

# LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

House Education Committee Room  
March 18, 2013

- West Virginia Higher Education Policy Commission 2013–18 Master Plan,  
Leading the Way. Access. Success. Impact. 1
- Title 133, Series 53, Legislative Rule, Human Resources Administration 43  
West Virginia Higher Education Policy Commission
- Title 135, Series 53, Legislative Rule, Human Resources Administration 77  
West Virginia Council for Community and Technical College Education



West Virginia  
Higher Education  
Policy Commission





# West Virginia Higher Education Policy Commission

---

**Report to the Legislative Oversight Commission  
on Education Accountability**

**March 18, 2013**

**2013-18 Master Plan,  
“Leading the Way: Access. Success. Impact.”**





*Leading the Way*  
Access. Success. Impact.

## TABLE OF CONTENTS

I. Introduction	1
II. Focal Areas	
1. Access	13
2. Success	21
3. Impact	27
III. Conclusion	34
IV. References	36

*Leading the Way:* **ACCESS. SUCCESS. IMPACT.**



West Virginia Higher Education Policy Commission  
1018 Kanawha Blvd. East  
Charleston, West Virginia 25301-2025



# INTRODUCTION

▶ *The role of this master plan is to coordinate the efforts of the various institutions of higher education in the state in a way that recognizes and capitalizes on each institution's unique mission and contributions.* ◀

The West Virginia Higher Education Policy Commission (Commission) has statutory responsibility for developing a five-year statewide master plan for higher education that sets forth system goals, objectives, and strategies and is aligned with meeting the goals of the state. The Legislature has identified in state code eight areas of special emphasis: economic and workforce development, education access and affordability, innovation, student preparation, degree and/or program completion, intra- and inter-system cooperation and collaboration, research, and teaching and learning. This new master plan meets the Commission's statutory obligation for the years 2013 to 2018 and is titled, *Leading the Way: Access. Success. Impact.* It sets forth the overarching goals of the state's system of higher education and articulates strategic objectives to be met over its five-year scope. The master plan sets forth how the Commission will work toward the system's goals and provides recommendations for how institutions can help achieve these goals. The role of this master plan is to coordinate the efforts of the various institutions of higher education in the state in a way that recognizes and capitalizes on each institution's unique mission and contributions. Through the compact reporting process, the Commission asks each college and university to set goals consistent with this master plan and the institution's mission and to account for progress toward those goals.

West Virginia stands at a critical juncture economically. The state is pursuing new opportunities to diversify business and industry by transitioning from a dependency on a few, core, manufacturing and resource gathering industries, in order to develop and sustain a more diverse marketplace. This shift demands that the state reexamine and retool its entire education system in order to meet the demands of a new and varied state economy. Both young people and adults, including those already in the workforce, will need the ability to move from one highly skilled job to another throughout their career. The Commission and its institutions are currently adapting to this new economic environment. Not only will the state's public higher education institutions have to meet the current demands of traditional enrollees, but they will also have to meet the needs of students who will need continual advanced education and training for the rest of their lives. The result is a responsive public university system that significantly contributes to the economic vitality of the state, through encouraging and developing a highly skilled and flexible workforce.

These economic realities situate public higher education as vital in meeting current workforce demands and pushing West Virginia's economy forward. However, it is also important to remember that the primary purpose of West Virginia's four-year public colleges and universities is to develop an educated citizenry. The outcome of an educated citizenry is not as tangible as employment figures and revenue sums, but it manifests itself in a population that understands how our society operates and has the ability not only to maintain it, but also to improve it. Each West Virginia community faces a distinct set of complex challenges. Whether it is funding local K-12 education and social services, maintaining basic public works, promoting tourism and local businesses, or seeking to strike a balance between environmental concerns and resource gathering, there is need for people to be knowledgeable on matters that affect the public good. West Virginia not only needs well-informed leaders at all levels, but a groundswell of invested and responsive citizens that add value to public discourse and work to meet the needs of their community. In a complex, ever specializing world, a well-rounded education enables more citizens to fully participate in their democracy.

West Virginia's public postsecondary institutions strive to prepare their students to face the challenges within their local communities, as well as at the state, national, and international levels. Not only does higher education need to impart a higher order set of academic and professional skills, it also inspires students to think creatively in relation to complicated social and scientific phenomenon. College and university faculty encourage students to be curious about the world within and outside of their respective institutions. Thus, faculty and staff have labored to create curricular and co-curricular based programs that allow students to explore via course-based projects, internships with business and government agencies, and study abroad programs. In addition, institutions have invited private sector and non-profit organization leaders to campus and have recruited international faculty members in order to expose students to cultures and ways of thinking that extend beyond the institution and the state. These efforts introduce students to opportunities and rigorous challenges that will allow them to apply their education to a range of issues prior to their graduation. Later on, graduates will be able to apply the knowledge gleaned from these comprehensive experiences to real problems at home, at work, and in their community.

The new master plan for higher education renews a broad public agenda for higher education articulated in the previous master plan *Charting the Future*, but, consistent with present and future economic needs and specific system challenges, brings to the fore pressing strategic priorities. It sets forth a central role for higher education in improving the economic, civic, and social future of the state. Higher education plays a vital role in educating West Virginia's citizens, providing students with the tools they need to be productive in the workforce and be contributing members of a democratic society. Higher education contributes not just through providing graduates who enrich the workforce and improve the economy, but also through raising the educational attainment of the state which in turn attracts and retains entrepreneurs and businesses to locate and invest in the state. To maximize the contribution higher education can make to the state through its graduates, the Commission commits to offering postsecondary education access to all its citizens across all regions of the state and across all age, race/ethnicity, and socio-economic groups. Further, the Commission reaffirms that access to opportunity is not sufficient and addresses issues key to ensuring that opportunity is followed by success: student academic preparation; programmatic quality; assessment of student learning; improving retention, progress toward degree, and completion; and helping students understand and transition to workforce opportunities and civic engagement. It is recognized that to maximize the impact of higher education within an environment of limited financial resources, the Commission and its constituent institutions must exercise fiscal stewardship through containing costs and seeking new sources of external funding to maintain the affordability of education for students, collaborate within and across institutions and outside entities, and continually assess progress to determine how best to determine future actions to meet goals.

► Higher education plays a vital role in educating West Virginia's citizens, providing students the tools they need to be productive in the workforce and be contributing members of a democratic society. ◀

◀ **The Importance of Higher Education in West Virginia**

The importance of higher education is continually reinforced. During the Great Recession, national unemployment rates for those with college degrees were lower and rose more slowly than for those without degrees (Carnevale, Jayasundera, and

▶ The Commission, in creating the master plan, sought to identify and articulate state priorities, provide institutions flexibility in utilizing their unique missions and assets to work toward these goals, and encourage responsiveness to and collaboration with citizens and businesses. ◀

Cheah, 2012). At the same time, the wage gap between those with a bachelor's degree and those with only a high school diploma has continued to grow over time. Projections indicate that by 2018, the United States will need 22 million new college degree holders and that 63 percent of jobs will require postsecondary education (Carnevale, Smith, Strohl, 2010). In West Virginia, from 2008 to 2018 the number of jobs requiring postsecondary credentials is estimated to grow by 20,000 and 49 percent of all jobs in the state will require some postsecondary training. These numbers emphasize the importance of postsecondary credentials to the economic futures of both students and the state.

Although this economic role is important, higher education improves the state and its citizenry in a number of other ways as well. College educated adults have been shown to have higher rates of voting and volunteerism, have more positive health behaviors, and are more likely to participate in educational activities with their children and have children who in turn go on to postsecondary education (Baum, Ma, and Payea, 2010). Furthermore, in addition to the teaching function of colleges and universities, institutions of higher education also engage in service and research. Faculty, staff, students, and alumni regularly engage in volunteerism and work with communities to understand and address local issues. Increasingly, faculty are integrating this sense of civic duty and the skills to approach community problems into their courses. These activities provide immediate benefits to the state and also create long term benefits by building connections between students and the communities in which their institutions are located.

The research activities of faculty also benefit the state in a myriad of ways. In a broad sense, research moves society forward. In a more tangible sense, research efforts attract external funding and lead to technology transfer, new business creation, licensure income, and the awarding of new patents. Research benefits students through the integration of the newest ideas and discoveries into their coursework. The involvement of students in faculty research also has benefits to the students themselves as well as creating a pipeline of future graduate students, researchers, and entrepreneurs.

### ▶ The Development of the Master Plan

The National Commission on Higher Education Accountability, which included governors, legislators, educators, and private sector leaders from every region of the country, argued that improvement in higher education would come when "accountability in higher education is a democratic process through which shared goals are explicitly established, progress is measured, and work to improve performance is motivated and guided" (2005). They also noted that the success of American higher education has been achieved through a diversified system of responsive, independent institutions and that this system has employed a division of labor based on the distinctive but interrelated capabilities and responsibilities of policy makers, institutional leaders, and faculty and students. They argued that a distributed decentralized approach to accountability reinforces a sense of obligation and empowerment with each group focusing on goals within their respective domains. Burke (2004) similarly argued that accountability would best function at the center of a triangle balancing (1) *state priorities*, public needs and desires for higher education

programs and services; (2) *academic concerns*, the issues and interests of the academic community, particularly professors and administrators; and (3) *market forces*, the needs and demands of students, parents, and businesses, as well as other clients of colleges and universities. He argued that each of these forces has a contribution to make in furthering higher education accountability and that integrating the concerns of all provides a check against imbalances that can occur if any one of them is given complete sway.

This master plan is an effort to articulate the shared goals of the state’s four-year public colleges and universities and to set forth objectives on which system progress can be measured. It is recognized that policy makers and state level boards, institutional leaders, faculty and students have distinct responsibilities and capabilities that must be respected and harnessed to make progress. Finally, to best achieve a balanced accountability system, state priorities, academic concerns, and market forces must each be given consideration. To that end, the Commission, in creating the master plan, sought to identify and articulate state priorities, provide institutions flexibility in utilizing their unique missions and assets to work toward these goals, and encourage responsiveness to and collaboration with citizens and businesses. In order to identify those state priorities, the Commission undertook a comprehensive assessment of the status of the higher education system and the progress made under the prior master plan, *Charting the Future*, gathered data on the state educational and economic context, and solicited input from stakeholders across the state. Finally, the Commission reflected on the previous master plan itself, seeking to renew its best aspects but also identifying where changes could better frame and encourage the work to be done over the coming master planning time period.

*Progress on Charting the Future*

First, there was an analysis of the progress made on *Charting the Future* in its five focal areas. In the area of access, there have been considerable increases in enrollment over the five-year period with notable growth in adult enrollment and increased participation of low-income students. This progress here is laudable and continual efforts must be made moving forward to maintain access for all West Virginians.

In the area of cost and affordability, tuition and fees for in-state students increased \$933, or 22.1 percent from 2007 to 2011. While any increases present a challenge for students struggling with affordability, West Virginia’s four-year public institutions throughout the time period have had very low tuitions in comparison with their peer institutions. Nevertheless, undergraduate loan debt for bachelor degree graduates rose by 9 percent over the time period. Maintaining affordability through cost reduction, effective allocation of aid, and reducing debt of students requires increased focus in the coming years.

In the area of learning and accountability, the system has seen the retention rate of first-time, full-time freshmen decline slightly, whether measured as returning to the same institution or any public institution. Furthermore, West Virginia retention rates lag behind regional and national figures. Six-year graduation rates of first-time, full-time freshmen have also declined slightly from 47.9 percent for the 2002 cohort to 47.5 percent for the 2006 cohort and are below regional and national figures. However, the passage rates of bachelor’s degree earners on licensure and

► Further attention is needed to improving retention and completion while maintaining programmatic quality. ◀

▶ *Colleges and universities have many purposes but the Commission needs to weigh the current state context needs, stakeholder input, and past system performance to prioritize among its numerous overarching long-term goals.*

certification exams have increased in six of seven areas from 2007 to 2011. Also, the passage rates of graduate and professional degree earners were 90 percent or above in 10 of 13 exam areas in 2011. Further attention is needed to improving retention and completion while maintaining programmatic quality.

The area of economic growth has seen progress in terms of degrees awarded with over 900 more degrees awarded in 2011-12 than 2007-08. The largest increase has been in bachelor's degree awards. Furthermore, science, technology, engineering, and mathematics (STEM) degree production increased 12.1 percent over the same time period. The workforce participation rates of recent higher education graduates have increased slightly in spite of the recession. Finally, externally-sponsored research grants and contracts have grown by over \$51 million. These data show that there have been clear successes in the area of economic growth.

The last area of *Charting the Future* was innovation. Innovation in higher education can refer to the transfer of research into the commercial realm. This activity occurs primarily at the state's two research universities, Marshall University and West Virginia University, who together from 2007 to 2011 filed 253 invention disclosures, were issued 25 patents, signed 51 license agreements, created 14 start-up companies, and earned over half a million dollars of license royalty. The innovation section of the Higher Education Report Card the past four years has defined the concept of innovation more broadly as imaginative new initiatives to improve higher education in West Virginia. The system efforts described there, as well as the numerous initiatives described in each campus's compact that reported their efforts in meeting the recommendations of the master plan, are evidence of systematic attention to innovating in order to improve.

*Feedback from Stakeholders*

Also, as part of bringing the *Charting the Future* master plan to a close, Commission staff hosted public forums at system institutions on each of the plan's focal areas. These forums featured campus representatives as speakers but also provided an opportunity for students, faculty, staff, administrators, and community members to offer concerns, questions, and suggestions. Major themes that emerged from these discussions were: continuing to increase access through outreach, flexible scheduling, technology, and cost containment; the need for partnerships with businesses to create better linkages with the workforce; better collaboration with K-12 education to promote readiness; focusing on basic skills and high needs workforce areas; and making higher education institutions accountable for student outcomes.

Another avenue through which the Commission has received stakeholder input is through its participation in and assistance to the legislative Select Committee on Outcomes-Based Funding Models in Higher Education. This committee, charged with investigating methods of allotting higher education funding based upon institutional performance on state objectives, has made explicit the priorities of the Legislature: improving access overall and for important subpopulations, such as adults and low-income students; increasing the number of students reaching certain credit thresholds or momentum points; and improving overall and on-time completion rates.

The third way in which stakeholder opinion has been included is through attention to the recommendations of the West Virginia College Completion Task Force which was convened by the Chancellors of both the Commission and the Community and Technical College System. The Task Force consisted of state policy and business leaders; higher education faculty, administrators, classified staff, and students; and public education representatives. It analyzed state and national data to diagnose the challenges in college completion in the state and make recommendations for improving these outcomes. Those recommendations included making graduation a visible and tangible priority across the state; reducing the time it takes for a student to earn a credential; improving developmental education; increasing adult completion rates; and connecting funding to priorities.

Finally, the Commission solicited campus feedback about the metrics chosen to monitor progress toward the objectives in the master plan and asked campuses to provide challenging but reasonable targets on these metrics based on their historical data and local knowledge. These institution targets were used to formulate the system targets set in *Leading the Way*.

***Learning from Charting the Future***

Discussions were also held about the nature of the prior master plan among Commission staff and Commissioners. There was consensus that the vision of *Charting the Future* is equally as applicable today as it was five years ago. It paints a vital role for higher education in the economic, civic, and social vitality of the state through attention to five important focal areas. It offers a number of reasonable and well-supported recommendations to help move the system and its institutions in a positive direction in each of these areas. The general consensus is to continue in the spirit of *Charting the Future* and pursue the vision that it offers. As higher education accountability experts have noted, the focus in higher education accountability has shifted over time and new goals are added, but earlier goals are rarely abandoned (Burke, 2004). However, there was also agreement that the new master plan would be a departure in several ways. First, it needed to be more strategic. Colleges and universities provide many services but the Commission needs to weigh the current state context needs, stakeholder input, and past system performance to prioritize among its numerous overarching long-term goals. In doing so, the plan focuses its efforts and those of its campuses on the most pressing needs for the five-year period. The second change is the articulation of more concrete objectives for the system to strive for with defined system-level metrics and targets. The setting of system targets on metrics enhances the accountability of the system as a whole and provides benchmarks against which progress can be measured throughout the tenure of the plan.

Finally, the annual Higher Education Report Card is designed to provide data that illustrates the progress of the Commission and the Community and Technical College System toward meeting the goals in their respective master plans. However, it was felt that there was not adequate visibility and communication about progress on the master plan at either the system or institution level. Moving forward, there will be an area of the Commission website dedicated to showing progress on the master plan, complete with system level data, as well as the institutional compacts which are the means by which institutions report not only their progress, but also the initiatives underway to improve outcomes. This website can function not only as a means of accountability and transparency, but also as a place where successful institutional efforts can be showcased and shared with other campuses.

▶ West Virginia is projected to need an additional 20,000 degrees by 2018 to fill the estimated 49 percent of jobs requiring postsecondary credentials. ◀

### ◀ The Strategic Focus for 2013-18

In keeping with best practices, developing the strategic focus has involved a thorough examination of the state's economic and educational context (Davis, 2006). According to 2010 Census data, in West Virginia, 26.1 percent of the state's 996,000 working-age adults (25-64 years old) hold at least a two-year degree; the higher education attainment rate of young adults — those 25 to 34 years old — is slightly higher at 29.9 percent, illustrating recent educational attainment progress. The proportion of adults age 25 and over that have completed a bachelor's degree is 17.3 percent as compared with 27.9 percent nationally. At the same time, West Virginia is projected to need an additional 20,000 degrees by 2018 to fill the estimated 49 percent of jobs requiring postsecondary credentials (Carnevale et al., 2010). Raising the educational attainment of the state is required to meet workforce needs as well as to improve income levels, which are well below southern and regional averages, and general quality of life.

Looking at the state's demographic trends, however, demands that efforts are undertaken on several fronts. First, only paying attention to bringing in recent high school graduates does not satisfy the immediate need for college credentials. Second, this population is actually declining until 2018 (SREB, 2010), so growth in college degrees will have to come from elsewhere. Research conducted by Commission staff in 2010 found that there were nearly 200,000 West Virginia adults who had begun attending college but never completed a credential. More than 32,000 individuals have over 60 hours earned but no degree. These figures have fueled the Lumina Foundation funded DegreeNow effort which has reached out to these students to encourage their return to college and worked to provide professional development to campuses on how best to meet the unique needs of returning adults. Efforts such as these must be continued and expanded to raise the educational attainment of the state. Finally, data on the retention and completion rates of system students suggests that improvement is needed in order to increase degree production. Equally important is following through on the opportunity offered to students who enroll and being good stewards of the investment both students and the state have made in their education.

Thus the strategic focus of *Leading the Way* centers on college completion and efforts to retain students and promote timely progress toward their chosen degree. However, the college-going rate of recent high school graduates still lags the national average. Furthermore, traditionally underserved populations such as low-income, minority, and first-generation students are less likely than their peers to attend college. These trends demand a continued focus on access and opening the doors of opportunity to as many West Virginians as possible. In order to maximize the impact of access and success on the state, it is critical that pathways from education to the West Virginia workforce are communicated to students and that institutions engage with their communities and instill civic values and problem solving skills into academic programs. Finally, the impact that the system's institutions have on the state through pursuit of their research missions must be continued. These activities enhance undergraduate learning, bring in needed external funding, and create jobs and new businesses - all of which improve quality of life for West Virginians and help to diversify and grow the state's economy.

▶ The strategic focus of *Leading the Way* centers on college completion and efforts to retain students and promote timely progress toward their chosen degree. ◀

The areas of focus of *Leading the Way* are access, success, and impact. As shown in figure 1, these three concepts are imagined to reinforce one another. Access maximizes education opportunities while making available the benefits of academic success. Student success makes an impact on the state’s civic, social, and economic future. Higher levels of access and student success, as well as their impact on West Virginia through an increase in educated graduates, community engagement, and research contributions to the economy, make it increasingly likely that more students will invest in higher education in the future. It is an amplifying cycle from which everyone benefits.

◀ **Tools**

In addition to these three focal areas, the master plan envisions a central role for three best practices or tools. These tools are not ends in and of themselves, but essential means for accomplishing the goals in the focus areas. In an era of limited funding and an imperative for increased output, it is vital to employ collaboration to maximize resources and effectiveness while avoiding duplication; engage in fiscal responsibility to keep tuition, aid, and spending aligned with goals; and utilize assessment of all initiatives, especially learning, to ensure continual progress toward the Commission’s aims.

