

Board of Governors Policy



POLICY NAME	Board of Governors Policy Criteria		POLICY NO.	BOG1.1	
RESPONSIBLE OFFICE	Administration	EFFECTIVE DATE	04/06/ 2006	DATE APPROVED	09/03/2020
DATE OF LAST REVISION	02/28/ 2020	DATE OF NEXT REVIEW	02/28/2023		

SCOPE

This policy applies to all faculty, staff and students at the College.

This policy applies to all new Board of Governors policies that are drafted and adopted after the effective date of this policy, and to existing Board of Governors policies as they are revised after that date.

Compliance – Legislative Rule

WV Code §18B-1-6(c)(3) - 133CSR4 - Title 133 Series 4 – Rules and Administrative Procedures
Each institution's governing board shall adopt a rule that outlines the rulemaking process at that institution pursuant to this rule and West Virginia Code.

West Virginia Code 18B-2A-4 sets forth powers, duties, and responsibilities of the Board of Governors of each public higher education institution in the state. This document enumerates those powers, duties and responsibilities that the Board of Governors of New River Community and Technical College wishes to retain for itself and those that it chooses to delegate to the President of the College. Given its legal responsibility for the institution, the Board of Governors maintains control of all broad institutional policy. The powers, duties and responsibilities that are delegated to the President represent the day-to-day operation of the institution and reflect the implementation of policy.

POLICY STATEMENT

Policies support the College's mission by establishing clear and well understood standards for individual conduct, clarifying institutional expectations, promoting compliance with law, mitigating risk, and supporting productivity

This policy governs the protocols for development, adoption, management, amendment or repeal of rules, guidelines, procedures and policy statements by the Board of Governors of New River Community and Technical College that have an institution-wide effect or affects the rights, privileges or interests of employees, students or citizens.

This policy does not apply to policies, procedures, or directives which deal solely with the internal management or responsibilities of a unit, division, or department. These guidelines will be formulated in a College Policy.

No rule shall be adopted, amended, or repealed by a governing board without the appropriate provisions in this rule and its own rule on rules being met.

PURPOSE

Policies are critical to maintaining an environment that fosters excellence, integrity, and accountability. In order to promote accessibility to current policies, as well as consistency and clarity of content, this policy establishes governing principles for the classification, development, review, revision, approval, management, and dissemination of Board of Governors Policies.

GENERAL PROVISIONS

This policy will define the criteria that constitutes a rule, policy and /or procedure that will be approved and governed by the Board of Directors.

TERMS AND DEFINITIONS

TERM	DEFINITION
Responsible Office	The office or unit with primary responsibility for administering a particular policy, and thus, is responsible for proposing new policies (i.e. within the appropriate subject matter area), reviewing an existing policy, answering inquiries about a specified policy, and collecting input and feedback from campus constituents on all aspects of proposed or existing policies. Ideas for new policies and modifications to existing policies should first be provided to the Responsible Office, or Human Resources if the Responsible Office is unknown or unidentified. The "Responsible Office" may also be responsible for monitoring the effectiveness and ensuring compliance with a policy.
Rule	As defined in WV Code § 18B-1-6(c) - 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.
Policy	The term "policy" shall be synonymous with the term "rule" as defined above.
Board of Governors Policy	<p>A statement of College principle or intent that is of general applicability and is approved by the Board of Governors and President of the College that addresses any of the following matters:</p> <ul style="list-style-type: none"> • Requirements related to implementation or compliance with West Virginia Community and Technical College System (WVCTCS) regulations; • Enhances the College's mission, ensures compliance with fiscal, academic, research, human resources, or other management standards with college-wide impact; Promotes operational efficiencies, or seeks to reduce institutional risk. • Requirements imposed by federal or state laws or implementing regulations. <p>A Board of Governors policy must not conflict with policies of the WVCTCS system regulations or requirements imposed by federal or state laws or implementing regulations, and should be clearly written and well communicated to the campus community.</p>

College Policy (New River Policy)	<p>A statement of College principle or intent that deals solely with the internal management and responsibilities of a unit, division or department to guide decisions and achieve rational outcomes. This may be implemented as a procedure or protocol.</p> <p>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.</p>
Policy Template	<p>To ensure consistency, a standard policy template has been created. Use of the standard policy template facilitates the adoption of clear, concise policies and procedures throughout the College. The format will identify the Responsible Office, Policy Owner, Next review date, Approval authority, the office responsible for ensuring policy compliance, etc. All policies should conform to the template and all sections must be included. If a section does not contain any information or is not applicable, the drafter should put "N/A" under the section heading. Policy numbers will be assigned by the in consistency with the New River Community and Technical College Classification Table. Please refer to the Associated Forms section of this Policy for the official Policy Template. (Attachment A)</p>

SECTION 1: CLASSIFICATION

The classification and numbering of rules, guidelines, procedures and policy statements will be consistent with the New River Community and Technical College Classification Table. **(Attachment B)**

SECTION 2: ADOPTION, AMENDMENT, OR REPEAL OF RULES, PROCEDURES OR POLICY STATEMENTS

2.1 Proposal

2.1.1 Any individual, group, program, department or unit recognizing a need for the adoption, amendment, repeal or distribution of a Rule, Procedure, or Policy Statement may propose such through the appropriate governance committee or department head in accordance with the provisions of this policy and in compliance with New River's governance process.

2.1.2 Any Major differences arising during the development process which cannot be resolved will be referred to the President or the President's designee for decision.

2.1.3 Policies shall be reviewed on a regular basis with a time frame for review of each policy to be determined by the President or President's designee. Upon such review the President or President's designee may recommend that the policy be amended or repealed.

