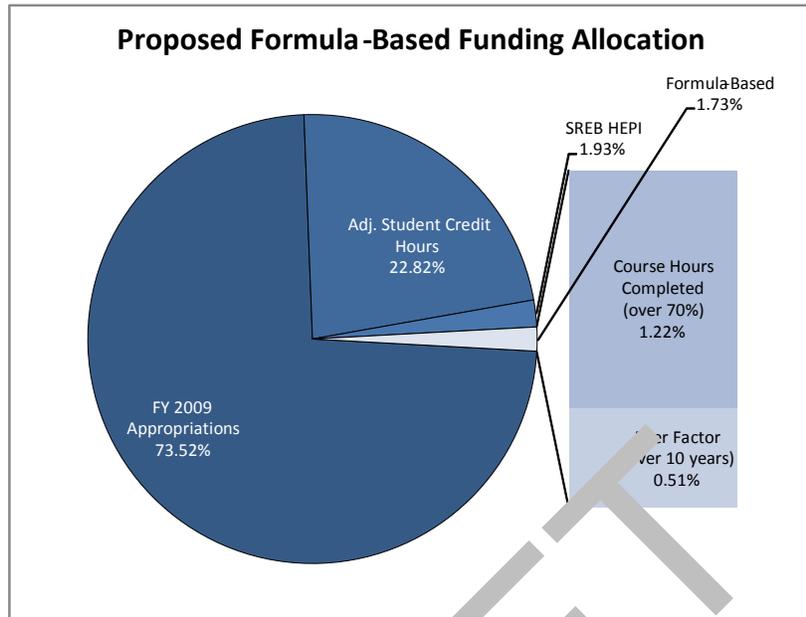
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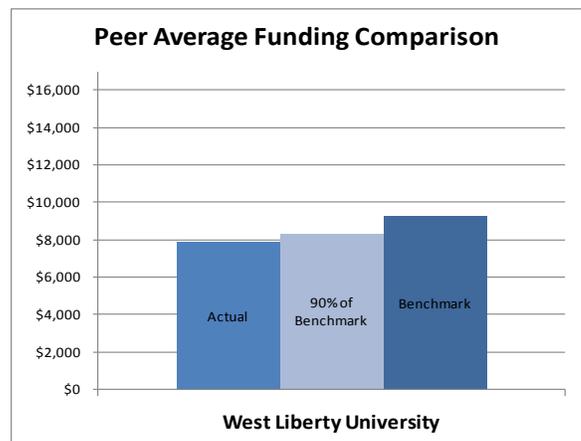
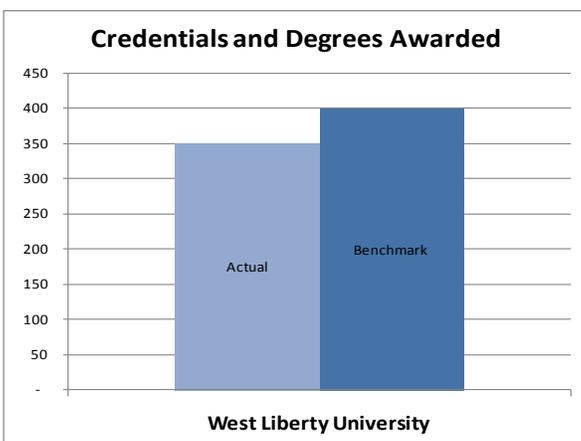
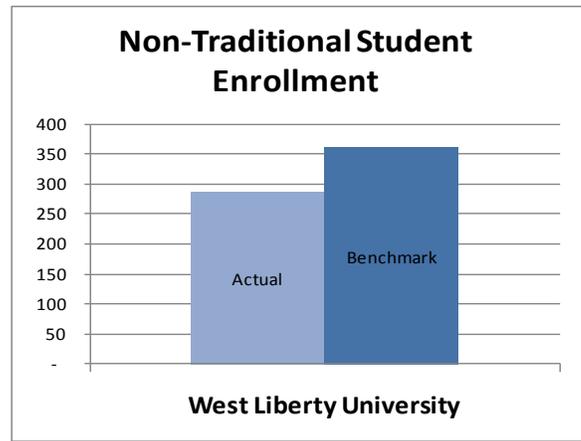
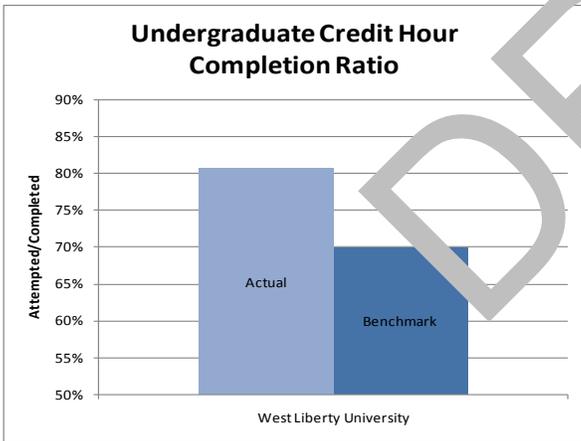
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$15,984,036	\$11,018,482	\$3,516,838	\$200,706	\$318,024	\$320,548	\$211,793	\$307,645