*Collaboration*

Effective collaboration occurs not only within an institution, but also transcends organizational and institutional boundaries. Working with other sectors of education, community organizations, and the private sector maximizes resources, reduces duplication, and approaches problems in a comprehensive manner. Collaboration engages relevant stakeholders to ensure responsiveness and leverages the input and resources of partners to support internal resources. Cooperation is essential in difficult financial times when more, not less, is expected. While collaboration is intuitively attractive and is often encouraged by policy makers, sustained effective collaboration is difficult and entails the adoption of shared goals, reliance on each other to accomplish them, and the development of shared norms and processes across entities accustomed to working alone (Kezar and Lester, 2009). Collaboration for access involves the Commission and institutions working with K-12 education and community organizations to reach students and their families with information about the importance of college and how to prepare academically and financially early enough to shape vital behaviors that contribute to their success as college students. It also means partnering with local businesses and service agencies to create innovative work and education pathways that reach adults. Collaboration for success means breaking down the walls within the Commission and within institutions between information, academic, and student support divisions to provide just in time data that allows for strategic interventions that assist students at a moment of critical academic and personal need. Collaboration for impact entails partnering with the private sector to meet regional economic needs and highlighting these opportunities to students. Furthermore, working with community and government agencies to address local problems, and conducting research that



Figure 1. 2013-18, *Leading the Way*: Access. Success. Impact. Conceptual Model

▶ *The master plan takes life through the Commission working with each institution to develop a compact.* ◀

transcends disciplinary boundaries to tackle society's most intractable problems provides invaluable experiences for both faculty and students and benefits the public good.

#### *Fiscal Responsibility*

Fiscal responsibility is a vital consideration in an era of tight and even contracting state budgets and rising concerns about the affordability of higher education. Public higher education in West Virginia weathered the Great Recession with federal stimulus funds backfilling budget cuts, but there are still challenges. West Virginia tends to lag the rest of the country in both entering and recovering from recessions and state budget officers predict current services deficits through 2015. Furthermore, as policy makers struggle to balance competing needs in other statutorily mandated areas such as K-12 education, health care, and corrections, the concepts of increased learning productivity and value in higher education are growing in importance. Fiscal responsibility recognizes that the state of West Virginia and institutions of higher education play a role in the cost of education through financial aid, finance policy, and institutional efficiency. Additionally, fiscal responsibility entails the strategic allocation of limited resources to efficiently enhance educational opportunities and economic growth. In 2010, the Commission's Task Force on Efficiencies was convened to assess ways that institutions could achieve sustainable cost containment while enhancing quality. The Task Force made recommendations that the system office should provide leadership in cost and efficiencies reporting by institution, identifying and sharing best practices, and streamlining regulations. Institutions were implored to find ways to reduce costs consistent with their unique missions and contexts and to use savings to make strategic investments in ways that are most likely to increase academic performance. Fiscal responsibility in the area of access means aligning tuition, financial aid policy, and mission to keep education as affordable as possible. Fiscal responsibility for success can entail directing scarce funds toward retention and graduation efforts and utilizing information about academic program costs, demand, quality, and output to inform future investment. In the focal area of impact, fiscal responsibility involves making investments in research infrastructure that leads to external funding and development of technologies and businesses that enhance the West Virginia economy.

#### *Assessment*

Assessment is the means by which the system and institutions determine if their academic programs and innovative strategies are effective in meeting intended objectives. A culture of assessment that utilizes results for continuous improvement will address how well strategies were implemented and how the results of the assessment are then used to inform future efforts. Alexander Astin, an expert in the area of higher education assessment, argues that an assessment-oriented institution will be characterized by a widespread spirit of inquiry and self-study as well as a spirit of experimentation and innovation to improve - accompanied by built-in mechanisms for assessing the effectiveness of these innovations (1993). Assessment of learning outcomes is particularly important given recent research indicating limited learning gains among traditional age students at a large sample of four-year colleges and universities (Arum & Roksa, 2011). Furthermore, as the Commission encourages institutions to retain and graduate more of their students,

learning assessment is the means to ensure that rigor and academic quality are not sacrificed. The Commission, as a coordinating board, does not dictate a standard learning assessment, but directs the institutions with their unique missions, student populations, and programmatic offerings, to continue and broaden efforts to assess programmatic quality and student learning. Assessment in the area of access entails setting goals for outreach and financial aid outcomes and using progress to determine the direction of future efforts. Assessment for success means utilizing student-level data to understand the factors shaping student persistence and completion and tracking the outcomes of retention and graduation initiatives. It means assessing student learning both in general education and within academic programs to ensure achievement of learning outcomes and to shape curricular improvement. Assessment in impact tracks student employment outcomes, especially with regard to institution career readiness efforts. Furthermore, data on the contributions of institutions, faculty, staff, and students to tackling community challenges, filling workforce needs, and developing inventions and businesses through research makes clear the return on the state's investment that higher education provides.

◀ **The Role of the Commission in Leading the Way**

The National Commission on Accountability in Higher Education argues that “a practical division of labor combined with a rigorous focus on priorities at each level of responsibility can transform accountability from a political struggle to a collaborative effort” (2005). The role of statewide policy boards, it argues, is to understand public goals and recommend strategies for achieving them. State boards can add expertise and continuity, facilitate the collaborative development of sound policy, collect and analyze data, facilitate working relationships with campus leaders, and monitor and report on progress toward state goals. It is the role of the board to undertake these without increasing regulation of institutions and to provide institutions autonomy to undertake the academic concerns that are their purview. In keeping with this vision, the Commission sets forth state goals in this document. The master plan takes life, however, through the Commission working with each institution to develop a compact. Each institutional compact addresses how the college or university will meet statewide goals and, where appropriate, establish institutional goals for the duration of the master plan. Institutions will update their compacts annually reporting on progress toward goals and summarizing significant developments. The Commission has responsibility for reviewing, responding to, and approving these compacts each year and will also make them publicly available. The Commission also sees itself as having a role moving forward in facilitating system progress toward meeting the goals of *Leading the Way*. The Commission’s role will be to inform, support, and coordinate.

***Inform***

Recent examples of how the Commission informs institutions include provision of data on each institution’s adult student population who are not enrolled but have some credits and no degree, the Senior High School Opinion Survey, the Financial Aid Comprehensive Report, and in-depth research on outcomes for students participating in developmental education, transfer students, and recipients of state financial aid programs. The Commission also has been working over the past two years on the creation of the P-20 longitudinal data system that will provide invaluable information about how students move through secondary and postsecondary education and into the West Virginia workforce. Moving forward, the Commission staff’s most important role

▶ *As the Commission encourages institutions to retain and graduate more of their students, learning assessment is the means to ensure that rigor and academic quality are not sacrificed.* ◀

▶ *The Commission regularly gathers representatives from campuses such as presidents, chief academic officers, directors of the Regents Bachelor of Arts (RBA) Program, the Data Policy Advisory Council, etc. to provide a space for information sharing and collaboration.* ◀

in informing stakeholders will be to report on institutional and system progress on meeting the goals of *Leading the Way* through the system website, the Higher Education Report Card, and presentations to the Commission and the Legislature. Commission staff will also continue to conduct research, provide data and reports to institutions, and utilize relationships with other state systems and professional organizations to learn of and share information on best practices in the master plan focal areas.

**Support**

The Commission has supported its member institutions recently through negotiating statewide contracts on needed software such as the Net Price Calculators that are required by the federal government to be on each institution's website. The West Virginia Network (WVNET), which reports to the Commission, procured institutional licenses for DegreeWorks, a web-based academic advising and degree audit system, as well as Argos, a report creation product which eases data driven decision making and creation of reports. WVNET has also worked to upgrade the state's networking backbone and thereby reduce internet costs; expanded data storage and disaster recovery abilities; and taken over hosting the learning management systems for some institutions.

The Division of Student Success and P-20 Initiatives operates the statewide college-going platform CFWW.com and conducts access outreach that benefits all students and institutions. The Division of Financial Aid conducts trainings on the state financial aid management system for institution aid personnel. Additionally, the Commission has garnered external grants to help institutions with efforts related to returning adults and redesigning developmental education. During implementation of *Leading the Way*, the Commission is committed to continuing these activities that support institutions in their efforts to enhance access, success and impact.

**Coordinate**

Finally, the Commission coordinates gatherings and initiatives that help institutions learn from one another and solve challenges. The Commission regularly gathers representatives from campuses such as presidents, chief academic officers, directors of the Regents Bachelor of Arts (RBA) Program, the Data Policy Advisory Council, etc. to provide a space for information sharing and collaboration. Recent, targeted efforts include statewide meetings to discuss student retention and improving developmental education and entering into a statewide agreement with Quality Matters, a peer review process for online courses. The Commission and WVNET are piloting a web portal, the West Virginia Remote Online Collaborative Knowledge System (WVROCKS), which is a collaboration between all institutions that offer the Regents Bachelor of Arts (RBA) Program enabling students across the state to take accelerated, affordable quality online courses. WVNET has also hosted technology conferences both virtually and face-to-face to provide a space for the state's technology communities to learn about advances in educational technology and address common issues. Over the *Leading the Way* master planning cycle, the Commission will continue to coordinate initiatives and gatherings of campus leaders, faculty, and staff on issues related to access, success, and higher education's impact on West Virginia.



A C C E S S

**Definition:**

*West Virginians of all ages have the right to a quality education that empowers them to act as productive members of the citizenry and workforce. Receiving a quality education includes the option to pursue undergraduate and graduate postsecondary educational opportunities that correspond with individual career and life aspirations. By continuing to promote postsecondary education, West Virginia intends to foster a state culture that values higher education as a means to individual, community, and economic development. In West Virginia, access to postsecondary education depends on three central factors: adequate preparation, accessible information, and feasible cost.*

**Postsecondary Access in West Virginia**

West Virginia has made great strides in the past decade in promoting postsecondary access for its citizenry. From 2007 to 2011, undergraduate first-time freshmen enrollment increased by 9.4 percent at the state's four-year public universities. During the same time period, non-traditional adult undergraduate enrollment also increased by 8.4 percent. Graduate and first-professional enrollment has also increased, growing from 12,701 in 2007 to 12,990 in 2011, an increase of 2.3 percent. The percentage of low-income high school students in the state continuing on to higher education has increased from 18.6 percent in 2005 to 24.8 percent in 2009, the last year this data is available. Although these represent significant achievements for college access in West Virginia, there is additional work to be done in order to reach national college-going benchmarks. In 2009, President Obama set a national goal for the United States to become a world leader in higher education degree holders by 2020. To reach this objective, West Virginia would need to double its graduates, especially among its adult student population (25 and older). About 25 percent of working adults in West Virginia have a two-year degree or higher, compared to 34 percent nationally. The Lumina Foundation, the largest educational foundation in the nation, has established a similar goal to increase college attainment to 60 percent by 2025. At current completion rates, West Virginia would only have a 33.4 percent postsecondary degree completion rate by 2025.

West Virginia's four-year public institutions can help close the degree gap by increasing enrollment in two key demographic groups: traditional aged students graduating from high school and adult students who are already in the workforce. The Commission and the institutions will need to strengthen their access efforts concerning secondary students beyond admissions and recruitment to developing structured programs that promote college awareness and college-going support as early as middle school. These activities will include outreach to students and families for whom college was not a consideration and will most likely require the state's colleges and universities to be more active partners in secondary education. Unlike secondary students, adult students are more dispersed throughout a given region, making it difficult for institutions to concentrate outreach services. Therefore, institutions will have to develop stronger relationships with regional businesses and government agencies to recruit adult students. These relationships will also assist institutions in placing traditional and adult students into the workforce after graduation.

West Virginia has made great strides in the past decade in promoting postsecondary access for its citizenry.

◀ **Access Efforts at the Commission**

The Commission has addressed postsecondary access in the state through a number of initiatives and special programs through the Divisions of Student Success and P-20 Initiatives, Academic Affairs, and Financial Aid. These divisions work independently and cooperatively to offer programs such as GEAR UP, DegreeNow, College Goal Sunday, and other projects funded through the state’s federal College Access Challenge Grant (CACG).

*Student Success and P-20 Initiatives*

The Division of Student Success and P-20 Initiatives coordinates the Commission's access efforts. The division oversees three major programs: the College Foundation of West Virginia (CFWV), Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) and CACG activities. Central to these grant efforts was the creation of CFWV, which is a collaborative initiative to assist students in planning, applying, and paying for education and training beyond high school. At the centerpiece of the effort is www.CFWV.com, a free, one-stop college and career planning web portal. As of 2011, over 700 college access providers had been trained to use the website. CFWV is coordinated by the Commission, in conjunction with the Community and Technical College System, the West Virginia Department of Education, and the West Virginia Department of Education and the Arts. The CACG grant, coordinated through CFWV, allows staff from the Commission’s Division of Student Success and P-20 Initiatives to participate in hundreds of events throughout the state each year, including college fairs and other public events such as the West Virginia State Fair. In addition to staff members in the Commission office, the division has trained educators in each county to assist with college-going efforts. The division also prints thousands of brochures, calendars, and guidebooks each year that are distributed to students across the state.

GEAR UP is a federally funded grant program that has helped and continues to help thousands of West Virginia high school students and their families in the state’s neediest counties navigate the college-going process. Additionally, the HEROs (Higher Education Readiness Officers) program trains high school students to advise their peers on college readiness and awareness. Currently, this program operates at GEAR UP secondary schools across the state and future plans include a scaled expansion to non-GEAR UP locations.

*Academic Affairs*

The Division of Academic Affairs has coordinated with the West Virginia Department of Education to ensure that students are adequately prepared for the academic rigor of college-level work. The division supported the adoption of the new K-12 statewide Common Core Learning Standards and Smarter Balanced Assessment, and has worked with public institutions to promote awareness of and train faculty on the new standards. The division also helped to develop transition literature and mathematics courses in which high school seniors with deficiencies will enroll, allowing for a smoother academic transition to college.

As part of DegreeNow, a Lumina Foundation funded statewide adult learner initiative, which seeks to re-enroll adults with some college credit but no degree, the

▶ *The Commission and the institutions will need to strengthen their access efforts concerning secondary students beyond admissions and recruitment to developing structured programs that promote college awareness and college-going support as early as middle school.* ◀

▶ *In 2011-12 the Commission provided over 34,000 state financial aid awards totaling almost 93 million dollars to West Virginia postsecondary students.* ◀

Commission and the Community and Technical College System have partnered with NASPA-Student Affairs Administrators in Higher Education and the Council for Adult and Experiential Learning (CAEL) to enhance adult-focused student and academic services. Another adult learning effort is the RBA Today initiative, a commitment made by institutions to provide more options and supports for students seeking to earn the Regents Bachelor of Arts (RBA) degree, a flexible program designed to meet the needs of adults. The Commission has created adult outreach toolkits for use by the institutions or community organizations and is also developing a Prior Learning Assessment that will allow adult students to earn college credit based on prior educational and professional experiences. Furthermore, the development of the West Virginia Remote Online Campus Knowledge System (WVROCKS) will provide enhanced access to quality online course offerings to students pursuing their RBA degree.

◀ The Commission enhances access by participating in the Southern Regional Education Board's Academic Common Market and coordinating Tuition Contract programs, both of which allow West Virginia residents to pursue degree programs not available in West Virginia in other participating states at in-state or discounted tuition rates.

#### *Financial Aid*

Financing a college education is a critical step in the college-going process, and for many, it is the most complicated and intimidating. Students and parents, particularly from historically underserved populations, are price sensitive to tuition costs prior to the application of aid. Research has shown that these students are more likely to enroll as the price is discounted by aid dollars. Toward that end, in 2011-12 the Commission provided over 34,000 state financial aid awards totaling almost 93 million dollars to West Virginia postsecondary students. Through its administration and stewardship of the PROMISE Scholarship; Higher Education Grant; Higher Education Adult Part-Time Student Grant; Engineering, Science and Technology Scholarship; and Underwood-Smith Teacher Scholarship programs, the Division of Financial Aid has been able to incentivize both recent high school graduates and non-traditional adult students to enroll, helping to eliminate one of the greatest enrollment barriers, cost. In addition to coordinating outreach efforts with other divisions within the Commission, the Division of Financial Aid also provides presentations and workshops to students and their families around the state. In addition, the division offers financial aid training to high school counselors, college support personnel and other college access stakeholders. The Commission has also facilitated, through a statewide software contract, the creation of the federally required net price calculators on each institution's website.

#### ◀ **Access Moving Forward**

Progress continues to be made, but there is still much work to be done regarding college access in West Virginia. Current efforts allow the Commission and its institutions to reach a population of students who are college-ready both academically and aspirationally, or students who have the potential to be ready and only need additional assistance in one or two areas of the college-going process (application assistance, standardized test/advance placement preparation and registration, assistance completing the Free

Application for Federal Student Aid (FAFSA), institutional choice, etc.). Behind this cohort is another population of students that require comprehensive college-going assistance in areas such as aspiration building, secondary curriculum planning, tutoring, a mentor experience, and parental outreach, in addition to those services that college-ready students require. To meet West Virginia's future educational and workforce goals, the Commission will require additional outreach and support assistance from the four-year colleges and universities to establish a new level of postsecondary access throughout the state. Working together with the West Virginia Department of Education, local school officials, and regional college access organizations, these activities will not only boost institutional enrollments, but also allow institutions to develop stronger ties to the surrounding community.

Although the figure has risen recently, only about 25 percent of the state's low-income high school students enroll in higher education as compared with an overall college-going rate of around 60 percent (Mortenson, 2010). This can be due to any number of factors, but research has shown that academic qualifications, perceived costs, and the lack of knowledge of the college-going process are the main drivers behind recent high school graduates entering directly into the workforce and foregoing postsecondary training.

Especially in West Virginia, rurality remains a major obstacle for postsecondary educational outreach to traditional and non-traditional students. Limited availability of high speed internet results in reduced distance education opportunities, as well as unequal access to web-based college-going assistance platforms such as CFVW, the College Board, or individual institution websites. Rural students also face increased challenges concerning access to transportation, cultural venues, and limited secondary curricular options as rural school populations decline. This can limit both undergraduate and graduate degree options.

Early intervention efforts directed at low-income and minority children as early as middle school has proven effective at helping to develop career and academic plans that involve some form of higher education. The middle school years represent a critical time for students and parents to understand the academic criteria for college entry and the availability and qualifications associated with financial aid, both of which are important in informing decisions prior to the transition to high school. Early intervention programs also allow families and mentors additional time to engage in the financial planning necessary to making dreams of higher education a reality. The adoption of the Common Core Standards will help greatly with aligning standards and expectations between K-12 and higher education. In addition to these efforts, the continuing development of the state's P-20 data system will eventually allow educational researchers and practitioners to identify problematic points in the education pipeline and develop targeted intervention strategies to students throughout their academic career.

Encouraging adult students who are already in the workforce to enroll in postsecondary programs carries its own set of specific challenges. In addition to those same conditions that challenge the traditional student population, adults have to balance commitments to their family, employers, and financial obligations when considering future educational opportunities. In many cases, these adult students have earned college credits already, reducing the credits and time necessary for degree completion. Given that West Virginia has the highest percentage in the

▶ Working together with the West Virginia Department of Education, local school officials, and regional college access organizations, these activities will not only boost institutional enrollments, but also allow institutions to develop stronger ties to the surrounding community. ◀

► *Coordination between the Commission and the individual institutions will be key to ensure that all students have access to the information and services they need while minimizing duplication of efforts.* ◀

country of veterans in its population, more can be done to provide tailored outreach services to active and former service members. These potential students have demonstrated a propensity for discipline and hard work, and also bring additional grant aid dollars to the state through Veterans Affairs programs such as the GI Bill. Providing opportunities for adults to earn graduate degrees is also an important aspect of providing comprehensive access to higher education.

Furthermore, there will continue to be need for students of all age groups to enter into graduate programs of study. Although the Commission's primary access focus is on the undergraduate population, current and future demands from both the public and private sectors for individuals with advanced degrees necessitates institutions enhancing promotion of their graduate programs. These efforts could be dovetailed with existing or new outreach efforts, particularly those involving the adult population, and with efforts to strengthen regional partnerships, discussed later in the Impact section.

