

NOTICE OF PROPOSED RULEMAKING

This Notice of Proposed Rulemaking is issued pursuant to West Virginia University Board of Governors Governance Rule 1.1. The proposed changes are to the following current Board of Governors Rules:

- West Virginia University Board of Governors Governance Rule 1.2 – Administration
- West Virginia University Board of Governors Academics Rule 2.2 – Program Creation and Review
- West Virginia University Board of Governors Academics Rule 2.3 – Undergraduate Admissions
- West Virginia University Board of Governors Academics Rule 2.4 – Residency Status for Admission, Tuition, and Fee Purposes
- West Virginia University Board of Governors Talent & Culture Rule 3.5 – Employee Leave

The proposed changes are to amend current BOG Rules to clarify certain provisions and update the Rules to reflect changes that have occurred since their adoption. Substantively, the proposed changes to the BOG Rules above will result in additions and amendments as set forth below and in the attached redlines:

BOG Rule	Recommended Action	Comments
BOG Governance Rule 1.2 – Administration	Amend and Approve	<ul style="list-style-type: none"> ▪ The Board adopted this Rule on January 24, 2018, to set forth a variety of provisions associated with administrative aspects of the University. ▪ This amendment seeks to document the current practices between the University management and the Foundation in recommending a naming opportunity for a facility or academic unit in exchange for a monetary donation.
BOG Academics Rule 2.2 – Program Creation and Review	Amend and Approve	<ul style="list-style-type: none"> ▪ The Board adopted this Rule on May 22, 2018, to set forth the responsibilities of the Board and the University with regard to the creation of Academic Programs; the regular, periodic review of Academic Programs; and the continuation or discontinuation of Academic Programs. ▪ An amendment is proposed to Section 2.3.1 to reflect renumbering of West Virginia Code § 18B-1-4 and to ensure consistency with the language in that Code section.
BOG Academics Rule 2.3 – Undergraduate Admissions	Amend and Approve	<ul style="list-style-type: none"> ▪ The Board adopted this Rule on May 22, 2018, to establish standards and procedures for undergraduate admissions at the University. ▪ Amendments are proposed to align with the current environment of undergraduate admissions. These amendments seek to solidify the test optional processes currently available in the Rule and to update academic criteria necessary to support student aptitude in college level work. ▪ Changes are proposed to Section 2, Regular Admissions, to increase the resident student GPA from 2.0 to 2.5 for the Morgantown campus, to modify certain standardized test scores, and to provide additional requirements for when standardized test scores are unavailable. ▪ Section 2.4 is added to provide clarification of admissions requirements in the absence of standardized test scores including the necessary GPA, Core Requirements for Admissions, and to give discretion to the Office of Admissions to require additional information to certify the student’s academic aptitude.

BOG Rule	Recommended Action	Comments
		<ul style="list-style-type: none"> ▪ Section 5.3.6 is added to give the University the ability to recalculate GPAs to ensure academic consistency across the applicant pool. ▪ Changes are proposed to Section 8 to update the admissions requirements for non-degree students.
BOG Academics Rule 2.4 – Residency Status for Admission, Tuition, and Fee Purposes	Amend and Approve	<ul style="list-style-type: none"> ▪ The Board adopted this Rule on May 22, 2018, to design and administer a fair and consistent system regarding the determination of residency classification of students for admission and fee purposes. ▪ Amendments are proposed to this Rule to clarify certain provisions and to address certain changes and situations that have arisen since the adoption of this Rule. ▪ A change is proposed to Section 2.2.1 to clarify the definition of “Prior to the start of classes.” ▪ Changes are proposed to Section 6, International Students, to add categories of international students that may be eligible to receive in-state tuition if they have already established domicile in West Virginia. The proposed changes would now allow international students who have established domicile in West Virginia to seek residency status if (1) they hold an S or T visa; (2) they have an approved I-360 petition pursuant to the Violence Against Women Act or Special Immigrant Juvenile Status; (3) they are subject to the Deferred Action for Childhood Arrivals, Temporary Protected Status, Deferred Enforced Departure, withholding of removal, or protection under the Convention Against Torture; or (4) they are the beneficiary of a pending I-589 application for asylum. ▪ A change is proposed to Section 8.2 to clarify the definition of “domicile.”
BOG Talent & Culture Rule 3.5 – Employee Leave	Amend and Approve	<ul style="list-style-type: none"> ▪ The Board adopted this Rule on September 8, 2017, to outline the guiding principles for annual leave, sick leave, medical leave, funeral leave, catastrophic leave, parental leave, FMLA, personal leave of absence without pay, military leave, special emergency leave without pay, witness and jury

BOG Rule	Recommended Action	Comments
		<p>leave and leave usage during facility disruption, utility service interruption and inclement weather for University employees.</p> <ul style="list-style-type: none"> <li data-bbox="884 345 1934 591">▪ The proposed changes seek to add Section 16 “Leave for Residents and Fellows” to provide that residents and fellows, whose employment may fall under a program subject to accreditation, will receive leave in accordance with any applicable accreditation requirements. The proposed amendment to the BOG Rule will allow the University to continue to provide standard leave programs to these employees and amend the programs, where necessary, to comply with the rules of an accrediting body.

A copy of the current Rules can be found at <http://bog.wvu.edu/policies> and a copy of the proposed Amended Rules and this Notice of Proposed Rulemaking can be found at <http://policies.wvu.edu/>.

There will be a 30-day public comment period from February 20, 2023 until March 21, 2023, for the submission of written comments. Comments should be submitted using the online submission form for each Rule, which can be found by clicking on the link to the Rule located at: <http://policies.wvu.edu/>. If there are any questions about the submission process, they can be directed to Valerie Lopez, Special Assistant to the Board of Governors, at Valerie.Lopez@mail.wvu.edu or Valerie Lopez, Office of the President, West Virginia University, PO Box 6201, Morgantown, West Virginia 26506-6201.

Once the comment period has ended, all public comments received or a summary thereof will be posted on the University's policy website. The Rules may be changed, subject to comments received.

Board of Governors Rule

Governance
Administration
Responsible Unit: Office of the President
Amended: TBD
Adopted: ~~January 24, 2018~~
Effective: ~~February 13, 2018~~TBD
Revision History: Prior BOG Policy 5 (Originally effective September 6, 2002); Prior BOG Policy 6 (Originally effective September 6, 2002); rewritten as BOG Rule 1.2 and adopted January 24, 2018 (effective February 13, 2018)
Review Date: April 2023

BOG GOVERNANCE RULE 1.2 ADMINISTRATION

SECTION 1: PURPOSE & SCOPE.

- 1.1 This Rule addresses West Virginia University Board of Governors administrative matters relating to: (1) changes in the administrative and academic structure of the University; (2) the naming of University Facilities or Academic Units; and (3) the statutorily required University Master Plan.

SECTION 2: SUBSTANTIAL ORGANIZATION CHANGE TO THE UNIVERSITY.

- 2.1 The President may, for purposes of organizational efficiency or other administrative or academic purposes, implement changes in the administrative and academic structures of the University or within the organization of colleges, schools, divisions, departments or other administrative units.
- 2.2 The President shall inform the Board of Governors of any Substantial Organization Changes prior to implementation. The Board of Governors reserves the right to take action on any Substantial Organizational Change prior to implementation.
- 2.3 Where appropriate as determined by the President, the President may consult with Faculty Senate, Classified Staff Council, Student Representatives, and other applicable individuals or groups prior to implementing any Substantial Organization Change.
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SECTION 3: NAMING OF UNIVERSITY FACILITIES AND ACADEMIC UNITS.

3.1 The Board of Governors shall establish an official name of Facilities or Academic Units upon recommendation of the President.

