


ADMINISTRATIVE PROCEDURE

ADMIN-20

APPROVAL OF BOARD OF GOVERNORS RULES, UNIVERSITY POLICIES, AND ADMINISTRATIVE PROCEDURES

Number: ADMIN-20	Name: Approval of Board of Governors Rules, University Policies, and Administrative Procedures
Purpose: This administrative procedure lays out a process on the posting, creation, revision, and approval of Board of Governors Rules, University Policies, and Administrative Procedures	
Responsible Unit: President	
Approved by:	Approval Date: 1-22-24

1. Summary

1.1. This administrative procedure lays out a process on the posting, creation, review, and approval of Board of Governors Rules, University Policies, and Administrative Procedures.

2. Definitions

- 2.1. The definitions of a "Board of Governors Rule," "University Policy," and "Administrative Procedure" are given by BOG Rule GA-2.
- 2.2. A "business day" is a day when Marshall is open for operations, whether or not classes are in session. Business days do not include weekends, paid or unpaid holidays when Marshall is closed, or days when the Huntington or South Charleston campus is closed for the full day due to weather or emergencies.
- 2.3. The "shared governance bodies" are the:
- 2.3.1. Faculty Senate;
 - 2.3.2. Classified Staff Council;
 - 2.3.3. Non-classified Staff Council, after it is formed and in effect;
 - 2.3.4. Graduate Council;
 - 2.3.5. Student Government Association;
 - 2.3.6. Board of Governors; and,
 - 2.3.7. Administration.

3. Posting of Board of Governors Rules, University Policies, and Administrative Procedures

- 3.1. The Office of General Counsel will be responsible for posting and archiving Board of Governors Rules, University Policies, and Administrative Procedures.
- 3.2. The Office of General Counsel will maintain a web page with a direct link to each Board of Governors Rule, University Policy, and Administrative Procedure currently in effect.
 - 3.2.1. This web page and all rules, policies, and procedures posted on it will be freely available for public browsing.
- 3.3. Each University Policy or Administrative Procedure document will state the following information on the first page:
 - 3.3.1. Policy or procedure series and number, e.g., "ACAD-1".
 - 3.3.2. Title.
 - 3.3.3. Date of original approval.
 - 3.3.4. Date of most recent revision.
 - 3.3.5. Suggested policy or procedure review date (each unit will be responsible for scheduling the review).
 - 3.3.6. Name of the individual who gave final approval of the policy or procedure.
 - 3.3.7. Signature of the individual who gave final approval of the policy or procedure.

4. Board of Governors Rules and University Policies

- 4.1. The circulation and approval of new Board of Governors Rules, as outlined in this Administrative Procedure, shall be conducted in full compliance with, and subordinate to, the prevailing statutes of state law, the provisions of Board of Governors Rule GA-2.
- 4.2. The creation, revision, or revocation of a Board of Governors Rule or University Policy must be initiated by the President of the University.
 - 4.2.1. Any of the shared government bodies may recommend a Board of Governors Rule or University Policy in writing for the President to consider. The President, however, must initiate the process beginning with item (4.2).
 - 4.2.2. The President of the University will determine whether the proposed policy should be classified as a Board of Governors Rule or a University Policy.
- 4.3. The proposed draft will be sent by email to the official Marshall address of the following individuals:
 - 4.3.1. The Chair of the Faculty Senate;
 - 4.3.2. The Chair of the Classified Staff Council;
 - 4.3.3. The Chair of the Non-classified Staff Council, once it is formed and in effect;
 - 4.3.4. The Chair of the Graduate Council;
 - 4.3.5. The Student Body President from the Student Government Association;
 - 4.3.6. The Chair of the Board of Governors; and,
 - 4.3.7. The Office of General Counsel.

4.4. Each of the shared governance bodies will review the rule/policy following the procedures described in (4.5 – 4.8) concurrently, unless they are the body that proposed the rule/policy to the President.

4.5. Review by Faculty Senate

4.5.1. Within 20 business days of receiving the proposed draft of the rule/policy for review by the Faculty Senate, the Faculty Senate Executive Committee will vote either to forward the rule/policy to the full Faculty Senate for review, vote to forward the rule/policy to Graduate Council for review, or vote that review is not needed by either of these bodies. The Senate Executive Committee may choose to forward the rule/policy to the full Faculty Senate or to the Graduate Council, but not both.

4.5.2. If the Senate Executive Committee forwards the rule/policy for full Faculty Senate review, the proposal will be placed on the agenda for the next Faculty Senate meeting for which the agenda is not already set.

4.5.3. If the Senate Executive Committee forwards the rule/policy for Graduate Council review, the proposal will be placed on the agenda for the next Graduate Council meeting for which the agenda is not already set.

4.5.4. If 4.5.2 or 4.5.3 applies, the reviewing body (Faculty Senate or Graduate Council) may propose amendments to the rule/policy. The Faculty Senate or Graduate Council will vote to recommend the rule/policy for adoption (as amended) or not recommend it for adoption.