To both sustain and move West Virginia's postsecondary access agenda forward, the state's four-year colleges and universities will need to play an increasing role in access efforts. Coordination between the Commission and the individual institutions will be key to ensure that all students have access to the information and services they need while minimizing duplication of efforts. To this end, the Commission will continue to operate access efforts at the system level to:

- Produce college-going and financial aid awareness literature for statewide distribution;
- Develop large-scale college-going and financial aid assistance programs and training sessions;
- Continue to develop and support academic alignment and preparation strategies with the West Virginia Department of Education;
- Expand GEAR UP activities statewide, while maintaining CFVW efforts;
- Establish more sustainable sources of funding for statewide college access programs; and
- Coordinate system learning and sharing about access efforts.

Beyond statewide admissions recruiting, the state's public colleges and universities can provide a range of access related services addressing regional needs through existing staff, facilities, and other resources. In particular, these institutions can provide on the ground access services that specifically address students who are not college-ready, but have potential and are critical to the state's attainment goals. The following suggestions, grounded in both college access research and best practices, represent a small number of opportunities that West Virginia's four-year colleges and universities can seize upon to promote college access:

- Commit to helping sustain existing institutional and state-level higher education access efforts for both graduate and undergraduate students;
- Help with efforts to provide educational outreach to the families of regional students who might have reservations in supporting their student's higher education aspirations;

- Assist in providing financial aid literacy and Free Application for Federal Student Aid (FAFSA) preparation to students, parents, and secondary school personnel;
- Work with regional secondary schools to provide campus visits that would afford many students their first opportunity to visit a college campus. This could also include hosting secondary curricular and co-curricular events on-campus, such as science competitions, art events, and athletic camps;
- Coordinate faculty and staff visits to regional secondary schools to continually reinforce institutional specific admission criteria and the need to pursue rigorous academic coursework to prepare for college-level work;
- Develop relationships with regionally based corporations and businesses that would allow future students to easily understand the connection between degree attainment and West Virginia workforce needs. These relationships could also provide outreach opportunities for current employees who are not higher education degree holders; and
- Partner with regional nonprofit groups and governmental agencies to provide outreach to potential adult (25 years and older) student populations. This could include admissions officers, materials, and a web presence specifically focused on adult students.

Together, West Virginia's colleges and universities, along with statewide and regional partners, can have a significant impact on increasing the number of traditional and adult students entering postsecondary education in the state.

► **Goal: Increase access to postsecondary education for both traditional and non-traditional aged West Virginians.**

Toward the goal of increasing access of West Virginians to postsecondary opportunity, the Commission sets the following objectives to be achieved by 2018: ◀

- Increase enrollment in four-year public institutions overall and specifically in important target populations.
  - Increase headcount enrollment to 73,500 students.
  - Increase annualized FTE enrollment to 68,000 students.
  - Increase first-time freshman enrollment to 12,750 students.
  - Increase the enrollment of low-income students to 22,000 students.
  - Increase the enrollment of students from underrepresented racial/ethnic minority groups to 6,700 students.
  - Increase the enrollment of undergraduate adults age 25 and older to 11,500 students.
- Increase the percentage of West Virginia high school graduates continuing on to higher education in the following fall to the Southern Regional Education Board (SREB) average.
- Institutions will provide a plan for a comprehensive, collaborative access effort and report on the success and outcomes of this effort. This access

▶ *Together, West Virginia's colleges and universities, along with statewide and regional partners, can have a significant impact on increasing the number of traditional and adult students entering postsecondary education in the state.* ◀

effort should incorporate the best practices of: early intervention, family involvement, education in the benefits of attending college, provision of information about college going, financial aid assistance and literacy, academic preparation and promotion of college readiness, and application assistance. The plan should articulate goals aligned with the institution's mission, the institution's strategies to meet those goals, and how the institution will assess the success of those strategies to progress toward its goals.

- Institutions will provide their comprehensive financial aid plan that guides institution level financial aid allocation, administration, and outreach and report on the success and outcomes of this plan. The plan should articulate goals which align with the institution's mission and this master plan; the institution's strategies in aid allocation, administration and outreach to reach those goals; and how the institution will assess the success of those strategies to progress toward the goals.



S U C C E S S

**Definition:**

*Providing educational opportunity requires not just initial access to higher education, but ensuring that enrolled students are provided a quality postsecondary education that enables them to be productive and contributing members of society. Success entails students achieving intended learning outcomes in general education and their program of study, making steady progress toward completion, and ultimately earning a credential that certifies the acquisition of the program's knowledge and skills. Where necessary, success includes remediating deficiencies students may have in skills required for college-level work. Student developmental education completion, credit accrual, retention, and graduation rates are important indicators of success. These outcomes need to be improved and institutions can accomplish these ends by reducing barriers to student success, implementing structures that support increased student learning and achievement, and maintaining and enhancing academic rigor in programs.*

▶ While graduation rates have increased from 45.6 percent for the 2001 cohort to 48.5 percent in 2005, that still means less than half of the students who enroll in West Virginia's four-year institutions earn their degree in six years. ◀

◀ **Postsecondary Success in West Virginia**

Data in the Higher Education Report Card points to the need for continued and enhanced efforts to promote student success. Retention rates of first-time freshmen to their second year of college declined 1.2 percentage points from 2007 to 2011 (76.2 percent to 75 percent). Data from the Southern Regional Education Board (SREB) show West Virginia to be 13th among the 16 states in first-year retention. Graduation rates have decreased from 47.9 percent for the 2002 cohort to 47.5 percent in 2005. Less than half of the students who enroll in West Virginia's four-year institutions earn their degree in six years, a rate roughly ten percent below the national average. Of particular concern are those students that enter college requiring developmental education. These students are less likely to graduate than those who do not require remediation. In the fall of 2011, among first-time freshmen attending West Virginia four-year public institutions, 9.9 percent required developmental English; 17.5 percent enrolled in developmental mathematics; and 20.3 percent took a developmental course. If semesters beyond the first year are included, these proportions go even higher.

Another indicator of student success is licensure and certification exam pass rates of bachelor's and master's graduates. Data from the past five years indicate this as an area of strength as pass rates are high and exceed national pass rates in most fields. Faculty quality has also increased at four-year institutions with almost all institutions since 2007 steadily increasing their percentage of full-time faculty with terminal degrees.

◀ **Success Efforts at the Commission**

The Commission has addressed postsecondary success in the state through a number of initiatives related to retention, completion, developmental education, and programmatic quality.

**Completion**

In 2010, the West Virginia College Completion Task Force was convened by the Chancellors of the Commission and the Community and Technical College System. This group was charged with examining state and national

data on college completion in order to develop recommendations for how to increase the number of West Virginians with high quality certificates and degrees. As mentioned above, by 2018, 49 percent of the jobs in West Virginia will require education and training beyond high school. These needs will require an additional 20,000 degree completers statewide over current projected degree production. The Task Force’s recommendations for improving degree completion include: making graduation a visible and tangible priority statewide, reducing the time necessary to complete degrees, improving developmental education, increasing adult completions rates, and connecting funding to these priorities.

*Developmental Education*

As recommended by the College Completion Taskforce, one way to improve degree completion and reduce the time to completion is to restructure developmental education. According to the national Complete College America initiative, students can get lost in what they label as ‘the Bermuda Triangle’ of developmental education: they go in but do not come out (CCA, 2011). Commission staff have been working with the public two-year institutions in the state to restructure developmental education as part of a \$1 million grant the state received from Complete College America and a similar effort is underway with the four-year institutions. This initiative supports the acceleration of students through their remedial coursework. The goal is to decrease the time students spend in non-credit bearing coursework while improving learning outcomes and advancing students into credit-bearing college courses as quickly as possible.

*Other Success Initiatives*

The Commission has undertaken a number of other initiatives to improve outcomes. Having identified growth in the time and number of credits students are taking to complete their degrees, the Commission has set 120 credit hours as the standard for four-year academic programs and monitors progress through the academic program review process. In order to support institutions in the provision of quality academic advising for students, the Commission underwrote a state contract for DegreeWorks software which automates provision of information to students about progress toward their degree. The Commission has annually hosted a gathering of campus academic affairs staff for professional development and sharing related to student retention. Through the DegreeNow adult learner initiative, Commission staff have provided professional development to campus personnel regarding best practices in the classroom and in student services for meeting the unique needs of adult students. Additionally, the Commission is exploring expanded utilization of Prior Learning Assessment as a means to advancing adults toward degree completion through acknowledging skills and competencies gained in non-classroom settings.

*Program Quality*

System efforts to promote programmatic quality have been consistent with its role as a policy commission as opposed to governing board and have focused on having policies in place that direct institutions to assess programmatic quality and student learning without encroaching on institutional autonomy to undertake these processes in a way befitting their unique missions and contexts. Institutions are mandated by West Virginia Code and guided by Commission policy to annually review academic

▶ Success entails students achieving intended learning outcomes in general education and their program of study, making steady progress toward completion, and ultimately earning a credential that certifies the acquisition of the program’s knowledge and skills. ◀

programs and assess them for viability, adequacy, necessity, and consistency with mission. To monitor this assessment of programmatic quality, the Commission receives summary reports of these reviews. Furthermore, as part of the last master plan's institutional compact reporting process, the Commission has required that institutions report on their student learning outcomes assessment efforts.

### Success Moving Forward

In order to increase the number of West Virginia students that persist in their academic programs and earn their degrees, it is important to promote progress in retention and completion. Moreover, given historical gaps in achievement for certain underrepresented groups and the Commission's commitment to improving equity in outcomes in addition to opportunity, it is necessary to target populations related to income and race/ethnicity. To correspond with efforts to re-enroll and graduate adults who have some college credits but no degree, there is a focus on the retention of returning adults. Adults face additional barriers to completion including balancing home and work responsibilities and constraints related to geographical access to campuses. Finally, evidence that West Virginia transfer students persist and graduate at lower rates than other students demands a focus on the outcomes of this population as well.

To foster these outcomes, the Commission will be engaging in a number of initiatives. The Commission will conduct research on factors impacting student success across the state to help inform system and campus initiatives to improve outcomes. Through the Complete College America grant, the Commission will provide targeted professional development related to developmental education, support campus initiatives in this arena, and maintain a developmental education website and other avenues for campus personnel to interact and learn from one another. The Commission will continue to provide campus personnel opportunities for learning and sharing successes and best practices related to retention, adult learners, and other completion issues. The Commission will continue to require institutions to review and report on academic program quality including student learning assessment and to utilize these reviews and assessments to inform and direct future efforts.

To both sustain and move West Virginia's postsecondary success agenda forward, the state's four-year public colleges and universities will need to play an increasing role in these efforts. Four-year institutions already provide a range of success-related services which they are encouraged to sustain and enhance. The following suggestions, grounded in both college success research and best practices, provide a sampling of opportunities that institutions can employ to promote college success:

- Provide students in need of remediation access to restructured developmental education course formats that shorten time until students enter college-level coursework;
- Collaborate across academic and student services units to promote retention and completion;

▶ Given historical gaps in achievement for certain underrepresented groups and the Commission's commitment to improving equity in outcomes in addition to opportunity, it is necessary to target populations related to income and race/ethnicity. ◀

- Utilize just-in-time data for intervention with students exhibiting behaviors associated with dropout;
- Make specified curricular pathways and full-time attendance the default for students;
- Coordinate with faculty and staff to implement first-year transition programs including freshmen seminars, learning communities, etc.;
- Provide all undergraduate and graduate students with career services such as job fairs, career workshops, internships, etc.;
- Provide incentives for timely degree completion;
- Take responsibility for ensuring that transfer students receive maximum appropriate application of prior credits to their degree program; and
- Ensure that faculty and student services personnel are trained in and implement best practices for returning adult students.

▶ *Adults face additional barriers to completion including balancing home and work responsibilities and constraints related to geographical access to campuses.* ◀

By utilizing these initiatives and employing others, West Virginia's colleges and universities can have a significant impact on increasing student success across the system.

▶ **Goal: Increase the number of students at system institutions completing quality academic programs.**

Toward the end of increasing the success of students enrolled in four-year public institutions, the Commission sets the following objectives to be achieved by 2018:

- Improve the outcomes of students requiring **developmental education**:
  - Increase the percentage of first-time freshmen passing developmental education courses taken in mathematics to 70 percent and in English/writing to 75 percent; and
  - Increase the percentage of first-time freshman students passing developmental education courses taken in mathematics and English/writing and the first related college-level course to 60 percent for mathematics and 70 percent for English/writing.
- Increase the retention rate of students overall and specifically in important target populations.
  - Increase the first-year retention rate of full-time, first-time degree-seeking freshmen to 80 percent;
  - Increase the first-year retention rate of part-time, first-time degree-seeking freshmen to 50 percent;
  - Increase the first-year retention rate of low-income, first-time degree-seeking freshmen to 75 percent;
  - Increase the first-year retention rate of first-time degree-seeking freshmen from underrepresented racial/ethnic minority groups to 75 percent;

▶ Evidence that West Virginia transfer students persist and graduate at lower rates than other students demands a focus on the outcomes of this population as well. ◀

- Increase the one-year retention rate of returning adult degree-seeking students to 65 percent; and
- Increase the one-year retention rate of degree-seeking transfer students to 76 percent.
- Increase the percentage of first-time, degree-seeking **freshmen earning 30 or more credit hours** in their first academic year of college to 65 percent.
- Increase the **four- and six-year graduation rates** of students overall and specifically in important target populations.
  - Increase the four- and six-year graduation rate of first-time, degree-seeking freshmen to 30 percent and 60 percent respectively;
  - Increase the four- and six-year graduation rate of low-income, first-time, degree-seeking freshmen to 20 percent and 40 percent respectively;
  - Increase the four- and six-year graduation rate of first-time degree-seeking freshmen from underrepresented racial/ethnic minority groups to 20 percent and 40 percent respectively;
  - Increase the four- and six-year graduation rate of returning adult degree-seeking students to 48 percent and 58 percent respectively; and
  - Increase the four- and six-year graduation rate of degree-seeking transfer students to 48 percent and 58 percent respectively.
- Institutions will provide brief summaries of the reporting year's **academic program reviews**. These summaries will focus on the academic quality of programs and should include an evaluation of stated program outcomes. The summary should include a description of the program's assessment of student learning and how the learning assessments inform program improvement. Finally, the summary should detail how the information from the program review is being utilized to formulate an action plan for the future. The institution will also provide a follow-up report on the progress and outcomes of the immediate prior year's action plans.
- Institutions with **graduate programs** will provide a summary of institutional efforts to improve the outcomes of students enrolled in these programs along with how the success of these efforts will be assessed. Initiatives may include efforts to improve licensure pass rates, strategies for supporting students in the timely completion of their degrees, initiatives to decrease student debt loads or other institutional efforts to improve student success.



IMPACT

**Definition:**

*West Virginia's four-year public colleges and universities serve three core functions: teaching, research, and service, though their focus on the different components varies by institutional mission. Their impact on the state is also threefold and includes: 1) providing graduates that are educated citizens, problem solvers and skilled workers, 2) conducting service and instilling civic and social responsibility, and 3) conducting research and developing innovations that create new knowledge and encourage further investment in research, development, and innovation in West Virginia. Public colleges and universities throughout West Virginia provide the intellectual infrastructure required to create and maintain both an educated citizenry and a skilled workforce. Postsecondary graduates also have a profound civic, social, and economic impact on their local communities and the state at-large. Moreover, the state's four-year institutions of higher education actively and directly contribute to the economic, cultural and social vitality of their respective regions. Although these impacts are naturally occurring products of well-functioning higher education institutions, they can be enhanced through the efforts of faculty, staff, and institutional leadership to cultivate deeper partnerships with the schools, businesses, government agencies, and civic and faith-based organizations in their communities. Developing and strengthening these partnerships can increase and improve the impact of West Virginia's public higher education institutions as well as the economic, social, and cultural well-being of the state and its citizens.*

Public colleges and universities throughout West Virginia provide the intellectual infrastructure required to create and maintain both an educated citizenry and a skilled workforce.

**Postsecondary Impact in West Virginia**

West Virginia's public higher education institutions have a positive impact on the state in a variety of ways. One of the most important roles that all institutions play is producing educated and skilled graduates. Between 2007 and 2011, the number of degrees awarded by Commission institutions increased from 12,093 in 2007-08 to 13,008 in 2011-12, a growth of 7.6 percent. During that time, the number of degrees awarded in science, technology, engineering, and mathematics (STEM) fields increased, but STEM degrees as a share of all degrees declined slightly from 22.7 percent in 2007 to 21.8 percent in 2011. STEM degrees are in high demand throughout the state. Not only is there demand for STEM degree holders in areas such as engineering, energy production, and general research, but there is also a critical need for STEM graduates in the education sector. In addition to graduates trained in STEM fields, West Virginia also needs more STEM educators to ensure that students in K-12 have access to teachers with deep STEM knowledge. West Virginia also has a pressing need for highly skilled graduates in the health sciences field. The state's aging population, high rates of chronic disease, and substance abuse challenges, in addition to changes to federal policy, necessitate sustained attention to this field of occupations.

Producing research that helps expand understanding of the world and leads to new solutions for society's challenges is another important function of higher education institutions, especially the state's research universities, Marshall University and West Virginia University. Between 2007 and 2011, the state's four-year public institutions received over \$930 million in external research funds. The largest single year was 2009, with over \$243 million in external funds for research. These grants not only help to sustain and create new jobs, but also help to develop the state's research infrastructure through new

equipment and facilities. As innovation and knowledge-based industries become more important for West Virginia's economy, transferring the fruits of university research to the market is taking on increasing importance as well. This transfer of technology represents an important revenue stream for higher education institutions and the state. Between 2006 and 2011, 27 patents were issued to West Virginia's research universities and 72 licensing agreements executed, generating nearly \$600,000 in institutional revenue. Bringing innovations from the lab to the market also means that they can be used to tackle pressing social, medical, or economic problems.

Some of the most important benefits public higher education institutions bring to the state are the hardest to measure. Developing critical thinking skills and instilling values of service and civic responsibility in their students are both incredibly valuable for students and the state as a whole. Another important impact of the state's higher education institutions are the bonds of community they create with other organizations in their region. Creating stronger institutional bonds with the surrounding community benefits all parties involved: the university, students, and local businesses and organizations. These relationships can also bring economic benefits to individual students and the community as a whole. When degree programs and workforce needs align, it becomes easier for students to begin their careers while still enrolled in coursework through internships, research apprenticeships, and other career shadowing opportunities. These relationships can then extend into local job opportunities shortly after graduation. Newly hired graduates help spur the local economy through additional spending at local merchants, purchasing property, and paying taxes that fund local public utilities, schools, and social services. Beyond workforce and economic outcomes, new graduates fulfill their commitment as educated citizens by increased participation in community volunteerism and public service. For local communities coping with difficult civic and economic realities, postsecondary degree holders represent a net gain in both financial and human capital.

While West Virginia's higher education institutions have an overwhelmingly positive impact on the state and its citizens, there are areas of concern as well. Net cost of attendance has increased from \$6,797 in 2007-08 to \$8,212 in 2011-12, while the average debt load of bachelor's degree graduates has increased from \$26,784 to \$29,183, an increase of 9 percent. While research shows that higher education is a worthwhile investment that pays for itself many times over during the course of a career, giving student financial advice, providing adequate aid, and protecting students from unmanageable debt burdens are also important ways in which higher education institutions can make a positive impact on students and the state.

### ◀ Impact Efforts at the Commission

The Commission works to help colleges and universities increase their positive impact on the state through a strategy of informing, coordinating, and supporting. Commission staff conduct research, provide professional development, and communicate with state and local policy makers about institutional needs and current best practices in higher education policy. One of the approaches the Commission utilizes is contracting with West Virginia University's Bureau of Business and Economic Research to track West Virginia graduates once they enter the workforce and to assess how future graduate production aligns with state and industry needs.