3.2 The President may recommend names in honor of benefactors (individuals, corporations, private foundations, and other organizations or groups), and persons or other parties who have made substantial contributions to the University or to education in general.

3.2.1 The naming of Facilities and Academic Units must undergo a high level of consideration and due diligence to ensure that the name comports with the purpose and mission of the University.

~~3.2.13.2.2~~ No naming shall be permitted for any corporation or individual whose public image, products, or services may conflict with such purpose and mission. Subject to Section 3.2.5, if the name of a corporation changes after a Facility or Academic Unit is named for the corporation, the name of the Facility or Academic Unit would remain the same unless a change is recommended by the President.

~~3.2.23.2.3~~ No naming shall be permitted for individuals who have been employed at the University during the three (3) previous years, unless an exception is made by the Board of Governors.

~~3.2.4~~ Significant structural or external portions of Facilities may be named separately to recognize benefactors who wish to underwrite the cost of that portion, or to recognize persons who have made substantial contributions to the University or to education in general. If the University is considering naming an Academic Unit or a Facility to recognize one or more monetary benefactors of the University, the President shall consult with the WVU Foundation to seek recommendations as to whether: (1) the benefactor exemplifies attributes of purpose; integrity; and alignment with mission, vision, and values of the University; and (2) the philanthropic commitment of the benefactor is commensurate with the nature and type of the proposed naming.

~~3.2.33.2.5~~ In all instances, the Board retains the ultimate discretion in determining whether to name Facilities and Academic Units.

~~3.2.43.2.6~~ The Board may elect to name a Facility or Academic Unit for a specific term or limited period of time.

3.3 The Board reserves the right to re-name Facilities and Academic Units in the event of unusual or compelling circumstances.

- 3.4 In the event that a Facility or Academic Unit, or any part thereof, named for a benefactor is demolished, removed, replaced, or fully renovated, the University shall not be obligated to continue the name, nor shall it be obligated to name any new construction intended to replace the Facility or Academic Unit, or any part thereof, after the benefactor. The University may seek other means to recognize the benefactor after the useful life of that Facility or Academic Unit.

SECTION 4: UNIVERSITY MASTER PLAN.

- 4.1 The Board of Governors delegates to the President the responsibility for complying with W. Va. Code §18B-2A-4(b), which requires the University to develop a University Master Plan.
- 4.2 The University's Master Plan shall include, but is not limited to, the following components:
- 4.2.1 A detailed demonstration of how the Master Plan will be used to meet the goals, objections, and priorities of any compacts the University has entered into;
 - 4.2.2 A well-developed set of goals, objectives, and priorities outlining missions, degree offerings (including any additions or deletions of academic programs), resource requirements, physical plant needs, personnel needs, enrollment levels and other planning determinates and projections necessary in a plan to assure that the needs of the University's area of responsibility for a quality system of higher education are addressed;
 - 4.2.3 Steps taken to meet the West Virginia legislatively established policies established in W. Va. Code §18B-1D-1, *et. seq.*, including reports on each of the data elements identified in that section;
 - 4.2.4 Data relating to retention and graduation rates for resident students at the University and within each college or school at the University; and
 - 4.2.5 Documentation showing how the University encouraged, as appropriate, the participation of faculty, staff, students, and the general public in the development of its Master Plan.
- 4.3 The Master Plan shall be established for a period of not fewer than three years and not more than five years.
- 4.3.1 The Master Plan shall be updated at least bi-annually. It may be updated more

frequently at the discretion of the President.

- 4.4 The University shall provide bi-annually a copy of its Master Plan, including any updated revisions, to the West Virginia Legislative Overnight Commission on Education Accountability and to the Higher Education Policy Commission.
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SECTION 5: DEFINITIONS.

- 5.1 “Academic Units” means campuses, colleges, schools, departments, centers, and institutes.
- 5.2 “Facilities” means any building, farms, roads, plazas, and athletic fields or other playing surfaces used for athletic practice/training or competition.
- 5.3 “President” means the President of West Virginia University or his or her designee.
- 5.4 “Substantial Organizational Change” means any material and significant change to the University’s organization that affects the mission of the University or otherwise has statewide impact. These Changes do not include staff changes for existing positions within the University.
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SECTION 6: DELEGATION.

- 6.1 The Board of Governors delegates to the President the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.
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SECTION 7: AUTHORITY.

- 7.1 W. Va. Code §§ 6-9A-3; 18B-1-6; 18B-2A-3; and 18B-2A-4(a), (b), and (t).
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SECTION 8: SUPERSEDES.

- 8.1 This Rule supersedes and replaces Higher Education Policy Commission (“HEPC”) Series 13 (W. Va. Code R. §§ 133-13-1 to -2), which was adopted April 19, 2002; and any other Rule of the HEPC which relates to the subject matter contained within this Rule. This Rule also supersedes and replaces West Virginia University Board of Governors Policy 5 and 6,

any internal policy or procedure which relates to the subject matter contained within this Rule.



Board of Governors Rule

Academics
Program Review
Responsible Unit: Provost's Office
Amended: TBD
Adopted: May 22, 2018
Effective: ~~June 11, 2018~~TBD
Revision History: Prior BOG Policy 1
(September 7, 2001); rewritten as BOG
Rule 2.2 and adopted May 22, 2018
(effective June 11, 2018);
Review Date: April 2027

BOG ACADEMICS RULE 2.2 PROGRAM CREATION AND REVIEW

SECTION 1. PURPOSE & SCOPE.

- 1.1 The Rule sets forth the responsibilities of the Board and the University with regard to the creation of Academic Programs; the regular, periodic review of Academic Programs; and the continuation or discontinuation of Academic Programs.
- 1.2 This Rule shall apply to all Academic Programs of West Virginia University, West Virginia University Institute of Technology, and Potomac State College of West Virginia University.

SECTION 2. PROGRAM CREATION AND APPROVAL.

- 2.1 The University must establish and maintain a uniform, institutional standard for the categorization of all degree programs, majors, minors, areas of emphasis, and undergraduate and graduate certificate programs at current locations currently served by the University.
- 2.2 New additional locations offering fifty percent (50%) or more of the courses required for an Academic Program must be approved by the University and the Higher Learning Commission prior to program delivery; following these approvals, the new additional location shall be reported to the Board prior to implementation.
- 2.3 Any new Academic Program must be approved by the University, the Board, and then listed on the official inventory of degree programs maintained by the Policy Commission.

- 2.3.1 Any ~~new~~ Academic Program proposed to be offered at a new location, not presently served by the University, must, pursuant to W. Va. Code § 18B-1B-4(a)(3~~2~~9), be reviewed and approved by the Policy Commission.
- 2.4 The Provost shall establish a standard process for establishing new or changed academic programs that gives appropriate consideration to the University's financial and facility resources.
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SECTION 3. PERIODIC PROGRAM REVIEW.

- 3.1 *Review by the Board.* Pursuant to W. Va. Code § 18B-2A-4(g) the Board shall, at least every five years, review all Academic Programs offered by the University; such review shall address the viability, adequacy, effectiveness, and necessity of the Academic Programs in relation to established state goals, objectives and priorities, the Master Plan, and the education and workforce needs of its responsibility district.
- 3.2 *Review by the University.* In order for the Board to efficiently conduct its review, the Provost shall develop a process for the University to evaluate, at a minimum, the following core components of each Academic Program: a) mission, b) faculty productivity, c) student enrollment and graduation history, d) facilities and equipment, f) assessment; and g) program improvement.
- 3.2.1 Where appropriate, the review of Academic Programs should coincide with the reviews required of the applicable accrediting bodies.
- 3.2.2 To establish additional assessment criteria for the review of Academic Programs, the University should conduct periodic studies of the University's graduates and their employers to determine placement patterns and the effectiveness of the education experience.
- 3.2.3 At the conclusion of the University's evaluation, the applicable Dean and department chair or program coordinator/director shall be notified of the Provost's preliminary recommendation to the Board. Thereafter, the department chair or program coordinator/director may appeal the Provost's final recommendation to the Institutional Program Review Appeals Committee. The result of any appeal shall be final.
- 3.2.4 To ensure a broad based representation in the appeal of a particular program review, the Provost shall establish a Program Review Appeals Committee; members will include the Vice Provost, the relevant associate

provost, the program review officer, a representative from the Dean's Office of the program's home college, two representatives from different colleges' dean's offices, and the Faculty Senate chair.

