

**Fairmont State University**

**Board of Governors**

**Policy No. #50**

**Policy on Policies**

Effective Date September 7, 2006

It is the policy of the Fairmont State University Board of Governors to follow the process as outlined in Series 4, established by the Higher Education Policy Commission, effective July 31, 2006, for adoption, amendment or repeal of rules, guidelines and other policy statements.

That process is as follows:

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 established for individual units, divisions, departments or schools of the institution which deal solely with the internal management or responsibilities of that unit, division, department, or school.

If a governing board or the president determines that a rule, guideline or policy statement should be adopted, amended, or repealed concerning a subject matter under the governing board's jurisdiction, excluding academic curriculum policies which do not constitute a mission change, the Assistant to the President shall notify the Chancellor, those persons representing student, faculty, and classified employees at the institution, as well as other interested parties, and solicit comments and suggestions regarding the intent to adopt, amend or repeal.

Any rule, guideline or policy statement subsequently drafted and considered for adoption will be circulated in draft form to the same individuals and parties and a date noted when written comments on the draft are to be returned to the Assistant to the President. The public comment period will be of at least thirty days duration.

A final draft of the rule, guideline or policy statement being considered shall be posted on the Board of Governors pages of the Fairmont State website, using strike and insert to designate changes made; and all comments received in writing will be available for public review in the office of the Assistant to the President. The proposed rule, guideline, or policy statement shall then be presented to the appropriate committee of the governing board. The committee of the governing board may endorse the adoption, amendment, or repeal and make a recommendation to the governing board for final adoption, amendment, or repeal.

Upon request by the affected constituencies, individuals, or parties, the governing board or presidents may schedule a public hearing regarding adoption, amendment, or repeal of the rule, guideline, or policy statement.

All proposed and approved rules, guidelines and other policy statements can be accessed (viewed) by the public at no cost in Room 222 Hardway Hall. They will also be posted on the Board of Governors pages of the Fairmont State website, [www.fairmontstate.edu](http://www.fairmontstate.edu). The rules, guidelines or policy statements shall be enumerated in a manner that makes them easily identifiable.

The president, without following the procedures in this rule, may make editorial, non-substantive changes in rules or policies transferred to the institution's jurisdiction by the Policy Commission to reflect the effect of the transfer; and may make editorial, non-substantive changes in previous institution-level rules or policies (pre Board of Governors.)

The Chancellor shall be notified of any rule, guideline, or policy statement adopted by the board. If the Chancellor notifies the board of any specific or general objections to the rule, guideline, or policy statement, the board or presidents will address the objections. If the president and/or governing board disagree with the objections they may appeal to the Policy Commission. If the Chancellor 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 Policy Commission shall not be withheld unless the rule, guideline, or policy is inconsistent with state or federal law or the policies and mission of the Policy Commission.

In the case of an emergency, the board 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, guideline, 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 Policy Commission or legislature, 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.

Any adoption, amendment, or repeal of a rule, guideline, or policy statement under the emergency procedure as described shall remain in effect no longer than three (3) months and shall expire unless the board has completed final approval under the normal process set out in this rule.