▶ *The state's four-year institutions of higher education actively and directly contribute to the economic, cultural and social vitality of their respective regions.* ◀

▶ *Producing research that helps expand understanding of the world and leads to new solutions for society's challenges is another important function of higher education institutions, especially the state's research universities.*

The Commission is also collaborating with the West Virginia Department of Education, WorkForce West Virginia, and the West Virginia Network (WVNET) to create and maintain a longitudinal pre-K to postsecondary state data system (P-20). The P-20 data system will allow the Commission to perform research and analysis on current West Virginia students from K-12, through college, and into the workforce. This data will allow both K-12 and postsecondary stakeholders to form a better understanding of educational dynamics and enact targeted interventions that will not only ensure a quality education, but will also result in gainful employment within the state.

In the area of service and civic engagement, the Commission works with campus partners to amplify their impact on the state. The West Virginia Student Leadership Conference, which is planned with the statewide Student Affairs Advisory Committee, brings together Commission staff with campus student leaders from public higher education institutions in the state to build leadership skills. Another initiative supported by the Commission is the West Virginia Campus Compact based at West Virginia University. Campus Compact is a national organization that promotes civic engagement by assisting and encouraging higher education institutions, faculty, and students to connect with local communities. Through the College Access Challenge Grant, the Commission also provides monetary support to Campus Compact's CFWV Fellows Program that allows graduate student fellows to develop outreach programs for adult learners and first generation students. The Commission also partners with the state's academic health centers in a variety of ways to ensure that rural communities have access to skilled healthcare providers.

The Commission also supports higher education through identifying grant opportunities that can benefit both the state and its institutions. This includes working with faculty members at the state's colleges and universities to submit federal research grants, as well as seeking out funding opportunities from major private foundations. In the last three years, the Commission's coordinated efforts have helped to attract over \$1.8 million in private funds to improve educational and economic outcomes for the state's citizens. In addition to helping obtain grant money from external sources, the Commission's Division of Science and Research oversees the distribution of state research funds through programs such as the Research Challenge Grant and the West Virginia Research Trust Fund.

Finally, the Commission helps stimulate economic growth through various research initiatives. Patents and intellectual properties developed through scientific research can be licensed and commercialized creating new monetary opportunities for state institutions. The Commission's *Vision 2015: The West Virginia Science and Technology Strategic Plan* lays out sixteen goals centered around stimulating research and development across the state. Additionally, the Commission received the Research Infrastructure Improvement award, "Biotechnology for Enhanced Public Security and Environmental Security" from the National Science Foundation in August 2010. This five-year grant of \$20 million is the largest NSF grant ever received in West Virginia. This award is to support academic research in several key areas to ensure the long-term viability of West Virginia technology competitiveness and economic development. The development of the West Virginia Regional Technology Park is also a major

research effort overseen by the Commission. Acquired in 2010, this property is a critical addition to the state’s research infrastructure that is helping to grow the state’s knowledge economy. It will serve as a place for technical training, research and technology transfer, and provide an anchor for innovation-based industry in the greater Kanawha Valley and the state.

◀ **Impact Moving Forward**

Despite the fact that West Virginia has been successful in increasing the number of graduates, STEM degree holders, and external research funds over the last five years, the state needs further progress to meet the demands of a 21st century innovation and knowledge based economy. Labor economists at Georgetown University predict that West Virginia will need at least 20,000 more certificate, associate's, and bachelor's degree holders by 2018 to maintain the present-day economy. To further diversify and grow the state's economy would require additional degree holders beyond 20,000. One of the critical strategies for increasing the number of degree holders identified by the College Completion Task Force was to involve businesses, families, K-12 leaders, state agencies, and non-profit organizations in addressing the barriers that stand between students completing college and entering into the state’s workforce as skilled and knowledgeable contributors to the state. Strategies for engaging with other stakeholders include, but are not limited to: aligning degree programs with regional workforce needs; working with businesses and other organizations to arrange internships and job placements for students; meeting regularly with industry to see if university research can help develop new products; informing students and families about financial aid, student debt, and the value of college; or working with civic groups to directly address community needs. Collaboration, however executed, is an essential part of improving higher education’s impact on the state.

In order to increase the positive impact that the West Virginia’s four-year public institutions have on the state, the Commission will continue to provide research that helps identify challenges and solutions, coordinate institutional efforts where appropriate, and support higher education through advocacy and the acquisition of external funding. The Commission will also continue to work with campus-based organizations and key stakeholders across the state, including the West Virginia Department of Education, the Legislature and employers so that efforts to improve the state through education, research and the creation of good jobs are coordinated and well planned.

An important issue at the center of improving higher education’s impact on the state is fiscal responsibility. This includes ensuring that student debt levels after graduation are manageable. Part of the Commission’s commitment to ensuring a positive impact on the state is to work with institutions and the Legislature to make sure that tuition remains affordable and that state support for higher education in general, and for financial aid in particular, is adequate. While the individual financial decisions of students are beyond the direct control of institutions or the Commission, combining sound financial guidance while protecting affordability helps ensure that students will gain value from their investment in higher education and be able to participate fully in the social and economic life of the state.

The academic impact of the state's colleges and universities begins with the institution’s commitment to student success. Increasing the quality of curricular and

▶ *Creating stronger institutional bonds with the surrounding community benefits all parties involved: the university, students, and local businesses and organizations.* ◀

▶ *Part of the Commission's commitment to ensuring a positive impact on the state is to work with institutions and the Legislature to make sure that tuition remains affordable and that state support for higher education in general, and for financial aid in particular, is adequate.*

co-curricular programs not only serves students' best interests, but will also result in the postsecondary degree holders necessary to meet the needs of an increasingly diverse workforce, which is required for West Virginia's continuing economic success.

Postsecondary degree holders also help stimulate stagnate regional economies. Traditionally, during times of economic hardship, institutions of higher education, across all sectors, experience increases in enrollment. These enrollment increases highlight the public's perceived value of higher education as a vehicle for transforming their lives and economic fortunes. For their investment, there is the expectation of tangible, local returns.

In order to best prepare the state citizenry for the challenges of the future and grow West Virginia's economy, the state's four-year institutions must make a concerted effort to prepare students for the transition and rigorous demands of the 21st century economy. Although four-year institutions play a limited role once students graduate, they are able to provide students with both general education competencies as well as quality academic programs and opportunities for professional development, financial literacy, and different avenues of career placement. The following suggestions, grounded in academic research and best practices, would enable institutions to provide students the necessary means to be successful college graduates entering the workforce and the community:

- Create and foster better linkages with local businesses to learn about workforce needs and provide students with opportunities such as internships;
- Inform students about West Virginia businesses and organizations through their academic programs;
- Provide financial literacy guidance and ensure that students understand the implications of student loans;
- Increase career placement efforts for current students and alumni to reduce student loan default rates;
- Integrate community service, service learning, and regional community challenges into curricular and co-curricular activities; and
- Contribute to the state's knowledge economy by conducting basic research, acquiring external research funding and expanding technology transfer.

► **Goal: Increase the impact that public colleges and universities have on West Virginia through production of qualified graduates ready to contribute to the workforce and the community, provision of needed services, and research and development that promote knowledge production and economic growth.**

Toward the goal of increasing the impact that its member institutions have on the state of West Virginia, the Commission sets the following objectives to be achieved by 2018:

- Increase the number of **degrees awarded annually at the undergraduate and graduate levels** overall and in needed areas:
  - Increase the number of degrees awarded to 15,500;
  - Increase the number of degrees awarded in STEM fields to 3,750;
  - Track the production of degrees awarded in STEM education and increase the number of these degrees over the master plan cycle; and
  - Increase the number of degrees awarded in health fields to 2,000.
- Institutions will address regional economic needs through developing and **promoting pathways to the West Virginia workforce** for students and recent graduates. To that end, institutions will provide their plan for (1) developing formal partnerships with businesses, non-profit organizations, and other employers; and (2) enhancing institutional career readiness programs (internships, co-operative arrangements, career counseling, job placement programs, etc.). The plan should articulate goals aligned with the institution's mission, the institution's strategies to meet those goals, and how the institution will assess the success of those strategies. Institutions will report annually on progress toward the goals of this plan.
- Institutions will provide their plan for how the institution and its students are engaging with external organizations (government, business, non-profit) to **solve critical regional civic and/or social issues**. The plan should articulate goals aligned with the institution's mission, the institution's strategies to meet those goals, and how the institution will assess the success of those strategies. Institutions will report annually on progress toward the goals of this plan.
- Decrease the system average **federal student loan cohort default rate** to 9.0 percent.
- **Increase research and development activities** which contribute to West Virginia's economic growth:
  - Increase annual external research and development funds to \$200 million;
  - Increase annual licensure income to \$170,000;
  - From 2013 to 2018, a total of 30 patents issued;
  - From 2013 to 2018, a total of 20 start-up companies based on university technology; and
  - Track the number of articles that faculty members publish in peer-reviewed journals and increase the number of these publications over the master planning cycle.



CONCLUSION

## CONCLUSION

**Leading the Way: Access. Success. Impact.** is a bold new master plan which directs the system's attention to the three focal areas that most need attention to meet the challenges West Virginia faces in the coming decade. In order for higher education to substantially improve the economy and quality of life in West Virginia, the Commission and its institutions must concentrate on opening the doors of higher education to as many citizens as possible through informing students about the benefits of higher education, assisting them in preparing for college academically and otherwise, and ensuring that a college education is affordable. Furthermore, it is important to reach out to those less historically served by higher education such as low-income, racial/ethnic minority, and adult students both to ensure equity of opportunity and to maximize the potential of the state's human resources. Yet, educational opportunity is not sufficient; further work is necessary to make the promise offered to students through admission to college a reality by assisting them in reaching their educational goals. To that end, the Commission must increase the numbers of students who persist, make steady progress, and earn a degree all the while guarding and enhancing academic program quality and rigor. To deepen the impact that system institutions have on the state, higher education must align its programs with West Virginia's workforce needs and ensure that students are aware of these opportunities. While this career preparation is important, it is vital to preserve a focus on skills and knowledge that prepare students for whatever their future holds such as critical thinking, writing, and quantitative literacy. Higher education also has an impact on the state through the service institutions provide to their communities, and increasingly through incorporating service learning and civic engagement into the curriculum itself so that students carry forth these values and skills. And research contributes to the state through advancing knowledge generally and promoting outside investment and creation of innovations, jobs, and businesses.

While access, success, and impact can be conceived of as a linear progression, improvement in each reinforces the others. Higher levels of student success make it more likely that other students will think that investment in higher education is worthwhile. Increased educational attainment in the state as well as a robust research and technology environment are attractive to businesses and citizens looking to locate in West Virginia. These additions to the economy increase the resources available to be invested in education. These are but a few of the connections between the plan's interrelated focal areas.

The three tools of fiscal responsibility, collaboration, and assessment also ensure that the Commission and its campuses maximize resources and contain costs in a time of very tight budgets, leverage the ideas and contributions of relevant stakeholders, and always know whether progress is being made toward the system's stated goals.

*Leading the Way* brings a new level of accountability in articulating not only broad goals, but also more defined objectives for the coming years and targets to be met on specified metrics for each objective. The Commission will communicate progress toward these targets in the annual Higher Education Report Card as well as a new master plan section of the Commission website. Campuses will report on their progress toward achieving the goals of *Leading the Way* through their submission of annual compacts. In addition to data on the plan's metrics, the compacts give campuses an opportunity to provide narratives about the institution's efforts in the areas of access, success, and impact. The Commission will also post the institution compacts on the *Leading the Way* website.

The vision of *Leading the Way* imagines a large role for public higher education in improving quality of life in West Virginia and contributing to the creation of a more diverse and robust economy that is competitive in a global, knowledge-based marketplace. Fulfilling this role will require extraordinary efforts from and collaboration between the Commission and its constituents. The Commission will continue its efforts to inform, support, and coordinate the campuses in their work on the plan's goals. Together, the Commission and its institutions can lead the way to a better educated, stronger West Virginia.

▶ *While access, success, and impact can be conceived of as a linear progression, improvement in each reinforces the others.*



REFERENCES

**References:**

Arum, J., and Roksa, J. (2011). *Academically Adrift: Limited Learning on College Campuses*. Chicago, IL: University of Chicago Press.

Astin, A.W. (1993). *Assessment for Excellence*. Westport, CT: American Council on Education and The Oryx Press.

Baum, S., Ma, J., and Payea, K. (2010). *Education pays: The benefits of higher education for individuals and society*. Washington, D.C.: The College Board.

Burke, J. C. (2004). *Achieving Accountability in Higher Education: Balancing Public, Academic, and Market Demands*. Jossey-Bass.

Carnevale, A.P., Jayasundera, T., and Cheah, B. (2012). *The college advantage: Weathering the economic storm*. Washington, D.C.: Georgetown University Center on Education and the Workforce.

Carnevale, A.P., Smith, N., and Strohl, J. (2010). *Help wanted: Projections of jobs and education requirements through 2018*. Washington, D.C.: Georgetown University Center on Education and the Workforce.

Davis, G. K. (2006). *Setting a Public Agenda for Higher Education in the States: Lessons Learned from the National Collaborative for Higher Education Policy*. The Education Commission of the States; The National Collaborative for Higher Education Policy; The National Center for Higher Education Management Systems.

Southern Regional Education Board, (2010). *Fact Book on Higher Education, 2010*. Atlanta, GA: Author.

State Higher Education Executive Officers. (2005). *Accountability for Better Results. A National Imperative for Higher Education*. Boulder, CO: State Higher Education Executive Officers.

West Virginia Higher Education Policy Commission Task Force on Efficiencies. (2011). *The Efficiencies Imperative*. Charleston, WV: WVHEPC

► To that end, the Commission must increase the numbers of students who persist, make steady progress, and earn a degree all the while guarding and enhancing academic program quality and rigor. ◀

DRAFT



West Virginia Higher Education Policy Commission  
1018 Kanawha Boulevard, East  
Suite 700  
Charleston, West Virginia 25301

[www.hepc.wvnet.edu](http://www.hepc.wvnet.edu)

A Master Plan - **ACCESS. SUCCESS. IMPACT.** ◀



# West Virginia Higher Education Policy Commission

---

## **Report to the Legislative Oversight Commission on Education Accountability**

**March 18, 2013**

**Title 133, Series 53, Legislative Rule  
Human Resources Administration**



**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2013 FEB 19 PM 4:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: West Virginia Code §18B-1B-5, §18B-4-2a, §18B-7, §18B-8, §18B-9 and §18B-9A

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

\_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 53

TITLE OF RULE BEING PROPOSED: Human Resources Administration

\_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
\_\_\_\_\_  
Authorized Signature

FILED

2013 FEB 19 PM 4:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**TITLE 133  
LEGISLATIVE RULE  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 53  
HUMAN RESOURCES ADMINISTRATION**

**§133-53-1. General.**

- 1.1. Scope. This rule establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Higher Education Policy Commission (Commission) and the public higher education institutions in West Virginia. It also provides guidelines for governing boards relative to decisions pertaining to public higher education employees.

The primary responsibility for implementation rests with the Commission, in consultation with the West Virginia Council for Community and Technical College Education (Council), who shall provide leadership and assistance to the human resources professionals within each organization to bring about the changes successfully.

- 1.2. Authority. West Virginia Code §18B-1B-5, §18B-4-2a, §18B-7, §18B-8, §18B-9 and §18B-9A.
- 1.3. Filing Date.
- 1.4. Effective Date.
- 1.5. Repeals and replaces Title 133 Series 8, Sections 3, 10, 11, 18, and 19.

**§133-53-2. Purpose.**

- 2.1. The intent of this rule is to establish a statewide, integrated human resources structure capable of, but not limited to, meeting the following objectives.
  - 2.1.a. Providing benefits to the citizens of the State of West Virginia by supporting the public policy agenda as articulated by state policymakers;
  - 2.1.b. Addressing fiscal responsibility by making the best use of scarce resources and promoting fairness, accountability, credibility, transparency and a systematic (FACTS) approach to progress in personnel decision-making;

- 2.1.c. Building upon human resources best practices to prevent, reduce, or, wherever possible, eliminate arbitrary and capricious decisions affecting employees of higher education organizations;
- 2.1.d. Creating a stable, self-regulating human resources system capable of evolving to meet changing needs;
- 2.1.e. Providing for institutional flexibility with meaningful accountability;
- 2.1.f. Adhering to federal and state laws, promulgated and adopted rules;
- 2.1.g. Implementing, as appropriate, human resources best practices throughout the state higher education system;
- 2.1.h. Developing and implementing a classification and compensation system that is fair, transparent, understandable, easy to administer, self regulating, and adaptable to meet future goals and priorities;
- 2.1.i. Providing for careful consideration of the recommendations and supporting documentation contained in the Final Report of the Select Committee on Higher Education Personnel;
- 2.1.j. Encouraging organizations to pursue a human resources strategy which provides monetary and non-monetary returns to employees in exchange for their time, talents, and efforts to meet articulated goals, objectives and priorities of the State, the Commission and the organization;
- 2.1.k. Maximizing the recruitment, motivation and retention of highly qualified employees, ensuring satisfaction and engagement of employees with their jobs, ensuring job performance and achieving desired results; and
- 2.1.l. Providing for recommendations from the Compensation Planning and Review Committee and the Job Classification Committee to be considered by the Commission and to be included in the legislative reporting process.

**§133-53-3. Definitions.**

- 3.1. Base Salary. The amount or a rate of compensation for a specified position of employment or activity excluding annual experience increment and any other payments or allowances for work or activity unrelated to that specified position of employment.

- 3.2. Benchmark Job. A job that is commonly found and defined and is used to make pay comparisons, either within the organization or to comparable jobs outside the organization.
- 3.3. Benefits. Programs that an employer uses to supplement the cash compensation of employees, including but not limited to, health and welfare plans, retirement plans, pay for time not worked, and other employee perquisites.
- 3.4. Career Ladder. A structured sequence of related, upwardly progressing positions.
- 3.5. Chancellor. Chancellor refers to the chief executive officer of the West Virginia Higher Education Policy Commission or the West Virginia Council for Community and Technical College Education, as appropriate.
- 3.6. Classification System. An organized structure in which classified jobs, job descriptions, job titles, and job analyses are utilized to determine a hierarchy of jobs, career ladders and pay grade assignments.
- 3.7. Classified Employee. Any regular employee of an organization who holds a full-time or part-time position and is assigned a particular job and job title within the classification system established by this rule or by other duly promulgated and adopted rules of the Commission.
- 3.8. Compensation. Earnings provided by an employer to an employee for services rendered.
- 3.9. Compensation Philosophy. The guiding principles that ensure that a compensation program supports an organization's culture.
- 3.10. Compensation Strategy. The principles that guide the design, implementation and administration of a compensation program at an organization for the purpose of supporting the organization's mission, vision, goals and objectives.
- 3.11. Employee Classification or Employee Class. There are three employee classes: classified, nonclassified and faculty.
- 3.12. External Market Compensation: The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market as provided for in the approved institutional salary rule.
- 3.13. Factor. A key position trait used to evaluate a classified position

according to a point factor system. The items are Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Breadth of Responsibility; Scope and Effect; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.

- 3.14. Full Funding. When an organization provides, in total, one hundred percent of the funds needed to meet the salary funding target reflected in the Temporary Higher Education Classified Employee Annual Salary Schedule, as calculated in October, 2010.
- 3.15. Generic Job Description. A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the specifications necessary to perform the work.
- 3.16. Hot Jobs. Jobs which are subject to market volatility and in high demand, usually for a temporary length of time, for which there is a low supply of available workers with the required education, skills and abilities.
- 3.17. Institutions. The following entities individually or collectively—Bluefield State College; Concord University; Fairmont State University; Glenville State College; Marshall University; Shepherd University; West Liberty University; West Virginia School of Osteopathic Medicine; West Virginia State University; and West Virginia University, including Potomac State College and West Virginia University Institute of Technology.
- 3.18. Job. The total collection of tasks, duties, and responsibilities assigned to one or more individuals whose work is of the same nature and level.
- 3.19. Job Evaluation. A formal process used to evaluate classified jobs, establish proper pay grades, and slot jobs in pay grades.
- 3.20. Job Family. A series of job titles in an occupational area or group.
- 3.21. Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of location in the organization, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.
- 3.22. Major Deficiency. When an organization has failed to comply with federal or state law or with personnel rules of the Commission as identified by the human resources review.
- 3.23. Meaningful Accountability. Measures that ensure adherence to rules and

policies and provides for consequences for non-compliance.

