



SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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West Virginia Higher Education Policy Commission

Vertical Tabs

1. Agency and Contact Information

1A1. Agency Name:

West Virginia Higher Education Policy Commission

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 above the associate degree. In addition, the Commission has approval for any out-of-state degree granting institution that desires to offer courses/programs in the state.

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

For authorization by institutions wishing to locate in the State contact: Mark Stotler
Director of Academic Programming West Virginia Higher Education Policy Commission
304-558-0261
mark.stotler@wvhepc.edu [1].

For online institutions wishing to be authorized contact: Keri Ferro Director of Statewide Academic Initiatives West Virginia Higher Education Policy Commission 304-558-0261 keri.ferro@wvhepc.edu [2]

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

Physical location: Mark Stotler Director of Academic Programming West Virginia Higher Education Policy Commission
304-558-0261 mark.stotler@wvhepc.edu [1]

Online authorization: Keri Ferro Director of Statewide Academic Initiatives West Virginia Higher Education Policy Commission 304-558-0261 keri.ferro@wvhepc.edu [2]

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](#) [3]

[Link to Regulations](#) [4]

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 Council for Community and Technical College Education

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

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

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:

Institutions Only

2D2. Clarifying comments:

If an institution has a permanent physical site in the State, authorization is for the institution. If an out-of-state institution wants to offer programs/courses in the state without establishing a permanent presence, we may provide approval for specific courses or 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:

Out-of-state institutions offering 1) courses through brokering or other collaborative arrangements with a WV public institution which supports programmatic offerings of the state institution, 2) short courses or seminar in which the instruction for the segment takes no more than twenty classroom hours or 3) courses or programs on a military installation solely for military personnel or civilians employed at the installation. Section 4.1 of Series 20: <https://www.wvhepc.org/resources/133-20.pdf> [5]

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 Commission.

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:

<https://www.wvhepc.org/resources/133-20.pdf>. [6] Physical presence is defined in section 3.11.

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

5B5a. Maintaining a location (physical building) in the state that is used ONLY for non-instructional activity (administration, recruitment, etc.):

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

5B8d. Clarifying Comments:

Determined on a case by case basis

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 that 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:

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.

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:

6-12 months for institutions physically locating here with a permanent site.

6C. Duration - What is the authorization duration:

Authorizations other than those cited in the previous question may be for a period of 1-4 years.

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

Maintain appropriate accreditation and bonding.

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:

Institutions authorized under the provisions of Series 20 are required to submit data on a number of elements including compliance with the essential conditions outlined in Series 20, graduation rates, accreditation status and fees. The information is to be submitted annually. All degree-granting institutions in the State must be reauthorized annually under the provision of Series 52 https://www.wvhepc.org/resources/Series_52_5-2-13.pdf [7].

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

Revoking authorization may occur based on good cause as outlined in Section 9.1 of Series 20 or a finding that an institution is not in compliance as determined by the annual report.

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 there is an application fee of \$6,000. However, the fee may be waived for an online institution located elsewhere.

Online institutions with a physical presence are subject to an annual fee of \$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. Institution is responsible for costs associated with a site visit.

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

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

8. Interstate Reciprocity

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

There are no reciprocal agreements regarding authorization with the exception of SARA for online education. The Commission does have the authority to participate in the the SARA initiative (State Authorization Reciprocity Agreement).

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:

A link to the student complaint process is provided on the Commission home page
<http://www.wvhepc.edu/wp-content/uploads/2015/10/Student-Complaint-Proce...> [8].

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

9A4. If available, please provide a web link to the complaint form:

[Student Complaint Process](#) [8]

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 [9]

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 by the Attorney General would follow 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:

If State authorization is terminated, there is an appeals process spelled out in section 11 of Series 20
https://www.wvhepc.org/resources/Series_20_5-2-13.pdf [4].

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/80

Links

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

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

[3] <http://wvhepc.edu/>

[4] https://www.wvhepc.org/resources/Series_20_5-2-13.pdf

[5] <https://www.wvhepc.org/resources/133-20.pdf>

[6] <https://www.wvhepc.org/resources/133-20.pdf>.

[7] https://www.wvhepc.org/resources/Series_52_5-2-13.pdf

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

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