

**COLLABORATION SUBCOMMITTEE
OF THE GOVERNOR'S BLUE RIBBON COMMISSION**

FINAL FINDINGS AND AMENDED RECOMMENDATIONSⁱ

DECEMBER 21, 2018

**MICHAEL J. FARRELL, CHAIR
PRESIDENT KENDRA BOGGESS
DR. AMELIA COURTS
PRESIDENT ANTHONY JENKINS
DALE LEE**

Collaboration in higher education is and has simultaneously been a mandate for some and an aspirational concept to others. A few institutions have robust collaboration partnerships and initiatives. Seemingly, the remaining institutions have had their collaborative ambitions restrained by lack of opportunity, finances, creativity and manpower.

Every West Virginia institution of higher education aspires to collaborate with as many entities as financially, beneficially and geographically possible. There is no guarantee that every collaboration will be successful. Success or even the existence of collaborations has not been the yardstick by which this Subcommittee evaluated our campuses during its Blue Ribbon Commission inquiry. Rather, the Subcommittee sought to be inclusive and instructive by inviting all four-year institutions to disclose their successful and failed collaborative efforts. The Subcommittee recognized that collaborative efforts is a form of defining a mission and/or establishing a brand. Either objective, if handled creatively and correctly can produce or increase respect for the institution.ⁱⁱ Even though the study time for this Subcommittee's endeavor was brief, we assembled an inventory of the active collaborative projects that are attached in the Appendix to these Findings and Recommendations. Review of the Appendix is strongly recommended by each member of the Blue Ribbon Commission because it includes a listing of every disclosed collaboration and strategic initiative that is active on West Virginia four-year institution campus. These accomplishments have never been published in a single document

before and, therefore, review of the Appendix should materially benefit the President of each institution because it provides confirmation that collaboration can be both prestigious and profitable.

WHAT IS A COLLABORATION IN THE CONTEXT OF HIGHER EDUCATION?ⁱⁱⁱ

In its simplest distillation, it is a mutually beneficial relationship. The dictionary definition of a collaboration is that it is the action of working with someone to jointly produce or create something. The word itself can have both positive and negative connotations.^{iv} In the context of the task identified by the Governor in his Executive Order, the benign characteristics of a voluntary collaboration comprise effort by one or more organizations (colleges, universities, associations, governmental entities, hospitals, schools, and/or individuals) working with one another through which human and financial resources are pooled to accomplish a favorable outcome for all participants and intended beneficiaries. The collaborators, educational institutions and their partners, are the obvious beneficiaries in accomplishing the goals of the relationship. The Subcommittee believes that there are many indirect beneficiaries that emerge from higher education collaborations with outside entities including other domestic and outside the United States educational institutions.

West Virginia strives to increase its college educated population. West Virginia also strives to attract new business and industry. It is axiomatic that business and industry are gravitate to locations where the town and gown are intertwined and mutually supported. The Subcommittee acknowledges that our colleges and universities actively seek students from other states and from across the globe. The multistate and global collaborative relationships described in the Appendix confirm that our educational leaders recognize that the competition for the

decreasing supply of West Virginia high school graduates demands that recruiting efforts extend beyond our state borders and the borders of the United States.

Collaborations produce a talent pool who become vested in the success of the institutions. Many are unpaid but very active participants who become knowledgeable about and involved in promoting the success of the academic mission of the campus and serve as ambassadors for the collaborating higher education institution. The potential return on investment to each four-year college and university from each collaboration seems high and promising. At a minimum, the exchange of ideas and investment of human capital promote a more cohesive market for increasing enrollment and advancing the institutional missions.

If the Subcommittee were to construct a hypothetical collaboration toolbox, it should begin with an inventory form to be completed by each President. He or she should review the Appendix to compare and contrast what collaborations exist within the State, identify which ones are feasible for their campus and take action to timely implement as many as possible. The tool box should also include a calendar through which all of the four-year West Virginia Presidents agree to select a date and meet, at least semiannually, for a Statewide Collaboration Conference. The agenda for such a conference is simple—every West Virginia institution should voluntarily and proactively evaluate what collaborations can be implemented statewide or with each of the individual campuses. Ideally, each campus will accept the moral obligation to develop programs that reduce expense for students or otherwise promote the improvement of every other campus.

DISSECTING THE ABSENCE OF STATEWIDE COLLABORATIVE PARTNERSHIPS

A disturbing revelation to the Subcommittee was the disparity in number and breadth of collaborative partnerships by and between West Virginia's four-year colleges and universities. Comparatively, while the smallness of our state should produce inclusiveness, it does not. Rather, collaborations among four-year West Virginia colleges and universities are relatively

infrequent when measured by the diversity of the external collaborations formed by West Virginia University and Shepherd University.

