

West Virginia Northern Community College

Rule Processing Rule

Rule Number: NC-8000

Effective Date: February 29, 2008

Date Approved by WVNCC Board of Governors: February 28, 2008

Authority Reference: WV Code §18B-1-6; Title 135 Procedure Rule, Series 4, WV Council for Community and Technical College Education

Replaces previous rule: Rule Development, Approval & Distribution Procedures, 3/12/2004

Purpose:

This rule governs rulemaking by the Board of Governors and is applicable to rules for WV Northern Community College.

Definitions:

The term “rule” shall be defined as it is in WV Code §18B-1-6(c). – (a)“Rule” means 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 for the purposes of this section.

(b)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, are excluded from this subsection, except for the requirements relating to posting.

The term “policy” as it is used by the Board shall be synonymous with the term “rule” defined above.

The term “administrative procedure” means any regulation, guideline, directive, standard, or statement of policy or interpretation of future effect that does not qualify as a “rule.” Administrative procedures or rule procedures do not require approval of the Board.

Adoption, Amendment, and Repeal of Rules:

The Board authorizes the president and/or designee(s) to initiate the rulemaking process on its behalf. If the process is initiated by the president and/or designee(s), the rule shall be brought to the Board for approval only after the appropriate notice and comment period requirements have been met. (Refer to Rule Processing Procedure for guidelines on rule processing.)

The Board may also approve emergency rule before the normal notice and comment period. A rule approved as an emergency must be approved, following the normal procedures in this rule, within 3 months of its emergency approval or it shall expire.

The Board authorizes the president and/or designee(s) to make modifications to a proposed rule in response to comments. Comments or (summaries of comments) and responses to those comments will be included with the proposed rule in the agenda for the Board meeting in which it is to be approved. Notification to constituencies and the public may be accomplished by publication of the comments, responses, and any modified rule in the Board’s meeting agenda or direct notification to the individuals listed above.

The Board will approve rules in a manner consistent with all applicable laws, rule, and procedures of the state of West Virginia and all relevant governing authorities.

The following individuals shall be notified of a “request for comment” on a proposed rule: The president, president’s cabinet, classified staff chair, faculty assembly chair, student representative, chancellor of the Community and Technical College System.

Paper copies of all rule and proposed rule will be maintained “on reserve” in the library on each campus. Electronic copies of all rule and proposed rule will be available for viewing on the Board of Governors web page for WV Northern Community College.

All rules previously approved by the Board of Governors prior to this rule remain in effect until amended or repealed.