- 3.3 *Recommendation to the Board.* Upon completion of a program review, the Provost shall present to the Board one of the following recommendations:
- 3.3.1 Continuation of the Academic Program at the current level of activity, with or without specific action. If specific action is recommended, such recommendation must include a timeline and required response (if any).
 - 3.3.1.1 Programs recommended for continuation at the current level of activity may also be recommended for recognition as a "Board of Governors Program of Excellence."
 - 3.3.2 Continuation of the Academic Program at a reduced level of activity (e.g., reducing the range of optional tracks or majors).
 - 3.3.3 Identification of the Academic Program for further development.
 - 3.3.4 Development of a cooperative program with another Academic Program, or sharing of courses, facilities, and the like.
 - 3.3.5 Discontinuation of the Academic Program; such a recommendation shall be accompanied with detailed rationale and a proposed plan for addressing the effects upon students, faculty, and equipment, etc.
- 3.4 *Action by the Board.* The Board may request additional information or request that further analysis of an Academic Program be made by prior to accepting a recommendation regarding an Academic Program.
- 3.4.1 The Policy Commission shall be notified in the event that a degree program is terminated.

SECTION 4: DEFINITIONS.

- 4.1 "Academic Program" means any academic program that grants a certificate, associate, baccalaureate, graduate, or professional degree upon its completion as well as other curricula, including minors, areas of emphasis, and teacher specializations.
- 4.2 "Master Plan" is defined in BOG Governance Rule 1.2 – Administration.
- 4.3 "Provost" means the Provost of West Virginia University or his or her designee.

- 4.4 “Policy Commission” refers to the West Virginia Higher Education Policy Commission.
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Section 5: DELEGATION.

- 5.1 The Board of Governors delegates to the Provost the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.
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SECTION 6: AUTHORITY.

- 6.1 W. Va. Code § 18B-1-6, § 18B-2A-4(g).
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SECTION 7: SUPERSEDING PROVISIONS.

- 7.1 This Rule supersedes and replaces Higher Education Policy Commission (“HEPC”) Series 10 (W. Va. Code R. §§ 133-10-1 to -7.4.1), which was effective October 10, 2008 and any other Rule of the HEPC which relates to the subject matter contained within this Rule. This Rule also repeals and supersedes WVU BOG Policy 1 – Program Review, which was adopted on September 7, 2001, any other internal academic policy or procedure which relates to the subject matter contained within this Rule.



Board of Governors Rule

Academics
Undergraduate Admissions
Responsible Unit: Provost's Office
Amended: ~~TBD November 9, 2018~~
Effective: ~~TBD December 6, 2018~~
Revision History: First adopted on May 22, 2018 (effective June 11, 2018); Amended on November 9, 2018 (effective December 6, 2018);
Review Date: April 202~~8~~2

BOG ACADEMICS RULE 2.3 UNDERGRADUATE ADMISSIONS

SECTION 1: PURPOSE & SCOPE.

- 1.1 This Rule establishes standards and procedures for undergraduate admissions at the University.
 - 1.2 This Rule applies to all students at West Virginia University, including West Virginia University Institute of Technology and Potomac State College of West Virginia University.
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SECTION 2: REGULAR FRESHMAN ADMISSION STANDARDS.

- 2.1 The following standards apply to regular admissions as an undergraduate student to ~~the~~at West Virginia University – WVU Morgantown:
 - 2.1.1 Resident Students may have a) an approved high school diploma, a minimum ~~2.50~~ high school GPA, and an SAT composite score of at least ~~9980~~ or ACT composite of 19; b) meet high school equivalency exam requirements and have an SAT composite of at least ~~9980~~ or ACT composite of 19; or c) -an approved high school diploma, a minimum 2.5 high school GPA, and additional criteria that support academic success in the absence of Standardized Test scores as outlined in Sections 4 and 5 of this Rule ~~have a high school diploma and a minimum high school GPA of 3.0.~~
 - 2.1.2 Nonresident Students may have a) an approved high school diploma, a minimum 2.5 high school GPA, and an SAT composite score of at least 1060 or ACT composite of 21; b) meet high school equivalency exam requirements and have an SAT composite of at least 1060 or ACT composite of 21; or c) an approved high school diploma, a minimum 2.5 high school GPA, and additional criteria that support academic success in the absence of Standardized Test scores as

outlined in Sections 4 and 5 of this Rule.~~have a high school diploma and a minimum high school GPA of 3.0.~~

2.2 The following standards apply to regular admissions as an undergraduate student to the WVU Institute of Technology – WVU Beckley:

2.2.1 Resident Students and Nonresident Students may have a) an approved high school diploma, a minimum 2.0 high school grade-point average (GPA), and an SAT composite score of at least 9650 or ACT composite of 18; ~~b) meet high school equivalency exam requirements and have an ACT composite of at least 9650 or ACT composite of 18; or c) have a high school diploma and a minimum high school GPA of 3.0; or~~ c) an approved high school diploma, a minimum 2.5 high school GPA, and additional criteria that support academic success in the absence of Standardized Test scores as outlined in Section 4 and 5 of this Rule.

2.3 The following standards apply to regular admissions as an undergraduate student to the Potomac State College – WVU Keyser:

2.3.1 Resident Students may have a) an approved high school diploma; or 2) meet high school equivalency requirements.

2.3.2 Non-resident Students may have a) an approved high school diploma, a minimum 2.0 high school GPA; or 2) meet high school equivalency exam requirements.

2.3.3 Applicants are encouraged to submit Standardized Test scores, which are used for placement purposes.

2.4 The following standards apply to regular admissions as an undergraduate student to West Virginia University - WVU Morgantown and WVU Institute of Technology - WVU Beckley when Standardized Test scores are not available.

2.4.1 Resident Students and Nonresident Students may have a) an approved high school diploma and a minimum high school GPA as outlined in Sections 2.1 of this Rule for West Virginia University – WVU Morgantown and Section 2.2 of this Rule for WVU Institute of Technology – WVU Beckley; or b) meet high school equivalency exam requirements as outlined in the University Catalog.

2.4.2 Resident Students and Nonresident Students must successfully complete the Core Requirements for Admissions in Section 4 of this Rule to receive credit from the appropriate high school or college.

2.4.3 Additional admissions requirements may be requested by the Office of Admissions to certify academic aptitude in place of standardized tests as outlined in Section 5 of this Rule.

2.5 Completion of the regular admissions standards is not a guarantee of admission to the University. Additional information may be required as outlined in Sections 4 and 5 of this Rule.

SECTION 3: CONDITIONAL ADMISSION STANDARDS.

- 3.1 Conditional Admission may be granted in instances where the Regular Freshman Admission Standards are not met and institutional officials have evidence that the student has the potential to successfully complete college-level work. The University must monitor and provide support to conditionally admitted students through Developmental Education initiatives and other dedicated academic and student service programs.
- 3.1.1 Conditionally-admitted students must maintain good academic standing as defined by the University in the Catalog.
- 3.1.2 Conditionally-admitted students must complete any required Developmental Education and/or the provisions of their Conditional Admission within the first four (4) semesters of enrollment. Unless the student is still enrolled in Developmental Education, students failing to meet the provisions of their Conditional Admission shall be denied continued enrollment.