- 3.24. Merit Increases. A discretionary salary increase given to an employee to reward demonstrated achievements in the performance of the duties and responsibilities of a position, as evaluated by criteria established by the organization.
- 3.25. Nonclassified Employee. An employee of an organization who holds a position that is not assigned a particular job and job title within the classification system established by this rule, or, by other duly promulgated and adopted rules of the Commission and who meets one or more of the following criteria:
  - 3.25.a. Employee holds a direct policy-making position at the department or organization level; or
  - 3.25.b. Employee reports directly to the president or chief executive officer of the organization.
- 3.26. Nonclassified Job Description. A summary of the most important features of a job, including the general nature and level of the work performed.
- 3.27. Organizations. The following entities individually or collectively—Bluefield State College; Concord University; Fairmont State University; Glenville State College; Marshall University; Shepherd University; West Liberty University; West Virginia School of Osteopathic Medicine; West Virginia State University; West Virginia University, including Potomac State College and West Virginia University Institute of Technology; Blue Ridge Community and Technical College; Bridgemont Community and Technical College; Eastern West Virginia Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College; New River Community and Technical College; Pierpont Community and Technical College; Southern West Virginia Community and Technical College; West Virginia Northern Community College; West Virginia University at Parkersburg; the Office of the Higher Education Policy Commission; the Office of the Council for Community and Technical College Education; and the West Virginia Network for Educational Telecomputing.
- 3.28. Pay Grade. The level to which a job is assigned within a classification structure.
- 3.29. Peer Group. The job occupation group as recommended by the external vendor conducting the employee market salary study used to compare where each employee category falls in relation to its relevant recruitment market.

- 3.30. Point Factor Methodology. A method used to evaluate job factors in order to determine the pay grade to which a classified position is assigned.
- 3.31. Position. A set of duties and responsibilities requiring employment of a single employee at a particular organization.
- 3.32. Position Information Questionnaire (PIQ). A tool used in the creation and evaluation of a classified position including the factors of Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Scope and Effect; Breadth of Responsibility; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.
- 3.33. President. A chief executive officer of an institution of higher education in West Virginia who reports to the institution's governing board.
- 3.34. Promotion. Movement from a classified position requiring a certain level of skill, effort, and authority into a vacant or newly created classified position assigned to a different job title and a higher pay grade that requires a greater degree of skill, effort, and authority.
- 3.35. Relative Market Equity. The relative market status of each employee classification at an organization falls within five (5) percent of all other employee classifications within the organization for the preceding three-year period. A comparison of the relative market status of the three distinct employee classes wherein the range from the class furthest from its market is within five (5) percent of the class closest to its market.
- 3.36. Relative Market Status. The calculated relationship between the average salary of each employee classification and its peer group.
- 3.37. Return Rights. The right of a nonclassified employee to return to either classified status or faculty status when provided for in the employee's contract or when an employee is involuntarily transferred to a nonclassified position; provided, however, that the return right either shall be provided for in West Virginia Code, or be in writing, a copy of which is to be provided to the employee and placed in the personnel file. For return to classified status, this writing must set forth the classified job title and pay grade. For return to faculty status, this writing must set forth the appropriate faculty track, and rank.
- 3.38. Salary Benchmarking. The process of market pricing a benchmark job.
- 3.39. Salary Schedule. A schedule consisting of a series of pay grades enacted by the Legislature or the Commission.

3.40. Step. A standard progression in pay rate established within a pay grade.

**§133-53-4. Classification and Compensation System Goals and Objectives.**

4.1. The Commission, in consultation with the Council, shall implement, control, supervise, and manage a complete, uniform system of personnel classification and compensation for classified employee positions. The chief purposes of the system are to accomplish the following goals and objectives:

4.1.a. Attract well qualified and diverse applicants.

4.1.b. Retain and motivate employees to accomplish objectives, goals, and priorities in state law, rules of the Commission, state-wide master plans for higher education, and institutional compacts.

4.1.c. Retain and reward classified employees who make valuable contributions to state and organization goals, objectives and priorities.

4.1.d. Compensate employees within an organization fairly in relation to one another.

4.1.e. Compensate employees across the higher education system who are performing similar work at similar wage rates.

4.1.f. Compensate employees at levels that are competitive with appropriate external markets and are fiscally responsible.

4.1.g. Ensure that regular market salary analyses are performed to determine how organization compensation for all classes of employees compares to compensation in relevant external markets.

4.1.h. Maintain a uniform system for classifying jobs and positions of an organization's classified employees.

4.1.i. Move classified employees through the compensation system based on performance and other objective, measureable factors including education, years of experience in higher education and experience above position requirements.

4.1.j. Assign each current employee to an initial step for his or her pay grade that is closest to and exceeds his or her current salary regardless of previous education, experience or performance. The salary of a current employee may not be reduced by a job reclassification, a modification of the market salary schedule, or

other conditions that the Commission and the Council consider appropriate and reasonable.

- 4.2. The Commission, in consultation with the Job Classification Committee (JCC), shall have in place a generic job description for every classified job title.
- 4.3. The Commission, in consultation with the JCC, shall develop a Position Information Questionnaire (PIQ) to be used by all organizations to gather data necessary for classification of positions.
  - 4.3.a. Each organization must ensure that a PIQ shall exist for every classified position. A PIQ shall be updated at least every three years for accuracy by the employee and supervisor and submitted to human resources. Submission of an updated PIQ does not constitute a request for a classification review. A formal request must be made pursuant to section six of this rule.
  - 4.3.b. Neither the employee nor the supervisor shall place duties in the employee's PIQ that the employee is not performing, but may be expected to perform in the future.
- 4.4. Salary adjustments shall be made in accordance with the procedures for upgrades and downgrades specified in Commission rule or rules. During the course of its reviews, should the JCC discover the systematic misapplication of the program by an organization, it shall notify the Chancellors, who will take the appropriate action warranted.
- 4.5. Whenever the Chancellors, in consultation with the Vice Chancellor for Human Resources and the JCC determine that employees have been misclassified at the organizational level, they shall order that these classifications and salaries be immediately adjusted to the proper level.
- 4.6. Absent fraud on the behalf of the employee, any overpayment to the employee because of an erroneous classification decision by an organization shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform.
- 4.7. Provide that recommendations from the Compensation Planning and Review Committee (CPRC) and the JCC be considered by the Commission and the Council and be included in the legislative reporting process.

- 4.8. The Commission may allow the CPRC to collapse the three lowest pay grades into a single pay grade and provide for employees to be paid at rates appropriate to the highest of the three lowest pay grades.
- 4.9. Pursuant to State law, the Commission may not delegate to the JCC or the CPRC the following:
  - 4.9.a. Approval of a classification and compensation rule;
  - 4.9.b. Approval of the job evaluation plan;
  - 4.9.c. Approval of the annual market salary schedule; and
  - 4.9.d. Approval of the annual minimum salary schedule.

**§133-53-5. Job Classification Committee.**

- 5.1. The Commission hereby establishes a Job Classification Committee (JCC). This committee shall replace the Job Evaluation Committee (JEC) upon the effective date of this rule. The Vice Chancellor for Human Resources shall serve as the Chair of the Job Classification Committee.
- 5.2. The JCC shall be comprised of four classified employees and six Human Resources specialists, ensuring representation from the Council institutions and the Commission institutions.
- 5.3. The Chancellor shall solicit nominations for JCC members from the Advisory Council of Classified Employees (ACCE) and the Chief Human Resources Officers (CHROs).
- 5.4. JCC members shall be appointed by the Chancellor of the West Virginia Higher Education Policy Commission, with concurrence of the Chancellor of the West Virginia Council for Community and Technical College Education, subject to approval by the Commission and Council.
- 5.5. An organization may have no more than two members serving on the Committee at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 5.6. Committee members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

- 5.7. The Commission shall use a point factor methodology to classify jobs. The Commission, in consultation with the Council, may adjust the job evaluation plan, including the factors used to classify jobs and their relative values, if necessary.
- 5.8. Powers and duties of the Job Classification Committee include, but are not limited to, the following:
  - 5.8.a. Providing a system of audit for all job descriptions to make sure that the responsibilities of positions are accurately reflected;
  - 5.8.b. Modifying and deleting jobs and assigning job titles;
  - 5.8.c. Reviewing and revising job titles to make them consistent among organizations, including adopting consistent title abbreviations;
  - 5.8.d. Establishing job worth hierarchies and data lines for each job title;
  - 5.8.e. Classifying jobs, establishing proper pay grades, and placing jobs in pay grades consistent with the job evaluation plan;
  - 5.8.f. Determining when new job titles are needed and creating new job titles within the system;
  - 5.8.g. Recommending base pay enhancements for jobs for which the application of point factor methodology produces significantly lower salaries than external market pricing. The JCC may exercise this authority only if it reevaluates each job annually to make a determination whether the enhancement should be continued;
  - 5.8.h. Recommending a procedure for performing job family reviews for the joint approval of the Commission and Council;
  - 5.8.i. Determining appropriate career ladders within the classification system and establishing criteria for career progression;
  - 5.8.j. Hearing job classification appeals prior to commencement of the formal grievance process pursuant to Commission rule or rules; and
  - 5.8.k. Developing operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.

- 5.9. The JCC shall meet monthly if there is business to conduct and also may meet more frequently at the call of the chair, given adequate lead time. A majority of the voting members serving on the Committee at a given time constitutes a quorum for the purpose of conducting business providing that both classified staff and human resources representatives are present.
- 5.10. When evaluating jobs, the JCC shall use the following procedure:
  - 5.10.a. Each JCC member shall classify each job individually, independently of other members;
  - 5.10.b. The chair shall compile and share the individual evaluations with the whole JCC; and
  - 5.10.c. After discussing the issues and resolving differences, the JCC shall make a determination of the appropriate classification for each job. The Vice Chancellor for Human Resources shall communicate, in writing, the JCC's decision to the CHROs and members of the JCC within ten working days.

**§133-53-6. Classification Review Request of Existing Position.**

- 6.1. An incumbent classified employee or the employee's supervisor may request a PIQ review when significant changes occur in the principal duties and responsibilities of a classified position. To initiate the review, the employee and supervisor must revise the PIQ and submit it to Human Resources along with a formal request for a review. The request must include the date and the reason for such request.
  - 6.1.a. The responsibility for assigning tasks and duties to a position belongs to the supervisor.
  - 6.1.b. Requests for position reviews also may be initiated by an employee with Human Resources after discussion with the immediate supervisor.
  - 6.1.c. PIQ reviews also may be initiated by the institution's Chief Human Resources Officer or his/her designee after discussion with the immediate supervisor.
- 6.2. Within forty-five (45) working days from the date of the formal request for review of a PIQ, the institution's Chief Human Resources Officer or his/her designee shall report to the requestor in writing the result of the classification review.

- 6.3. An organization that fails to complete a review within the specified time shall provide the employee back pay from the date the request for review was received if the review, when completed, produces a reclassification of the position into a job in a higher pay grade.

**§133-53-7. Classification Appeals Process.**

- 7.1. The objective of classifying a position is to determine job content and its relative worth. A job's title and description are based upon the duties and responsibilities of the position, not the characteristics of the individual holding the position.
- 7.2. In the event that a classified employee disagrees with a classification decision made at the organizational level, he/she may appeal that decision in writing to the Vice Chancellor for Human Resources for review by the JCC. Filing a classification appeal, however, shall not abridge the rights of a classified employee to file a formal grievance, using the statutory grievance process as set forth in West Virginia Code §6C-2-1 *et seq.*; provided, however, upon the simultaneous filing of a statutory grievance and a classification appeal to the Vice Chancellor for Human Resources by a classified employee, a request may be made, in writing, by the classified employee to hold the grievance in abeyance until the review by the JCC is completed and a classification decision is rendered by the JCC.
- 7.3. Time limits.
  - 7.3.a. The classified employee shall submit a completed "Classification Appeals Form" to the organization's Human Resources office within ten (10) working days from the date of receipt of the notice of the organization's classification decision.
  - 7.3.b. The organization's human resources staff shall render a decision on the appeal within five (5) working days whether the original decision shall be upheld.
  - 7.3.c. The classified employee shall have five (5) working days from the date of receipt of the notice upholding the original decision of the organization to appeal the action to the Vice Chancellor for Human Resources for submission to the JCC.
- 7.4. Upon receipt of the classified employee's appeal of the organization's decision, the Vice Chancellor for Human Resources shall forward the appeal to the JCC.

- 7.4.a. The JCC shall review the Classification Appeals Form, the original PIQ, and all supporting documentation, submitted by a classified employee to the Human Resources Office.
  - 7.4.b. The JCC may review comparable positions within the organizations, as defined in Section 3.27 of this rule.
  - 7.4.c. The JCC shall notify the classified employee, and the organization's Human Resources Office, of its decision in writing, within twenty (20) working days from the date of receipt of the appeal to the Vice Chancellor for Human Resources. The notification shall specify the effective date should there be any change in status.
- 7.5. An appeal shall not be considered if based on any of the following reasons:
- 7.5.a. Seniority. An appeal shall not be considered if it is based on the employee's length of service with the organization or with the state of West Virginia.
  - 7.5.b. Qualifications of the individual incumbent. An appeal shall not be considered if it is based upon the individual classified employee's qualifications. A classification determination is based upon the requirements in the PIQ necessary to perform the duties and responsibilities of the position.
  - 7.5.c. Anticipated future job responsibilities. An appeal shall not be considered if it is based upon responsibilities that may be included in the job assignment in the future.
  - 7.5.d. Job Performance. An appeal shall not be considered if it is based upon the performance of the incumbent or certain personality traits (e.g., loyalty, dedication, commitment to organization, hardworking, etc.). A classification determination is based upon the level and complexity of the duties and responsibilities outlined in the PIQ, not the characteristics of the individual holding the position.
  - 7.5.e. Salary within a salary range. An appeal shall not be considered if it is based upon the fact that an employee's salary is close to the maximum of a salary range or the relative position of the salary within the assigned salary range.

- 7.5.f. Increase in the volume of work. An appeal shall not be considered if it is based on the volume of work rather than the level of responsibilities and complexity of the work.

**§133-53-8. Compensation Planning and Review Committee.**

- 8.1. The Commission shall hereby establish and maintain a Compensation Planning and Review Committee (CPRC). The Vice Chancellor for Human Resources shall serve as the Chair of the CPRC.
- 8.2. The composition of the CPRC shall consist of the Vice Chancellor for Human Resources, the Vice Chancellor for Finance, two members representing the statewide Advisory Council of Classified Employees, one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; two members representing the Advisory Council of Faculty; one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; and two human resources administrators from institutions under the jurisdiction of the Council, and two human resources administrators from institutions under the jurisdiction of the Commission; and a president from each of the two systems.
- 8.3. The method for nominating CPRC members shall be representative of all the higher education organizations and affected constituent groups, including specifically providing for membership selections to be made from nominations from the Advisory Council of Classified Employees, the Advisory Council of Faculty, the human resources representatives, and the Council of Presidents group. The Presidents shall nominate a president from their respective systems. The Chancellors, jointly, shall appoint members from nominations made by these affected constituent groups and require approval of the Commission and Council before beginning service.
- 8.4. An organization may have no more than two members serving on the CPRC at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 8.5. The CPRC members shall develop operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.
- 8.6. The CPRC shall manage all aspects of compensation planning and review that the Commission delegates to it, within the provisions of state law.

- 8.7. CPRC members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.
- 8.8. The CPRC shall meet at least quarterly and at other times at the call of the Chair. A majority of the voting members serving on the CPRC at a given time constitutes a quorum for the purpose of conducting business, provided that at least one member from each constituent group is present.
- 8.9. The CPRC has powers and duties which include, but are not limited to, the following:
  - 8.9.a. Making annual recommendations for revisions in the system compensation plan, based on existing economic, budgetary and fiscal conditions or on market study data;
  - 8.9.b. Overseeing the five-year external market salary study;
  - 8.9.c. Overseeing the annual internal market review;
  - 8.9.d. Meeting at least annually with the JCC to discuss benchmark jobs to be included in salary surveys, market “hot jobs” that may require a temporary salary adjustment, results of job family reviews, and assessment of current job titles within the classification system for market matches and other issues as the Vice Chancellor for Human Resources, in consultation with the Chancellors, determines to be appropriate;
  - 8.9.e. Recommending to the Chancellors a process for their approval to recommend and calculate temporary salary adjustments and any time limits or reviews of these adjustments; and
  - 8.9.f. Performing other duties as assigned by the Commission or as necessary or expedient to maintain an effective classification and compensation system.

**§133-53-9. Compensation: Classified Market Salary Structure and Minimum Salary Schedule.**

- 9.1. The Commission and Council shall develop and maintain a market salary structure and minimum salary schedule and ensure that all organizations under its jurisdiction adhere to state and federal laws and duly promulgated and adopted organization rules.

- 9.2. The Commission and Council shall jointly contract with a qualified external vendor to conduct a market salary study for each category of employees at least once within each five-year period. Based on the study results, the Commission and Council, in consultation with the CPRC, and taking into consideration the recommendations of the external vendor, may take any combination of the following actions in regard to the classified market salary structure:
  - 9.2.a. Adjust the number of pay grades;
  - 9.2.b. Adjust the point values necessary for a job to be assigned to a particular pay grade;
  - 9.2.c. Adjust the midpoint differentials between pay grades to better reflect market conditions; or
  - 9.2.d. Adjust the range spread for any pay grade.
- 9.3. The Commission, in consultation with the Council, may perform an annual review of market salary data to determine how salaries have changed in the external market. Based on supporting data derived from that review, the Commission and Council, with input from the CPRC, shall adjust the market salary structure. In the absence of a market salary study conducted by a qualified external vendor, the Commission and Council may not adjust the midpoint differentials between pay grades unless required to do so by a change in minimum wage or other laws or regulations and may not adjust the range spread for any pay grade.
- 9.4. The market salary structure serves as the basis for the following activities:
  - 9.4.a. Evaluating compensation of classified employees in relation to appropriate external markets. The external market compensation for a job shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market; and
  - 9.4.b. Developing the minimum salary schedule to be adopted by the Commission and Council. No organization may compensate a classified employee at a salary rate of less than the minimum salary rate values provided for in the minimum salary schedule.
- 9.5. The market salary structure shall include the following criteria:
  - 9.5.a. The number of pay grades and steps to be included in the structure;

- 9.5.b. A midpoint value for each pay grade which represents the average salary of jobs in that pay grade. The Commission and Council may choose a midpoint step value at its discretion, based on its compensation philosophy, which need not be based exclusively on market salary data; and
- 9.5.c. The minimum and maximum step values based on an established range spread, as well as values for other steps in the salary structure.
- 9.6. The Commission and Council may annually approve a minimum salary schedule that sets forth a compensation level for each step and pay grade below which no organization employee may be paid.
- 9.7. The minimum salary floor for each pay grade and step on the minimum salary schedule shall be at an appropriate percentage of the most recent annual market salary data, to be determined by the Commission and Council. The Commission and Council also shall consider the minimum wage and other laws that ensure that employees earn a living wage and shall maintain a salary structure which ensures that the average salary of each class of employees meets relative market equity among employee classes. The Commission and Council may take into consideration other factors they consider appropriate.
- 9.8. The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market, as provided for in the approved institutional salary rule.
- 9.9. The salary of a classified employee working fewer than thirty-seven and one-half hours per week shall be prorated. The organization's salary rule may provide for differential pay for certain classified employees who work different shifts, weekends or holidays.
- 9.10. Merit increases may be granted if they are in accordance with state code and with duly promulgated rules of the Commission.

**§133-53-10. Salary Benchmarking.**

- 10.1. The Commission will utilize an experienced compensation consultant to perform the functions related to salary benchmarking.
- 10.2. Job descriptions representative of all categories of employees will be reviewed to ensure that the duties and responsibilities are understood so that appropriate matches can be made to benchmark positions. The

following guidelines will be used for benchmark selection:

10.2.a. Representation of all job families and levels throughout the system.

10.2.b. Highly populated jobs.

10.2.c. Jobs found in most of the system institutions.

10.2.d. Jobs with recruitment or retention problems.

10.2.e. Geographic differentials as necessary will be used to ensure that the data are reflective of the labor market and economic conditions.