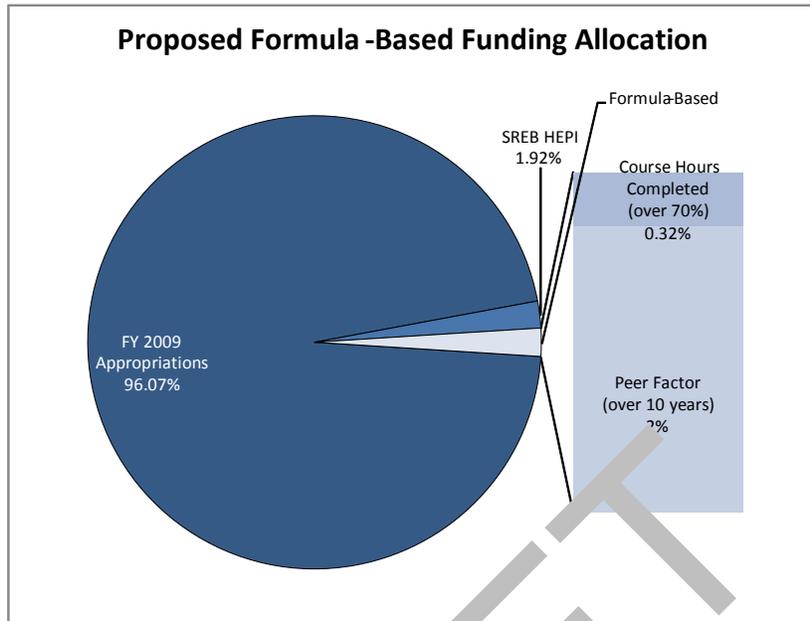
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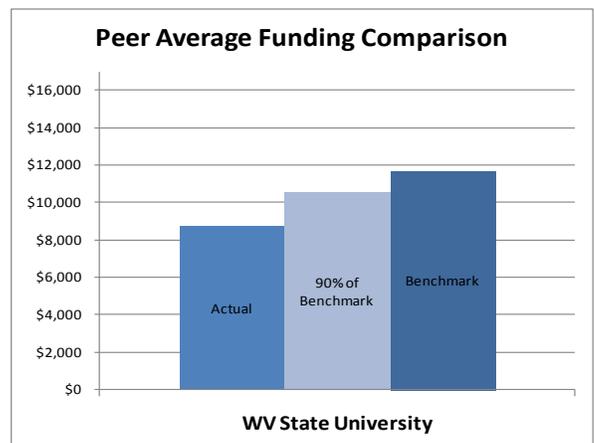
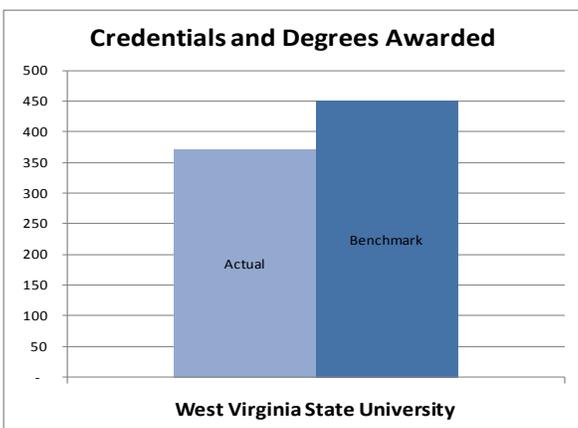
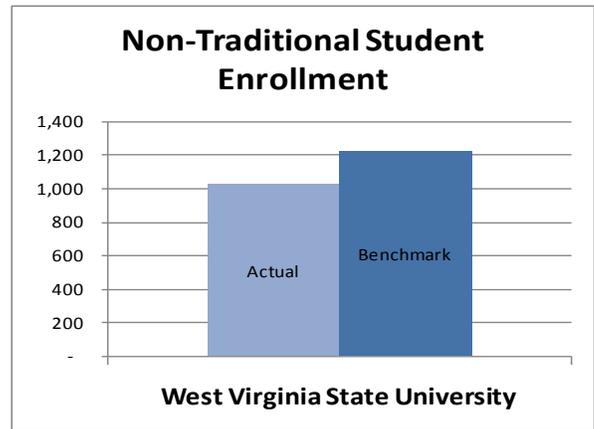
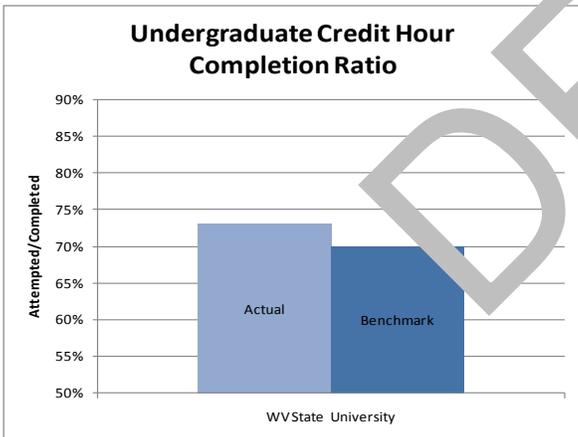
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Enrollment for Degree	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$12,411,316	\$9,125,137	\$2,831,963	\$239,142	\$0	\$0	\$151,686	\$63,388