There was general agreement that the communications among our campus Presidents are impaired and sometimes dysfunctional, despite significant size and mission variances, because trust is lacking in a system that is fiscally challenged following years of budget cuts. Metaphors abound to describe the financial burden on students, faculty, administration and infrastructure of almost all of the institutions. The competitive and psychological strain that accompanies any change, particularly the possibility of adoption of a funding formula, has caused the campuses to get prepared for uncertain times. Uncertainty breeds distrust and competition. Consequently, the campuses identify themselves first as competitors and infrequently as collaborators. Looking at the obvious metric, the Subcommittee acknowledges that all of the campuses compete for Promise Scholars. WVU recruits a disproportionate share of these state-funded scholars. WVU and Marshall share other competitive advantages over the regional schools because of the program approval control granted in 2005 by W. Va. Code §18B-1B-4(37)(b)(4) that divested HEPC of program approval except when a program is proposed at a new location (*e.g.* the move of WVU Tech from Montgomery to Beckley). More recently, WVU, Marshall and the West Virginia School of Osteopathic Medicine successfully persuaded the Legislature to reduce coordinating oversight by HEPC in many significant ways. *See*, W. Va. Code §18B-1-2.^v When the Executive Order referred to “patchwork” policies within higher education, the Subcommittee finds that the disparity exists between the exempt schools (WVU and MU) and the regional colleges and universities. In light of the gross disparity in the number and scope of the collaborations between WVU and all other institutions, the Subcommittee endorses not only a recalibration of funding for the regional schools as recommended by the Finance Subcommittee of the Blue Ribbon Commission but also a modification of Chapter 18B of the West Virginia

Code to impose a statutory obligation on both WVU and MU to develop and implement collaboration partnerships with each regional college and university..

The Subcommittee concludes that West Virginians need to be more focused on helping each other rather than competing with each other. The shift from exclusivity to inclusiveness might be the catalyst that enables more higher education institutions to secure outside funding and lower the cost of obtaining a degree for each student.

Visualizing the mirror image of collaboration is instructive particularly when giving West Virginia higher education a report card on its collaboration initiatives. Imagine individual silos for each West Virginia college and university, constructed across the state terrain, at their present locations. Apply the correct name to each silo—college, university or school of medicine. Within each silo, teachers teach, students learn and administrators manage. Within the silo, appreciate the barriers to learning, growth and development of communities proximate to each silo because the learning and intellectual discourse is confined to the interior of the silo.^{vi} A function of this Subcommittee was to illuminate collaboration opportunities that will improve the State.

Imagine, for example, how many graduates of the Osteopathic School of Medicine might stay in West Virginia and serve a rural population if they could do their residencies in West Virginia Hospitals owned and operated by WVU. Imagine how many students would complete their higher education in West Virginia if our course numbering system across all institutions within the State facilitated transfers rather than penalized them. Imagine if our West Virginia four-year colleges and universities had revenue sharing agreements that would facilitate expansion of WV Rocks and provide open access for all campuses to many classes that can be taught in smart classrooms and broadcast statewide or to discreet locations.

**A CHANGE IN EDUCATIONAL PERFORMANCE METRICS
IS NEEDED TO INCENTIVIZE COLLABORATION**

The Higher Education Policy Commission (“HEPC”) annually publishes a Report Card for the benefit of the higher education institutions, the public, as well as our Legislature and Executive branch. None of the metrics published in that text identify or evaluate the participation, successes or failures of an institution that invests its time, resources and reputation in participating in collaborative endeavors with other state institutions of higher learning or externally. The Subcommittee recommends that this omission will be corrected in 2019.

Both the Executive and Legislative branches of State government need to prioritize the provision of funding that will enable all of our colleges and universities to form, develop and benefit from collaborative ventures. Performance standards exist. Among our institutions, respect and appreciation must be extended to both West Virginia University and Shepherd University for their respective collaboration efforts that have produced a significant return on investment for each. The Collaboration Subcommittee recommends that President Mary Hendrix chair and these two Universities co-host the first semi-annual Collaboration Summit for the benefit of all West Virginia four-year colleges and universities with the Agenda being the “Fundamentals of Developing and Benefitting from Statewide and External Collaborative and Strategic Relationships.” The Subcommittee recognizes that there is a significant difference in resources available to West Virginia University and, for example, Bluefield State College. However, the Subcommittee finds that there is insufficient knowledge sharing and communication between and among the four-year institutions about the formation and operation of collaborations. Unless knowledge sharing increases, including the formation of more collaborative endeavors between the two major universities and the regional colleges and universities, West Virginia higher

education institutions will continue to suffer from a lack of mutual trust and remain locked in their respective silos.

The Subcommittee recommends that the HEPC or its successor should serve as a clearing house where all colleges and universities can identify and access “collaboration mentors” within the West Virginia family of higher education. HEPC can and should be a facilitator that provides models and training regarding the formation and operation of higher education cooperatives.