**§133-53-11. Full Funding: Temporary Higher Education Classified Employee Annual Salary Schedule.**

11.1. Once the Commission has certified that an organization under its jurisdiction has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule, the organization's governing board has the authority to pay classified employees in excess of the salary on the Temporary Higher Education Classified Employee Annual Salary Schedule for their pay grade and years of experience, as long as the governing board has a salary rule in place ensuring that salary increases above the salary schedule are distributed equitably and in a manner consistent with the uniform classification and compensation system.

11.2. An organization has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule when it provides, in total, one hundred percent of the funds needed to meet the salary funding target as calculated in October 2010. When an organization is fully funded, the Chancellor shall provide official certification that the organization has attained full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule.

11.3. Until an organization is fully funded or making appropriate progress as defined in this rule, the following restrictions apply:

11.3.a. Classified salary increases distributed within the organization shall be provided in accordance with the uniform classification and compensation system established by §18B-9A-1 et seq.

11.3.b. An organization may not provide discretionary salary increases including performance or merit based increases to the president or chief executive or any group or class of employees, other than

classified employees.

- 11.4. An organization is considered to be making appropriate progress when it has funded at least twenty-five percent of the amount needed to reach full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule by July 1, 2012; has funded at least fifty percent of the calculated amount by July 1, 2013; has funded at least seventy-five percent of the calculated amount by July 1, 2014 and has funded one hundred percent of the calculated amount by July 1, 2015.
- 11.5. Until such time that a new salary schedule is implemented, the current Temporary Higher Education Classified Employee Annual Salary Schedule, consisting of a minimum annual salary for each pay grade in accordance with experience in West Virginia higher education or West Virginia state government, shall be in place. An employee is considered equitably compensated if his or her salary is at the minimum salary on the Temporary Higher Education Classified Employee Annual Salary Schedule that is required for his or her pay grade and years of experience on the July 1, 2001 salary schedule.

**§133-53-12. Classification System Methodology Audit.**

- 12.1. By July 1, 2014 and at least once within each five year period thereafter, the Commission and Council shall review the effectiveness of the system for classifying jobs and submit an in-depth report to the Legislative Oversight Commission on Education Accountability. The report shall include, but is not limited to, findings, recommendations and supporting documentation regarding the following job classification issues:
  - 12.1.a. The effectiveness of the point factor methodology and a determination of whether it should be maintained; and
  - 12.1.b. The status of the job evaluation plan, including the factors used to classify jobs or their relative values, and a determination of whether the plan should be adjusted.

**§133-53-13. Nonclassified Employees.**

- 13.1. By July 1, 2013, the percentage of personnel placed in the category of nonclassified may not exceed twenty-five percent of the total number of classified and nonclassified employees of that organization.
- 13.2. Except as otherwise provided for in this rule, by July 1, 2015, the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization.

- 13.3. Organizations may request an extension to July 1, 2016, to comply with the requirement that the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization. If an extension is granted, it may not exceed twenty-five percent and it must be approved in advance of implementing such extension, by both the institution's governing board and the Commission.
- 13.4. In establishing return rights of a nonclassified employee to classified status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate the job title and pay grade. If the institution's compensation system establishes discretion as to placement on the salary schedule, then an indication of that placement must be specified.
- 13.5. In establishing return rights of a nonclassified employee to faculty status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate faculty track, tenure status if any, faculty rank if any, faculty job title, faculty compensation rate, and if non-tenured, whether the faculty status would be for a term, defined in the document, or for the remainder of the academic or fiscal year following separation from nonclassified status.
- 13.6. Classified employees who were involuntarily transferred to non-classified positions have the right to return to classified positions based on West Virginia Code provisions.
- 13.7. When an organization counts, as faculty or classified staff, those administrators who retain the right to return to faculty or classified positions, these designations apply only to the calculation of the organization's compliance with the statutory maximum ratio of nonclassified employees and are to be treated and counted as nonclassified employees for all other purposes. An organization shall report to the Commission all nonclassified employees who retain return rights to either a classified or faculty position in the category of "nonclassified" in all data submissions or analysis other than the determination of the ratio of nonclassified employees, including but not limited to the analysis of relative market equity.
- 13.8. The current annual salary of a nonclassified employee may not be reduced if his or her position is redefined as a classified position solely to meet the requirements of West Virginia Code §18B-7-11. If such a nonclassified employee is reclassified, his or her salary does not constitute evidence of inequitable compensation in comparison to other employees in the same pay grade.

**§133-53-14. Employee Performance Evaluations.**

- 14.1. After a classified employee's probationary period, during which 3-month and 6-month probationary performance evaluations are required, each employee shall receive a written evaluation of his or her job related performance on an annual basis. A copy of the evaluation document shall be placed into the employee's personnel file and must include confirmation, through a physical or an electronic signature of the employee, signifying that the employee has participated in the evaluation process.
- 14.2. Organizations shall conduct regular performance evaluations of non-classified employees and faculty as well as classified employees.
- 14.3. Each organization shall develop a consistent, objective performance evaluation system and evaluation instrument(s).
- 14.4. Organizations shall train supervisors in the best practices of conducting employee performance evaluations.
- 14.5. Supervisors who fail to conduct evaluations of those employees who report to them, according to their organization's policies, may be subject to disciplinary action.

**§133-53-15. Training and Development.**

- 15.1. The Vice Chancellor for Human Resources shall carry out the following duties related to training and development:
  - 15.1.a. Analyzing and determining training needs of organization employees and formulating and developing plans, procedures and programs to meet specific training needs and problems. Successful completion of these tasks requires the Vice Chancellor for Human Resources to work closely with and communicate regularly with the training and development coordinators employed by each organization.
  - 15.1.b. Developing, constructing, maintaining and revising training manuals and training aids or supervising development of these materials by outside suppliers.
  - 15.1.c. Planning, conducting, and coordinating management inventories, appraisals, placement, counseling and training.

- 15.1.d. Coordinating participation by all employees in training programs developed internally or provided by outside contractors.
- 15.1.e. Administering and analyzing an annual training and development needs survey. The survey may coincide with the completion of the annual performance review process.
- 15.1.f. Developing model supervisor training programs in order to provide guidance in best practices related to supervision of subordinates and compliance with federal and state employment laws and rules of the Commission.
- 15.1.g. Developing training and professional development programs for personnel who administer human resources functions at each organization in response to performance reviews of those personnel, which are conducted at least once every three years.
- 15.2. The Commission shall assist organization human resources professionals in applying Fair, Accountable, Credible, Transparent, and Systematic (FACTS) principles to all human resources functions and shall provide model training programs to organizations upon request for assistance.
- 15.3. Funds allocated or made available for employee continuing education and development may be used to compensate and pay expenses for faculty or staff pursuing additional academic study or training to better equip themselves for their duties.
- 15.4. Subject to legislative appropriation therefore, the Commission shall provide additional, regular training and professional development for human resources employees and any appointees to committees appointed by this rule. The training and development shall be:
  - 15.4.a. Mandatory with appropriate consideration given to limiting travel demands on employees; and
  - 15.4.b. In addition to and may not supplant the training and professional development regularly provided to any class of employees by each organization.
- 15.5. An account of the total amount, type of training or professional development provided, the number of employees who participated and the overall cost of the training and professional development provided to employees shall be provided to the Commission by the organizations as part of the annual personnel reports at a time designated by the Commission.

**§133-53-16. Organizational Rules.**

- 16.1. Each institution shall amend any of its policies/rules to comply with the Commission's rule or rules no later than six months after the effective date of any change in statute or Commission rule or rules, unless a different compliance date is specified within the statute or rule containing the requirements or mandate.
- 16.2. An institution may not adopt a rule, as mandated by this subsection, until it has consulted with the appropriate employee classes affected by the institution's rule or rule's provisions. At a minimum, consultations with the institutional Classified Employees Council (staff council) and/or the institutional Faculty Senate (faculty senate), as appropriate, shall take place.
- 16.3. If an institution fails to adopt a rule or rules as mandated by this subsection, the Commission may prohibit it from exercising any flexibility or implementing any discretionary provision relating to human resources contained in statute or in a Commission rule until the organization's rule requirements have been met.
- 16.4. An institution may exercise additional flexibility or areas of operational discretion identified in statute or in Commission rule or rules when it meets the following requirements:
  - 16.4.a. Receives certification from the Commission that the institution has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule or is making appropriate progress toward achieving full funding.
  - 16.4.b. Promulgates a comprehensive salary rule or rules as required by statute.
  - 16.4.c. Receives approval for the salary rule from the Chancellor.
  - 16.4.d. Adopts the rule by vote of the institution's governing board.
- 16.5. The Chancellor or his or her designee has the authority and the duty to review each institution's salary rule or rules and to recommend changes to the rule or rules to bring them into compliance with state and federal law, Commission rule or rules or legislative and Commission intent. The Chancellor may reject or disapprove any rule or rules, in whole or in part, if he or she determines that it is not in compliance with any law or rule/rules or if it is inconsistent with Legislative and Commission intent or does not sufficiently address and include measures that foster meaningful

accountability of the institution to this rule, its own rules and state and federal law.

**§133-53-17. Organizational Accountability.**

- 17.1. The Commission shall conduct a systematic human resources review of each organization by an external vendor possessing experience and expertise in conducting these reviews every five years, subject to Legislative appropriation. The first review shall be completed no later than June 30, 2013.
- 17.2. The review shall focus on highlighting strengths and identifying and correcting any deficiencies in complying with state and federal law and in adhering to personnel rule or rules of the Commission.
- 17.3. The Commission shall provide organizations with reasonable notice prior to conducting a human resources review and shall identify the subjects to be examined in the review.
- 17.4. A major deficiency means an organization has failed to comply with federal or state law or with personnel rules of the Commission. The following guidelines exist for correcting deficiencies should any be found:
  - 17.4.a. When a major deficiency is identified, the Commission shall notify the governing board of the institution in writing within forty working days, giving particulars of the deficiency and outlining steps the governing board is required to take to correct the deficiency.
  - 17.4.b. The governing board shall correct the major deficiency within four months and shall notify the Commission when the deficiency has been corrected; however, extensions of this time frame may be requested and granted by the Commission.
- 17.5. If the governing board fails to correct the major deficiency or fails to notify the Commission that the deficiency has been corrected within a period of four months from the time the governing board receives notification, the Commission shall apply sanctions as specified:
  - 17.5.a. A formal reprimand shall be placed in the personnel file of each key administrator who shares responsibility and has operational authority in the area of the identified deficiency. The maximum period of time this reprimand shall remain in the personnel file shall be one year.

- 17.5.b. Other sanctions may include, but are not limited to, suspending new hiring by the organization and prohibiting compensation increases for key administrators who have authority over the areas of major deficiency until the identified deficiencies are corrected.
- 17.6. To the extent that major deficiencies are identified relative to the Commission central office the sanctions described above shall be applicable.
- 17.7. The Vice Chancellor for Human Resources shall report annually to the Commission on each institution under its jurisdiction on its adherence to this rule, the institution's own rules and both state and federal law regarding personnel and accountability.

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Human Resources Administration

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Blvd. East, Suite 700, Charleston, WV 25301  
Contact: Dr. Paul L. Hill, Chancellor

---

Phone Number: 304-558-0699 Email: chancellor@hepc.wvnet.edu

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No impact.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

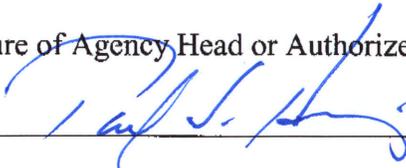
3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

There will be no effect on cost or revenue.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: February 19, 2013

Signature of Agency Head or Authorized Representative  




West Virginia Higher Education Policy Commission  
West Virginia Community and Technical College System



David K. Hendrickson  
Chair

Paul L. Hill  
Chancellor

1018 Kanawha Boulevard East, Suite 700  
Charleston, WV 25301  
(304) 558-2101

www.hepc.wvnet.edu  
www.wvctcs.org

Robert L. Brown  
Chair

James L. Skidmore  
Chancellor

Title 133 and Title 135  
Series 53  
Legislative Rule  
Human Resources Administration

Summary of Comments and Responses

Comment: A comment questioned the modification of the definition of “peer group” from that contained within *West Virginia Code* §18B-1-2.

Response: The definition of “peer group” was refined to track the statutory definition while making it consistent with compensation principles. (Section 3.2.9.)

Comment: A comment proposed to include a definition for “meaningful accountability.”

Response: Two sections were modified/added to address “meaningful accountability.” (Section 3.23. and Section 16.5.)

Comment: Comments were received on several references to the “Commission and the Council” and suggested modification to “Commission *in consultation with the Council.*”

Response: The rule was modified to read Commission and Council, or Council and Commission, where appropriate.

Comment: A comment was received suggesting an amendment to the composition of the Job Classification Committee to create equal representation between Human Resource Specialists and ACCE members on the committee.

Response: No change was made to the composition of this committee on grounds that the work of the committee is largely technical in nature and should be performed primarily by those with professional qualifications and broader experience in the classification field. (Section 5.2.)

Comment: A suggestion was made to include the word “maintain” with respect to minutes of the Job Classification Committee.

Response: This suggestion was incorporated into the rule. (Section 5.8.k.)

Comment: A comment asked for clarification of the position review appeals process.

Response: Clarifying language was added better to define the steps in the appeals process. (Section 7.2.)

Comment: A suggestion was made to include reference to peer group organizations as a resource for a review of “comparable positions” in a position review appeal.

Response: This suggestion was incorporated into the rule. (Section 7.4.b.)

Comment: A suggestion was made to refine the language under “Job Performance” as an illegitimate basis for an appeal of a position review.

Response: This suggestion was incorporated into the rule. (Section 7.5.d.)

Comment: Comments were received regarding the composition of the Compensation Planning and Review Committee.

Response: Changes to the composition of this committee were proposed by the Commission and the Council. (Section 8.2.)

Comment: A proposal was received to require at least one member of each affected constituent group to be present in order to establish a quorum on the Compensation Planning and Review Committee.

Response: This suggestion was incorporated into the rule. (Section 8.8.)

Comment: A comment questioned the undefined term “living wage.”

Response: This term was removed from the rule.

Comment: A comment suggested the necessity to conduct a market compensation study every five years to include all three classes of employees so as to be able to assess relative market equity.

Response: This suggestion was incorporated into the rule. (Section 9.2.)

Comment: A comment sought to limit the capacity of an individual institutional salary rule to dictate a relevant recruitment market.

Response: This suggestion was incorporated into the rule. (Section 9.4.a.)

Comment: A suggestion was made that the change to the definition of “peer group” affected a change in the relevant recruitment market.

Response: The amendment to the definition of “peer group” addresses this concern and no change was made to the language of the rule.

Comment: A comment proposed to limit the use of merit increases in pay.

Response: This proposal was rejected by the Commission and the Council.

Comment: A suggestion was made to change the word “engage” to “utilize” with respect to the hiring of an outside consultant to conduct a market survey.

Response: This suggestion was incorporated into the rule. (Section 10.1.)

Comment: A comment suggested that job descriptions of all classes of employees would be required for salary benchmarking purposes.

Response: This suggestion was incorporated into the rule. (Section 10.2.)

Comment: A comment—recognizing that it would require a change in the law—proposed to amend the date against which each institution’s fully funded status would be tested.

Response: This comment was rejected as the date is set by the statute.

Comment: A comment challenges the law’s requirement that certain non-classified and faculty positions be counted as classified for purposes of testing the 80/20 classified-to-non-classified employee ratio.

Response: This comment was rejected since the rule tracks the language of the law in this regard. Some language was added to emphasize that such positions would be treated as classified only for the purpose of calculating the ratio. (Section 13.7).

Comment: A few comments addressed the need to ensure that performance evaluations are regularly conducted of all employees and to provide supervisor training for this function.

Response: Most of these comments were incorporated into the rule. (Section 14.2. and Section 14.4.)

Comment: A suggestion proposed to require consultation with Institutional Classified Employee Council (as opposed to ACCE) and Institutional Faculty Senate (as opposed to ACF) before the adoption of an institution’s rule.

Response: This suggestion was incorporated into the rule. (Section 16.2).

**West Virginia Higher Education Policy Commission  
Meeting of February 1, 2013**

**ITEM:** Final Approval of Revised Series 53, Human Resources Administration

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 53, Human Resources Administration, as an emergency rule for submission to the Legislative Oversight Commission on Education Accountability for approval and subsequent filing with the Secretary of State.

*Further Resolved*, That the West Virginia Higher Education Policy Commission approves Series 53, Human Resources Administration, as a legislative rule for final filing with the Secretary of State and further legislative action contingent upon the Legislative Oversight Commission on Education Accountability approval of the emergency rule.

**STAFF MEMBER:** Mark Toor

**BACKGROUND:**

Series 53, Human Resources Administration, establishes an employee classification and compensation system. Initially, the Chancellors formed an Emergency Rule Writing Committee consisting of Chief Human Resources Officers and representatives of the Advisory Council of Classified Employees (ACCE) to develop a proposed emergency rule and corresponding legislative rule to promulgate the requirements of Senate Bill 330. The proposed rules, as recommended by the Emergency Rule Writing Committee, were approved by the Commission at the December 7, 2012 meeting for submission to the Legislative Oversight Commission on Education Accountability (LOCEA) for approval as well as for filing with the Secretary of State for a thirty-day public comment period.

Subsequently, LOCEA did not approve the emergency rule, which resulted in revisions to further clarify legislative intent. Additional changes have been made to the emergency and legislative rules, as a result of comments offered by ACCE. Mr. Mark Toor, Vice Chancellor for Human Resources, will summarize the changes made to the rules as a result of LOCEA's review and ACCE's comments. Staff recommends approval of the rules as presented and requests the ability to make any additional technical, non-substantive changes.



**Report to the Legislative Oversight Commission  
on Education Accountability**

**March 18, 2013**

**Title 135, Series 53, Legislative Rule  
Human Resources Administration**



**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2013 FEB 19 PM 2:38

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Council for Community and Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: §18B-1B-5, §18B-4-2a, §18B-7, §18B-8, §18B-9 and §18B-9A

AMENDMENT TO AN EXISTING RULE: YES  NO

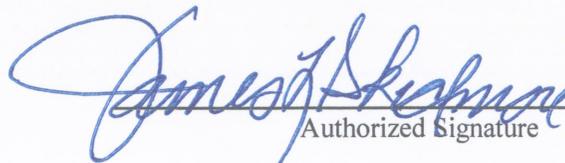
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 53

TITLE OF RULE BEING PROPOSED: Human Resources Administration

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

**TITLE 135  
LEGISLATIVE RULE  
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL  
COLLEGE EDUCATION**

**SERIES 53  
HUMAN RESOURCES ADMINISTRATION**

**§135-53-1. General.**

- 1.1. Scope. This rule establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Council for Community and Technical College Education (Council) and the public higher education institutions in West Virginia. It also provides guidelines for governing boards relative to decisions pertaining to public higher education employees.

The primary responsibility for implementation rests with the West Virginia Higher Education Policy Commission, in consultation with the Council, who shall provide leadership and assistance to the human resources professionals within each organization to bring about the changes successfully.

- 1.2. Authority. West Virginia Code §18B-1B-5, §18B-4-2a, §18B-7, §18B-8, §18B-9 and §18B-9A.
- 1.3. Filing Date. February     , 2013.
- 1.4. Effective Date. February     , 2013.
- 1.5. Repeals and replaces Title 135 Series 8, Sections 3, 10, 11, 18, and 19.