4.5.5. If the Faculty Senate Executive Committee votes that review by the Faculty Senate or Graduate Council is not needed, the Executive Committee may propose amendments to the rule/policy. The decision not to refer the rule/policy to the full Faculty Senate or Graduate Council has the effect of recommending it (as amended) for adoption.

4.5.6. The Office of General Counsel will be regularly apprised of the status of Faculty Senate's review.

4.6. Review by Classified Staff Council

4.6.1. Within 20 business days of receiving the proposed draft of the rule/policy for review by the Classified Staff Council, the Executive Committee of the Classified Staff Council will vote either to recommend the rule/policy for full Classified Staff Council review or vote that review by the full Classified Staff Council is not needed.

4.6.2. If the Classified Staff Council Executive Committee recommends the rule/policy for full Classified Staff Council review, the proposal will be placed on the agenda for the next Classified Staff Council meeting for which the agenda is not already set.

4.6.3. In this case, the Classified Staff Council may propose amendments to the rule/policy. The Classified Staff Council will vote to recommend the rule/policy (as amended) for adoption or not recommend the rule/policy for adoption.

4.6.4. If the Classified Staff Council Executive Committee votes that full review by the Classified Staff Council is not needed, the Executive Committee may propose amendments to the rule/policy. The decision not to refer the rule/policy to the full Classified Staff Council has the effect of recommending it (as amended) for adoption.

4.6.5. The Office of General Counsel will be regularly apprised of the status of Classified Staff Council's review.

4.7. Review by Non-classified Staff Council

- 4.7.1. Review by the Non-classified Staff Council is required only for proposals which are initiated after the Non-classified Staff Council is formed and in effect at Marshall.
- 4.7.2. Within 20 business days of receiving the proposed draft of the rule/policy for review by the Non-classified Staff Council, the Non-classified Staff Council Executive Committee will vote either to recommend the rule/policy for full Non-classified Staff Council review or vote that review by the full Classified Staff Council is not needed.
- 4.7.3. If the Non-classified Staff Council Executive Committee recommends the rule/policy for full Classified Staff Council review, the proposal will be placed on the agenda for the next Classified Staff Council meeting for which the agenda is not already set.
- 4.7.4. In this case, the Non-classified Staff Council may propose amendments to the rule/policy. The Non-classified Staff Council will vote to recommend the rule/policy (as amended) for adoption or not recommend the rule/policy for adoption.
- 4.7.5. If the Non-classified Staff Council votes that full review by the Non-classified Staff Council is not needed, the Non-classified Staff Council Executive may propose amendments to the rule/policy. The decision not to refer the rule/policy to the full Non-classified Staff Council has the effect of recommending the rule/policy (as amended) for adoption.
- 4.7.6. The Office of General Counsel will be regularly apprised of the status of Non-classified Staff Council's review.

4.8. Review by the Student Government Association

- 4.8.1. Within 20 business days of receiving the proposed draft of the rule/policy for review by the Student Government Association, the Student Government Association Executive Committee will vote either to recommend the rule/policy for full Student Government Association review or vote that review by the full Student Government Association is not needed.
- 4.8.2. If the Student Government Association Executive Committee recommends the rule/policy for full Student Government Association review, the proposal will be placed on the agenda for the next Student Government Association meeting for which the agenda is not already set.
- 4.8.3. In this case, the Student Government Association may propose amendments to the rule/policy. The Student Government Association will vote to recommend the rule/policy (as amended) for adoption or not recommend the rule/policy for adoption.
- 4.8.4. If the Student Government Association Executive Committee votes that full review by the Student Government Association is not needed, the Student Government Association may propose amendments to the rule/policy. The decision not to refer the rule/policy to the full Student Government Association has the effect of recommending the rule/policy (as amended) for adoption.
- 4.8.5. The Office of General Counsel will be regularly apprised of the status of Student Government Association's review.

- 4.9. The Faculty Senate (or Graduate Council), Classified Staff Council, Non-classified Staff Council, and Student Government Association will each notify the Office of General Counsel promptly of their recommendations, including if the rule/policy is on hold for review by the full bodies. These notifications will be in writing or via email. Each of these

recommendations represents the opinion of the body which made the recommendation. These recommendations are not binding on the President.

4.9.1. After the recommendations from the Faculty Senate (or Graduate Council), Classified Staff Council, Non-classified Staff Council, and Student Government Association have been received, the Office of General Counsel will consider all comments and create the next draft of the rule/policy.

4.9.2. The Office of General Counsel will notify the Faculty Senate, The Classified Staff Council, the Non-classified Staff Council, and the Student Government Association of any changes made in the next draft.

4.9.3. In no event shall the review of any rule or policy exceed 60 days.

4.10. Finalizing the Rule/Policy

4.10.1. The President or their designee will make the final determination about whether to recommend a Board of Governors Rule to the Board of Governors. They will notify the individuals listed in (4.3).

4.10.2. If it is determined that a recommendation be made to the Board of Governors for a new Rule, the proposed Rule will be placed on the agenda for the next Board of Governors meeting for which the agenda is not already set.

4.10.3. The President or their designee will make the final determination about the adoption of a University Policy and will notify the individuals listed in (4.3).

