

**CONCORD UNIVERSITY BOARD OF GOVERNORS  
POLICY NO. 11  
ADOPTION, AMENDMENT, REPEAL OF POLICIES**

- Section 1. GENERAL
- 1.1 Scope:  
This policy governs the adoption, amendment, and/or repeal of policies of the Board consistent with HEPC Series 4 (Rules and Administrative Procedures).
- 1.2 Authority:  
West Virginia Code § 18B-1-6
- 1.3 Filing Date: September 30, 2004
- 1.4 Effective Date: October 1, 2004
- 1.5 Approved by:  
Concord University Board of Governors, September 16, 2004  
WV Higher Education Policy Commission, October 1, 2004
- 1.6 REVISED Approved by the Concord University Board of Governors, December 11, 2007  
REVISED Approved by the West Virginia Higher Education Policy Commission, December 19, 2007
- 1.7 REVISED Effective Date December 19, 2007
- Section 2. PURPOSE
- 2.1 It is the purpose of the Board to encourage and facilitate, to the greatest reasonable degree, an active participatory governance process for the institution. To that end, this policy shall be implemented to encourage and foster notice and an opportunity for comment as to all institution-wide policies, guidelines and administrative procedures, which come before the Board for review.
- Section 3. APPLICATION
- 3.1 This policy shall apply to the adoption, amendment, or repeal of any policy of the Board of Governors. It does not apply to administrative policies or guidelines established by administrators of the University for individual units, divisions, or departments, which deal solely with internal management or responsibilities of those units, divisions or departments. This policy does not apply to academic curriculum policies, which do not constitute a mission change, and which are developed and implemented by academic committees. This policy does not apply to subject matter not included within the scope of Series 4 of the WVHEPC.

Section 4. NOTICE OF REVIEW OF NEW OR CURRENT POLICY

- 4.1 If the Board of Governors of Concord University and/or its President determines that a policy, guideline or rule should be adopted, amended, or repealed, the President or his/her designee, shall notify those persons representing students, faculty, classified employees, and other interested parties, including the Chancellor, of the University's intent to draft a policy. This notice shall solicit initial comments and suggestions. Said constituents shall by 4:00 p.m. on the fifth workday (time frame must include at least one day on which classes are in session) after the distribution of the notice, provide in writing, preferably electronically any comments or suggestions to the President or his/her designee.
- 4.2 Intent to draft a policy shall be posted on the University's web site.
- 4.3 Notice of the University's intent to adopt, amend, or repeal a policy shall be presented as an informational item during a meeting of the Board of Governors for its initial recommendation.

Section 5. NOTICE OF FIRST DRAFT POLICY

- 5.1 Following the passage of the initial comment period, a draft proposal shall be prepared by the President or his/her designee and presented to the Board. The President, or his/her designee, shall provide a notice of the draft to constituent representatives of the faculty, classified employees, students, and any other interested parties, as well as the Chancellor. These constituents shall have thirty (30) full days (time frame must include at least one day on which classes are in session) to provide comments or suggestions in writing, preferably electronically, to the President, or his/her designee, regarding the draft policy.
- 5.2 The President or governing board may also provide for a public hearing if requested by an affected constituency. Such a request must be in writing and received in the President's Office within ten (10) workdays (time frame must include at least one day when classes are in session) after the notice has been circulated. If the President and/or the Board agree to hold a public hearing, the public hearing will be scheduled for a date prior to the next regularly-scheduled meeting. Comments received at any such hearing will be recorded and summarized by topic and presented at the next scheduled meeting of the Board. The public hearing must be requested through the requestor's constituent representative, and not more than one public hearing will be held on any one policy unless otherwise directed by the Board of Governors.
- 5.3 A copy of the draft policy will be posted on the University's web site, sent to the Chancellor, and made available at the J. Frank Marsh Library.

Section 6. MANAGEMENT OF FINAL DRAFT OF POLICY

- 6.1 Following the 30-day comment period or hearing, a copy of the final policy and all comments received will be distributed to Board of Governors at least ten (10) days prior to the next regularly-scheduled Board meeting. Before giving final approval to the policy, the Board will make a determination concerning each issue raised. If no comments are received, the Board will be so notified at least ten (10) days prior to the next regularly-scheduled board meeting.
- 6.2 The final version of the policy, guideline, or rule shall be forwarded to the Chancellor within thirty (30) days of the governing board's formal adoption of the policy.
- 6.3 If the Chancellor does not object to the policy within thirty (30) workdays of the receipt of the final version, then it is deemed approved.

Section 7. REPEAL OF EXISTING POLICY

- 7.1 If the initial determination of the Board of Governors or the President is to repeal an existing policy rather than to adopt or amend a policy, the procedures in 4.3 are applicable. Following the close of the comment period, the President shall make his/her recommendations, if any, to the Board.

Section 8. EMERGENCY ACTION

- 8.1 In the case of an emergency, a governing board may adopt, amend, or repeal a rule without first following the procedure set out in this rule.
- 8.2 For the purpose of this section, an emergency exists when the adoption, amendment, or repeal of a rule 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 Policy 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 governing board if the Chancellor, or his/her designee, disagrees that an emergency existed.
- 8.3 An emergency rule shall remain in effect no longer than three (3) months and shall expire unless a final rule had been approved under the normal process set out in this rule
- 8.4 The emergency rule or procedure and the effective date of the emergency rule or procedure shall be posted on the University web site, and a copy will be placed in the University Library and the Office of Human Resources.

Section 9. ADMINISTRATIVE PROCEDURES

- 9.1 The Board of Governors may establish guidelines and/or impose restrictions on administrative procedures.
- 9.2 The institution shall post administrative procedures prominently at places where those subject to the administrative procedures are likely to see them.

Section 10. ENFORCEABILITY

- 10.1 An institutional policy that was not adopted by a formal vote of the Board of Governors on or before July 1, 2006 is void and may not be enforced.
- 10.2 Any institutional policy adopted, amended, or repealed after the effective date of this policy must be consistent with the provisions of this policy or it shall be void and may not be enforced.
- 10.3 Any institutional policy not posted in a manner consistent with the provisions of this rule may not be enforced.