2.1.4 The College's Classification Table will outline the categories, numbering details and format for a Rule, Procedure and Policy Statement.

2.2 Review and Oversight

2.2.1 The cabinet-level administrators and/or their designees are responsible for coordinating with the President or the President's designee for the development of new or review of existing policies to insure compliance with applicable laws, rules and regulations; to avoid duplication or overlap of existing rules, procedures or policy statements; and to retain documentation case files of Policy Proposal Forms falling within their respective areas of responsibility. **(Attachment C)**

2.2.2 The cabinet-level administrators and/or their designees responsible for oversight of an approved policy will establish an internal system for periodic review, revision and/or cancellation. The last review date will be printed on the Policy Proposal Form prior to approval.

2.2.3 The Human Resources Office will be responsible for operational management of the Policy Proposal System which will include draft, revision or assistance with revision of policies; adherence to format and to good editorial standards; maintenance of master reference (e.g., position titles); and distribution of proposals.

2.3 Policy Approval Process

2.3.1 The procedures set forth in this section shall apply to the adoption, amendment or repeal of any rule, procedure or policy statement by the President or the Board with institution-wide effect. These procedures shall not apply to policies, guidelines or directives established for individual units, departments or programs of the College which deal solely with the internal management or responsibilities of that unit, department or program, or to academic curriculum policies that do not constitute a mission change. The Policy Approval Process Flowchart outlines this procedure. **(Attachment D)**

2.3.2 Unless otherwise provided in this policy, no rule, guideline or policy statement with institution-wide effect shall be adopted, amended or repealed by the President or the Board without the provisions in this section being met.

2.3.3 The President or the Board may, without following the procedures in this section, make editorial, non-substantive changes in rules, procedures or policy statements transferred to the College's jurisdiction by the West Virginia Higher Education Policy Commission (HEPC) or the West Virginia Council for Community and Technical College Education (Council) to reflect the effect of the transfer.

2.3.4 If the President or the Board determines that a rule, procedure or policy statement should be adopted, amended or repealed concerning a subject matter under the Board's jurisdiction that is not otherwise excluded by this policy, the President or the President's designee shall notify the Chancellor, those persons representing student, faculty and classified employees at the College and other interested parties and shall solicit comments and suggestions regarding the determination.

2.3.5 Any rule procedure, guideline or policy statement subsequently drafted and considered for adoption will be circulated in draft form by the President or the President's designee to the same parties listed in 2.2.4 of this section for a period of not less than thirty (30) calendar days with the date noted when comments on the draft are to be returned to the President or the President's designee.

2.3.6 A final draft of the rule, procedure or policy statement being considered shall be sent to the same individuals and parties of section 2.2.4 with an explanation of any changes and a summary of comments received.

2.3.7 The proposed rule, procedure, 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, procedure, 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.

2.3.8 A public hearing may be scheduled regarding the adoption, amendment, or repeal of the rule, procedures, or policy statement upon request by affected constituencies, individuals, or other parties.

2.4 Posting and Publication of Approved Rules

2.4.1 All proposed and approved rules, procedures 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, procedures, or other policy statements.

2.4.2 Any rule, procedures, 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, procedure, 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, procedure, 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, procedures, or policy is inconsistent with state or federal law or the policies and mission of the Council.

2.4.3 Copies of all proposed rules, procedures, 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.

2.4.4 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 repeated 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.

2.4.5 All proposed and approved rules, procedures and policies will also be published on the College's website to the extent technically and financially feasible.

2.5 Emergency Rules

2.5.1 In the case of an emergency, the Board of Governors or its President may adopt, amend, or repeal a rule, procedure, 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 procedures, 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.

2.6 Enforceability

2.6.1 Any adoption, amendment, or repeal of a rule, procedure, or policy statement under the emergency procedure set out in Section 2.4.1 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.

2.6.2 Any institution rule adopted, amended or repealed after the effective date of this rule in a manner inconsistent with the provisions of this rule shall be void and may not be enforced.

2.6.3 Any institution rule or policy statement not posted in a manner consistent with the provisions of this rule may not be enforced.

2.6.4 Signature authority for all rules, procedures and policy statements rests with the President.

EXCEPTIONS/EXCLUSIONS

New River Policies and Administrative Department Procedures are not governed by this policy.

REVIEW

This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend that the policy be amended or repealed.

APPROVAL SIGNATURES

	9/14/2020
Board of Governors Chair	Date
<small>DocuSigned by:</small> 	
President	Date

RELATED POLICIES, OTHER REFERENCES AND ADDITIONAL NOTES

West Virginia Community and Technical College System (WVCTCS)
West Virginia Higher Education Policy Commission (WVHEPC)

ASSOCIATED FORMS

Policy Template
Policy Classification Table
Policy Proposal Form
Policy Approval Process Flowchart

HISTORY	
REVISION DATE	DESCRIPTION OF CHANGE
2/28/2020	This policy will replace the former Board of Governors Policy 33: Rules Guidelines and other Policy Statements by a Governing Board and New River Procedure 36: Procedures on Operating Rules, College Procedures, and Administrative Desk Procedures. Revisions provide clarity and criteria for the types of policies and process for approval. Implements a new policy format and classification numbering system.

New River Community and Technical College expects all faculty, staff and students to be familiar with and adhere to all applicable college policies.

**In addition, the Faculty Handbook, Non-classified Employee Handbook and Classified Employee Handbook contains additional policies that pertain only to Faculty members and employees. Similarly the Student Handbook contains some policies that pertain only to students.