

ENROLLED

Senate Bill No. 375

(BY SENATORS WELLS, PLYMALE, CHAFIN AND STOLLINGS)

[Passed March 12, 2011; in effect from passage.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. GENERAL ADMINISTRATION.

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

- 1 (a) The council shall make rules for the accreditation of
- 2 community and technical colleges in this state and shall
- 3 determine the minimum standards for conferring degrees.
- 4 The commission shall make rules for the accreditation of
- 5 colleges and universities in this state except the governing
- 6 boards of Marshall University and West Virginia University
- 7 shall make rules for their respective institutions, and each
- 8 shall determine the minimum standards for conferring

9 degrees. The governing boards of Marshall University and
10 West Virginia University shall promulgate rules pursuant to
11 the provisions of section six, article one of this chapter for
12 the accreditation of their respective institutions.

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

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

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

30 (e) To retain the authority to confer degrees pursuant to
31 this section, each institution shall provide annually to the
32 commission or council, as requested, all information the
33 commission or council considers necessary to assess the
34 performance of the institution and to determine whether the
35 institution continues to meet the minimum standards for
36 conferring degrees. This information includes, but is not
37 limited to, the following data:

38 (1) All information current and future federal or state laws
39 and regulations require the institution to report to the
40 public, to students, to employees or to federal or state
41 agencies;

42 (2) Other consumer information the commission or council
43 considers necessary, including, but not limited to, graduation

44 and retention rates, transfers, post-graduation placements,
45 loan defaults and numbers and types of student complaints;

46 (3) A detailed explanation of financial operations includ-
47 ing, but not limited to, policies, formulas and procedures
48 related to calculation, payment and refund for all tuition and
49 fees; and

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

53 (f) The commission and council may conduct on-site
54 reviews to evaluate an institution's academic standards, may
55 conduct financial audits, or may require the institution to
56 perform these audits and provide detailed data to the
57 commission or council.

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

62 (1) Failed to maintain the minimum standards for confer-
63 ring degrees;

64 (2) Refused or willfully failed to provide information to the
65 commission or council pursuant to this subsection in a
66 manner and within a reasonable time frame as established by
67 the commission or council, as appropriate; or

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

70 (h) The commission and council each shall compile the
71 information collected pursuant to subdivisions (e), (f) and (g)
72 of this section and submit a report on the information to the
73 Legislative Oversight Commission on Education Account-
74 ability annually beginning December 1, 2012. The commis-
75 sion and council each shall make the information and report
76 available to the public in a form and manner that is accessi-
77 ble to the general public, including, but not limited to,
78 posting on its website.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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Acting President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2011.

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Governor