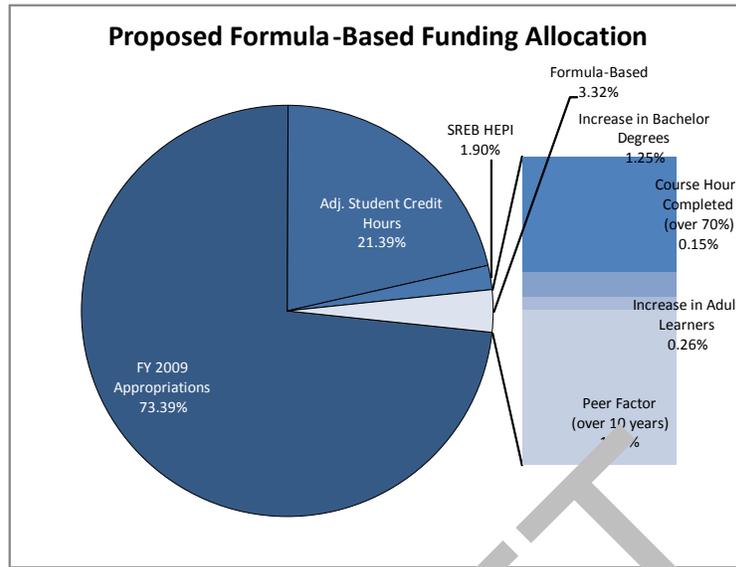
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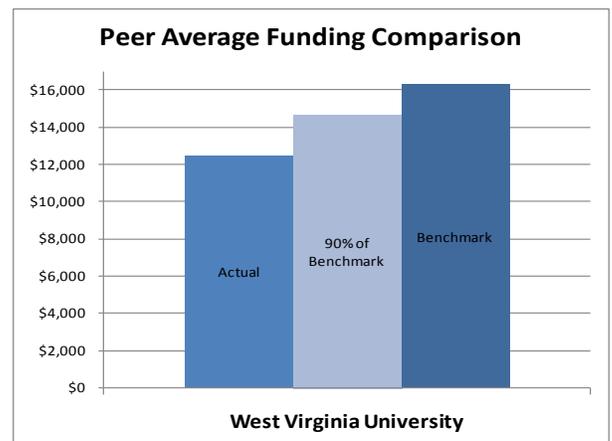
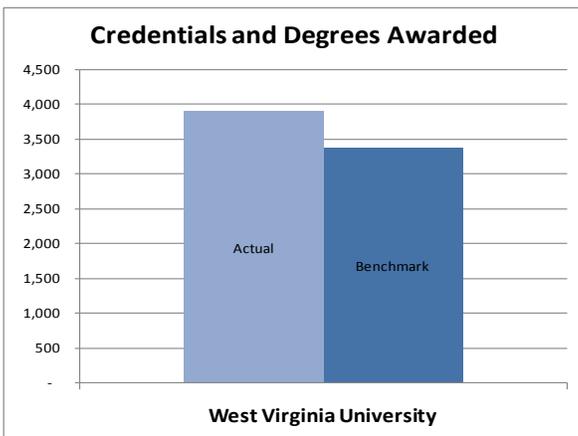
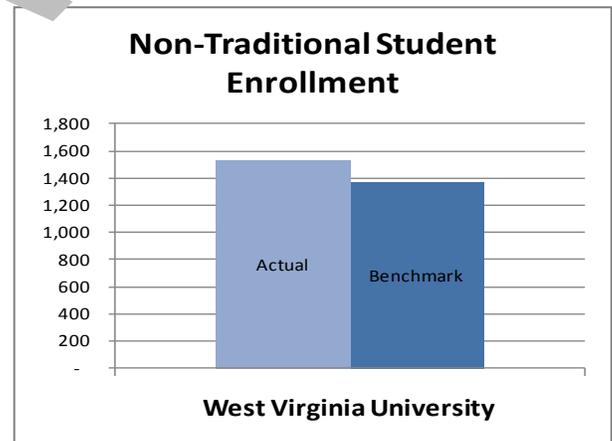
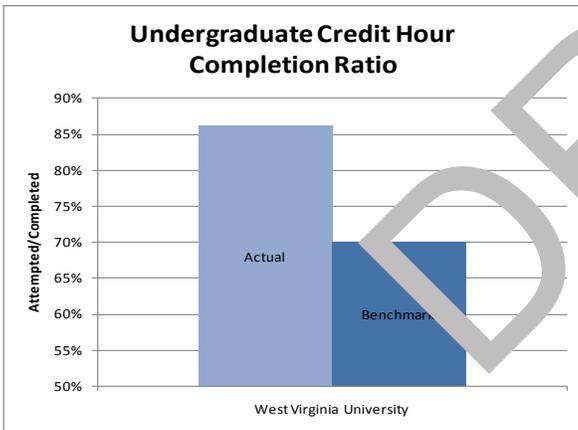
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$13,159,132	\$12,642,590	\$0	\$252,852	\$0	\$0	\$42,177	\$221,514



