

Senate Bill No. 375

(By Senators Wells, Plymale, Chafin and Stollings)

[Introduced February 1, 2011; referred to
the Committee on Education.]

A BILL 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 the state institutions of higher education~~
8 ~~known as Marshall University and West Virginia University;~~
9 and shall determine the minimum standards for conferring
10 degrees. ~~The governing boards of Marshall University and~~
11 ~~West Virginia University shall promulgate rules pursuant to~~
12 ~~the provisions of section six, article one of this chapter for~~
13 ~~the accreditation of the state institutions of higher education~~
14 ~~known as Marshall University and West Virginia University.~~

15 (b) An institution of higher education may not confer ~~any~~
16 a degree on any basis of work or merit below the minimum
17 standards prescribed by the council or commission. ~~or the~~
18 ~~governing boards. Nothing in this section infringes upon the~~
19 ~~rights, including rights to award degrees, granted to any~~
20 ~~institution by charter given according to law, or by actions~~
21 ~~of the Council or Commission or their predecessors, prior to~~
22 ~~the effective date of this section.~~

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

28 (d) Except as otherwise provided in this section, a charter
29 or other instrument containing the right to confer degrees of
30 higher education status may not be granted by the State of
31 West Virginia to ~~any~~ an institution, association or organiza-
32 tion within the state, nor may ~~any such~~ a degree be awarded,
33 until the condition of conferring the degree first has ~~first~~
34 been approved in writing by the council or commission, ~~or~~
35 ~~appropriate governing board~~ as appropriate.

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

44 (1) All information current and future federal or state laws
45 and regulations require the institution to report to the
46 public, to students, to employees or to federal or state
47 agencies;

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

52 (3) A detailed explanation of financial operations includ-
53 ing, but not limited to, policies, formulas and procedures
54 related to calculation, payment and refund for all tuition and
55 fees; and

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

59 (f) The commission and council may conduct on-site
60 reviews to evaluate an institution's academic standards, may
61 conduct financial audits, or may require the institution to
62 perform these audits and provide detailed data to the
63 commission or council.

64 (g) The commission or council shall revoke an institution's
65 authority to confer degrees when the governing body and/or

66 chief executive officer of the institution has failed to main-
67 tain the minimum standards for conferring degrees or has
68 refused or willfully failed to provide information to the
69 commission or council pursuant to this subsection in a
70 manner and within a reasonable time frame as established by
71 the commission or council, as appropriate.

(NOTE: The purpose of this bill is to authorize the Policy Commission and the Council to collect and disseminate information they consider necessary to aid consumers in assessing the performance of institutions of higher education in the state and to require the Policy Commission or Council to revoke an institution's authority to confer degrees under certain conditions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)