**West Virginia Colleges and Universities Have the Capacity to Form
And Develop Collaborations, Strategic Partnerships, Outreach Initiatives
And Other Productive External Relationships**

This Subcommittee has identified and explored multiple forms of collaboration that our college and universities have deployed and a few failed collaborative endeavors. Applying the Putnam paradigm discussed above, based on the Collaboration Subcommittee Public Hearings and attached submissions, some, but not all, of West Virginia higher education institutions appear to have been unable to form plentiful external collaborative relationships and consequently have failed to access their “social capital.” This Report is intended to showcase the collaboration successes which shine not only because of their number but also because of their geographic and subject matter diversity, breadth and creativity.

In the attached Appendix, the Collaboration Subcommittee has reproduced the submissions by each of the four-year institutions. This Appendix provides a playbook for all of the institutions to compare, contrast and ask “why not me”? The comparison between like-sized schools commends the efforts by Shepherd University to create a zone of influence in geographic proximity. Their domestic partners include municipal, county and state partners across the states of West Virginia, Virginia and Maryland. Among its more than forty “Strategic Alliance Partnerships,” Shepherd’s relationships also involve Maryland.

**GEOGRAPHIC PROXIMITY MUST BECOME A COLLABORATIVE PATHWAY
AND NOT AN EXCLUSIONARY BARRIER**

For decades, legislators and other interested public officials have asked if Bluefield State College and Concord University could combine services or achieve cost-savings through one form of collaboration or another. The leadership of these two institutions began this process with the assistance of retired Chancellor Paul Hill several years ago. Both institutions recognized the value and necessity of collaboration long before the appointment of the Blue Ribbon Commission. The Subcommittee observes that the move of WVU Tech from Montgomery to Beckley added a third four-year institution to a relatively small and now oversaturated educational market. The Subcommittee also notes that of the three institutions, only WVU Tech had positive enrollment for the 2018 Fall semester. They have been reluctant to find ways to share their strengths or assist the less endowed in addressing their weaknesses. Rather than being an asset, the proximity of larger and smaller institutions has prompted competition for the many of the same students and attractive new “hot” academic disciplines. West Virginia State University and Marshall University share the same metropolitan footprint with each other and their former attached community and technical colleges (Bridge Valley and MountWest). They have joined the “proximity” dilemma for allocating resources and reducing costs for students when the competition for supremacy is costly and the resources are disproportionate. Significantly, Marshall University and West Virginia State University are presently advancing a joint project with the West Virginia Department of Commerce under the umbrella of the Alliance for the Economic Development of Southern West Virginia.^{vii} Separately, West Virginia University, Marshall University and the Department of Commerce are “chartering a roadmap for economic recovery for the whole state of West Virginia.”^{viii}

While preparing this report, the Subcommittee read the November 16, 2018 edition of The Chronical Review which published an article that identified and provided capsule summaries about the “Most Influential Books of the Past 20 Years.” The selection of *Bowling Alone: The Collapse and Revival of American Community* by Robert Putnam^{ix} is relevant to the Findings and Recommendations by the Subcommittee. The reviewer, Eric Klingenberg, wrote:

Putnam’s thesis, so evocatively captured in the title, is that American democracy and society are suffering from a prodigious decline in “social capital,” which (following Pierre Bourdieu and James Coleman) he defines as the connections among individuals as well as the norms of reciprocity and trustworthiness that derive from them. He presents the argument with an impressive array of empirical data, much of it historical. Putnam charts falling rates of participation in voluntary organizations, voter turnout, church attendance, protest activities, and several other forms of collective life.^x

The Subcommittee recognizes that collaboration is a give and take process. For the non-institutional collaborator, the array of benefits can range from have access to educated human resources who might student teach, intern or volunteer. For the four-year school, it has the opportunity to favorably impact its community and expand its reputation and influence beyond its contiguous city, county and state. Each reader of this report is encouraged to review the entire Appendix. One of our esteemed BRC Co-Chairs wrote the following as this Blue Ribbon Commission process began: “My worry is that people tend to advocate for their position rather than raising the bar to talk about what is best for the state.”^{xi} This Subcommittee has found probative evidence to support this concern and prediction.

The Findings and Recommendations published today, pursuant to the Executive Order issued by Governor Justice, address “collaboration” and the lack of collaboration.

