

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