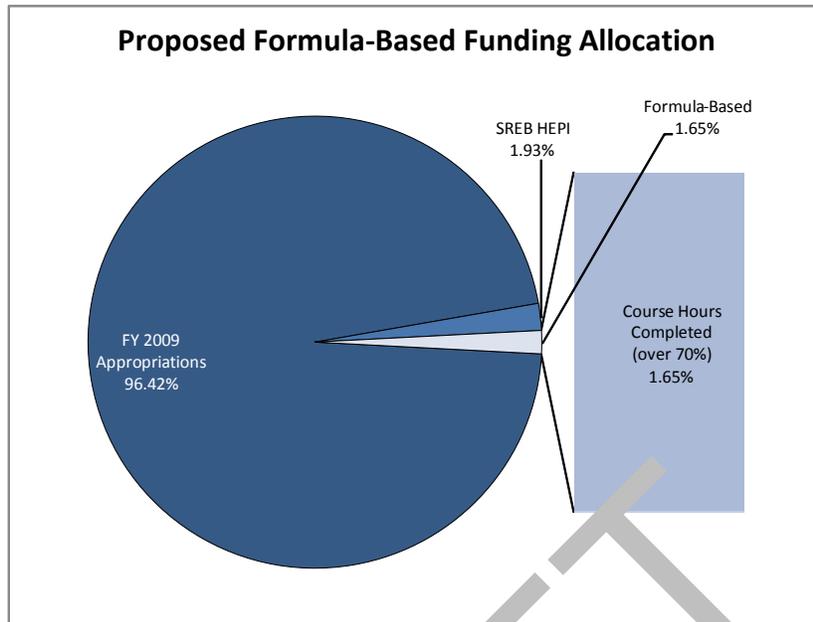
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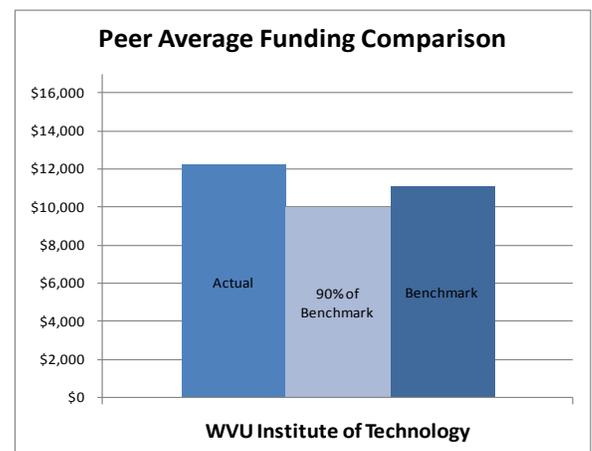
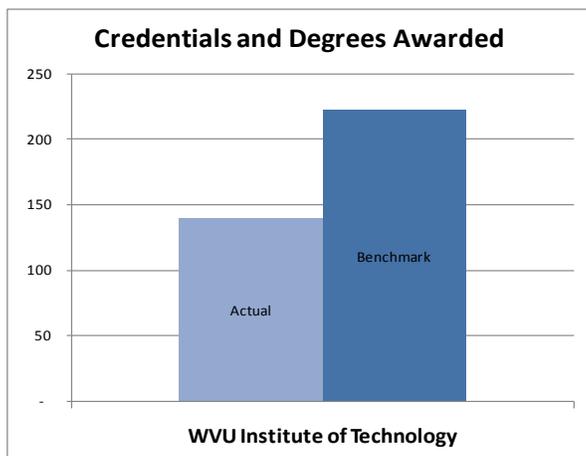
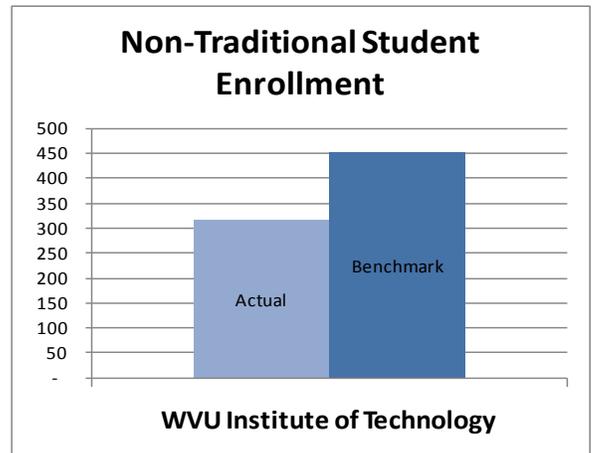
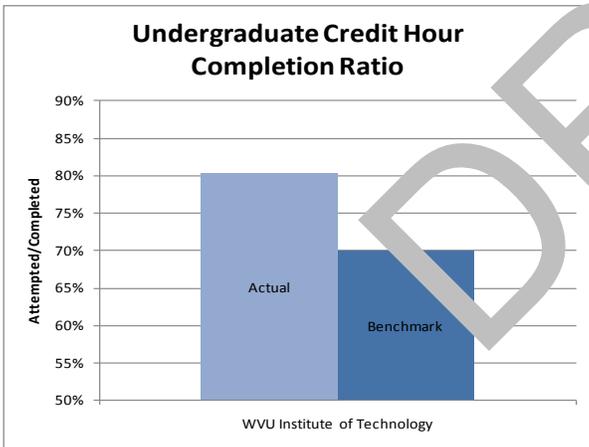
Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$156,886,815	\$115,142,018	\$33,554,592	\$2,973,932	\$1,961,148	\$403,840	\$229,186	\$2,622,099