FINDINGS

- 1. External collaborations by and among West Virginia higher education four-year institutions are integral to the success of the higher education mission of**

- providing the best possible education to each student at a reasonable and affordable cost.**
- 2. While it is reasonable that almost all four-year institutions focus on creating external collaborations, the number of collaborations by and among West Virginia higher education four-on year institutions with each other are insufficient to promote the higher education public policy articulated by Governor Justice in the Executive Order.**
 - 3. Excessively competitive behavior by and among West Virginia's four-year institutions creates trust barriers that adversely affect the willingness of many institutions to collaborate one with another for the benefit of the students.**
 - 4. Voluntary collaborations between and among West Virginia's four-year institutions have been infrequent and have not produced significant economic benefits to the smaller collaborator.**
 - 5. There is a void in State Code regarding the establishment of mandatory collaborations among and between West Virginia's four-year institutions and/or two-year institutions.**
 - 6. External collaborations by and among West Virginia higher education four-year institutions produce access to sources of revenue for research and economic development for the engaged four-year institution.**
 - 7. External collaborations by and among West Virginia higher education four-year institutions promote beneficial public policy by introducing external individuals, organizations, corporations, municipal, county, state and federal governmental entities to the students, classified staff, faculty and administration of the respective educational institutions.**
 - 8. Despite active institutional external collaborations with business and industry, the establishment of more Advisory Committees composed of qualified graduates and qualified individuals would promote better alignment between curriculum and the critical thinking and technical skills sought by business, industry and professional schools as well as post-graduate job placements.**
 - 9. External collaborations by and among West Virginia higher education four-year institutions produce goodwill.**

- 10. There are no collaboration agreements between West Virginia University and West Virginia School of Osteopathic Medicine that provide equal access to residency programs at West Virginia University Health System Hospitals^{xii} across the State for graduates of West Virginia School of Osteopathic Medicine.**
- 11. Glenville State College, a leader among four-year institutions in minimizing the economic burden on its students by electing not to increase tuition, is “looking to develop a cooperative education program to work with local and regional employers to decrease student debt and respond to employment gaps in the West Virginia private sector job market.**
- 12. Bluefield State College and Concord University, years before the formation of the Blue Ribbon Commission with the assistance of retired HEPC Chancellor Paul Hill, accomplished an administrative collaboration regarding shared administrative services.**
- 13. WVU Tech entered the relatively small educational market already occupied by Bluefield State University and Concord University and should be well-suited to cooperatively work with Bluefield State University and Concord University to achieve a model collaboration program that would allow access to students on all three campuses to disciplines of mutual interest.**
- 14. The leadership of West Liberty University and Fairmont State University with the assistance of HEPC Vice Chancellor Corley Dennison have the interest, capacity and skill set to implement a statewide revenue sharing plan that would provide access to high demand and specialized classes and disciplines through the use of new broad band technology and WV Rocks.**
- 15. Because of the close proximity of their campuses in the Charleston-Huntington Metropolitan Area, the leadership of West Virginia State University and Marshall University and because of the close proximity of their campuses in the Beckley-Bluefield Metropolitan Area WVU Tech, the leadership at these five institutions are well-suited to develop and propose a model for on-campus revenue sharing and degree awarding plans that are beneficial to both the students and institutions.**
- 16. The impressive portfolio of collaborations, partnership and other domestic and global relationships disclosed by West Virginia University and Shepard**

University endorse them as the co-hosts for the first of the proposed semiannual West Virginia Higher Education Four-Year Institutions Collaboration Conference.

RECOMMENDATIONS

1. STRENGTHEN COLLABORATION TO ENHANCE STUDENT ACCESS

- a. **The State should improve and invest in WV Rocks to the level that students at every institution can access courses at other institutions as determined by the institutions through a Statewide Collaboration Conference populated by the Presidents.**
- b. **The State should create a collaborative revenue distribution plan among institutions for courses attended through technology.**
- c. **The State should require statewide articulation agreement by and between all two year and four year institutions.**
- d. **The State should mandate that all two-year and four-year institutions collaborate and adopt a common course numbering system so that students can transfer and complete degrees efficiently.**

2. STRENGTHEN COLLABORATION TO INCREASE STUDENT AFFORDABILITY

- a. **The State should create a fund that is used to subsidize collaborative internships at each four-year institution with the objective of demonstrating the skills and knowledge of the students to business and industry and incentivizing graduates to remain in West Virginia after graduation.**
- b. **The State should study the impact of the financial barriers for West Virginia students and provide tax incentives for West Virginia businesses that provide paid internships to both undergraduate and graduate students enrolled as full time students in a West Virginia four-year institution.**
- c. **The four-year institutions should develop more employment opportunities on campus to provide supplemental sources of income for students who cannot afford tuition and fees.**

