



INSTITUTIONAL POLICY: GA-35

Category:	General Administration
Subject:	Adoption, Amendment, or Repeal of Rules and Posting of Administrative Procedures
Effective Date:	October 3, 2018
Updated:	N/A

GA 35-1. Authority

W. Va. Code § 18B-1-6

GA 35-2. Scope & Application

This policy applies to the adoption, amendment, or repeal of any Rule of the West Virginia School of Osteopathic Medicine (“WVSOM”) Board of Governors, and any Administrative Procedure, as defined below, solely as it relates to the posting requirements set forth in Section 8 of this policy.

GA 35-3. Purpose

The purpose of this policy is to encourage and facilitate, to the greatest reasonable degree, an active participatory governance process for WVSOM. This policy is designed to encourage and foster notice and an opportunity for comment on all Rules that come before the Board for adoption, amendment, or repeal.

GA 35-4. Definitions

- 4.1 “Administrative Procedure” means any regulation, guideline, directive, standard, or statement of policy or interpretation of future effect that does not qualify as a “Rule”.
- 4.2 “Board” means the West Virginia School of Osteopathic Medicine Board of Governors.
- 4.3 “HEPC” means the West Virginia Higher Education Policy Commission.
- 4.4 “Rule” means any regulation, guideline, directive, standard, statement of policy, or interpretation of general application and future effect that also has institution-wide effect or affects the rights, privileges or interests of employees, students or citizens. The term “Rule” does not include the following:
 - 4.4.1 Regulations, guidelines or policies established for individual units, divisions, or departments of the institution that deal solely with the internal management or responsibilities of a single unit, division, or department; or
 - 4.4.2 Academic curricular policies that do not constitute a mission change for the institution.

GA 35-5. Rulemaking Process

- 5.1 Approval Required. Every adoption, amendment or repeal of a Rule must be approved by the Board. Without limiting the foregoing, the Board delegates to the WVSOM President authority to initiate the rulemaking process under this policy, including the notice of proposed rulemaking and public comment period.
- 5.2 Notice of Proposed Rulemaking. If the Board or the President determines that a Rule should be adopted, amended, or repealed, the President shall initiate the rulemaking process by providing notice of proposed rulemaking via email to WVSOM Board members, employees, students, and other interested parties as identified by the President or designee and posting the notice prominently on the Board's webpage for Rules. A copy of the notice shall also be available at no cost to the requester in the Office of the Vice President for Legal & Governmental Affairs and General Counsel. The notice of proposed rulemaking shall include:
 - 5.2.1 A brief description of the subject matter of the Rule, an explanation of how written comments will be received, the deadline for receiving written comments, and contact information for the person designated to receive written comments; and
 - 5.2.2 A copy of the proposed Rule if adoption or amendment is proposed or a copy of the current Rule if repeal is proposed.
- 5.3 Comment Period.
 - 5.3.1 Except for emergency Rules, the notice of proposed rulemaking shall provide for a public comment period of at least 30 calendar days during which written comments will be received before final adoption of the Rule. The President or the Board may also provide for a public hearing.
 - (i) For any Rule relating to faculty, the President shall provide 30 calendar days' written notice to the faculty senate prior to the Board's adoption of the final Rule. The 30 days' written notice may run concurrently with the 30-day comment period provided in this Section 5.3.1. The Board must consult with the faculty senate or representatives designated by the faculty senate prior to approval of the final Rule relating to faculty.
 - (ii) For any classification and compensation Rule, the President shall provide 30 calendar days' written notice to the staff council prior to the Board's adoption of the final Rule. The 30 days' written notice may run concurrently with the 30-day comment period provided in this Section 5.3.1. The Board must consult with the staff council or representatives designated by the staff council prior to the approval of the final classification and compensation Rule.
 - 5.3.2 Administrative Opinion. If written comments are received or a hearing is held during the comment period, the President or designee shall summarize the comments received and propose administrative opinions in response to the comments and revisions to the proposed Rule for submission to the Board for consideration. The summarized comments, proposed administrative opinions, and revisions to the proposed Rule, if any, shall be publicly provided for review in the same manner as

the notice in Section 5.3.1 above prior to the next meeting following the close of the public comment period.

5.4 Board Determination and Approval of Final Rule.

5.4.1 The Board shall review the proposed Rule at its next meeting following the close of the public comment period or public hearing. If written comments are received or a public hearing was held, then the Board shall review the public comments, the administrative opinion(s), and the revisions to the proposed Rule, and make a determination concerning each issue raised.

5.4.2 If the Board approves the proposed Rule, with or without revisions, then the Rule as approved by the Board shall become effective as of the date notice is provided to HEPC under Section 5.5.

5.5 Furnishing of Copy to HEPC. Within 15 business days of the adoption of a Rule, including repeal or amendment of an existing Rule, and before the change is implemented, the Board shall furnish a copy of each Rule which it has adopted to HEPC for review.

5.6 Posting of Approved Final Rules. Approved final Rules shall be assigned a specific number. Rules adopted or amended by the Board shall be posted prominently on the WVSOM website. Copies shall be made available, at no cost to any requester, in the Office of the Vice President for Legal & Governmental Affairs and General Counsel.

5.7 Preservation of and Access to Public Comments. All written comments received during any public comment period or comments received during any public hearing shall be preserved and made available for public inspection and copying in the Office of the Vice President for Legal & Governmental Affairs and General Counsel for a period of five years from the date of the final Board action.

GA 35-6. Emergency Rules

6.1 In the case of an emergency, the Board may adopt, amend, or repeal a Rule without first following the rulemaking process set forth in this policy. Emergency Rules approved by the Board shall be posted prominently on the Board's website.

6.2 For purposes of this section, an emergency exists when the adoption, amendment or repeal of a Rule 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 to prevent substantial harm to the public interest, or to deal with financial exigency.

6.3 Any emergency Rule shall remain in effect no longer than three (3) months, and shall expire unless a final Rule has been approved under the normal process set forth in this policy.

GA 35-7. Reporting Requirements

Annually, by October 1, the Board shall file with HEPC a list of all Rules that were in effect on July 1 of that year, including the most recent date on which each Rule was adopted, amended, or

repealed, and a statement by the Chair of the Board certifying that the Board complied with the provisions of West Virginia Code § 18B-1-6 when each listed Rule was promulgated and adopted.

GA 35-8. Administrative Procedures

Each Administrative Procedure shall be provided via email to WVSOM employees, students, and other interested parties as identified by the President or designee and posted prominently on the WVSOM website. A copy of each Administrative Procedure shall also be available at no cost to the requester in the Office of the Vice President for Legal & Governmental Affairs and General Counsel.