WVU Institute of Technology



Formula Recommendation for State Appropriations	FY 2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional Students	Funding Based on Course Hours Completed over 70%	Funding Based on Peer Factor (over 10 years)
\$8,865,001	\$8,547,469	\$0	\$170,949	\$0	\$0	\$146,583	\$0



Works Cited

The National Center for Public Policy and Higher Education (2008). *Measuring Up 2008: The National Report Card on Higher Education*. San Jose, CA: The National Center for Public Policy and Higher Education.

West Virginia Higher Education Policy Commission (2007). *Charting The Future 2007-2012: A Master Plan for West Virginia Higher Education*. Charleston, WV: West Virginia Higher Education Policy Commission.

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Funding Formula Development Team

Chancellor Brian Noland, Dr. Kevin Walthers, Dr. Pat Hunt, Dr. Jacob Gross, Mr. Rob Anderson and Ms. Kelly O'Neill Crane

LIST OF APPENDICES

- A. Funding Formula Recommendations by Institution
- B. Funding Formula Equation
- C. CIP Program Weights

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APPENDIX A FUNDING FORMULA RECOMMENDATIONS BY INSTITUTION

Total Recommended Funding Increase For State Appropriations							
Institution	Recommended Funding Increase	Adjusted Student Credit Hours	# of Bachelor Degrees above 5-Year Average	# of Non-Traditional students above 5-Year Average	Percentage of Course Hours Completed	Peer Factor (over 10 years)	HEPI
BLUEFIELD STATE COLLEGE	\$2,830,065	85,046	-	-	74.39%	1.063	2.0%
CONCORD UNIVERSITY	4,968,881	136,197	7	-	76.30%	1.069	2.0%
FAIRMONT STATE UNIVERSITY	8,863,781	206,953	4	13	80.80%	1.064	2.0%
GLENVILLE STATE COLLEGE	547,876	58,495	-	75	77.97%	1.020	2.0%
MARSHALL UNIVERSITY	12,300,162	593,440	-	8	82.95%	1.001	2.0%
POTOMAC STATE COLLEGE OF WVU	1,900,885	50,726	7	11	77.75%	1.026	2.0%
SHEPHERD UNIVERSITY	4,965,554	181,692	84	7	84.96%	1.021	2.0%
WEST LIBERTY UNIVERSITY	3,286,179	119,571	-	-	80.72%	1.005	2.0%
WEST VIRGINIA STATE UNIVERSITY	516,542	107,662	-	-	72.98%	1.021	2.0%
WEST VIRGINIA UNIVERSITY	41,744,797	1,588,639	518	160	86.19%	1.018	2.0%
WVU INSTITUTE OF TECHNOLOGY	317,532	51,495	-	-	80.36%	0.982	2.0%
TOTAL/AVG ALL INSTITUTIONS	\$82,242,255	3,179,914	519	459	79.58%	1.0	2.0%

Total Funding Formula Recommendations For State Appropriations								
Institution	2009 Appropriations	Funding Based on Student Credit Hours	Funding Based on SREB HEPI	Funding Based on Increase in Bachelor Degrees	Funding Based on Increase in Non-Traditional students	Funding Based on Course Hours Completion	Funding Based on Peer Factor (over 10 years)	Total Formula Recommendation for State Appropriations
BLUEFIELD STATE COLLEGE	\$6,442,300	\$1,062,279	\$170,092	\$0	\$0	\$62,189	\$535,505	\$9,272,386
CONCORD UNIVERSITY	9,977,767	3,641,933	272,394	26,502	0	89,176	938,875	14,946,648
FAIRMONT STATE UNIVERSITY	13,769,754	6,925,546	413,906	15,144	32,812	152,896	1,323,477	22,633,535
GLENVILLE STATE COLLEGE	6,489,617	0	129,792	0	189,300	112,847	115,936	7,037,493
MARSHALL UNIVERSITY	49,306,129	10,631,261	1,198,748	0	209,492	183,280	77,382	61,606,291
POTOMAC STATE COLLEGE OF WVU	4,604,493	1,482,567	121,741	26,502	2,524	109,718	157,832	6,505,378
SHEPHERD UNIVERSITY	11,018,482	3,516,838	290,706	318,024	320,548	211,793	307,645	15,984,036
WEST LIBERTY UNIVERSITY	9,125,137	2,831,963	239,142	0	0	151,686	63,388	12,411,316
WEST VIRGINIA STATE UNIVERSITY	12,642,590	0	252,852	0	0	42,177	221,514	13,159,132
WEST VIRGINIA UNIVERSITY	115,142,018	33,554,592	2,973,932	1,961,148	403,840	229,186	2,622,099	156,886,815
WVU INSTITUTE OF TECHNOLOGY	8,547,469	0	170,949	0	0	146,583	0	8,865,001
TOTAL ALL INSTITUTIONS	\$247,065,777	\$64,646,979	\$6,234,255	\$2,347,320	\$1,158,516	\$1,491,532	\$6,363,653	\$329,308,032