- d. **The four-year institutions should develop tuition waiver programs for those full-time students engaged in on-campus and off-campus collaborative endeavors that provide pro-bono services to the institution or surrounding populations.**
- 3. STRENGTHEN COLLABORATION TO BUILD INSTITUTIONAL CAPACITY AND SUSTAINABILITY**
- a. **The Collaboration Subcommittee recommends that President of a Non-Exempt College or University chair the First Semi-annual Collaboration Summit for the benefit of all West Virginia four-year colleges and universities with the Agenda being the “Fundamentals of Developing and Benefitting from Statewide and External Collaborative and Strategic Relationships.” The Collaboration Subcommittee further recommends that Shepherd University and West Virginia co-host this first meeting of the Collaboration Summit.**
 - b. **The State should include within its four-year higher education funding model credit for a minimal level of meaningful inter-campus collaborations that share the expertise, experience and potential economic benefits with every campus.**
 - c. **The State should mandate that the HEPC or successor entity should develop a policy that credits each institution for its proportionate contribution to the retention and graduation metrics.**
 - d. **The State should affirmatively compel the two major universities to develop meaningful collaboration projects and relationships with each of the four-year colleges and universities.**
 - e. **The four-year institutions should develop better and stronger collaborative relationships with graduates, local public school systems, as well as local and regional business and industry representatives by including them as members of Advisory Committees to the respective departments, schools and colleges.**
 - f. **The four-year institutions should develop better and stronger collaborative relationships with graduates, local public school systems, as well as local and regional business and industry representatives by encouraging them to hire undergraduate and graduate students in exchange for discounted or access to cultural events, a library and/or athletic events.**
 - g. **The Subcommittee recommends that the HEPC or its successor should serve as a clearing house where all colleges and universities can identify and access “collaboration mentors” within the West Virginia family of higher education.**

ⁱ Recommendation 3(a) was emended by Motion and Second at the Blue Ribbon Commission Telephonic Meeting on December 7, 2018.

ⁱⁱ See, Belsky,S., “Making Ideas Happen,” p. 151 (2012)

ⁱⁱⁱ See e.g., Kochan, F. K., Mullen, C.A.,,”An Exploratory Study of Collaboration in Higher Education From Women’s Perspectives, 14 *Teaching Education* (August 2003)
<https://www.soe.vt.edu/carolmullen/pdf/KochanMullenTE.pdf>

^{iv} During multiple previous wars, individuals who betrayed their country were labeled “collaborators.”

^v The following summaries of changes to the West Virginia Code, as championed by West Virginia University in House Bill 2815 Bill reinforce the theme set forth in these Findings and Recommendations that the State should expect more from West Virginia University, Marshall University and the West Virginia School of Osteopathic Medicine (“Exempt Institutions”).

Summary of HB 2815

Effective 90 days from Passage (April 8, 2017)

- 18B-1-5a---Repeals pilot distance learning program
- 18B-1-10---Repeals merger statute of Potomac State with WVU
- 18B-1A-3---Repeals selection of peer institutions for institutions
- 18B-1B-10---Repeals goals of efficiency for Bluefield and Concord
- 18B-1B-13---Repeals studies of issues affecting higher ed employees
- 18B-2-5---Repeals statute establishing WVSOM
- 18B-2-7---Repeals authority to sell parts of Potomac State College
- 18B-5-2a---Repeals authorization of institutional transfer of funds between accounts
- 18B-1-2. Definitions section.
 - “Approve” or “approval” when used by HEPC and CTC means giving “due consideration” to the BOG rationale for the action and whether BOG action is consistent with law and established policy and is an “appropriate advancement of the public interest”. It is not set out whom the “established policy” is set by.
 - “Confirm” or “confirmation” when used by the HEPC (this phrase is not used in conjunction with CTC actions) means when “substantial deference” is allocated to a BOG action and HEPC review is only to determine whether proposed action of the BOD is consistent with law and established policy. (Established policy is not defined as source or subject.)
 - “Exempted schools(“**Exempt Institutions**”) are WVU, MU and WVSOM
 - “Peer institutions”---deleted
 - “Vice Chancellor for Human Resources”---Definition deleted.
- 18B-1-6. Rule-making.
 - Rule-making authority by the HEPC cannot overrule or limit rule-making authority of **Exempt Institutions**
 - HEPC to promulgate rule to guide development of rules by the non-EEs. EEs promulgate their own rule-making rules.
 - All such rules by HEPC, CTC and **Exempt Institutions** shall provide:
 - Public notice including 30 day notice
 - Designation of location to access rules
 - Maximizing internet access
 - Except for the EEs a procedure for governing boards to submit rules to HEPC for comment and CTC for approval.
 - HEPC has 15 days to submit comments
 - Comments to be made part of BOG minutes
 - BOGs to submit adopted rules within 15 days to HEPC and CTC
 - Rules of HEPC and CTC remain in effect until institutions adopt a rule
- 18B-1B-6. Establishment of HEPC.

