

**BLUEFIELD STATE UNIVERSITY**  
**BOARD OF GOVERNORS**  
**POLICY NO: BG-102**

**TITLE: POLICYMAKING**

**SECTION 1. GENERAL**

- 1.1 Scope: This policy describes steps for adoption, amendment, or repeal of policies and posting and publication of policies by Bluefield State Board of Governors (Board).
- 1.2 Authority: W.Va. Code Section 18B-1-6; W.Va. Title 133 CSR 4
- 1.3 Filing Date: April 6, 2020; March 5, 2026.
- 1.4 Effective Date: April 6, 2020; March 5, 2026.

**SECTION 2. APPLICATION**

- 2.1 This policy shall apply to the adoption, amendment, or repeal of any policy of the Board. It does not apply to administrative policies or guidelines established by administrators of the University for individual units, divisions, or departments which deal solely with internal management or responsibilities of those units, divisions, or departments. This policy does not apply to academic curriculum policies which do not constitute a mission change and which are developed and implemented by academic committees. This policy does not apply to subject matter not included within the scope of Series 4: Rules and Administrative Procedures of the Higher Education Policy Commission.

**SECTION 3. NEW, AMENDING, AND REPEAL OF POLICIES**

- 3.1 The Board authorizes the president and his/her staff to initiate and execute the rulemaking process on its behalf in a manner consistent with Title 133, Series 4, Rules and Administrative Procedures of the Code of State Rules, as amended; provided, that the Board shall maintain authority over the final adoption, amendment or repeal of a policy.
  - 3.1.1 If the process is initiated by the president and his/her staff, the policy shall be brought to the Board for approval only after the appropriate notice and comment period requirements have been met among the University's elected faculty, staff, and students for the intent to draft and amend policies. Institution officers are encouraged to consult with interested groups before presenting a proposed rule to the governing

board for consideration. The Bluefield State University Council shall serve as the interest group within the rulemaking process.

- 3.1.2 In case of an emergency, the Board may adopt, revise, or amend a policy before the normal notice and comment period. A policy approved as an emergency must be approved, following the normal procedures in this policy, within three (3) months of its emergency approval or it shall expire. Prior to the end of the three (3) months, the Board may rescind the policy.
  - 3.1.2.1 An Emergency exists when Board action is necessary for the immediate preservation of the public peace, health, safety or welfare, or is necessary to comply with a timeline limitation established by state or federal law regulation or a directive or rule of the West Virginia Higher Education Policy Commission, 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 if the Chancellor, or his/her designee, disagrees that an emergency existed.
- 3.1.3 The Board authorizes the president and his/her staff to make modifications to a proposed policy in response to comments. If a proposed policy is modified in a substantive manner after the comment period, an additional period of at least 30-days will be provided for potential comments to the substantive change.
- 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.
  - 3.2.1 A written copy of the Notice of Proposed Rulemaking and any rules that have been adopted, amended or repealed shall be posted (1) on the bulletin board located outside the human resources office on the second floor of Conley Hall; and (2) on a bulletin board reserved for Bluefield State University at the Erma Byrd Center in Beckley, WV.
  - 3.2.2 Electronic copies of all policies and proposed policies will be available for viewing on the Bluefield State University Board of Governors' website.
  - 3.2.3 Proposed policies available on the Bluefield State University Board of Governors' website will provide an explanation regarding how comments will be received, the deadline for receiving comments, and contact

information for the person who has been designated to receive comments.

#### **SECTION 4. RECORD KEEPING**

- 4.1 Consistent with 133 CSR 4.5.b, the Board shall maintain all written comments, evidence received and determinations made in electronic form on the University's website and its hard copy form in the office of the president.
- 4.2 It shall be the responsibility of the Office of the President to maintain a "Master Copy" of all Board policies and to ensure that all policies are posted on the institution's official website.
- 4.3 It shall be the responsibility of the Office of the President to provide the Chancellor with a copy of the final policy within thirty (30) days of the Board's adoption of the policy.
- 4.4 All written comments and evidence received and determinations made by the Board shall be made available in the manner set out in Section 3.3 of this policy at least ten (10) days prior to the meeting in which the Board gives final approval to the policy and be carefully preserved by the institution and open for public inspection and copying for a period of at least five (5) years from the date of final Board action.