



STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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Vertical Tabs

1. Agency and Contact Information

1A1. Agency Name:

West Virginia Council for Community and Technical College Education

1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):

The West Virginia Higher Education Policy Commission has licensing and approval authority for all private degree-granting institutions and for all for-profit proprietary schools offering degrees at the associate degree and below. In addition the Council has authority to issue permits for business, occupational or trade schools that conduct classes or instruction designed to prepare an individual for employment or enhance employment skills.

1A3. Agency Contact - Please review and correct as necessary the contact information below:

Degree Granting Institutions

Mark Stotler Director of Academic Programming West Virginia Higher Education Policy Commission
304-558-0261

mark.stotler@wvhepc.edu [1]

Business, Occupational and Trade Schools Renee Harvey

Grants Administrator

West Virginia Council for Community and Technical College Education
304-558-0265

havey@wvctcs.org [2]

Online inquires should be directed to Keri Ferro, Director of Statewide Academic Initiatives, West Virginia Higher Education Policy Commission 304-558-0261 keri.ferro@wvhepc.edu [3].

1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:

Degree Granting Institutions

Mark Stotler
Assistant Director of Academic Affairs
West Virginia Higher Education Policy Commission
304-558-0262
stotler@hepc.wvnet.edu [4]

Business, Occupational and Trade schools Renee Harvey Grants Administrator
West Virginia Council for Community and Technical College Education
304-558-0265 harvey@wvctcs.org [5]
Questions regarding online authorization should be directed to Keri Ferro, Director of Statewide Academic Initiatives 304-558-0261 keri.ferro@wvhepc.edu [3].

1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:

[Link to home page](#) [6]
[Initial Authorization Degree Granting Institutions](#) [7]
[Business, Occupational and Trade Schools](#) [8]

1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:

West Virginia Higher Education Policy Commission

1C2. If the division of responsibility among these agencies is not clear, please explain:

Responsibility for approval/authorization is dependent on the level and type of degree being offered or the type of training being offered. The two agencies share common staff who will work together to ascertain the appropriate policy.

2. Types of Educational Providers Authorized

2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:

Public, out-of-state degree granting institutions
Private, in-state, not-for-profit degree granting institutions
Private, out-of-state, not-for-profit degree granting institutions
Private, in-state, for-profit degree granting institutions
Private, out-of-state, for-profit degree granting institutions
Non-degree, not-for-profit institutions
Non-degree, for-profit institutions

2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):

Yes

2B2. If so, please explain:

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

2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:

Yes

2C2. If yes, please explain:

Yes, for degree granting institutions

2C3. If yes, what type of accreditation is required? Please check all that apply:

Regional

National

2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:

Both Institutions and Programs

2D2. Clarifying comments:

For institutions with a physical location in the state authorization is for the institution not individual programs. The review may include identification of programs. If an out-of-state institution wants to physically offer programs/courses in the state, we may provide approval for specific programs for a specified period of time.

3. Exemptions

3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:

Yes

3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:

Series 20 exemptions outlined in Section 4: Out-of-state institutions offering 1) courses through brokering or other collaborative arrangements with a West Virginia public institution which supports programmatic offerings of the state institution, 2) short course or seminar in which the instruction for the segment takes no more than twenty classroom hours or 3) courses or programs on a military installation solely for military personnel or civilians employed at the installation.

Series 35 exemptions are identified in section 3:

<http://webhost-wp.wvnet.edu/wvctcs/wp-content/uploads/sites/15/2017/01/S...> [8].

3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:

File a request for an exemption with the Council

3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:

No

4. Authorization of Distance Education

4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:

No

4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard:

Yes

4B2. Clarifying comments:

Physical presence.

5. Physical Presence Policy – Common “Triggers”

5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:

See Section 3.11 of Series 20

<http://webhost-wp.wvnet.edu/wvctcs/wp-content/uploads/sites/15/2016/05/S...> [7].

INSTRUCTIONAL ACTIVITIES

5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:

Yes

5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:

Yes

5B2c. Does this apply only to distance education students or more generally:

More Generally

5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:

Yes

5B3c. Does this apply only to distance education students or more generally:

More Generally

PROPERTY IN THE STATE

5B4a. Maintaining a location (physical building) in the state that is used for instructional activity:

Yes

5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:

Yes

5B7a. Maintaining an in-state address or phone number, regardless of use:

Yes

RECRUITING ACTIVITIES

5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:

Yes

5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):

Yes

THIRD PARTY AGREEMENTS/CONTRACTS

5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):

Yes

5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:

Yes

5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:

Yes

ADVERTISING

5B12a. Advertising in local media sources that are largely viewed by residents of the state :

Yes

5B13a. Advertising in national media sources that can be accessed by residents of the state:

No

EMPLOYMENT IN THE STATE

5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:

No

5B14b. Clarifying Comments:

Unless that faculty has direct contact with students in the state

5B14c. What about adjunct faculty:

No

5B14d. Clarifying Comments:

Unless the adjunct has direct contact with students in the state

5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:

No

5B15c. What about adjunct faculty:

No

5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:

Yes

OTHER

6. Application Process

6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:

Degree granting:

Submit a self-study report to the commission and fee after consultation with Academic Affairs staff.
Recommend contacting the Commission for details on expectations of the self-study report.