SECTION 4: CORE REQUIREMENTS FOR ADMISSION.

- 4.1 In addition to meeting the Regular Freshman Admissions Standards, students must successfully complete the following minimum academic core unit requirements at the high school or college level prior to the initial period of enrollment.
- 4.1.1 Four (4) English courses (including English 12CR and courses in grammar, composition, and literature).
- 4.1.2 Four (4) Social Studies/Fine Arts/Humanities courses (any combination of social studies, fine arts, or humanities will fulfill the requirement. Combination must include US studies/history).

4.1.3 Three (3) Mathematics courses (units must be Algebra I or higher Math I or higher and include Algebra II or an equivalent higher-level Math course; Transitional Math for High School seniors will also be accepted). Courses designed as “support courses,” such as Math I Lab or Math I Support, that provide extra instructional time but no additional content shall not be acceptable as meeting the required three (3) Mathematics course core requirements.

4.1.4 Three (3) Science courses (preferably including units from biology, chemistry, and physics).

4.1.5 Two (2) World Language courses (two units of the same world language; sign language is also acceptable).

4.2 Select academic programs may require additional academic units relative to their specific area of study. Students not meeting those minimums may be granted general admissions to the University with the intent to enroll in the program once equivalent college work is completed.

~~4.3~~ The Provost may waive academic core unit requirements for admission. Provided, ~~that s~~Students admitted with a waiver under this provision must satisfy all curricular deficiencies through the successful completion of commensurate college coursework prior to degree completion.

SECTION 5: ADDITIONAL ADMISSIONS CRITERIA.

5.1 Official high school transcripts or an official High School Equivalency diploma or University approved high school equivalency test scores are required for each incoming freshman who is registered in an undergraduate degree program who is not an International Student. Such documents shall be submitted to the University prior to the end of the first semester of the student’s attendance.

5.1.1 The institution issuing the diploma can be validated by a College Entrance Examination Board (CEEB) code, by a state department of education, or by other established procedures determined by the institution.

5.1.2 Continued enrollment will be denied to any student who has not submitted the required documentation.

5.2 All students who have graduated from high school or completed high school equivalency requirements more than five years prior to seeking admission may have the requirement for Standardized Test scores exempted at the discretion of the President.

- 5.3 In addition to the above, the University may use, but shall not be limited to the use of, the following information in determining admission to institutions and/or institutional programs:
- 5.3.1 Records of traditional academic performance relative to the specific educational program to which the student seeks entry.
 - 5.3.2 Record of nontraditional learning experience.
 - 5.3.3 Standardized examinations relative to the requirements of the academic program to which the student seeks entry.
 - 5.3.4 College equivalency examinations such as the College Level Examination Program (CLEP) and ~~also~~, special preparatory programs such as the Advanced Placement Program of the College Entrance Examination Board and the International Baccalaureate Diploma.
 - 5.3.5 Recommendations and reports of interviews.
 - 5.3.6 The University reserves the right to recalculate high school GPAs as part of the admissions process. Recalculations will be done using an approved national equivalency system as determined by the Office of Admissions and the Provost.
- 5.4 Health and immunization records may be required before or after admission into the University.
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SECTION 6: TRANSFER STUDENTS.

- 6.1 Unless otherwise stated, Students seeking transfer admission to the University must be academically and otherwise eligible to return to the institution from which they wish to transfer; must have a minimum 2.0 cumulative GPA for all post high school coursework; and meet the University's Regular Freshman Admission Standards.
- 6.2 Transfer students must supply the University with transcripts reflecting all previous college work prior to admission.
- 6.3 Students applying to either the WVU Morgantown or WVU Institute of Technology-WVU Beckley campus with at least twenty-four (24) transferable credit hours are exempt from meeting the Regular Freshman Admission Standards outlined in section 2 of this Rule.

- 6.4 Students applying to Potomac State College-WVU Keyser with at least twelve (12) transferable credit hours are exempt from meeting Regular Freshman Admission Standards outlined in section 2 of this Rule.
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SECTION 7: INTERNATIONAL STUDENTS.

- 7.1 International students must have a minimum 2.5 high school GPA.
- 7.2 International students are not required to present Standardized Test scores for admission purposes.
- 7.3 International students must meet English proficiency requirements as established by the Provost and must submit scores prior to admission.
- 7.4 For all students educated outside of the United States, original or certified copies of all academic records/transcripts are required. Certified documents must be notarized or attested by the education institution, the Ministry of Education of the country, and/or an evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES) or by other designated officials. Such documents shall be provided to the University prior to the end of the first semester of the student's attendance.
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SECTION 8: NON-DEGREE STUDENTS.

- 8.1 The University may admit students who are not seeking and/or not eligible to pursue a certificate or degree. Non-degree students must meet the minimum University admissions standards and must follow transfer admissions requirements in Section 6 of this Rule~~and the Provost may establish minimum standards for admission of non-degree students.~~
- 8.2 Unless otherwise stated, Students seeking non-degree admission to the University must be academically and otherwise eligible to return to their current or previous institution.
- 8.3 Non-degree students must supply the University with transcripts reflecting all previous college work prior to admission.
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SECTION 9: ADMISSIONS POLICIES FOR ACADEMIC PROGRAMS.

- 9.1 The Schools and Colleges of the University may establish admission policies for individual programs which are more rigorous than those established by this Rule.

- 9.1.1 Program specific admissions policies shall be comprehensive and stated in specific terms and such policies shall be included in the Catalog.
- 9.2 Neither regular nor conditional admission shall ensure the entry of applicants into specific academic programs.
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SECTION 10: DEFINITIONS.

- 10.1 “ACT” refers to the standardized ACT® college admission test designed to assess academic readiness for college.
- 10.2 “Conditional Admission” means the admission of an undergraduate student who does not meet the requirements for regular admission as outlined in section 2 of this Rule.
- 10.3 “Developmental Education” means programs and initiatives established to address academic preparedness, diagnostic assessment and placements, development of general and discipline-specific learning strategies; such courses may be “pre-college” courses that do not count toward a baccalaureate degree, an A.A. degree, an A.S. degree, or an A.A.S. degree or they may be entry-level, credit-bearing academic courses designed to address academic preparedness while also delivering the content of the traditional, entry-level course.
- 10.4 “International Student” means a student who is not a U.S. citizen and does not qualify for West Virginia resident status according to BOG Academics R. 2.4 - Residency.
- 10.5 “SAT” refers to the standardized SAT® college admission test designed to assess academic readiness for college.
- 10.6 “Standardized Test” refers to the SAT or ACT.
- 10.7 “Non-resident Student” means a domestic student who does not qualify for West Virginia resident status according to BOG Academics R. 2.4 - Residency.
- 10.8 “President” means the President of West Virginia University or his or her designee.
- 10.9 “Provost” means the Provost of West Virginia University or his or her designee.
- 10.10 “Resident Student” means a student who qualifies for West Virginia resident status according to BOG Academics R. 2.4 - Residency.
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Section 11: DELEGATION.

- 11.1 The Board of Governors delegates to the President the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.
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SECTION 12: AUTHORITY.

- 12.1 W. Va. Code §18B-1-6, § 18B-2A-4(h), §18B-2A-5.
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SECTION 13: SUPERSEDING PROVISIONS.

- 13.1 This Rule supersedes and replaces Higher Education Policy Commission (“HEPC”) Series 23 (W. Va. Code R. §§ 133-23-1 to -10.4), which was effective February 13, 2015 and any other Rule of the HEPC which relates to the subject matter contained within this Rule. This Rule also repeals and supersedes WVU BOG Policy 1 – Program Review Procedures, which was adopted September 7, 2001, and any other internal academic policy or procedure which relates to the subject matter contained within this Rule.