4.11. In accordance with MUBOG Rule GA-2, the Board of Governors may approve a Board of Governors Rule on an emergency basis without a public comment period and without referring them to the shared governance bodies. The President or their designee may approve a University Policy on an emergency basis without a public comment period and without referring them to the shared governance bodies.

4.11.1. A University Policy approved on an emergency basis must be approved, following the normal procedures in this policy, within 3 months of its emergency approval, or it will automatically expire.

4.11.2. If a Board of Governors Rule or University Policy is adopted on an emergency basis, the individuals listed in (4.3) must be promptly notified.

4.12. The procedure for proposing a revision or revocation of a Board of Governors Rule or University Policy will be the same as the procedure for creating a new Board of Governors Rule or University Policy.

4.12.1. A University Policy may clearly state a termination date after which it will be automatically revoked. In this case, the policy will automatically be out of effect after that date, with no additional action necessary.

4.13. Review by the Public

4.13.1. After the determination by the President about the adoption of a University Policy, or the approval of a rule by the Board of Governors, the draft rule/policy will be open for public review.

4.13.2. The proposed draft will be posted on the website described in (3.2) and be clearly labeled as a proposed Board of Governors Rule or University Policy. A description of the procedure to submit feedback will be posted with the draft of the proposed rule/policy.

- 4.13.3. A public comment period of 30 business days will be observed.
- 4.13.4. During the comment period, feedback on the proposed rule/policy and/or suggested revisions may be submitted by students, faculty, staff, and the public electronically.
- 4.13.5. At the end of the comment period, all comments will be provided to the President or their designee, and the Chair of the Board of Governors
- 4.13.6. If no substantive comments are submitted, the policy takes effect with no further action, and the President will enact the University Policy.

5. Administrative Procedures

- 5.1. For the purposes of this document, Administrative Procedures encompass all items that meet the definition in BOG Rule 2, whether these have traditionally been called "Administrative Procedures" at Marshall.
 - 5.1.1. Additional types of procedures meeting the definition include, but are not limited to, "Information Technology Policies and Procedures" that have historically been numbered in the "ITG" and "ITP" series and Human Resources procedures historically numbered in the "HR" series.
 - 5.1.2. Any other procedures that are approved by individuals at the level of Vice President or higher, apply to or affect the operations of individuals outside of the unit of the approver, and which are not BOG Rules or University Policies, will be treated as administrative procedures.
- 5.2. Administrative procedures must be initiated by a Vice President or Senior Vice President.
 - 5.2.1. As appropriate, an administrative procedure may be drafted and approved by an appropriate committee and sent to the Vice President or Senior Vice President for review. The Vice President or Senior Vice President, however, must initiate the process beginning with item (5.3).
 - 5.2.2. Changes to this Administrative Procedure (ADMIN-20) can only be initiated by the University President or their designee.
- 5.3. The proposed draft will be sent by email to the official Marshall address of the following individuals:
 - 5.3.1. The Chair of the Faculty Senate;
 - 5.3.2. The Chair of the Classified Staff Council;
 - 5.3.3. The Chair of the Non-classified Staff Council, once it is formed and in effect;
 - 5.3.4. The Chair of the Graduate Council;
 - 5.3.5. The Student Body President from the Student Government Association;
 - 5.3.6. The Chair of the Board of Governors;
 - 5.3.7. The President of the University; and,
 - 5.3.8. The Office of General Counsel.
- 5.4. The draft must be posted on the website for administrative procedures described in (3.2) and be clearly labeled as a proposed administrative procedure. The means by which to submit electronic feedback will be posted with the draft of the proposed procedure.

- 5.5. After the draft is sent to the individuals listed in (5.3) and posted according to item (5.4), a comment period of 20 business days will be observed.
 - 5.5.1. During the comment period, feedback on the procedure and/or suggested revisions may be submitted by the public.
 - 5.5.2. At the end of the comment period, all comments will be provided to the person who is responsible for approving the policy.
- 5.6. If no substantive comments are submitted, and the Office of General Counsel will notify the appropriate Vice President or Senior Vice President that the proposed administrative procedure, the proposed procedure may be enacted without further action. The Office of General Counsel will notify the individuals listed in (5.3) when the process is completed.
- 5.7. A Vice President or Senior Vice President may approve administrative procedures on an emergency basis before a normal notice and comment period.
 - 5.7.1. An administrative procedure approved on an emergency basis must be approved, following the normal procedures in this policy, within 3 months of its emergency approval, or it will automatically expire.
 - 5.7.2. If an administrative procedure is adopted on an emergency basis, the individuals listed in (5.3) must be promptly notified.
- 5.8. The procedure for revising or revoking an administrative procedure will be the same as the procedure for creating a new procedure.
 - 5.8.1. An administrative procedure may clearly state a termination date after which it will be automatically revoked. In this case, the policy will automatically be out of effect after that date, with no additional action necessary.
- 5.9. If there is a desire to change an administrative procedure to a Board of Governors Rule or University Policy, the process for approving a Board of Governors Rule or University Policy must be followed.