Business, Occupational or Trade School:

Submit an application for a permit following the guideline of Series 35 (section 4)

<http://www.wvctcs.org/downloads/RulesPolicies/HEPC/133-35.pdf> [9]

Online institutions must request and submit an online form to determine whether physical presence is triggered.

6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:

Degree Granting: 6-12 months for institutions physically locating here with a permanent site. Business, Occupational or Trade Schools: 1-2 months. Online institutions: One week

6C. Duration - What is the authorization duration:

Authorizations for degree granting institutions not physically locating a permanent site in the state may be authorized for a period of 1-4 years.

Degree Granting institutions must be reauthorized annually.

Business, Occupational and Trade schools must renew permit annually.

Online: annual authorization

6D. Maintenance - What does an institution need to do to maintain authorization:

Degree granting: Maintain appropriate accreditation and bonding. Submit annual data for Reauthorization process.

Business, Occupational or Trade schools: Annual renewal of permit is required which would be accompanied by an annual report and evidence of appropriate accreditation or regulatory authority.

6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:

Degree Granting: Degree granting institutions must submit data on a number of elements including such items as enrollment, retention rates, graduation rates, loan default rates, accreditation status and fees. The information is to be submitted annually. The data is summarized on the Council web site.

Business, Occupational and Trade Schools must submit annual reports annually when renewing their permit.

6F. Loss of Status - Can an institution lose its authorized status? If so, how?:

Revoking authorization for degree granting institutions may occur based on good cause as outlined in Section 10 of Series 20 <http://webhost-wp.wvnet.edu/wvctcs/wp-content/uploads/sites/15/2016/05/S...> [7]. Grounds for the revocation of a permit for Business, Occupational or Trade School are outlined in section 14 of series 35 <http://www.wvctcs.org/downloads/RulesPolicies/HEPC/133-35.pdf> [9]

6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:

Not specifically mentioned in policy. Would need to be reviewed on a case-by-case basis.

6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:

No

7. Fees Associated with Authorization

7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:

Yes, if actually locating in the state the initial application fee for a degree granting institution is \$6,000. However, the fee may be waived for an online institution located elsewhere.

Business, Occupational or Trade School:

Any person applying for a permit to solicit students or operate a school shall submit an initial application fee of \$2,000.

Online authorization: \$500

7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):

Surety bond is required. Degree granting institution is responsible for costs associated with a site visit.

7C. Renewal Costs - What are the costs, if any, to renew authorization:

Degree granting: A \$500 fee must accompany the submission of an annual report while an institution maintains Probationary State Authorization status. There is an annual reauthorization fee of \$500.

Business, Occupational or Trade School: Any person applying for a permit renewal shall pay a fee of \$500.

Online renewal: \$500.

8. Interstate Reciprocity

8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:

State regulations do not specifically address reciprocal agreements for authorization.

8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:

West Virginia does participate in the State Authorization Reciprocity Agreement (SARA) with respect to online programs.

9. Consumer Protection and Student Complaints

9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs?:

Yes

9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:

Degree granting institutions:

Student complaint process is provided on the WV Higher Education Policy Commission web site <http://www.wvhepc.edu/wp-content/uploads/2015/10/Student-Complaint-Proce...> [10] .

Business, Occupational or trade Schools:

Student complaints can be found in Section 13 of Series 35.

<http://www.wvctcs.org/downloads/RulesPolicies/HEPC/133-35.pdf> [9]

9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):

No

9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:

Matt Turner Executive Vice Chancellor for Administration, WV Higher Education Policy Commission
1018 Kanawha Blvd., E. Suite 700
Charleston, WV 25301
Phone: 304-558-4016
Email: matt.turner@wvhepc.edu [11]

10. Enforcement

10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:

A letter to cease and desist would first be provided. Possible legal action would follow with the Attorney General if that is unsuccessful.

10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:

Degree granting institutions authorized under Series 20 have the right to appeal a decision to terminate authorization to offer degrees. For Business, Occupational or Trade Schools, appeals are provided for in section 14 of Series 37,

<http://www.wvctcs.org/downloads/RulesPolicies/HEPC/133-35.pdf> [9].

11. Legislative or Regulatory Changes

11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:

No

11B1. Federal Regulations - Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:

No

Source URL: http://sheeo.org/sheeo_surveys/user/79

Links

[1] <mailto:mark.stotler@wvhepc.edu>

[2] <mailto:havey@wvctcs.org>

[3] <mailto:keri.ferro@wvhepc.edu>

[4] <mailto:stotler@hepc.wvnet.edu>

[5] <mailto:harvey@wvctcs.org>

[6] <http://www.wvctcs.org/>

[7] http://webhost-wp.wvnet.edu/wvctcs/wp-content/uploads/sites/15/2016/05/Series_20_Final_Effective.pdf

[8] <http://webhost-wp.wvnet.edu/wvctcs/wp-content/uploads/sites/15/2017/01/Series-35-Legislative-Rule-Agency-Approved-.pdf>

[9] <http://www.wvctcs.org/downloads/RulesPolicies/HEPC/133-35.pdf>

[10] <http://www.wvhepc.edu/wp-content/uploads/2015/10/Student-Complaint-Process-revised-3.pdf>

[11] <mailto:matt.turner@wvhepc.edu>