- HEPC to be made responsible for providing shared services upon request by state college and universities, CTC and CTC schools when requested. **Exempt Institutions** not included in that language.
- HEPC authority to “oversee” public policy agenda for higher education deleted
- HEPC to now work collaboratively with the governing boards to gain consensus on public agenda instead of just with CTC
- 18B-1B-2. Composition of HEPC.
 - Deletes requirement that 4 at-large members be interviewed by Legislative leadership
 - Adds 3 at large members designated as higher education representatives which Governor is to choose from among recommendations of the HEPC institutions.
- 18B-1B-4. Powers and duties of HEPC
 - HEPC to provide shared services upon request of all bodies but the **Exempt Institutions** and undertake certain statewide and regional initiatives such as financial aid
 - Deletes requirement to “oversee” public policy agenda
 - Deletes requirement for “implementation” of master plan
 - **Exempted Institutions** exempt from financing rule
 - Adds Boards of Governors to CTC as bodies HEPC must collaborate with in public policy agenda
 - Repeals requirement to adopt institutional compacts: must only “confirm” compact of non-**Exempt Institutions**.
 - Changes HEPC from accountability point to state policy makers to “a” point of contact
 - Removes duty to promulgate rules regarding allocation of appropriations pursuant to 18B-1A-5
 - Removes duty to establish peer groups
 - Removes authority to establish benchmarks and performance indicators for **Exempt Institutions**
 - Only “confirm” presidential selections of non- **Exempt Institutions**
 - Removes authority of HEPC over **Exempt Institutions** over presidents.
 - Removes HEPC approval of **Exempt Institutions’** presidential compensation
 - Presidential increase of same percentage as other staff need not be approved.
 - Removes HEPC requirement to establish a policy to assure students and parents have sufficient information for academic decisions
 - Remedial standards set by HEPC only have to be uniform at an institution and not throughout higher education
 - Removes authority of managing system wide technology over **Exempt Institutions**
 - Requires cooperation with governing boards to establish policies granting credit for various work or training
 - HEPC authority over capital rule deleted re **Exempt Institutions**.
 - Substantial deference to be given by HEPC to “value judgments” of Boards of Governors must be included in rule
 - HEPC still to submit appropriation request for all Board of Governors under its jurisdiction. Language in this section seems to indicate that the **Exempt Institutions** are institutions “under the jurisdiction” of the HEPC while other sections imply otherwise. That section reads:” Submit to the appropriate agencies of the executive and legislative branches of state government an appropriation request that reflects recommended appropriations for the commission and the governing boards under its jurisdiction. The commission shall submit as part of its appropriation request the separate recommended appropriation request it received from the council, both for the council and for the governing boards under the council’s jurisdiction, including the exempted schools.” (See below for other examples)
 - HEPC may assess institutions under its jurisdiction, including **Exempt Institutions**, for funding of statewide initiatives under that subdivision until July 1, 2018.
 - Removes language requiring HEPC and CTC to promulgate rule standardizing personnel administration under articles 7, 8, 9 and 9A
 - HEPC tuition rule not to apply to EEs.
 - HEPC may not implement disease awareness initiatives
 - Removes HEPC requirement for planning and policy leadership and setting state’s policy agenda
 - No longer implement institutional mission definitions

- Limits program approval by HEPC over **Exempt Institutions** to programs being offered at new locations
- Sets new criteria for program approval:
 - Does not change institutional mission
 - Significant expenses will be addressed by reallocation or spread over future years from net revenues
 - Undergraduate programs similar to another program in geographic service area not approved unless compelling need
 - Programs of **Exempt Institutions** not to be taken into consideration
- HEPC to set format for program approval to be requested. Chancellor to determine within 2 weeks whether submission meets requirements. After format is proper HEPC must approve or disapprove within 30 days.
- Removes authority for establishing and implementing information, assessment accountability and personnel systems for state colleges and universities
- Removes authority for implementing projects related to postsecondary education at the baccalaureate level from federal or other incentive funds
- Removes requirement to provide quality assurance in areas of research, data collection and analysis, personnel administration, planning, program review, budgeting etc
- Removes authority to develop budgets and allocate resources for Board of Governors
- Except for **Exempt Institutions**, HEPC to review institutional operating budgets, review and approve capital budgets
- May provide info and research to state colleges and universities re programs with a 90% employment rate
- May provide info and recommendations to Board of Governors on coordinating with State Board of Education
- HEPC may not withdraw Board of Governors powers for failure to have approved compact for two years
- HEPC to examine general revenue appropriations per student, credit hour and other measures and deliver report to Joint Committee on Government and LOCEA by January 1, 2018. Shall make recommendations on a formula for allocation.
- 18B-1B-6. Appointment of Presidents
 - For the non- **Exempt Institutions**, HEPC only confirms selection of a president. EEs appoint a president without HEPC confirmation or approval.
 - Legislative rules of commission and council re presidents not applicable to **Exempt Institutions**
- 18B-1D-2 Definitions
 - “Institutional compact” deleted
 - “Institutions under the jurisdiction of the commission” deletes MU, WVU and WVSOM. However, other parts of the bill indicate those schools are under the jurisdiction of the HEPC (See below)
- 18B-1D-4. Responsibilities of HEPC and CTC
 - Deletes HEPC responsibility to align state goals with the non-EEs
 - Clarifies HEPC to collect data of institutions, including that of EEs. No penalty or enforcement mechanism delineated for those failing to supply data.
 - EEs not required to report to HEPC on plans, accomplishments and recommendations to implement goals and objectives of compacts
- 18B-1D-7. Institutional compacts
 - EEs relieved of duties to prepare compacts
 - Removes language that makes compacts contracts between HEPC and CTC and institutions
 - Compacts to be updated biannually instead of annually
 - HEPC to provide technical assistance on compacts to schools other than EES
 - HEPC to only confirm compacts and not approve them
 - HEPC to assign geographic areas of responsibility except to **Exempt Institutions**.
 - HEPC to develop data-based measures regarding education services except for .
 - Benchmarks and performance indicators to not apply against **Exempt Institutions**