Board of Governors Rule

Academics
Residency Status for Admission, Tuition, and
Fee Purposes
Responsible Unit: Provost's Office
~~Amended: TBD~~~~Adopted: May 22, 2018~~
Effective: ~~TBD~~~~June 11, 2018~~
Revision History: Rewritten as BOG Rule 2.5
and adopted on May 22, 2018 (effective June
11, 2018)~~None~~
Review Date: April 2027~~2~~

BOG ACADEMICS RULE 2.4 RESIDENCY STATUS FOR ADMISSION, TUITION, AND FEE PURPOSES

SECTION 1: PURPOSE & SCOPE.

- 1.1 The University seeks to design and administer a fair and consistent system regarding the determination of residency classification of students for admission and fee purposes.
 - 1.2 This Rule applies to all students at West Virginia University, including West Virginia University Institute of Technology and Potomac State College of West Virginia University.
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SECTION 2: RESIDENCY STATUS ASSIGNED AT THE TIME OF ADMISSION TO THE UNIVERSITY.

- 2.1 At the time of admission to the University all students shall be assigned a residency status for admission and tuition and fee purposes. Such decisions shall be made by a designated official on each of the University's campuses. In determining a student's residency status, the decision is one of Domicile, and shall be based upon information furnished by the student and all other relevant information available to the University.
 - 2.1.1 Any previous determination of a student's Domicile by another entity or institution of higher education shall not be conclusive or binding on the University.
 - 2.1.2 As appropriate, the University may interview students or require students to furnish affidavits, verifications, or other evidence as it deems necessary to establish the Domicile of a student.
 - 2.1.3 The burden of establishing Domicile for admission, tuition, and fee purposes is upon the student and must be supported by evidence of positive and unequivocal action.

- 2.1.4 The determination of a student's residency status will be determined on its own merit by the University consistent with this Rule.
- 2.2 For purposes of this Rule, Domicile within the State of West Virginia shall be established in all instances where a student, the student's spouse, or, in the case of a Dependent Student, their parent(s) or legal guardian have met at least one of the following circumstances:
- 2.2.1 Maintained a continuous presence of at least twelve (12) months within the state prior to the start of classes: Provided, that such twelve (12) months' presence must be for some primary purpose that does not include enrollment at the University. Prior to the start of classes is defined as the point in time when the student began their major or initial enrollment at the University.
- 2.2.2 Established a Domicile in West Virginia prior to entrance into Federal Service, entered the Federal Service from West Virginia, and has at no time while in Federal Service claimed or established a Domicile in another state.
- 2.2.3 Assigned to full-time Federal Service in West Virginia and residing in West Virginia.
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SECTION 3: PROCESS FOR RECLASSIFYING RESIDENCY STATUS.

- 3.1 Pursuant to a process to be established by the President, students may submit an application for residency reclassification in two instances:
- 3.1.1 The student believes the initial residency determination was made in error; in which case, the student must request residency reclassification within the student's first semester attending the University.
- 3.1.2 The student believes that their residency status has, as a result of positive and unequivocal action, changed during the time of the student's enrollment.
- 3.2 The process for requesting residency reclassification shall include, at a minimum, the following:
- 3.2.1 An opportunity to appear before a committee established to receive and process requests for residency reclassification. Students shall have the option of allowing the committee to make a decision solely on the basis of written materials or the student may appear before the committee and present his or her rationale for the residency reclassification.
- 3.2.2 An opportunity to contest the decision of the committee on residency appeals by a final appeal to the President.

- 3.3 In all instances, changes in residency status resulting from a request for residency reclassification shall be effective for the academic term or semester next following the date of the initial application for reclassification.
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SECTION 4: DEPENDENCY STATUS AND RESIDING WITH FAMILY.

- 4.1 A Dependent Student maintains the same Domicile as that of their parent(s) or legal guardian. In the event the parents are divorced or legally separated, the Dependent Student takes the Domicile of the parent with whom the student lives or is otherwise established by court order. However, a Dependent Student who enrolls and is properly classified as an in-state student maintains that classification as long as the enrollment is continuous and that student does not attain independence and establish Domicile in another state.
- 4.2 A nonresident student who becomes independent while a student attending the University does not, by reason of such independence alone, attain Domicile in West Virginia for admission, tuition, or fee payment purposes.
- 4.3 Residing with relatives (other than parent(s) or a legal guardian) does not, in and of itself, cause the student to attain Domicile in West Virginia for admission and tuition and fee purposes.
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SECTION 5: MILITARY EDUCATION BENEFITS.

- 5.1 Any person living in West Virginia and receiving education benefits provided under Chapter 30 or Chapter 33 from the U.S. Department of Veterans Affairs shall be charged in-state tuition and fees to attend a West Virginia public institution of higher education so long as such student is considered a “covered individual” as described in 38 U.S.C. § 3679, as in effect at any time.
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SECTION 6: INTERNATIONAL STUDENTS.

- 6.1. Students who have established a Domicile in West Virginia and who are U.S. Permanent Resident Aliens, political asylees or political refugees, or who hold an A, E, G, H, I, L, O, P, R, S, T, TD, TN, U, or V visa, may be treated as resident students for admission and fee payment purposes.
- 6.2 Students who hold B, C, D, F, J, K, M, or Q visas may not establish West Virginia residency for admissions and tuition and fee purposes.

- 6.3 Students who have established a Domicile in West Virginia and who are the beneficiary of a pending I-485 application to adjust status to permanent resident or who have an approved I-360 petition pursuant to the Violence Against Women Act or Special Immigrant Juvenile Status may apply to be reviewed for in-state residency for admission and tuition and fee purposes.
- 6.4 Students who have established Domicile in West Virginia and are subject to the Deferred Action for Childhood Arrivals, Temporary Protected Status, Deferred Enforced Departure, withholding of removal, or protection under the Convention Against Torture may apply to be reviewed for in-state residency for tuition purposes.
- 6.5 Students who have established a Domicile in West Virginia and who are the beneficiary of a pending I-589 application for asylum may apply to be reviewed for in-state residency for tuition purposes.
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SECTION 7: FORMER DOMICILE.

- 7.1 A person who was formerly domiciled in West Virginia shall be immediately eligible for classification as a West Virginia resident for admission and tuition and fee purposes when all of the following circumstances are met:
- a. The student was a West Virginia resident when they graduated from high school;
 - b. The student was continuously enrolled during their absence from the state as a full-time student in post-secondary education;
 - c. The student's absence from West Virginia has been for four or less years; and
 - d. The student satisfies the conditions of this Rule regarding proof of Domicile and intent to remain permanently in West Virginia.
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SECTION 8: DEFINITIONS.

- 8.1 "Dependent Student" means a student who is listed as a dependent on the federal or state income tax return of a parent or legal guardian.
- 8.2 "Domicile" means a person's true, fixed, and permanent home and place of habitation to which that person intends to permanently remain, ~~with no intent to ever move back to another state or country.~~

8.3 “Federal Service” means (i) being on full-time active military service in another state or a foreign country or (ii) being an employee of the federal government.

8.4 “President” means the President of West Virginia University or his or her designee.

8.48.5 “Prior to the start of classes” means the point in time when the student began their major or initial enrollment at the University.

Section 9: DELEGATION.

9.1 The Board of Governors delegates to the President the authority to adopt additional academic internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

SECTION 10: AUTHORITY.

10.1 W. Va. Code §18B-1-6; W. Va. Code § 18B-10-1 to 16.

SECTION 11: SUPERSEDING PROVISIONS.

11.1 This Rule supersedes and replaces Higher Education Policy Commission (“HEPC”) Series 25 (W. Va. Code R. §§ 133-25-1 to -9.1.c), which was effective June 9, 2017; and any other Rule of the HEPC which relates to the subject matter contained within this Rule. This Rule also repeals and supersedes any other internal academic policy or procedure which relates to the subject matter contained within this Rule.



