

NEW RIVER COMMUNITY AND TECHNICAL COLLEGE

BOARD OF GOVERNORS

POLICY NO. 33

**TITLE: RULES, GUIDELINES AND OTHER POLICY
STATEMENTS BY GOVERNING BOARDS**

SECTION 1. GENERAL

- 1.1 Scope – Rule establishing process for adoption, amendment, or repeal of rules, guidelines and other policy statements.
- 1.2 Authority - West Virginia Code §18B-1-6
- 1.3 Filing Date: April 6, 2006
- 1.4 Effective Date: April 6, 2006

SECTION 2. APPLICATION

- 2.1 This rule shall apply to the adoption, amendment, or repeal of any rule, guideline or policy statement with institution-wide effect. It shall not apply to policies, guidelines, or directives which deal solely with the internal management or responsibilities of a unit, division, or department.
- 2.2 No rule, guideline or policy statement with institution-wide effect shall be adopted, amended, or repealed by the Board of Governors or the President without the provisions in this rule being met.

**SECTION 3. ADOPTION OF RULES, GUIDELINES, OR POLICY
STATEMENTS**

- 3.1 If it is determined that a rule, guideline, or policy statement should be adopted, amended, or repealed concerning a subject matter under the governing board's jurisdiction, excluding academic curriculum policies which do not constitute a mission change, the President, or her/his designee, shall notify the Chancellor, the representatives of the students, faculty, and classified employees, as well as other

- interested parties, and solicit comments and suggestions regarding the determination. Any curricular changes must be processed at the institution-level involving appropriate faculty governance and administrative bodies.
- 3.2 Any rule, guideline or policy statement subsequently drafted and considered for adoption will be circulated in draft form to the representatives and other interested parties as outlined in Section 3.1 with a date noted when comments on the draft are to be returned to the President or her/his designee.
 - 3.3 A final draft of the rule, guidelines or policy statement being considered shall be sent to the same individuals and parties of Section 3.1 with an explanation of any changes and a summary of comments received.
 - 3.4 The proposed rule, guidelines, or policy statement shall then be presented to the appropriate Board of Governors' committee, unless the Board of Governors has delegated, in writing, authority to the President, to adopt, amend, or repeal the rule, guidelines, or policy statement. If authority has been delegated to the President, he/she may proceed to final adoption, amendment, or repeal. If authority has not been delegated, the committee of the Board of Governors may endorse the adoption, amendment, or repeal and make a recommendation to the Board of Governors' committee for final adoption, amendment, or repeal.
 - 3.5. A public hearing may be scheduled regarding the adoption, amendment, or repeal of the rule, guidelines, or policy statement upon request by affected constituencies, individuals, or other parties.
 - 3.6 All proposed and approved rules, guidelines and other policy statements can be accessed by employees, students and the public, at no cost, through each Campus Director at each of New River Community and Technical College's locations. In addition, these documents can be accessed through the College's website – www.newriver.edu. There will be a 30 day public comment period before adoption of a rule, guidelines, or other policy statements.
 - 3.7 New River Community and Technical College, without following the procedures set forth in this policy; may make editorial, non-substantive changes in rules or policies transferred to the institution's jurisdiction by the Council to reflect the effect of the transfer.
 - 3.8 Any rule, guidelines, or policy statement adopted shall not be effective until approved by the Chancellor or her/his designee. The Chancellor or her/his designee shall notify the Board of Governors and the President of any specific or general objections to the rule, guideline, or policy statement and allow the Board of Governors or the President to address the objections. If the President and/or the Board of Governors disagree with the objections they may appeal to the Council. If the Chancellor or her/his designee has not listed any objections to a

- rule, guideline, or policy statement within thirty (30) days of receipt of its final version it shall be deemed approved. Approval by the Chancellor or the Council shall not be withheld unless the rule, guidelines, or policy is inconsistent with state or federal law or the policies and mission of the Council.
- 3.9 In the case of an emergency, the Board of Governors or its President may adopt, amend, or repeal a rule, guideline, or policy statement without first following the procedure set out in this rule. For the purpose of this section, an emergency exists when the adoption, amendment, or repeal of a rule guidelines, or policy statement 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 Council, 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 or President if the Chancellor, or her/his designees, disagrees that an emergency existed.
- 3.10 Any adoption, amendment, or repeal of a rule, guideline, or policy statement under the emergency procedure set out in Section 3.8 of this rule shall remain in effect no longer than three (3) months and shall expire unless the Board of Governors or its President has completed final approval under the normal process set out in this rule.
- 3.11 Copies of all proposed rules, guidelines, or policy statements, drafts, and comments received shall be forwarded to the Chancellor, or her/his designee, at the same time as they are forwarded to members of the governing board, students, faculty and classified employees.
- 3.12 On October 1 of each year, the Board of Governors must file with the Council a list of all institutional rules that were in effect on July 1 of that year, including the most recent date on which each rule was considered, adopted, amended or repealed by the Board of Governors. In addition, each rule adopted, amended or repealed after July 1, 2005 must include a statement by the Chair of the Board of Governors certifying that the governing board complied with WV Code §18B-1-6 when adopting that rule.