**§135-53-2. Purpose.**

- 2.1. The intent of this rule is to establish a statewide, integrated human resources structure capable of, but not limited to, meeting the following objectives.
- 2.1.a. Providing benefits to the citizens of the State of West Virginia by supporting the public policy agenda as articulated by state policymakers;
- 2.1.b. Addressing fiscal responsibility by making the best use of scarce resources and promoting fairness, accountability, credibility, transparency and a systematic (FACTS) approach to progress in personnel decision-making;

- 2.1.c. Building upon human resources best practices to prevent, reduce, or, wherever possible, eliminate arbitrary and capricious decisions affecting employees of higher education organizations;
- 2.1.d. Creating a stable, self-regulating human resources system capable of evolving to meet changing needs;
- 2.1.e. Providing for institutional flexibility with meaningful accountability;
- 2.1.f. Adhering to federal and state laws, promulgated and adopted rules;
- 2.1.g. Implementing, as appropriate, human resources best practices throughout the state higher education system;
- 2.1.h. Developing and implementing a classification and compensation system that is fair, transparent, understandable, easy to administer, self regulating, and adaptable to meet future goals and priorities;
- 2.1.i. Providing for careful consideration of the recommendations and supporting documentation contained in the Final Report of the Select Committee on Higher Education Personnel;
- 2.1.j. Encouraging organizations to pursue a human resources strategy which provides monetary and non-monetary returns to employees in exchange for their time, talents, and efforts to meet articulated goals, objectives and priorities of the State, the Council and the organization;
- 2.1.k. Maximizing the recruitment, motivation and retention of highly qualified employees, ensuring satisfaction and engagement of employees with their jobs, ensuring job performance and achieving desired results; and
- 2.1.l. Providing for recommendations from the Compensation Planning and Review Committee and the Job Classification Committee to be considered by the Council and to be included in the legislative reporting process.

**§135-53-3. Definitions.**

- 3.1. Base Salary. The amount or a rate of compensation for a specified position of employment or activity excluding annual experience increment and any other payments or allowances for work or activity unrelated to that specified position of employment.

- 3.2. Benchmark Job. A job that is commonly found and defined and is used to make pay comparisons, either within the organization or to comparable jobs outside the organization.
- 3.3. Benefits. Programs that an employer uses to supplement the cash compensation of employees, including but not limited to, health and welfare plans, retirement plans, pay for time not worked, and other employee perquisites.
- 3.4. Career Ladder. A structured sequence of related, upwardly progressing positions.
- 3.5. Chancellor. Chancellor refers to the chief executive officer of the West Virginia Council for Community and Technical College Education or the West Virginia Higher Education Policy Commission, as appropriate.
- 3.6. Classification System. An organized structure in which classified jobs, job descriptions, job titles, and job analyses are utilized to determine a hierarchy of jobs, career ladders and pay grade assignments.
- 3.7. Classified Employee. Any regular employee of an organization who holds a full-time or part-time position and is assigned a particular job and job title within the classification system established by this rule or by other duly promulgated and adopted rules of the Council.
- 3.8. Compensation. Earnings provided by an employer to an employee for services rendered.
- 3.9. Compensation Philosophy. The guiding principles that ensure that a compensation program supports an organization's culture.
- 3.10. Compensation Strategy. The principles that guide the design, implementation and administration of a compensation program at an organization for the purpose of supporting the organization's mission, vision, goals and objectives.
- 3.11. Employee Classification or Employee Class. There are three employee classes: classified, nonclassified and faculty.
- 3.12. External Market Compensation: The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market as provided for in the approved institutional salary rule.
- 3.13. Factor. A key position trait used to evaluate a classified position

according to a point factor system. The items are Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Breadth of Responsibility; Scope and Effect; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.

- 3.14. Full Funding. When an organization provides, in total, one hundred percent of the funds needed to meet the salary funding target reflected in the Temporary Higher Education Classified Employee Annual Salary Schedule, as calculated in October, 2010.
- 3.15. Generic Job Description. A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the specifications necessary to perform the work.
- 3.16. Hot Jobs. Jobs which are subject to market volatility and in high demand, usually for a temporary length of time, for which there is a low supply of available workers with the required education, skills and abilities.
- 3.17. Institutions. The following entities individually or collectively—Blue Ridge Community and Technical College; Bridgemont Community and Technical College; Eastern West Virginia Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College; New River Community and Technical College; Pierpont Community and Technical College; Southern West Virginia Community and Technical College; West Virginia Northern Community College and West Virginia University at Parkersburg.
- 3.18. Job. The total collection of tasks, duties, and responsibilities assigned to one or more individuals whose work is of the same nature and level.
- 3.19. Job Evaluation. A formal process used to evaluate classified jobs, establish proper pay grades, and slot jobs in pay grades.
- 3.20. Job Family. A series of job titles in an occupational area or group.
- 3.21. Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of location in the organization, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.
- 3.22. Major Deficiency. When an organization has failed to comply with federal or state law or with personnel rules of the Council as identified by the human resources review.

- 3.23. Meaningful Accountability. Measures that ensure adherence to rules and policies and provides for consequences for non-compliance.
- 3.24. Merit Increases. A discretionary salary increase given to an employee to reward demonstrated achievements in the performance of the duties and responsibilities of a position, as evaluated by criteria established by the organization.
- 3.25. Nonclassified Employee. An employee of an organization who holds a position that is not assigned a particular job and job title within the classification system established by this rule, or, by other duly promulgated and adopted rules of the Council and who meets one or more of the following criteria:
  - 3.2.5.a. Employee holds a direct policy-making position at the department or organization level; or
  - 3.2.5.b. Employee reports directly to the president or chief executive officer of the organization.
- 3.26. Nonclassified Job Description. A summary of the most important features of a job, including the general nature and level of the work performed.
- 3.27. Organizations. The following entities individually or collectively—Bluefield State College; Concord University; Fairmont State University; Glenville State College; Marshall University; Shepherd University; West Liberty University; West Virginia School of Osteopathic Medicine; West Virginia State University; West Virginia University, including Potomac State College and West Virginia University Institute of Technology; Blue Ridge Community and Technical College; Bridgemont Community and Technical College; Eastern West Virginia Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College; New River Community and Technical College; Pierpont Community and Technical College; Southern West Virginia Community and Technical College; West Virginia Northern Community College; West Virginia University at Parkersburg; the Office of the Higher Education Policy Commission; the Office of the Council for Community and Technical College Education; and the West Virginia Network for Educational Telecomputing.
- 3.28. Pay Grade. The level to which a job is assigned within a classification structure.
- 3.29. Peer Group. The job occupation group as recommended by the external vendor conducting the employee market salary study used to compare

where each employee category falls in relation to its relevant recruitment market.

- 3.30. Point Factor Methodology. A method used to evaluate job factors in order to determine the pay grade to which a classified position is assigned.
- 3.31. Position. A set of duties and responsibilities requiring employment of a single employee at a particular organization.
- 3.32. Position Information Questionnaire (PIQ). A tool used in the creation and evaluation of a classified position including the factors of Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Scope and Effect; Breadth of Responsibility; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.
- 3.33. President. A chief executive officer of an institution of higher education in West Virginia who reports to the institution's governing board.
- 3.34. Promotion. Movement from a classified position requiring a certain level of skill, effort, and authority into a vacant or newly created classified position assigned to a different job title and a higher pay grade that requires a greater degree of skill, effort, and authority.
- 3.35. Relative Market Equity. The relative market status of each employee classification at an organization falls within five (5) percent of all other employee classifications within the organization for the preceding three-year period. A comparison of the relative market status of the three distinct employee classes wherein the range from the class furthest from its market is within five (5) percent of the class closest to its market.
- 3.36. Relative Market Status. The calculated relationship between the average salary of each employee classification and its peer group.
- 3.37. Return Rights. The right of a nonclassified employee to return to either classified status or faculty status when provided for in the employee's contract or when an employee is involuntarily transferred to a nonclassified position; provided, however, that the return right either shall be provided for in West Virginia Code, or be in writing, a copy of which is to be provided to the employee and placed in the personnel file. For return to classified status, this writing must set forth the classified job title and pay grade. For return to faculty status, this writing must set forth the appropriate faculty track, and rank.
- 3.38. Salary Benchmarking. The process of market pricing a benchmark job.

- 3.39. Salary Schedule. A schedule consisting of a series of pay grades enacted by the Legislature or the Council.
- 3.40. Step. A standard progression in pay rate established within a pay grade.

**§135-53-4. Classification and Compensation System Goals and Objectives.**

- 4.1. The Council, in consultation with the Commission, shall implement, control, supervise, and manage a complete, uniform system of personnel classification and compensation for classified employee positions. The chief purposes of the system are to accomplish the following goals and objectives:
  - 4.1.a. Attract well qualified and diverse applicants.
  - 4.1.b. Retain and motivate employees to accomplish objectives, goals, and priorities in state law, rules of the Council, state-wide master plans for higher education, and institutional compacts.
  - 4.1.c. Retain and reward classified employees who make valuable contributions to state and organization goals, objectives and priorities.
  - 4.1.d. Compensate employees within an organization fairly in relation to one another.
  - 4.1.e. Compensate employees across the higher education system who are performing similar work at similar wage rates.
  - 4.1.f. Compensate employees at levels that are competitive with appropriate external markets and are fiscally responsible.
  - 4.1.g. Ensure that regular market salary analyses are performed to determine how organization compensation for all classes of employees compares to compensation in relevant external markets.
  - 4.1.h. Maintain a uniform system for classifying jobs and positions of an organization's classified employees.
  - 4.1.i. Move classified employees through the compensation system based on performance and other objective, measureable factors including education, years of experience in higher education and experience above position requirements.
  - 4.1.j. Assign each current employee to an initial step for his or her pay grade that is closest to and exceeds his or her current salary regardless of previous education, experience or performance. The

- salary of a current employee may not be reduced by a job reclassification, a modification of the market salary schedule, or other conditions that the Council and the Commission consider appropriate and reasonable.
- 4.2. The Council, in consultation with the Job Classification Committee (JCC), shall have in place a generic job description for every classified job title.
  - 4.3. The Council, in consultation with the JCC, shall develop a Position Information Questionnaire (PIQ) to be used by all organizations to gather data necessary for classification of positions.
    - 4.3.a. Each organization must ensure that a PIQ shall exist for every classified position. A PIQ shall be updated at least every three years for accuracy by the employee and supervisor and submitted to human resources. Submission of an updated PIQ does not constitute a request for a classification review. A formal request must be made pursuant to section six of this rule.
    - 4.3.b. Neither the employee nor the supervisor shall place duties in the employee's PIQ that the employee is not performing, but may be expected to perform in the future.
  - 4.4. Salary adjustments shall be made in accordance with the procedures for upgrades and downgrades specified in Council rule or rules. During the course of its reviews, should the JCC discover the systematic misapplication of the program by an organization, it shall notify the Chancellors, who will take the appropriate action warranted.
  - 4.5. Whenever the Chancellors, in consultation with the Vice Chancellor for Human Resources and the JCC determine that employees have been misclassified at the organizational level, they shall order that these classifications and salaries be immediately adjusted to the proper level.
  - 4.6. Absent fraud on the behalf of the employee, any overpayment to the employee because of an erroneous classification decision by an organization shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform.
  - 4.7. Provide that recommendations from the Compensation Planning and Review Committee (CPRC) and the JCC be considered by the Council and the Commission and be included in the legislative reporting process.

- 4.8. The Council and Commission may allow the CPRC to collapse the three lowest pay grades into a single pay grade and provide for employees to be paid at rates appropriate to the highest of the three lowest pay grades.
- 4.9. Pursuant to State law, the Council may not delegate to the JCC or the CPRC the following:
  - 4.9.a. Approval of a classification and compensation rule;
  - 4.9.b. Approval of the job evaluation plan;
  - 4.9.c. Approval of the annual market salary schedule; and
  - 4.9.d. Approval of the annual minimum salary schedule.

**§135-53-5. Job Classification Committee.**

- 5.1. The Council hereby establishes a Job Classification Committee (JCC). This committee shall replace the Job Evaluation Committee (JEC) upon the effective date of this rule. The Vice Chancellor for Human Resources shall serve as the Chair of the Job Classification Committee.
- 5.2. The JCC shall be comprised of four classified employees and six Human Resources specialists, ensuring representation from the Council institutions and the Commission institutions.
- 5.3. The Chancellor shall solicit nominations for JCC members from the Advisory Council of Classified Employees (ACCE) and the Chief Human Resources Officers (CHROs).
- 5.4. JCC members shall be appointed by the Chancellor of the West Virginia Higher Education Policy Commission, with concurrence of the Chancellor of the West Virginia Council for Community and Technical College Education, subject to approval by the Commission and Council.
- 5.5. An organization may have no more than two members serving on the Committee at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 5.6. Committee members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

- 5.7. The Council shall use a point factor methodology to classify jobs. The Council, in consultation with the Commission, may adjust the job evaluation plan, including the factors used to classify jobs and their relative values, if necessary.
- 5.8. Powers and duties of the Job Classification Committee include, but are not limited to, the following:
  - 5.8.a. Providing a system of audit for all job descriptions to make sure that the responsibilities of positions are accurately reflected;
  - 5.8.b. Modifying and deleting jobs and assigning job titles;
  - 5.8.c. Reviewing and revising job titles to make them consistent among organizations, including adopting consistent title abbreviations;
  - 5.8.d. Establishing job worth hierarchies and data lines for each job title;
  - 5.8.e. Classifying jobs, establishing proper pay grades, and placing jobs in pay grades consistent with the job evaluation plan;
  - 5.8.f. Determining when new job titles are needed and creating new job titles within the system;
  - 5.8.g. Recommending base pay enhancements for jobs for which the application of point factor methodology produces significantly lower salaries than external market pricing. The JCC may exercise this authority only if it reevaluates each job annually to make a determination whether the enhancement should be continued;
  - 5.8.h. Recommending a procedure for performing job family reviews for the joint approval of the Council and Commission;
  - 5.8.i. Determining appropriate career ladders within the classification system and establishing criteria for career progression;
  - 5.8.j. Hearing job classification appeals prior to commencement of the formal grievance process pursuant to Council rule or rules; and
  - 5.8.k. Developing operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.
- 5.9. The JCC shall meet monthly if there is business to conduct and also may meet more frequently at the call of the chair, given adequate lead time. A

majority of the voting members serving on the Committee at a given time constitutes a quorum for the purpose of conducting business providing that both classified staff and human resources representatives are present.

- 5.10. When evaluating jobs, the JCC shall use the following procedure:
  - 5.10.a. Each JCC member shall classify each job individually, independently of other members;
  - 5.10.b. The chair shall compile and share the individual evaluations with the whole JCC; and
  - 5.10.c. After discussing the issues and resolving differences, the JCC shall make a determination of the appropriate classification for each job. The Vice Chancellor for Human Resources shall communicate, in writing, the JCC's decision to the CHROs and members of the JCC within ten working days.

**§135-53-6. Classification Review Request of Existing Position.**

- 6.1. An incumbent classified employee or the employee's supervisor may request a PIQ review when significant changes occur in the principal duties and responsibilities of a classified position. To initiate the review, the employee and supervisor must revise the PIQ and submit it to Human Resources along with a formal request for a review. The request must include the date and the reason for such request.
  - 6.1.a. The responsibility for assigning tasks and duties to a position belongs to the supervisor.
  - 6.1.b. Requests for position reviews also may be initiated by an employee with Human Resources after discussion with the immediate supervisor.
  - 6.1.c. PIQ reviews also may be initiated by the institution's Chief Human Resources Officer or his/her designee after discussion with the immediate supervisor.
- 6.2. Within forty-five (45) working days from the date of the formal request for review of a PIQ, the institution's Chief Human Resources Officer or his/her designee shall report to the requestor in writing the result of the classification review.
- 6.3. An organization that fails to complete a review within the specified time shall provide the employee back pay from the date the request for review

was received if the review, when completed, produces a reclassification of the position into a job in a higher pay grade.

**§135-53-7. Classification Appeals Process.**

- 7.1. The objective of classifying a position is to determine job content and its relative worth. A job's title and description are based upon the duties and responsibilities of the position, not the characteristics of the individual holding the position.
- 7.2. In the event that a classified employee disagrees with a classification decision made at the organizational level, he/she may appeal that decision in writing to the Vice Chancellor for Human Resources for review by the JCC. Filing a classification appeal, however, shall not abridge the rights of a classified employee to file a formal grievance, using the statutory grievance process as set forth in West Virginia Code §6C-2-1 *et seq.*; provided, however, upon the simultaneous filing of a statutory grievance and a classification appeal to the Vice Chancellor for Human Resources by a classified employee, a request may be made, in writing, by the classified employee to hold the grievance in abeyance until the review by the JCC is completed and a classification decision is rendered by the JCC.
- 7.3. Time limits.
  - 7.3.a. The classified employee shall submit a completed "Classification Appeals Form" to the organization's Human Resources office within ten (10) working days from the date of receipt of the notice of the organization's classification decision.
  - 7.3.b. The organization's human resources staff shall render a decision on the appeal within five (5) working days whether the original decision shall be upheld.
  - 7.3.c. The classified employee shall have five (5) working days from the date of receipt of the notice upholding the original decision of the organization to appeal the action to the Vice Chancellor for Human Resources for submission to the JCC.
- 7.4. Upon receipt of the classified employee's appeal of the organization's decision, the Vice Chancellor for Human Resources shall forward the appeal to the JCC.
  - 7.4.a. The JCC shall review the Classification Appeals Form, the original PIQ, and all supporting documentation, submitted by a classified employee to the Human Resources Office.

- 7.4.b. The JCC may review comparable positions within the organizations, as defined in Section 3.27 of this rule.
- 7.4.c. The JCC shall notify the classified employee, and the organization's Human Resources Office, of its decision in writing, within twenty (20) working days from the date of receipt of the appeal to the Vice Chancellor for Human Resources. The notification shall specify the effective date should there be any change in status.
- 7.5. An appeal shall not be considered if based on any of the following reasons:
  - 7.5.a. Seniority. An appeal shall not be considered if it is based on the employee's length of service with the organization or with the state of West Virginia.
  - 7.5.b. Qualifications of the individual incumbent. An appeal shall not be considered if it is based upon the individual classified employee's qualifications. A classification determination is based upon the requirements in the PIQ necessary to perform the duties and responsibilities of the position.
  - 7.5.c. Anticipated future job responsibilities. An appeal shall not be considered if it is based upon responsibilities that may be included in the job assignment in the future.
  - 7.5.d. Job Performance. An appeal shall not be considered if it is based upon the performance of the incumbent or certain personality traits (e.g., loyalty, dedication, commitment to organization, hardworking, etc.). A classification determination is based upon the level and complexity of the duties and responsibilities outlined in the PIQ, not the characteristics of the individual holding the position.
  - 7.5.e. Salary within a salary range. An appeal shall not be considered if it is based upon the fact that an employee's salary is close to the maximum of a salary range or the relative position of the salary within the assigned salary range.
  - 7.5.f. Increase in the volume of work. An appeal shall not be considered if it is based on the volume of work rather than the level of responsibilities and complexity of the work.

**§135-53-8. Compensation Planning and Review Committee.**

- 8.1. The Council and Commission shall hereby establish and maintain a Compensation Planning and Review Committee (CPRC). The Vice Chancellor for Human Resources shall serve as the Chair of the CPRC.
- 8.2. The composition of the CPRC shall consist of the Vice Chancellor for Human Resources, the Vice Chancellor for Finance, two members representing the statewide Advisory Council of Classified Employees, one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; two members representing the Advisory Council of Faculty; one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; and two human resources administrators from institutions under the jurisdiction of the Council, and two human resources administrators from institutions under the jurisdiction of the Commission; and a president from each of the two systems.
- 8.3. The method for nominating CPRC members shall be representative of all the higher education organizations and affected constituent groups, including specifically providing for membership selections to be made from nominations from the Advisory Council of Classified Employees, the Advisory Council of Faculty, the human resources representatives, and the Council of Presidents group. The Presidents shall nominate a president from their respective systems. The Chancellors, jointly, shall appoint members from nominations made by these affected constituent groups and require approval of the Council and Commission before beginning service.
- 8.4. An organization may have no more than two members serving on the CPRC at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 8.5. The CPRC members shall develop operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.
- 8.6. The CPRC shall manage all aspects of compensation planning and review that the Council delegates to it, within the provisions of state law.
- 8.7. CPRC members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

- 8.8. The CPRC shall meet at least quarterly and at other times at the call of the Chair. A majority of the voting members serving on the CPRC at a given time constitutes a quorum for the purpose of conducting business, provided that at least one member from each constituent group is present.
- 8.9. The CPRC has powers and duties which include, but are not limited to, the following:
  - 8.9.a. Making annual recommendations for revisions in the system compensation plan, based on existing economic, budgetary and fiscal conditions or on market study data;
  - 8.9.b. Overseeing the five-year external market salary study;
  - 8.9.c. Overseeing the annual internal market review;
  - 8.9.d. Meeting at least annually with the JCC to discuss benchmark jobs to be included in salary surveys, market “hot jobs” that may require a temporary salary adjustment, results of job family reviews, and assessment of current job titles within the classification system for market matches and other issues as the Vice Chancellor for Human Resources, in consultation with the Chancellors, determines to be appropriate;
  - 8.9.e. Recommending to the Chancellors a process for their approval to recommend and calculate temporary salary adjustments and any time limits or reviews of these adjustments; and
  - 8.9.f. Performing other duties as assigned by the Council or Commission or as necessary or expedient to maintain an effective classification and compensation system.