Board of Governors Rule

Talent and Culture
Employee Leave
Responsible Unit: Talent and Culture
Amended: [TBDSeptember 9, 2022](#)
Effective: [TBDSeptember 30, 2022](#)
Revision History: Prior BOG Policy 24 (June 17, 2005); Rewritten and adopted as BOG Rule 3.5 on September 8, 2017 (effective September 28, 2017); [Rewritten and adopted as BOG Rule 3.5 on September 9, 2022 \(effective September 30, 2022\)](#)
Review Date: September 2027

BOG TALENT AND CULTURE RULE 3.5 EMPLOYEE LEAVE

SECTION 1: PURPOSE & SCOPE.

- 1.1 This Rule outlines the guiding principles for annual leave, sick leave, medical leave, funeral leave, catastrophic leave, parental leave, the Family Medical Leave Act, personal leave of absence without pay, military leave, special emergency leave without pay, witness and jury leave and leave usage during facility disruption, utility service interruption and inclement weather for Employees of the West Virginia University Board of Governors.
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SECTION 2: GENERAL LEAVE COVERAGE.

- 2.1 Eligibility for annual and sick leave shall be based on the following:
- 2.1.1 Classified and Non-Classified Employees
 - 2.1.1.1 Classified and Non-Classified Employees working on a regular and continuing basis for at least 1,040 hours over a minimum of nine (9) months within a twelve (12) month period are eligible for leave as specified in this document.
 - 2.1.1.2 Classified and Non-Classified Employees working less than 1,040 hours within a twelve (12) month period are not eligible for leave benefits.
 - 2.1.1.3 Temporary employees are not eligible for leave.
 - 2.1.2 Faculty/Faculty Equivalent Academic Professionals (FEAPs) Employees
 - 2.1.2.1 Faculty/FEAP Employees on twelve-month appointments are defined

as leave eligible employees and accrue leave according to the appropriate sections of this Rule.

- 2.1.2.2 Faculty/FEAP Employees on annual appointments of less than twelve months do not accrue annual or sick leave. Thus, they are not eligible to participate in the catastrophic leave program.

2.2 Leave Accrual.

- 2.2.1 All leave eligible employees on payroll as of the 15th of the month earn ½ of their monthly leave accruals.
- 2.2.2 All leave eligible employees on payroll as of the last day of the month earn ½ of their monthly leave accruals.
- 2.2.3 During a terminal leave period, no type of leave may be accrued. The terminal leave period is the period for which a leave eligible employee may receive pay following the leave eligible employee's last active day at work.
- 2.2.4 Leave eligible employees on leave of absence without pay shall not accrue annual or sick leave or years of service credit for any and all full months in which they are off the payroll.
- 2.2.5 The University shall keep on file a record showing the current leave status of each leave eligible employee.

2.3 Leave Usage.

- 2.3.1 Annual and sick leave may not be taken before it is accrued.
- 2.3.2 A recognized institutional holiday occurring during a leave eligible employee's leave period shall not be considered as a day of leave, provided the leave eligible employee is not in a terminal leave period.

SECTION 3. ANNUAL LEAVE.

3.1 Leave Accrual.

3.1.1 Classified Employees.

- 3.1.1.1 Leave eligible Classified Employees occupying 1.0 FTE positions shall be eligible for annual leave on the following basis: Less than 5 years' service: 1.25 days per month; 5 but less than 10 years' service: 1.50 days per month; 10 but less than 15 years' service: 1.75 days per month; 15 or more years' service: 2.00 days per month.

- 3.1.1.2 Leave eligible Classified Employees expected to work at least 1,040 hours over a minimum of nine (9) months within a twelve (12) month period on a regular and continuing basis, but less than 1,950 hours over a 12 month period shall accumulate annual leave on a pro rata basis.
- 3.1.1.3 Length of service shall be total years of service to the state of West Virginia including experience with WV state institutions of higher education and other state agencies.
 - 3.1.1.3.1 Annual appointment periods of nine (9) months at 1.0 FTE or more shall be credited for one (1) year of service for annual leave calculation purposes.
 - 3.1.1.3.2 Years of service shall be prorated for all Classified Employees with appointments of less than 1.0 FTE.

3.1.2 Faculty/FEAP Employees.

- 3.1.2.1 Leave eligible Faculty/FEAP Employees occupying 1.0 FTE positions shall be eligible for 2.00 days per month of annual leave.
- 3.1.2.2 Leave eligible Faculty/FEAP Employees occupying positions which are less than 1.0 FTE shall accumulate annual leave on a pro-rata basis.

3.1.3 Non-Classified Employees.

- 3.1.3.1 Non-Classified Employees occupying 1.0 FTE positions shall be eligible for 2.00 days per month of annual leave.
- 3.1.3.2 Non-Classified Employees expected to work at least 1,040 hours over a minimum of nine (9) months within a twelve (12) month period on a regular and continuing basis, but less than 1,950 hours over a 12 month period shall accumulate annual leave on a pro rata basis.

3.2 Annual Leave Usage.

- 3.2.1 The work requirements of the institution shall take priority over the scheduling of annual leave or other leave for a leave eligible employee. When operationally possible, the supervisor shall grant earned annual leave at the convenience of the leave eligible employee. However, departmental needs must be met, and annual leave should not be taken without prior request and approval of the leave eligible employee's supervisor.

- 3.2.1.1 If a leave eligible employee does not follow established procedures for

requesting leave, the charge to annual leave shall be processed as an unauthorized leave.

3.2.2 After all sick leave is exhausted, at the request of the leave eligible employee, accumulated annual leave shall be granted because of illness.

3.3 Annual Leave Accrual Maximums.

3.3.1 The maximum for accumulated annual leave shall be twelve times the leave eligible employee's monthly accrual.

3.3.2 The maximum for accumulated annual leave may be increased up to 24 times the leave eligible employee's monthly accrual upon approval by Talent and Culture. Such extension of the leave eligible employee's maximum accrual may not be extended beyond one (1) year.

3.4 Up to fifteen (15) days of unused/unpaid annual leave may be transferred from other eligible agencies of WV state government and state higher education institutions to other higher education institutions. Certification of the balance which existed in the agency or institution from which the leave eligible employee is transferring must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one (1) year from the last day of employment with the other agency or institution.

3.5 A leave eligible employee is entitled to be paid for unused/unpaid annual leave at termination of service, but in no case may this exceed the limits set in 3.3.2 above. The leave eligible employee may elect a lump-sum payout of annual leave, choose to remain on payroll in a terminal leave period equaling the number of annual leave days he/she has accumulated or transfer unused/unpaid annual leave to another eligible state agency.

3.5.1 In the event of a leave eligible employee's death, the value of accumulated annual leave will be paid to the leave eligible employee's estate.

SECTION 4: SICK LEAVE.

4.1 Sick Leave Accrual.

4.1.1 Leave eligible employees occupying 1.0 FTE positions shall accumulate sick leave at the rate of 1.5 days per month.

4.1.2 Leave eligible employees occupying positions which are less than 1.0 FTE shall accumulate sick leave on a pro-rata basis.

4.1.3 Sick leave may be accumulated without limit.

4.2 **Sick Leave Usage.**

- 4.2.1 Sick leave may be used by the leave eligible employee when ill or injured or when in need of medical attention or when death occurs in the immediate family per Section 6 of this Rule.
- 4.2.2 A leave eligible employee may use sick leave for a member of the immediate family who is ill, injured, or in need of medical attention. Immediate family for this purpose is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children, or others considered to be members of the household and living under the same roof.
- 4.2.3 A leave eligible employee is required to notify his/her supervisor prior to the beginning of his/her shift (unless not feasible due to hospitalization, etc.) or immediately if the leave eligible employee becomes ill or unable to work for any reason while at work and to follow the institution's established procedures for absences from work. The notification shall be given to the immediate supervisor or designee, as determined by established procedures of the institution.