APPENDIX B WEST VIRGINIA HEPC FUNDING FORMULA

$$R = RSACH + (HEPI \times RSACH) + PE \times TRFCH + (B - AB) * APPFTE * 0.50 + (NT - ANT) * (APPFTE * 0.33) + (C - 70) * ALLFTE$$

R =	<i>Ref. Overview Section:</i>
RSACH	Component 1
+	
HEPI x RSACH	Component 2
+	
PE x TRFCH	Component 3
+	
(B - AB) * APPFTE * 0.50	Component 4a (if negative, drop from formula)
+	
(NT- ANT) * (APPFTE * 0.33)	Component 4b (if negative, drop from formula)
+	
(C - 70) * ALLFTE	Component 4c (if negative, drop from formula)

R (Recommended State Appropriation)

RSACH (Recommended State Appropriations for Credit hours) = the greater of FSACH or current state appropriations.

FSACH (Formula-based State Appropriations for Credit hours) = TRFCH x appropriate ratio of state appropriations vs. student-based funding: Ratio differs by institution, according to institutional mission, % of out-of-state students, etc.

TRFCH (Total Recommended Funding for Credit hours) = CARCH: Includes state appropriations *and* tuition and fees

ASCH (Adjusted Student Credit hours) = sum of the total hours attempted per course x two-fold weighting factor: One weight-factor for cost of instruction (e.g., History 101 is weighted as 1.0 SCH and Physics 101 is weighted as 1.5 SCH) and a second weight-factor where upper division classes receive an additional 1.5 factor above lower division classes

CARCH (Calculated Average Revenue per Credit hour) = average revenue for regional campuses; = actual revenue for research universities: Revenue includes both student and state appropriations from the latest audited financial statements

HEPI (Higher Education Price Index): from the most recent SREB index

PE (Peer equity): Annual multiplier required to move institutions to 90% of peer equity over a ten year period (e.g., the annual multiplier for an institution at 55% of peer equity would be 1.063 to move to 90% at the end of the ten year period)

B (Number of Bachelor's Degrees Awarded in the Calculation Year): As an incentive, B must be greater than AB to be included in the calculation.

AB (Average Number of Bachelor's degrees): calculated over a rolling five year period.

APPFTE (SREB Average state appropriations per FTE)

NT = (Non-Traditional students): number enrolled for the most recent fall semester; As an incentive, NT must be greater than ANT to be included in the calculation.

ANT = (Average Headcount Enrollment of Non-Traditional students): adults over the age of 25; calculated over a rolling five year period.

C = (Annual Rate of Completion), where the total number of hours completed is divided by the total number of hours attempted and multiplying by 100; As an incentive, C must be greater than 70 to be included in the calculation

ALLFTE (SREB Average total tuition and state appropriations per FTE)

