

1 **ENROLLED**

2 **Senate Bill No. 375**

3 (BY SENATORS WELLS, PLYMALE, CHAFIN AND STOLLINGS)

4 _____
5 [Passed March 12, 2011; in effect from passage.]
6 _____

7
8
9
10 AN ACT to amend and reenact §18B-4-7 of the Code of West Virginia,
11 1931, as amended, relating to authority of institutions of
12 higher education to confer degrees; applicability of
13 provisions; minimum standards; requiring collection and
14 dissemination of certain information; authorizing certain
15 reviews and audits; and providing for revocation of degree-
16 granting authority under certain conditions.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §18B-4-7 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

20 **ARTICLE 4. GENERAL ADMINISTRATION.**

21 **§18B-4-7. Accreditation of institutions of higher education;**
22 **standards for degrees.**

23 (a) The council shall make rules for the accreditation of
24 community and technical colleges in this state and shall determine

1 the minimum standards for conferring degrees. The commission shall
2 make rules for the accreditation of colleges and universities in
3 this state except the governing boards of Marshall University and
4 West Virginia University shall make rules for their respective
5 institutions, and each shall determine the minimum standards for
6 conferring degrees. The governing boards of Marshall University
7 and West Virginia University shall promulgate rules pursuant to the
8 provisions of section six, article one of this chapter for the
9 accreditation of their respective institutions.

10 (b) An institution of higher education may not confer a degree
11 on any basis of work or merit below the minimum standards
12 prescribed by the council or commission.

13 (c) With the approval of the commission and subject to
14 subsections (e), (f) and (g) of this section, governing boards of
15 institutions which currently offer substantial undergraduate course
16 offerings and a master's degree in a discipline are authorized to
17 grant baccalaureate degrees in that discipline.

18 (d) Except as otherwise provided in this section, a charter or
19 other instrument containing the right to confer degrees of higher
20 education status may not be granted by the State of West Virginia
21 to an institution, association or organization within the state,
22 nor may a degree be awarded, until the condition of conferring the
23 degree first has been approved in writing by the council or
24 commission, as appropriate, or by the institution's governing board

1 in the case of Marshall University or West Virginia University.

2 (e) To retain the authority to confer degrees pursuant to this
3 section, each institution shall provide annually to the commission
4 or council, as requested, all information the commission or council
5 considers necessary to assess the performance of the institution
6 and to determine whether the institution continues to meet the
7 minimum standards for conferring degrees. This information
8 includes, but is not limited to, the following data:

9 (1) All information current and future federal or state laws
10 and regulations require the institution to report to the public, to
11 students, to employees or to federal or state agencies;

12 (2) Other consumer information the commission or council
13 considers necessary, including, but not limited to, graduation and
14 retention rates, transfers, post-graduation placements, loan
15 defaults and numbers and types of student complaints;

16 (3) A detailed explanation of financial operations including,
17 but not limited to, policies, formulas and procedures related to
18 calculation, payment and refund for all tuition and fees; and

19 (4) An assessment of the adequacy of the institution's
20 curriculum, personnel, facilities, materials and equipment to meet
21 the minimum standards for conferring degrees.

22 (f) The commission and council may conduct on-site reviews to
23 evaluate an institution's academic standards, may conduct financial
24 audits, or may require the institution to perform these audits and

1 provide detailed data to the commission or council.

2 (g) The commission or council shall revoke an institution's
3 authority to confer degrees when the institution's governing body,
4 chief executive officer, or both, have done any one or more of the
5 following:

6 (1) Failed to maintain the minimum standards for conferring
7 degrees;

8 (2) Refused or willfully failed to provide information to the
9 commission or council pursuant to this subsection in a manner and
10 within a reasonable time frame as established by the commission or
11 council, as appropriate; or

12 (3) Willfully provided false, misleading or incomplete
13 information to the commission or council.

14 (h) The commission and council each shall compile the
15 information collected pursuant to subdivisions (e), (f) and (g) of
16 this section and submit a report on the information to the
17 Legislative Oversight Commission on Education Accountability
18 annually beginning December 1, 2012. The commission and council
19 each shall make the information and report available to the public
20 in a form and manner that is accessible to the general public,
21 including, but not limited to, posting on its website.