4.2.4 **Medical Documentation.**

- 4.2.4.1 The institution may require evidence from a leave eligible employee for verification of an illness or other causes for which leave may be granted under this Rule, regardless of the duration of the leave. Such verification shall be provided to Talent and Culture. Documentation regarding a leave eligible employee's medical conditions is not required to be submitted to the leave eligible employee's department.
- 4.2.4.2 Sick leave for more than five (5) consecutive days shall not be granted to a leave eligible employee for illness without satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution.
- 4.2.4.3 A leave eligible employee having an extended illness or serious injury shall, before returning to duty, obtain satisfactory medical clearance to help ensure adequate protection and shall indicate the leave eligible employee's ability to perform his/her duties. Such medical clearance shall be presented in writing within the requested timeframes.
- 4.3 In cases, except those involving catastrophic sick leave as defined in Section 7.1.1, where all accumulated sick leave has been used and annual leave is available, it shall be the option of a leave eligible employee either to use any accumulated annual leave until it has also expired, rather than being removed from the payroll, or to retain the accumulated annual leave for use after return to work, but be taken off the payroll immediately after the accumulated sick leave has expired.

- 4.4 Sick leave provisions are contingent upon continued employment. When the services of a leave eligible employee have terminated, all sick leave credited to the leave eligible employee shall be considered cancelled as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave except in the event of retirement, in which case sick leave may be converted to insurance coverage based on the leave eligible employee's eligibility for this benefit or for provisions lawfully provided for at that time. Leave eligible employees who resign in good standing and are later reemployed may have their total accumulated sick leave reinstated, provided the date of termination is one (1) year or less from the date of reemployment. However, if the leave eligible employee returns to work after more than one (1) year from the date of termination, no more than 30 days of accumulated sick leave may be reinstated.

SECTION 5: MEDICAL LEAVE.

- 5.1 Any employee requesting a medical leave must provide Talent and Culture, through established procedures, with satisfactory medical evidence (such as a statement from the attending physician) that he/she is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, Talent and Culture may authorize a medical leave only for the period of disability specified by the attending physician.
- 5.2 Medical Leave shall be with pay for all time that can be covered by use of sick leave, annual leave and/or catastrophic leave (as contained in Section 7 of this Rule). Medical Leave without pay may be granted when all available leave has been exhausted.
- 5.3 The employee shall be expected to report to work on the first workday following expiration of the disability period. An employee, prior to return to duty, shall obtain satisfactory medical clearance to help ensure adequate protection and which shall indicate the employee's ability to perform his/her duties. Such medical clearance shall be presented in writing to Talent and Culture. The employee will not be permitted to return to work until authorized by Talent and Culture.
- 5.3.1 Failure of the employee to report promptly at the expiration of a medical leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution.
- 5.4 A medical leave may be granted for no more than a twelve (12) consecutive month period. Employees who may need an extended medical leave beyond twelve (12) consecutive months may apply for an extension through institutional procedures or may consider other options, such as disability.
- 5.5 An employee who is separated from employment following a medical leave of absence of twelve (12) consecutive months may elect group health insurance coverage through COBRA. If such coverage is elected, the former employee is responsible for the full

(employer and employee portions) premium cost of such coverage.

- 5.6 Any employee who is separated from employment following a medical leave of absence of twelve (12) consecutive months and who had chosen to maintain her/his accumulated annual leave will receive payment for such accumulated annual leave in a lump sum payment.
- 5.7 On-the-job injuries or occupational illnesses which involve no more than three (3) days of disability leave or absence from work shall not be charged against a leave eligible employee's accumulated sick leave as long as they are the next three (3) consecutive working days after injury or illness occurred. If on-the-job injuries or illnesses require a leave beyond the three-day period, it shall be the option of a leave eligible employee either to use earned and accumulated sick and annual leave until both may be exhausted or to reserve for future use any earned and accumulated sick and annual leave and receive only Workers' Compensation benefits for which adjudged eligible. Once the leave eligible employee has elected one of the above described options in writing that decision is final.
- 5.8 Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom shall be, for all job-related purposes, temporary disabilities and shall be treated the same as any other illness or disability would be treated for sick leave entitlement. For this reason, leave eligible employees shall be entitled to sick leave for their disabilities related to pregnancy and childbirth on the same terms and conditions as they or other leave eligible employees would be entitled for other illnesses and disabilities. In determining whether an employee is unable to work because of a disability related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of illness or disability.
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SECTION 6: FUNERAL LEAVE.

- 6.1 Funeral leave is intended to provide a leave eligible employee time to arrange for and attend the funeral and related services of an immediate family member, including travel time.
- 6.1.1 Immediate family is defined for this purpose as: parents, siblings or children by blood or law; spouse; grandparents and grandchildren; or others considered to be part of the household living under the same roof.
- 6.1.2 Up to five (5) days of funeral leave may be charged as sick leave. Additional time necessary to meet the obligations outlined above shall be charged as annual leave.
- 6.2 Funeral leave is not provided for estate legal obligations and/or an extended bereavement period. Annual leave may be requested for these purposes.

SECTION 7: CATASTROPHIC LEAVE.

- 7.1 The catastrophic leave program is available to provide salary continuation to leave eligible employees who have suffered a catastrophic illness or injury.
- 7.1.1 Catastrophic illness or injury is defined as: a medically verified illness or injury that is expected to incapacitate the leave eligible employee and create a financial hardship because the leave eligible employee has exhausted all sick and annual leave and other paid time off.
- 7.1.2 Catastrophic illness or injury also includes an incapacitated immediate family member as defined in Section 4.2.2 above, as appropriate, if this results in the leave eligible employee being required to take time off from work for an extended period of time to care for the family member and if the leave eligible employee has exhausted all sick and annual leave and other paid time off.
- 7.2 In order to participate in the catastrophic leave program, a leave eligible employee must complete an application, provide all requested medical documentation and be approved for participation.
- 7.3 WVU maintains a procedure for direct transfer of sick or annual leave to a leave eligible employee who has requested and been approved for catastrophic leave.
- 7.3.1 Any leave donated by a leave eligible employee, but not used by the leave eligible employee to whom it was donated, shall be returned to the donating leave eligible employee and reflected in his/her leave balance.
- 7.4 WVU maintains a catastrophic leave bank which provides for the deposit of sick and annual leave into a "bank" from which leave eligible employees approved for catastrophic leave may withdraw leave.
- 7.5 Upon approval for a leave eligible employee to receive catastrophic leave, any leave eligible employee may donate sick and/or annual leave in one-day (7.5 hour) increments by following the approved procedures. No leave eligible employee shall be compelled to donate sick leave.
- 7.6 A leave eligible employee receiving the transfer of leave shall have any time which is donated credited to his/her leave record in one-day increments and reflected as a day-for-day addition to his/her leave balance. The leave record of the donating leave eligible employee shall have the donated leave reflected as a day-for-day reduction of the leave balance.
- 7.7 Use of donated credits may not exceed a maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury. The total amount of leave received by

transfer or withdrawn from a bank may not exceed an amount sufficient to ensure the continuance of regular compensation and shall not be used to extend insurance coverage post retirement pursuant to West Virginia Code § 5-16-13. The leave eligible employee receiving donations of leave shall use any leave personally accrued on a monthly basis prior to receiving additional donated leave.

SECTION 8: PARENTAL LEAVE.

8.1 Parental Leave Program Description.

- 8.1.1 Parental leave is an unpaid leave program.
- 8.1.2 During the parental leave, the institution shall continue group health insurance coverage provided that the employee pays the employer the full (employer and employee portions) premium cost of such group health plan.
- 8.1.3 The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the twelve-week period of the parental leave and the employee shall be returned to that position.

