

**SHEPHERD UNIVERSITY  
BOARD OF GOVERNORS  
POLICY 1**

**TITLE : ADOPTION OR AMENDMENT OF POLICIES**

*SECTION 1. GENERAL*

- 1.1 Scope - This policy governs the adoption or amendment of policies of the Board consistent with Series 4 of the Policy Commission.
- 1.2 Authority - West Virginia Code § 18B-1-6; 18B-2A-4.
- 1.3 Effective Date – September 11, 2008, amending the January 10, 2002 version of the Policy.

*SECTION 2. APPLICATION*

- 2.1 This policy shall apply to the adoption, amendment, or repeal of any policy of the Board of Governors. 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 through consultations with academic committees. A curriculum policy is any policy that relates to the offering of instructional courses, course content, transfer credit, course substitution credit, grade appeals or other academic appeals, or requirements for a degree. This policy does not apply to subject-matter not included within the scope of Series 4 of the HEPC.

*SECTION 3. PURPOSE*

- 3.1 It is the purpose of the Board to encourage and facilitate, to the greatest reasonable degree, an active participatory governance process for the institution. To that end, this policy shall be implemented to encourage and foster notice and an opportunity for comment as to all institutional policies which come before the Board for review.

#### SECTION 4. NOTICE of PROPOSED RULEMAKING

- 4.1 The Board delegates to the President the authority to initiate the procedures under this policy by issuing a Notice of Proposed Rulemaking (hereafter, “*Notice*”) to faculty, staff, students and any other interested parties, including the Chancellor, of a determination to present a proposed or current policy of the Board for review, adoption, or repeal.
- 4.2 The Notice shall include 1) a summary of the proposed new policy or of changes proposed for an existing policy; 2) a copy of the draft of a proposed new policy or modifications to a current Policy; and 3) an explanation of the opportunity for comments from faculty, staff, students and any other interested parties, together with the Chancellor. The notice shall be distributed to representatives of the Faculty, the Classified Employees, and the Student Government, and to the Chancellor. The notice shall also be posted on the web-page of the Board of Governors and a copy will be posted for public display. The President’s Office shall supply one free copy of the Notice upon request by any person.
- 4.3 The comment period shall extend for at least 30 days.
- 4.4 An official comment or suggestion, for purposes of this Policy, must be in writing and on paper and submitted to the Office of the President and must expressly reference the Policy to which the suggestion or comment is offered. A telefax transmission to the Office of the President qualifies as an official comment, but neither emails nor oral conversations qualify as an official comment. In addition to submission of official comments, interested persons are encouraged to discuss any *BOG Notice* with the executive officers of the University as appropriate, but no such conversations shall qualify as official comments under this Policy. Comments and suggestions offered directly to one or more Board members, whether verbally or in writing, do not qualify as an official comment under this Policy unless a written comment is also provided to the Office of the President. If any interested person tenders a written comment to any Board member or employee of the University, other than the President or the staff of the Office of the President, for transmittal to the Office of the President, such interested person assumes the risk that the comments might be lost prior to submission and might never become official comments.

*SECTION 5. BOARD REVIEW AND FINAL APPROVAL OF PROPOSED POLICY.*

- 5.1 Following the expiration of the Comment Period, the President may at his or her discretion either present the proposed Policy for Board action, amend and reissue the Notice with proposed changes in the Policy draft, or take no further action whatsoever.
- 5.2 When a thirty-day comment period has expired and the President determines to present a proposed policy for Final Adoption by the Board, the President shall issue a Notice of Proposed Final Adoption. The Notice of Proposed Final Adoption shall meet all of the requirements of Section 4.1 and 4.2 of this Policy and shall also contain a summary of comments received, if any, and determinations made as to such comments.
- 5.3 The Notice of Proposed Final Adoption shall be issued prior to the Board meeting at which the Final Adoption would occur.
- 5.4 The Board may defer action on the Policy, may vote to not adopt the Policy, may vote to adopt the Policy as Presented, or may vote to amend and adopt the Policy.
- 5.5 Whenever the Board adopts a Proposed Policy, the President shall thereafter complete all steps necessary for approval of the Policy by the Chancellor or the HEPC, as appropriate.

*SECTION 6. EMERGENCY ACTION*

- 6.1 The Board may determine, from time to time, that an emergency exists under which immediate action 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 HEPC, or to prevent substantial harm to the public interest, or to deal with financial exigency.
- 6.2 In such emergencies, the procedures delineated in Sections 4 and 5 herein may be modified as deemed necessary by the Board, on an emergency basis, but such modifications shall be made with as much accommodation as practical to the Statement of Purpose herein.
- 6.3 The facts constituting an emergency shall be communicated in writing to the Chancellor by the President when the Board makes such a determination.
- 6.4 When an Emergency Policy is adopted, the Emergency Policy shall remain in effect for no more than three calendar months, during which time the regular policy-making procedures shall be implemented.

*SECTION 7. POSTING AND RECORD OF POLICIES*

- 7.1 Approved policies shall be posted in a public area in proximity to the President's Office and on the institutional web-site. One free copy of each approved policy shall be provided to any person upon request within any six-month period.
- 7.2 Any written comment received by the Office of the President during the official Comment Period shall be maintained and preserved for a period of at least five years from the date of Final Adoption of the Policy. All written comments will be open to public inspection.