

**WEST VIRGINIA STATE UNIVERSITY  
BOARD OF GOVERNORS**

**BOG Policy #1**

**Guidelines for Generating Policies, Rules, and Administrative Procedures**

**Section 1. General.**

- 1.1. Scope: This policy establishes the process for adoption, amendment, or repeal of policies, procedures, and rules by West Virginia State; the terms “policy” and “rule” are used interchangeably when applying the West Virginia Higher Education Policy Commission’s procedural rule Title 133, Series 4, *Rules and Administrative Procedures* (“Series 4”).
- 1.2. Authority: W. Va. Code §18B-1-6 and Series 4 of the West Virginia Higher Education Policy Commission.
- 1.3. Application: This policy shall apply to West Virginia State University Board of Governors actions regarding the adoption, amendment or repeal of any Board of Governors policy, procedure, or rule.
- 1.4. Effective Date: February 4, 2021.
- 1.5. Repeals and Replaces previous BOG Policy 1 dated December 4, 2003 and modified March 29, 2005.

**Section 2. Definitions.**

- 2.1. Administrative Procedure - Any regulation, guideline, directive, standard or statement of policy or interpretation of future effect that does not qualify as a “rule”.
- 2.2. Policy. The word “policy” shall be synonymous with the term “rule” defined in 2.3.
  - 2.2.a. Proposed policy means any new policy or an amendment or repeal of an existing policy that has not had a final vote for adoption by the Board.
- 2.3. Rule - Any regulation, guideline, directive, standard, statement of policy or interpretation of general application which has institution-wide effect or affects the rights, privileges or interests of employees, students or citizens. The following are not rules:
  - 2.3.a. Regulations, guidelines or policies established for individual units, divisions, departments or schools of the institution that deal solely with the internal management or responsibilities of a single unit, division, department or school;
  - 2.3.b. Academic curricular policies that do not constitute a mission change for the institution; or
  - 2.3.c. Administrative procedures as defined above.

### **Section 3. Adoption of Policies and Rules**

- 3.1. Policies shall be adopted, revised, or repealed pursuant to the following process:
  - 3.1.a. The policy author from the respective administrative area shall bring the draft policy to the cabinet for approval;
  - 3.1.b. Following presentation to cabinet, the policy will be presented to the Board of Governors;
  - 3.1.c. If the Board of Governors determines that the policy should be adopted, revised, or repealed, the Board of Governors shall approve a notice of proposed rulemaking. A notice of proposed rulemaking shall include:
    - 3.1.c.1. A brief description of the subject matter of the policy, an explanation of how comments will be received, the deadline for receiving comments, and contact information for the person who has been designated to receive comments; and
    - 3.1.c.2. A copy of the proposed policy if adoption or amendment is proposed or a copy of the current policy if repeal is proposed.
- 3.2. The notice of proposed rulemaking shall be provided directly to the Chancellor, those persons representing students, faculty, and staff at the university, and other interested parties. In addition, notices shall be posted prominently at a location or locations accessible to the public as well as posted on the university's website, at the university's library and copies be made available at no cost to any requester.
- 3.3. Except for emergency rules as addressed in Section 4 below, a notice of proposed rulemaking must provide for a public comment period of at least thirty (30) days during which written comments will be received before final adoption of the policy. The President or Board of Governors may also provide for a public hearing in a manner determined by the President.
- 3.4. If the Board of Directors originally approved a notice of rulemaking at a previous meeting and no comments are received in opposition of the proposed policy during the comment period, a proposed policy need not be re-approved by the Board if the Board provides so at the time it approves the proposed policy.
- 3.5. If written comments are received or a hearing held during the comment period, the comments shall be summarized by the policy author.
- 3.6. All comments shall be presented to the Board of Governors with any recommended amendments resulting from the comments. The Board of Governors may amend a proposed rule as a result of the comments or evidence received. All written comments and evidence received and determinations made by the governing board shall be made available in the manner set out in Section 3.2 of this policy at least ten (10) days prior to the meeting in which the Board of Governors gives final approval to the policy and be carefully preserved by the university and open for public inspection and copying for a period of at least five (5) years from the date of final board action.
- 3.7. A copy of the final proposed policy shall be furnished to the Chancellor or his/her designee

fifteen (15) days prior to the Board of Governor's formal adoption of the final policy.

3.8. Any policy adopted by the Board of Governors shall not be effective until reviewed and commented on by the Chancellor or his/her designee. The Chancellor or his/her designee shall notify the Board of Governors of any specific or general objections to the policy within fifteen (15) days of receiving the proposed policy.

3.9. Any objections raised by the Chancellor shall be addressed in a manner determined by the President.

3.10. The policy adopted by the Board of Governors is deemed effective if no objection is raised by the Chancellor within the allotted time period.

#### **Section 4. Emergency Rules.**

4.1. In the case of an emergency the Board of Governors may adopt, amend, or repeal a policy, procedure, or rule without following the procedures set out in this policy.

4.1.a. An emergency exists when the adoption, amendment, or repeal of a policy is necessary for the immediate preservation of the public peace, health, safety or welfare, or is necessary to comply with a time limitation established by state or federal law or regulation or a directive or rule of the Commission, or to prevent substantial harm to the public interest, or to deal with financial exigency. The facts constituting an emergency shall be communicated in writing in advance to the Chancellor, who shall disapprove the action of the Board of Governors if the Chancellor, or his/her designee, disagrees that an emergency existed.

4.1.b. Any emergency policy shall remain in effect no longer than three (3) months and shall expire unless a final policy has been approved under the normal process set out in this policy.

#### **Section 5. Administrative Procedures**

5.1. Administrative procedures do not require approval of the Board. Such procedures shall be identified in policy as "Administrative Procedures". All procedures shall be presented to cabinet and have final approval by the President.