**§135-53-9. Compensation: Classified Market Salary Structure and Minimum Salary Schedule.**

- 9.1. The Council and Commission shall develop and maintain a market salary structure and minimum salary schedule and ensure that all organizations under its jurisdiction adhere to state and federal laws and duly promulgated and adopted organization rules.
- 9.2. The Council and Commission shall jointly contract with a qualified external vendor to conduct a market salary study for each category of employees at least once within each five-year period. Based on the study results, the Council and Commission, in consultation with the CPRC, and taking into consideration the recommendations of the external vendor,

may take any combination of the following actions in regard to the classified market salary structure:

- 9.2.a. Adjust the number of pay grades;
  - 9.2.b. Adjust the point values necessary for a job to be assigned to a particular pay grade;
  - 9.2.c. Adjust the midpoint differentials between pay grades to better reflect market conditions; or
  - 9.2.d. Adjust the range spread for any pay grade.
- 9.3. The Commission, in consultation with the Council, may perform an annual review of market salary data to determine how salaries have changed in the external market. Based on supporting data derived from that review, the Council and Commission, with input from the CPRC, shall adjust the market salary structure. In the absence of a market salary study conducted by a qualified external vendor, the Council and Commission may not adjust the midpoint differentials between pay grades unless required to do so by a change in minimum wage or other laws or regulations and may not adjust the range spread for any pay grade.
- 9.4. The market salary structure serves as the basis for the following activities:
- 9.4.a. Evaluating compensation of classified employees in relation to appropriate external markets. The external market compensation for a job shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market; and
  - 9.4.b. Developing the minimum salary schedule to be adopted by the Council and Commission. No organization may compensate a classified employee at a salary rate of less than the minimum salary rate values provided for in the minimum salary schedule.
- 9.5. The market salary structure shall include the following criteria:
- 9.5.a. The number of pay grades and steps to be included in the structure;
  - 9.5.b. A midpoint value for each pay grade which represents the average salary of jobs in that pay grade. The Council and Commission may choose a midpoint step value at its discretion, based on its compensation philosophy, which need not be based exclusively on market salary data; and

- 9.5.c. The minimum and maximum step values based on an established range spread, as well as values for other steps in the salary structure.
- 9.6. The Council and Commission may annually approve a minimum salary schedule that sets forth a compensation level for each step and pay grade below which no organization employee may be paid.
- 9.7. The minimum salary floor for each pay grade and step on the minimum salary schedule shall be at an appropriate percentage of the most recent annual market salary data, to be determined by the Council and Commission. The Council and Commission also shall consider the minimum wage and other laws that ensure that employees earn a living wage and shall maintain a salary structure which ensures that the average salary of each class of employees meets relative market equity among employee classes. The Council and Commission may take into consideration other factors they consider appropriate.
- 9.8. The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market, as provided for in the approved institutional salary rule.
- 9.9. The salary of a classified employee working fewer than thirty-seven and one-half hours per week shall be prorated. The organization's salary rule may provide for differential pay for certain classified employees who work different shifts, weekends or holidays.
- 9.10. Merit increases may be granted if they are in accordance with state code and with duly promulgated rules of the Council.

**§135-53-10. Salary Benchmarking.**

- 10.1. The Council and Commission will utilize an experienced compensation consultant to perform the functions related to salary benchmarking.
- 10.2. Job descriptions representative of all categories of employees will be reviewed to ensure that the duties and responsibilities are understood so that appropriate matches can be made to benchmark positions. The following guidelines will be used for benchmark selection:
  - 10.2.a. Representation of all job families and levels throughout the system.
  - 10.2.b. Highly populated jobs.

10.2.c. Jobs found in most of the system institutions.

10.2.d. Jobs with recruitment or retention problems.

10.2.e. Geographic differentials as necessary will be used to ensure that the data are reflective of the labor market and economic conditions.

**§135-53-11. Full Funding: Temporary Higher Education Classified Employee Annual Salary Schedule.**

- 11.1. Once the Council has certified that an organization under its jurisdiction has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule, the organization's governing board has the authority to pay classified employees in excess of the salary on the Temporary Higher Education Classified Employee Annual Salary Schedule for their pay grade and years of experience, as long as the governing board has a salary rule in place ensuring that salary increases above the salary schedule are distributed equitably and in a manner consistent with the uniform classification and compensation system.
- 11.2. An organization has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule when it provides, in total, one hundred percent of the funds needed to meet the salary funding target as calculated in October 2010. When an organization is fully funded, the Chancellor shall provide official certification that the organization has attained full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule.
- 11.3. Until an organization is fully funded or making appropriate progress as defined in this rule, the following restrictions apply:
  - 11.3.a. Classified salary increases distributed within the organization shall be provided in accordance with the uniform classification and compensation system established by §18B-9-1 et seq.
  - 11.3.b. An organization may not provide discretionary salary increases including performance or merit based increases to the president or chief executive or any group or class of employees, other than classified employees.
- 11.4. An organization is considered to be making appropriate progress when it has funded at least twenty-five percent of the amount needed to reach full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule by July 1, 2013; has funded at least fifty percent of the calculated amount by July 1, 2014; has funded at least seventy-five

percent of the calculated amount by July 1, 2015 and has funded one hundred percent of the calculated amount by July 1, 2016.

- 11.5. Until such time that a new salary schedule is implemented, the current Temporary Higher Education Classified Employee Annual Salary Schedule, consisting of a minimum annual salary for each pay grade in accordance with experience in West Virginia higher education or West Virginia state government, shall be in place. An employee is considered equitably compensated if his or her salary is at the minimum salary on the Temporary Higher Education Classified Employee Annual Salary Schedule that is required for his or her pay grade and years of experience on the July 1, 2001 salary schedule.

**§135-53-12. Classification System Methodology Audit.**

- 12.1. By July 1, 2014 and at least once within each five year period thereafter, the Council and Commission shall review the effectiveness of the system for classifying jobs and submit an in-depth report to the Legislative Oversight Commission on Education Accountability. The report shall include, but is not limited to, findings, recommendations and supporting documentation regarding the following job classification issues:
  - 12.1.a. The effectiveness of the point factor methodology and a determination of whether it should be maintained; and
  - 12.1.b. The status of the job evaluation plan, including the factors used to classify jobs or their relative values, and a determination of whether the plan should be adjusted.

**§135-53-13. Nonclassified Employees.**

- 13.1. By July 1, 2013, the percentage of personnel placed in the category of nonclassified may not exceed twenty-five percent of the total number of classified and nonclassified employees of that organization.
- 13.2. Except as otherwise provided for in this rule, by July 1, 2015, the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization.
- 13.3. Organizations may request an extension to July 1, 2016, to comply with the requirement that the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization. If an extension is granted, it may not exceed twenty-five percent and it must be

approved in advance of implementing such extension, by both the institution's governing board and the Council.

- 13.4. In establishing return rights of a nonclassified employee to classified status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate the job title and pay grade. If the institution's compensation system establishes discretion as to placement on the salary schedule, then an indication of that placement must be specified.
- 13.5. In establishing return rights of a nonclassified employee to faculty status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate faculty track, tenure status if any, faculty rank if any, faculty job title, faculty compensation rate, and if non-tenured, whether the faculty status would be for a term, defined in the document, or for the remainder of the academic or fiscal year following separation from nonclassified status.
- 13.6. Classified employees who were involuntarily transferred to non-classified positions have the right to return to classified positions based on West Virginia Code provisions.
- 13.7. When an organization counts, as faculty or classified staff, those administrators who retain the right to return to faculty or classified positions, these designations apply only to the calculation of the organization's compliance with the statutory maximum ratio of nonclassified employees and are to be treated and counted as nonclassified employees for all other purposes. An organization shall report to the Council all nonclassified employees who retain return rights to either a classified or faculty position in the category of "nonclassified" in all data submissions or analysis other than the determination of the ratio of nonclassified employees, including but not limited to the analysis of relative market equity.
- 13.8. The current annual salary of a nonclassified employee may not be reduced if his or her position is redefined as a classified position solely to meet the requirements of West Virginia Code §18B-7-11. If such a nonclassified employee is reclassified, his or her salary does not constitute evidence of inequitable compensation in comparison to other employees in the same pay grade.

**§135-53-14. Employee Performance Evaluations.**

- 14.1. After a classified employee's probationary period, during which 3-month and 6-month probationary performance evaluations are required, each employee shall receive a written evaluation of his or her job related

performance on an annual basis. A copy of the evaluation document shall be placed into the employee's personnel file and must include confirmation, through a physical or an electronic signature of the employee, signifying that the employee has participated in the evaluation process.

- 14.2. Organizations shall conduct regular performance evaluations of non-classified employees and faculty as well as classified employees.
- 14.3. Each organization shall develop a consistent, objective performance evaluation system and evaluation instrument(s).
- 14.4. Organizations shall train supervisors in the best practices of conducting employee performance evaluations.
- 14.5. Supervisors who fail to conduct evaluations of those employees who report to them, according to their organization's policies, may be subject to disciplinary action.

**§135-53-15. Training and Development.**

- 15.1. The Vice Chancellor for Human Resources shall carry out the following duties related to training and development:
  - 15.1.a. Analyzing and determining training needs of organization employees and formulating and developing plans, procedures and programs to meet specific training needs and problems. Successful completion of these tasks requires the Vice Chancellor for Human Resources to work closely with and communicate regularly with the training and development coordinators employed by each organization.
  - 15.1.b. Developing, constructing, maintaining and revising training manuals and training aids or supervising development of these materials by outside suppliers.
  - 15.1.c. Planning, conducting, and coordinating management inventories, appraisals, placement, counseling and training.
  - 15.1.d. Coordinating participation by all employees in training programs developed internally or provided by outside contractors.
  - 15.1.e. Administering and analyzing an annual training and development needs survey. The survey may coincide with the completion of the annual performance review process.

- 15.1.f. Developing model supervisor training programs in order to provide guidance in best practices related to supervision of subordinates and compliance with federal and state employment laws and rules of the Council.
- 15.1.g. Developing training and professional development programs for personnel who administer human resources functions at each organization in response to performance reviews of those personnel, which are conducted at least once every three years.
- 15.2. The Council shall assist organization human resources professionals in applying Fair, Accountable, Credible, Transparent, and Systematic (FACTS) principles to all human resources functions and shall provide model training programs to organizations upon request for assistance.
- 15.3. Funds allocated or made available for employee continuing education and development may be used to compensate and pay expenses for faculty or staff pursuing additional academic study or training to better equip themselves for their duties.
- 15.4. Subject to legislative appropriation therefore, the Council shall provide additional, regular training and professional development for human resources employees and any appointees to committees appointed by this rule. The training and development shall be:
  - 15.4.a. Mandatory with appropriate consideration given to limiting travel demands on employees; and
  - 15.4.b. In addition to and may not supplant the training and professional development regularly provided to any class of employees by each organization.
- 15.5. An account of the total amount, type of training or professional development provided, the number of employees who participated and the overall cost of the training and professional development provided to employees shall be provided to the Council by the organizations as part of the annual personnel reports at a time designated by the Council.

**§135-53-16. Organizational Rules.**

- 16.1. Each institution shall amend any of its policies/rules to comply with the Council's rule or rules no later than six months after the effective date of any change in statute or Council rule or rules, unless a different compliance date is specified within the statute or rule containing the requirements or mandate.

- 16.2. An institution may not adopt a rule, as mandated by this subsection, until it has consulted with the appropriate employee classes affected by the institution's rule or rule's provisions. At a minimum, consultations with the institutional Classified Employees Council (staff council) and/or the institutional Faculty Senate (faculty senate), as appropriate, shall take place.
- 16.3. If an institution fails to adopt a rule or rules as mandated by this subsection, the Council may prohibit it from exercising any flexibility or implementing any discretionary provision relating to human resources contained in statute or in a Council rule until the organization's rule requirements have been met.
- 16.4. An institution may exercise additional flexibility or areas of operational discretion identified in statute or in Council rule or rules when it meets the following requirements:
  - 16.4.a. Receives certification from the Council that the institution has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule or is making appropriate progress toward achieving full funding.
  - 16.4.b. Promulgates a comprehensive salary rule or rules as required by statute.
  - 16.4.c. Receives approval for the salary rule from the Chancellor.
  - 16.4.d. Adopts the rule by vote of the institution's governing board.
- 16.5. The Chancellor or his or her designee has the authority and the duty to review each institution's salary rule or rules and to recommend changes to the rule or rules to bring them into compliance with state and federal law, Council rule or rules or legislative and Council intent. The Chancellor may reject or disapprove any rule or rules, in whole or in part, if he or she determines that it is not in compliance with any law or rule/rules or if it is inconsistent with Legislative and Council intent or does not sufficiently address and include measures that foster meaningful accountability of the institution to this rule, its own rules and state and federal law.

**§135-53-17. Organizational Accountability.**

- 17.1. The Council shall conduct a systematic human resources review of each organization by an external vendor possessing experience and expertise in conducting these reviews every five years, subject to Legislative appropriation. The first review shall be completed no later than June 30, 2013.

- 17.2. The review shall focus on highlighting strengths and identifying and correcting any deficiencies in complying with state and federal law and in adhering to personnel rule or rules of the Council.
- 17.3. The Council shall provide organizations with reasonable notice prior to conducting a human resources review and shall identify the subjects to be examined in the review.
- 17.4. A major deficiency means an organization has failed to comply with federal or state law or with personnel rules of the Council. The following guidelines exist for correcting deficiencies should any be found:
  - 17.4.a. When a major deficiency is identified, the Council shall notify the governing board of the institution in writing within forty working days, giving particulars of the deficiency and outlining steps the governing board is required to take to correct the deficiency.
  - 17.4.b. The governing board shall correct the major deficiency within four months and shall notify the Council when the deficiency has been corrected; however, extensions of this time frame may be requested and granted by the Council.
- 17.5. If the governing board fails to correct the major deficiency or fails to notify the Council that the deficiency has been corrected within a period of four months from the time the governing board receives notification, the Council shall apply sanctions as specified:
  - 17.5.a. A formal reprimand shall be placed in the personnel file of each key administrator who shares responsibility and has operational authority in the area of the identified deficiency. The maximum period of time this reprimand shall remain in the personnel file shall be one year.
  - 17.5.b. Other sanctions may include, but are not limited to, suspending new hiring by the organization and prohibiting compensation increases for key administrators who have authority over the areas of major deficiency until the identified deficiencies are corrected.
- 17.6. To the extent that major deficiencies are identified relative to the Council central office the sanctions described above shall be applicable.
- 17.7. The Vice Chancellor for Human Resources shall report annually to the Council on each institution under its jurisdiction on its adherence to this rule, the institution's own rules and both state and federal law regarding personnel and accountability.



- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

February 19, 2013

---

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

James L. Skidmore, Chancellor

WV Council for Community and Technical College Education

1018 Kanawha Blvd., East, Suite 700

Charleston, WV 25301

Phone: 304-558-0265

Fax: 304-558-1646

skidmore@wvctcs.org

---

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

SAME

---

---

---

---

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

---

---

---

---

b. Date of hearing or comment period:

---

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

---

d. Attach findings and determinations and reasons:

Attached 

---



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

Nelson B. Robinson Jr., Chair • James L. Skidmore, Chancellor

**SUMMARY**

Title 135

Legislative Rule

WV Council for Community and Technical College Education

Series 53

*Human Resources Administration*

This rule establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Council for Community and Technical College Education (Council) and the public higher education institutions in West Virginia. It also provides guidelines for governing boards relative to decisions pertaining to public higher education employees.



West Virginia Higher Education Policy Commission  
West Virginia Community and Technical College System



1018 Kanawha Boulevard East, Suite 700  
Charleston, WV 25301  
(304) 558-2101

[www.hepc.wvnet.edu](http://www.hepc.wvnet.edu)  
[www.wvcctcs.org](http://www.wvcctcs.org)

David K. Hendrickson  
Chair

Paul L. Hill  
Chancellor

Robert L. Brown  
Chair

James L. Skidmore  
Chancellor

## Summary of Comments and Responses on Series 53 Rule

Comment: A comment questioned the modification of the definition of “peer group” from that contained within *West Virginia Code* §18B-1-2.

Response: The definition of “peer group” was refined to track the statutory definition while making it consistent with compensation principles.

Comment: A comment proposed to include a definition for “meaningful accountability.”

Response: Two sections were modified/added to address “meaningful accountability.”

Comment: Comments were received on several references to the “Commission and the Council” and suggested modification to “Commission *in consultation with the Council.*”

Response: The proposed changes were adopted.

Comment: A comment was received suggesting an amendment to the composition of the Job Classification Committee to create equal representation between Human Resource Specialists and ACCE members on the committee.

Response: No change was made to the composition of this committee on grounds that the work of the committee is largely technical in nature and should be performed primarily by those with professional qualifications and broader experience in the classification field.

Comment: A suggestion was made to include the word “maintain” with respect to minutes of the Job Classification Committee.

Response: This suggestion was incorporated into the rule.

Comment: A comment asked for clarification of the position review appeals process.

Response: Clarifying language was added better to define the steps in the appeals process.

Comment: A suggestion was made to include reference to peer group organizations as a resource for a review of “comparable positions” in a position review appeal.

Response: This suggestion was incorporated into the rule.

Comment: A suggestion was made to refine the language under “Job Performance” as an illegitimate basis for an appeal of a position review.

Response: This suggestion was incorporated into the rule.

Comment: Comments were received regarding the composition of the Compensation Planning and Review Committee.

Response: Changes to the composition of this committee were proposed by the Commission and the Council and were adopted by LOCEA in the Emergency Rule.

Comment: A proposal was received to require at least one member of each affected constituent group to be present in order to establish a quorum on the Compensation Planning and Review Committee.

Response: This suggestion was incorporated into the rule.

Comment: A comment questioned the undefined term “living wage.”

Response: This term was removed from the rule.

Comment: A comment suggested the necessity to conduct a market compensation study every five years to include all three classes of employees so as to be able to assess relative market equity.

Response: This suggestion was incorporated into the rule.

Comment: A comment sought to limit the capacity of an individual institutional salary rule to dictate a relevant recruitment market.

Response: This suggestion was incorporated into the rule.

Comment: A suggestion was made that the change to the definition of “peer group” affected a change in the relevant recruitment market.

Response: The amendment to the definition of “peer group” addresses this concern and no change was made to the language of the rule.

Comment: A comment proposed to limit the use of merit increases in pay.

Response: This proposal was rejected by the Commission and the Council.

Comment: A suggestion was made to change the word “engage” to “utilize” with respect to the hiring of an outside consultant to conduct a market survey.

Response: This suggestion was incorporated into the rule.

Comment: A comment suggested that job descriptions of all classes of employees would be required for salary benchmarking purposes.

Response: This suggestion was incorporated into the rule.

Comment: A comment—recognizing that it would require a change in the law—proposed to amend the date against which each institution’s fully funded status would be tested.

Response: This comment was rejected as the date is set by the statute.

Comment: A comment challenges the law's requirement that certain non-classified and faculty positions be counted as classified for purposes of testing the 80/20 classified-to-non-classified employee ratio.

Response: This comment was rejected since the rule tracks the language of the law in this regard. Some language was added to emphasize that such positions would be treated as classified only for the purpose of calculating the ratio.

Comment: A few comments addressed the need to ensure that performance evaluations are regularly conducted of all employees and to provide supervisor training for this function.

Response: Most of these comments were incorporated into the rule.

Comment: A suggestion proposed to require consultation with Institutional Classified Employee Council (as opposed to ACCE) and Institutional Faculty Senate (as opposed to ACF) before the adoption of an institution's rule.

Response: This suggestion was incorporated into the rule.