- HEPC to confirm compacts except for **Exempt Institutions**
- 18B-1F-10. Study
 - Department of Commerce to study and make recommendations re Tech Parks by December 31, 2017
- **18B-2A-3. Oversight**
 - **Board of Governors subject to “oversight” of HEPC instead of “supervision”**
 - Authority of HEPC over **Exempt Institutions** limited to specific authority granted under chapter
 - Strikes language stating Board of Governors subject to personnel law in articles 7, 8, 9 and 9A
- 18B-2A-4. Powers and duties of BOGs.
 - HEPC approval not needed for master plans of **Exempt Institutions**
 - HEPC may review and comment on master plans of **Exempt Institutions**
 - HEPC may review degree programs but only to extent allowed in code under HEPC powers
 - Master plans for **Exempt Institutions** updated biannually. **Exempt Institutions** to submit master plans to LOCEA
 - Any personnel rules adopted by HEPC or CTC because of certain code sections do not apply to
 - HEPC may not revoke delegation of authority by Board of Governors to president regarding.
 - BOGs under HEPC may contract for supplemental employee benefits.
- 18B-3-1. Additional Powers of **Exempt Institutions**
 - Deletes requirement that **Exempt Institutions** perform their duties consistent with HEPC and CTC and not in conflict with them
- 18B-4-7. Accreditation
 - Removes power of HEPC or CTC to remove power to confer degrees if institution refuses or willfully fail to disclose requested information
- 18B-5-4. Purchasing
 - EEs to adopt own purchasing rules
 - Joint rules for other institutions must show appropriate deference to the value judgments of Board of Governors
 - Board of Governors can allow foundations and other institutions to purchase off their contracts
- 18B-5-6. Other purchasing provisions
 - Institutions may use design-build contracts without having to get approval and may use other commonly accepted methods of procurement if:
 - Employs one LEED administrator;
 - Employs one CFM or one PMP
- 18B-5-7. Disposition of obsolete
 - HEPC, CTC, and Board of Governors may donate obsolete equipment to not for profit entities
- 18B-5-9. Higher Ed Fiscal Responsibility
 - Changes the technical terms for accounting practices
- 18B-10-1. Tuition and fees
 - BOGs may set separate fees for online course delivery and those are not subject to any limitation
 - EEs may place all categories of tuition and fees into a single special revenue account
 - Strikes requirement that all tuition and fees shall be paid before awarding credit.
 - Strikes requirement that HEPC and CTC promulgate rule regarding deferred payment plans
 - EEs to not be subject of HEPC tuition and fee rules
 - Tuition and fee increase above 7% a year based on a 3-year rolling average must be approved by HEPC or CTC. Can be up to 10% without approval if it stays within the 7% average
 - In approving tuition and fees HEPC must examine benchmarks of master plans of **Exempt Institutions**
- 18B-10-1c. Definitions.
 - Removes clarifying language describing E&G fees
- 18B-10-8. Bonds
 - Removes approval of revenue bonds for **Exempt Institutions** from HEPC
 - EEs revenue bonds issued by BOGs and signed by Governor
 - HEPC confirms bonds for non- **Exempt Institutions**
 - CTC approves bonds for CTCs