8.2 Eligibility for Parental Leave.

- 8.1.4 An employee who has worked at least twelve (12) consecutive weeks for the state may request up to twelve (12) weeks unpaid parental leave.
 - 8.1.5 The request must be due to birth or adoption by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition.
 - 8.1.6 All annual leave must be exhausted before the parental leave begins. No more than a total of twelve (12) weeks of parental leave may be taken in any twelve (12) consecutive month period.
- 8.3 The employee should provide his/her supervisor with written notice two (2) weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial.
 - 8.4 The employee must provide Talent and Culture with certification by the treating physician and/or documentation regarding dependency status.
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SECTION 9: FAMILY MEDICAL LEAVE ACT.

- 9.1 The institution shall comply with the provisions of the federal Family Medical Leave Act, which provisions shall run concurrently with parental leave and/or any other applicable

leave programs.

SECTION 10: PERSONAL LEAVE OF ABSENCE WITHOUT PAY.

- 10.1 A leave eligible employee, upon application in writing and upon written approval by the institutional President, may be granted a continuous leave of absence without pay for a period of time not to exceed twelve (12) consecutive months provided all accrued annual leave has been exhausted.
 - 10.2 The President, at his/her discretion, may require the written approval of the supervisor before accepting the written application of a leave eligible employee for a leave of absence without pay.
 - 10.3 The President, at his/her discretion, shall determine if the purpose for which such a leave is requested is proper and within sound administrative policy.
 - 10.4 At the expiration of a leave of absence without pay, the leave eligible employee shall be reinstated without loss of any rights, unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload.
 - 10.5 Failure of the leave eligible employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution.
 - 10.6 During a personal leave, the institution shall continue group health insurance coverage provided that the leave eligible employee pays the employer the full (employer and employee portion) premium costs of such group health plan.
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SECTION 11: MILITARY LEAVE.

- 11.1 An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades, field service or active service to the State ordered by proper authority, or for field training or active service for the maximum period as provided by state and/or federal law.
- 11.2 The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increases, credit for years of service and experience with the institution. An employee shall be required to submit an order or statement from the appropriate military officer in support of the request for such military leave unless military necessity prevents giving of such notice.

SECTION 12: SPECIAL EMERGENCY LEAVE WITH PAY.

- 12.1 Special emergency leave with pay may be granted by the President of the institution or his/her designee to full-time employees in the event of extreme misfortune to the employee or the immediate family. The leave should be the minimum necessary, and in no case may it exceed five (5) days within any twelve (12) consecutive month period. Typical events which may qualify an employee for such leave are fire, flood, or other events (other than personal illness or injury or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.
- 12.2 The President has the authority to approve special emergency leave with pay to respond to emergency situations impacting the operations of the University. Requests for special emergency leave with pay shall be granted according to policies or procedures established by the Vice President for Talent and Culture.

SECTION 13: WITNESS AND JURY LEAVE.

- 13.1 Upon application in writing, a leave eligible employee may be granted leave with pay as indicated hereinafter in this section provided the leave eligible employee is not a party to the action. Annual leave will not be charged under the provisions of this section.
- 13.1.1 When, in obedience to a subpoena or direction by proper authority, a leave eligible employee appears as a witness for the Federal Government, the State of West Virginia, or a political subdivision thereof, the leave eligible employee shall be entitled to leave with pay for such duty and for such period of required absence.
- 13.1.2 When a leave eligible employee serves upon a jury, or is subpoenaed in litigation, the leave eligible employee shall be entitled to leave with pay for such duty and for such period of required absence.
- 13.2 When attendance in a court is in connection with a leave eligible employee's usual official duties, time required in going and returning shall not be considered as absence from duty.
- 13.3 The leave eligible employee shall report to work if he/she is excused by the court before the end of his/her regular work day. Provisions for leave eligible employees who work a shift other than day shift shall be made according to institutional policy.

SECTION 14: LEAVE USE AS IT RELATES TO FACILITY DISRUPTION AND UTILITY SERVICE INTERRUPTION.

- 14.1 Utility Service Interruptions - When extended power and utility service interruptions occur or work facilities are not available for other reasons, administrators should make arrangements for leave eligible employees' usual work routine to be accomplished at alternate work locations, or make affected leave eligible employees available to other administrators for work in other areas. Also, if an administrator deems it advisable and the leave eligible employee agrees, time off during the utility service interruption may be granted and charged against a leave eligible employee's accumulated annual leave or Compensatory Time Off. Combinations of the above alternatives may be necessary, but in all cases interruptions of work schedules must be dealt with in accordance with applicable laws, including West Virginia Code §12-3-13. This law is interpreted to mean that if pay is associated with the absence from work, the absence must be charged to accumulated annual leave or Compensatory Time Off.

SECTION 15: LEAVE USE AS IT RELATES TO EMERGENCY SITUATIONS.

- 15.1 In the event that an emergency exists, the President, in conjunction with local or state public safety officials, has the authority to comply with the emergency situation and close the institution or part of the institution. The President, working with public safety officials, will determine when the emergency condition no longer exists. Should a leave eligible employee be required to work by the President during a declared emergency, the time worked shall be compensated according to policies or procedures established by the Vice President for Talent and Culture. Work time lost by any leave eligible employee during a declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement that the time be made up.
- 15.2 Absences from work due to weather conditions other than during a declared emergency must be charged against accumulated annual leave, accumulated compensatory time, floating holiday time or the leave eligible employee must be removed from the payroll for the time in question. Sick leave may not be charged for absences due to weather. The leave eligible employee's supervisor has discretion to assign a remote work assignment in response to weather conditions. Time lost from work also may be made up in the same work week at the discretion of the leave eligible employee's supervisor.

SECTION 16: LEAVE FOR RESIDENTS AND FELLOWS.

16.1. Notwithstanding any other provision of this Rule, residents and fellows will receive leave in accordance with any applicable accreditation requirements to the extent those requirements are inconsistent with this Rule.

SECTION 1617: DEFINITIONS.

176.1 All defined terms for this Rule are contained within the Definitions Section of Board of Governors Talent & Culture Rule 3.1, unless the text clearly indicates a different meaning.

SECTION 1718: DELEGATION.

18.1. The Board of Governors delegates to the Vice President for Talent and Culture the ability to adopt internal human resource policies and procedures in order to implement the provisions of this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

18.2. To the extent federal and state law is inconsistent with this Rule and it is not possible for the University to comply with all, applicable law will govern. Accordingly, Talent and Culture, with advice from the Office of General Counsel, has the discretion to implement any necessary changes in order to comply with legal obligations.

SECTION 198: AUTHORITY.

198.1 Family and Medical Leave Act (“FMLA”) of 1993, 29 U.S.C. §§ 2601-2654; Uniformed Services Employment and Reemployment Act (“USERRA”) 38 U.S.C. §§ 4301-4335; W. Va. Code §18B-1-6; §18B-2A-4; §18B-7-14; and §21-5D-1 to -9.

SECTION 2019: SUPERSEDING PROVISIONS.

2019.1 This Rule supersedes and replaces Higher Education Policy Commission (“HEPC”) Series 38 (W. Va. Code R. §§133-38-1 to -13), which was adopted November 19, 1992; HEPC Series 55 (W. Va. Code R. §§ 133-55-1 to -27, including Appendix A), which was adopted June 4, 2018 and any other current or subsequent Rule of the HEPC which relates to the subject matter contained within this Rule. This Rule also repeals and supersedes WVU BOG Policy 24 – Employee Leave, which was adopted on June 17, 2005, and any other Human Resources policy or procedure which relates to the subject matter contained within this Rule.