APPENDIX C CIP PROGRAM WEIGHTS

Cost Multipliers for Credit Hours by CIP Code and Level

CIP Description	CIP	Cost Category	LD MULTIPLIER	UD MULTIPLIER	GR-1 MULTIPLIER	GR-2 MULTIPLIER	PR MULTIPLIER	Active Cells	
AGRICULTURE, AGRICULTURE OPERATIONS, AND RELATED SCIENCES.	01	3	1.5	2.0	3.0	4.0	4.0	1	Lowest Cost
NATURAL RESOURCES AND CONSERVATION	03	3	1.5	2.0	3.0	4.0	4.0	2	Low Cost
ARCHITECTURE AND RELATED SERVICES	04	3	1.5	2.0	3.0	4.0	4.0	3	Medium Cost
AREA, ETHNIC, CULTURAL, AND GENDER STUDIES	05	2	1.0	1.5	2.0	3.0	3.0	4	High Cost
COMMUNICATION, JOURNALISM, AND RELATED PROGRAMS	09	2	1.0	1.5	2.0	3.0	3.0		
COMMUNICATIONS TECHNOLOGIES/TECHNICIANS AND SUPPORT SERVICES	10	3	1.5	2.0	3.0	4.0	4.0		
COMPUTER AND INFORMATION SCIENCES AND SUPPORT SERVICES.	11	3	1.5	2.0	3.0	4.0	4.0		
PERSONAL AND CULINARY SERVICES	12	3	1.5	2.0	3.0	4.0	4.0		
EDUCATION	13	2	1.0	1.5	2.0	3.0	3.0		
ENGINEERING.	14	3	1.5	2.0	3.0	4.0	4.0		
ENGINEERING TECHNOLOGIES/TECHNICIANS	15	3	1.5	2.0	3.0	4.0	4.0		
FOREIGN LANGUAGES, LITERATURES, AND LINGUISTICS	16	2	1.0	1.5	2.0	3.0	3.0		
FAMILY AND CONSUMER SCIENCES/HUMAN SCIENCES	19	2	1.0	1.5	2.0	3.0	3.0		
LEGAL PROFESSIONS AND STUDIES	22	4	2.5	3.0	4.0	7.0	7.0		
ENGLISH LANGUAGE AND LITERATURE/LETTERS	23	2	1.0	1.5	2.0	3.0	3.0		
LIBERAL ARTS AND SCIENCES, GENERAL STUDIES AND HUMANITIES	24	2	1.0	1.5	2.0	3.0	3.0		
LIBRARY SCIENCE	25	2	1.0	1.5	2.0	3.0	3.0		
BIOLOGICAL AND BIOMEDICAL SCIENCES	26	3	1.5	2.0	3.0	4.0	4.0		
MATHEMATICS AND STATISTICS	27	2	1.0	1.5	2.0	3.0	3.0		
ROTC	28	1	1.0	1.0	1.0	1.0	1.0		