-
- 18B10-16. Disposition of funds
 - **Exempt Institutions** may deposit all fees into a single account.
 - 18B-19-1. Findings
 - Finds that renovations might not be financially efficient
 - Takes away requirement that HEPC and CTC should participate to a greater extent in capital projects at smaller institutions
 - 18B-19-3. System capital planning
 - Changes date for HEPC and CTC to have system capital development plan to December 31, 2017. Changes “plan” to “policy”
 - Process to be in place for BOGs to get confirmation of institutional capital plans from HEPC and approval from CTC.
 - 18B-19-4. Campus development plans
 - Campus plans must be approved by CTC, confirmed by HEPC and not addressed for **Exempt Institutions**
 - Only requires a list of major deferred maintenance projects exceeding \$75,000
 - Deletes requirement for list of deferred maintenance to instead an analysis
 - Updates of campus plan subject only to HEPC confirmation but CTC approval
 - EEs may implement plan without confirmation of HEPC
 - 18B-19-5. Capital appropriation request.
 - Prioritized capital request only prepared by HEPC and CTC, not approved
 - Projects may not be included in list unless confirmed or approved by HEPC or CTC
 - Major maintenance projects lists only prepared by HEPC and CTC and not approved
 - HEPC and CTC to provide a “recommended” building renewal calculation
 - 18B-19-6. Capital financing
 - EEs need not seek approval of HEPC for capital financing.
 - Projects over \$1 million need approval of CTC
 - Projects over \$3 million under jurisdiction of HEPC other than **Exempt Institutions** must be approved by HEPC.
 - BOGs to notify Joint Committee on Government and Finance 30 days before starting project over \$1 million
 - 18B-19-7. Capital project management
 - BOGs under jurisdiction of HEPC exempt from provisions of capital management if they employ one LEED certified administrator and one Certified Facilities Manager or one Project Management Professional
 - BOGs to promulgate capital management rule but need not be consistent with rule of the HEPC or CTC
 - BOGs need not use state standard contracts
 - Authority of HEPC to review or audit capital projects remains periodically to see appropriate capital management practices are being met
 - 18B-19-9. Facilities Information System
 - Capital facilities information system to be maintained for institutions by HEPC and CTC except for **Exempt Institutions**.
 - Cannot use this to burden or interfere with Board of Governors.
 - 18B-19-10. Authorization to sell property
 - Section governs sell or transfer of property but not leasing.
 - For property over \$50,000 must provide written notice to county commission and municipalities and each legislator
 - No lease of property over \$50,000 a year without following these procedures
 - Removes requirement that funds from sell must go into special revenue account for appropriation by Legislature. Goes directly to institution.
 - 18B-19-11. Authorization to lease-purchase
 - EEs may enter into these agreements without approval of HEPC.
 - Other BOGs must get HEPC approval for lease purchase over \$1.5 million
 - 18B-19-13. Real property contracts

- Purchase of real estate over \$1 million must be approved by HEPC, except **Exempt Institutions**, or CTC and provided to Joint Committee on Government and Finance.
- Acquisition by a foundation or research corporation of a CTC of property over \$1 million or requiring \$1 million in repairs must be approved by CTC
- 18B-19-14. Sale lease-back
 - Institutions may sale property then lease it back with CTC approval or HEPC confirmation, except for the EEs
 - Notice need be given
- 18B-19-19. Applicability
 - Boards of Governors and **Exempt Institutions** may, without approval of HEPC, take any action that would authorize approval or confirmation of HEPC. This seems to say that all the confirmation and approval language in this article is counteracted.
 - Hover, HEPC can request any relevant information from Boards of Governors and they shall provide it.
- There is some ambiguity as to whether the **Exempt Institutions** remain under the “jurisdiction” of the HEPC as referenced many times in the code. This can have a determinative effect on many pending issues. However, there are a number of instances where the legislation refers to “institutions under the jurisdiction” of the HEPC including the **Exempt Institutions**. Plain language indicates that the EEs are included as those under the jurisdiction of the HEPC. For specific sections using this language see:
 - 18B-1B-4(a)(28) Budget request
 - 18B-1B-4(a)(29) Assessment
 - 18B-1D-4(c) Data collection
 - 18B-1D-4(4)(f) Budget request
 - 18B-5-4(a) Purchasing
 - 18B-10-1 Tuition

^{vi} See e.g., *ThoughtFarmer Intranet Blog*, <https://www.thoughtfarmer.com/blog/opening-up-silos-with-communities/>

^{vii} <https://www.marshall.edu/aedswv>. There are six four-year institutions and four two-year institutions involved in the Alliance.

^{viii} <https://wvforward.wvu.edu/>

^{ix} Mr. Putnam graduated Phi Beta Kappa from Swarthmore; joined the Harvard Faculty which has included the Deanship of the Kennedy School. He holds honorary degrees from Stockholm University (1993), The Ohio State University (2000), University of Antwerp (2000), University of Edinburgh (2003) and LUISS Guido Carli University (2011). President Obama awarded the National Medal of Humanities and National Medal of the Arts for “deepening our understanding of community in America.”

^x *The Chronicle Review*, p. B8 (November 16, 2018 (*published by the Chronicle of Higher Education*).

^{xi} E-mail from E. Gordon Gee to Michael J. Farrell (July 30, 2018; 5:18PM)

^{xii} The Chair of this entity is E. Gordon Gee, President of West Virginia University and Lead Co-chair of the Blue Ribbon Commission. Ellen S. Cappelanti also serves on both the Board of Directors of West Virginia University Health System and the Blue Ribbon Commission.

APPENDIX
BLUE RIBBON COMMISSION
SUBMISSIONS BY ALL SCHOOLS

1. Bluefield State College
2. Concord University
3. Fairmont State University
4. Glenville State College
5. Marshall University
6. Shepherd University
7. West Liberty University
8. West Virginia School of Osteopathic Medicine
9. West Virginia State University
10. West Virginia University