

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. GA-11

POLICY ON RULEMAKING BY THE BOARD

1 General Information

- 1.1 Scope: This policy governs rulemaking by the Board of Governors and is applicable to policies for Marshall University and the Marshall Community and Technical College.
- 1.2 Authority: WV Code §18B-1-6
- 1.3 Passage Date: January 25, 2006
- 1.4 Effective Date: February 6, 2006
- 1.5 Controlling over: Marshall University and Marshall Community and Technical College
- 1.6 History:
 - 1.6.1 This policy is required under WV Code §18B-1-6.

2 Definitions

- 2.1 The term “rule” shall be defined as it is in WV Code §18B-1-6(c). The current definition is quoted below:
 - 2.1.1 §18B-1-6(c)(1) - "Rule" means 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. Any regulation, guideline, directive, standard, statement of policy or interpretation of general application that meets this definition is a rule for the purposes of this section
 - 2.1.2 §18B-1-6(c)(2) Regulations, guidelines or policies established for individual units, divisions, departments or schools of the institution, which deal solely with the internal management or responsibilities of a single unit, division, department or school or with academic curricular policies that do not constitute a mission change for the institution, are excluded from this subsection, except for the requirements relating to posting.
- 2.2 The term “policy” as it is used by the Board shall be synonymous with the term “rule” defined in 2.1 above.
- 2.3 The term “administrative procedure” means any regulation, guideline, directive, standard, or statement of policy or interpretation of future effect that does not qualify as a “rule.”

3 Adoption, Amendment, and Repeal of Policies

- 3.1 The Board authorizes the presidents and their staffs to initiate the rulemaking process on its behalf.
 - 3.1.1 If the process is initiated by the presidents and their staffs, the policy shall be brought to the Board for approval only after the appropriate notice and comment period requirements have been met.

- 3.1.2 The Board may also approve emergency policies before the normal notice and comment period. A policy approved as an emergency must be approved, following the normal procedures in this policy, within 3 months of its emergency approval or it shall expire.
- 3.1.3 The Board authorizes the presidents and their staffs to make modifications to a proposed policy in response to comments. Comments or (summaries of comments) and responses to those comments will be included with the proposed policy in the agenda for the Board meeting in which it is to be approved. Notification to constituencies and the public may be accomplished by publication of the comments, responses, and any modified policy in the Board's meeting agenda or direct notification to the individuals listed in section 3.3.
- 3.2 The Board will approve policies in a manner consistent with all applicable laws, policies, and procedures of the state of West Virginia and all relevant governing authorities.
- 3.3 The following individuals shall be notified of a "request for comment" on a proposed policy:
 - 3.3.1 The classified employee representative to the Board of Governors.
 - 3.3.2 The faculty representative to the Board of Governors.
 - 3.3.3 The student representative to the Board of Governors.
 - 3.3.4 The chancellor of the Higher Education Policy Commission.
 - 3.3.5 The chancellor of the Community and Technical College System.
 - 3.3.6 The executive committee of the Board of Governors.
- 3.4 Paper copies of all policies and proposed policies will be maintained "on reserve" in the University library.
- 3.5 Electronic copies of all policies and proposed policies will be available for viewing on the Board of Governors web page for Marshall University.

4 Administrative Procedures

- 4.1 Administrative procedures do not require approval of the Board.