MILITARY TECHNOLOGIES	29	1	1.0	1.0	1.0	1.0	1.0		
MULTI/INTERDISCIPLINARY STUDIES	30	1	1.0	1.0	1.0	1.0	1.0		
PARKS, RECREATION, LEISURE, AND FITNESS STUDIES	31	2	1.0	1.5	2.0	3.0	3.0		
REMEDIAL CLASSES	32	1	1.0	1.0	1.0	1.0	1.0		
CITIZENSHIP ACTIVITIES	33	1	1.0	1.0	1.0	1.0	1.0		
HEALTH-RELATED KNOWLEDGE AND SKILLS	34	1	1.0	1.0	1.0	1.0	1.0		
INTERPERSONAL AND SOCIAL SKILLS	35	1	1.0	1.0	1.0	1.0	1.0		
LEISURE AND RECREATIONAL ACTIVITIES	36	1	1.0	1.0	1.0	1.0	1.0		
PERSONAL AWARENESS AND SELF IMPROVEMENT	37	1	1.0	1.0	1.0	1.0	1.0		
PHILOSOPHY AND RELIGIOUS STUDIES	38	2	1.0	1.5	2.0	3.0	3.0		
THEOLOGY AND RELIGIOUS VOCATIONS	39	2	1.0	1.5	2.0	3.0	3.0		
PHYSICAL SCIENCES	40	3	1.5	2.0	3.0	4.0	4.0		
SCIENCE TECHNOLOGIES/TECHNICIANS	41	3	1.5	2.0	3.0	4.0	4.0		
PSYCHOLOGY	42	3	1.5	2.0	3.0	4.0	4.0		
SECURITY AND PROTECTIVE SERVICES	43	3	1.5	2.0	3.0	4.0	4.0		
PUBLIC ADMINISTRATION AND SOCIAL SERVICE PROFESSIONS	44	2	1.0	1.5	2.0	3.0	3.0		
SOCIAL SCIENCES	45	2	1.0	1.5	2.0	3.0	3.0		
CONSTRUCTION TRADES	46	4	2.5	3.0	4.0	7.0	7.0		
MECHANIC AND REPAIR TECHNOLOGIES/TECHNICIANS	47	4	2.5	3.0	4.0	7.0	7.0		
PRECISION PRODUCTION	48	4	2.5	3.0	4.0	7.0	7.0		
TRANSPORTATION AND MATERIALS MOVING	49	4	2.5	3.0	4.0	7.0	7.0		
VISUAL AND PERFORMING ARTS	50	4	2.5	3.0	4.0	7.0	7.0		
HEALTH PROFESSIONS AND RELATED CLINICAL SCIENCES	51	4	2.5	3.0	4.0	7.0	7.0		
BUSINESS, MANAGEMENT, MARKETING, AND RELATED SUPPORT SERVICES	54	4	2.5	3.0	4.0	7.0	7.0		
HISTORY	54	2	1.0	1.5	2.0	3.0	3.0		
UNDESIGNATED FIELD OF STUDY									