



## **Policy 11: CU-GA-11**

### RULEMAKING: ADOPTION, AMENDMENT, AND REPEAL OF POLICIES

#### **GENERAL**

This Policy is established consistent with W. Va. Code §18B-1-6 and the West Virginia Higher Education Policy Commission (HEPC) Series 4 (Rules and Administrative Procedures), which require the Board of Governors of Concord University (Board) to set forth policy concerning the enacting of university-wide rules.

#### **PURPOSE**

**This policy has been enacted** to encourage and facilitate, to the greatest reasonable degree, an active participatory governance process, ensure compliance with guidance on university-wide rulemaking as set forth by the HEPC, and to protect the rights of interested parties to have a fair and equitable opportunity to respond prior to final Board action on policy matters.

#### **SCOPE**

**This policy is applicable** to the adoption, amendment, or repeal of any regulation, guideline, directive, standard, statement of policy, or interpretation of general application which has institution-wide effect or which affects the rights, privileges or interests of employees, students or citizens. This policy specifically excludes unit, school [college], and divisional or departmental policy, and academic curricular policy that does not constitute a mission change. This policy does not apply to the adoption of administrative processes and/or procedures, including university-wide processes and procedures.

#### **POLICY**

**It is the policy of the Board** to comply with rules and standards set forth by the HEPC when a university-wide rule needs to be promulgated, adopted, amended, or repealed and to set forth its methodology in a Board approved policy for rule development.

#### **Adoption, Amendment, and Repeal of Policies**

- 1) When the Board determines that a rule should be adopted, amended, or repealed, the Board may approve issuance of a notice of proposed rulemaking.
- 2) The notice of proposed rulemaking shall include a brief description of the rule, an explanation of how comments will be received, the deadline for receiving comments, contact information for the person who has been designated to receive comments, and a copy of the proposed rule or current rule if repeal is proposed.
- 3) The notice of proposed rulemaking shall be provided to the Chancellor, the SGA president, the Faculty Senate President, and the President of the Classified Staff Council, and be distributed on the faculty / staff list serve.

- 4) Each proposed and approved university-wide Board policy shall be posted on the Board Policy website, which is internet accessible.
- 5) Interested parties shall be provided a thirty (30) day comment period prior to final adoption of a university-wide policy.
- 6) If the Board originally approved the notice of proposed rulemaking at a previous meeting and no comments are received during the thirty (30) day comment period, a proposed rule need not be re- approved by the Board so long as the Board reiterates this at the time it originally approves the proposed rule. If no comments are received during the thirty (30) day comment period, then the proposed rule will be adopted at the following regularly scheduled Board meeting.
- 7) If written comments are received, the Board shall summarize the comments received and/or made and make a determination concerning each issue raised.
- 8) All written comments, evidence received, and the determination made by the Board shall:
  - a. Be made available at least ten (10) days prior to the Board meeting at which final action is expected to be taken; and
  - b. Be preserved for a period of at least five (5) years from the date of the final Board action.
- 9) Board policy will be categorized and numbered to enhance access using the following designations:
  - a. AA Academic Affairs
  - b. FA Financial Aid
  - c. GA General Administration / Governance Affairs
  - d. HR Human Resources
  - e. IT Information Technology
  - f. SA Student Affairs
  - g. BA Business Affairs
  - h. EA External Affairs
- 10) Within thirty (30) days of the adoption of a rule, including repeal or amendment of an existing rule and before the change is implemented, the Board will furnish the HEPC a copy of the rule which it has adopted for review.
- 11) The Board shall promulgate and adopt any policy or rule required by Chapters 18B and 18C of the West Virginia Code or HEPC Policy.
- 12) The Board may not delegate responsibility for approving a university-wide policy or rule to the President. However, the President, or a designee, shall interpret and enforce said rules.
- 13) Any policy or rule not adopted in a manner consistent with this policy is void and may not be enforced, with the exception of emergency rules.
- 14) Annually, by October 1, on behalf of the Board, the President shall file with the HEPC a list of all policy or rules in effect on July 1 of that year. The list shall include the most recent effective date of the

policy and certification by the Board chair that the Board has complied with W. Va. Code §18B-1-6 in setting university-wide policy.

**EMERGENCY PROVISIONS**

In the case of an emergency, the Board may adopt, amend, or repeal a rule without first following the procedure set out in the administrative procedures on university-wide policy, subject to review and approval of the Chancellor or the Chancellor’s designee.

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 HEPC, or to prevent substantial harm to the public interest, or to deal with financial exigency,

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 forth in this policy.

**AUTHORITY**

West Virginia Code §18B-1-6; HEPC Series 4 (Rules and Administrative Procedures).

**RESPONSIBILITY FOR IMPLEMENTATION**

The Board, the President, or designee, is responsible for assuring compliance with the terms and conditions of this policy. The Board Liaison, Risk, Policy, and Compliance Manager and Chief Human Resources Officer are available to answer questions or provide additional information regarding this policy.

**AUTHORITY FOR INTERPRETATION**

The final authority for interpretation of this policy rests with the President.

<u>Intent to Plan Approved by Concord University Board of Governors:</u>	April 19, 2022
<u>Policy Approved by the Board:</u>	June 07, 2022
<u>Effective Date:</u>	June 07, 2022