

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Procedural CITE AUTHORITY: §18B-1-6 (c)(3)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 54

TITLE OF RULE BEING PROPOSED: Campus Safety Procedures

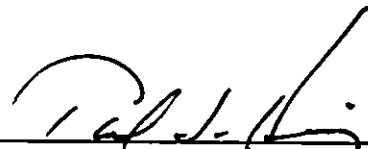
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 6, 2013 AT 5:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Higher Education Policy Commission

1018 Kanawha Blvd, East, Suite 700

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Campus Safety Procedures

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Higher Education Policy Commission

Address: 1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301

Contact: Paul Hill, Chancellor

Phone Number: 304-558-0699 Email: paul.hill@hepc.wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There are no direct costs or revenues associated with this rule.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Campus Safety Procedures

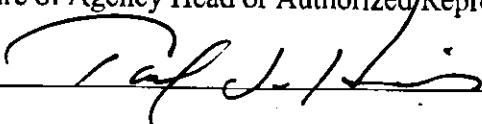
3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: 10.07.13

Signature of Agency Head or Authorized Representative



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OFFICE WEST VIRGINIA
SECRETARY OF STATE

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 54
CAMPUS SAFETY PROCEDURES**

§133-54-1. General.

- 1.1. Scope. This rule establishes guidelines and procedures that will direct institutional planning and response to on-campus emergencies at public four-year higher education institutions in West Virginia.
- 1.2. Authority. West Virginia Code §18B-1-6(c)(3).
- 1.3. Filing Date.
- 1.4. Effective Date.

§133-54-2. Purpose.

- 2.1. The primary purposes of this rule are to:
 - 2.1.a. Ensure communication between individual campuses, the West Virginia Higher Education Policy Commission (Commission), and state leadership and emergency management personnel;
 - 2.1.b. Ensure that institutions have up-to-date emergency procedures and teams in place;
 - 2.1.c. Ensure that institutions make available to the campus community members information on how to respond to emergency situations and provide campus safety education and training programs on an on-going basis;
 - 2.1.d. Provide coordination of resources in times of a campus or statewide emergency; and
 - 2.1.e. Provide emergency best practices, training, and resources for institutions.

§133-54-3. Guidelines.

- 3.1. The following will guide the further development and coordination of emergency preparedness and response to natural and violent incidents on-campus:
 - 3.1.a. All institutions are required to report any major emergency to the Chancellor or the Executive Vice Chancellor for Administration within a reasonable time from the initiation of the incident, and/or when it is safe and practicable to do so.
 - 3.1.b. All institutions are required to have an emergency plan in place that addresses, but it is not limited to, the following: natural disasters, such as earthquakes, flooding, or tornados; violent acts, such as active shooters and hostage situations; and health related emergencies, such as the outbreak of an infectious disease. A public version of the emergency plan is to be made available on the institution's website; this version would not contain sensitive information that could be used to cause harm.
 - 3.1.c. All institutions are required to annually review their emergency plans and the president of each institution shall submit a copy of the emergency plan to the Chancellor annually by June 30. A written summary of any revisions to the emergency plan are to accompany the document submitted to the Chancellor.
 - 3.1.d. Faculty, staff, and students should be offered training concerning emergency procedures, especially how to react to violent acts on-campus.
 - 3.1.e. All institutions are required to hold at least one campus-wide emergency drill each year. The simulation should be inclusive of faculty, staff, students, and members of the state and local emergency response community.
 - 3.1.f. All institutions are required to develop and maintain a threat assessment committee/team. The purpose of this committee is to meet on a regular basis to discuss potential human and physical threats to the campus community. A threat assessment committee should consist of, but is not limited to, campus leadership who direct academic affairs, campus safety and security, student conduct, student health, and facilities.
 - 3.1.g. The Commission will actively provide training and resources associated with emergency planning and response best practices.

§133-54-4. Emergency Situations.

- 4.1. The president, in conjunction with local or state public safety officials, has the authority to comply with the emergency situation and close the institution. Such a declaration will be transmitted to the Chancellor or to the Executive Vice Chancellor for Administration. The president, working with public safety officials, will determine when the emergency condition no longer exists.

**West Virginia Higher Education Policy Commission
Meeting of October 4, 2013**

ITEM: Approval of Proposed Series 54, Campus Safety Procedures

INSTITUTION: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 54, Campus Safety Procedures, Procedural Rule, for submission to the Secretary of State for a thirty-day public comment period.

Further Resolved, That staff is instructed to file the procedural rule with the Legislative Oversight Commission on Education Accountability and final filing with the Secretary of State if no comments are received at the conclusion of the comment period.

STAFF MEMBER: Neal Holly

BACKGROUND:

Series 54, Campus Safety Procedures, is a new procedural rule that establishes procedures to direct institutional planning and response to on-campus emergencies. The Commission has actively been engaged in promoting best practices regarding campus safety and emergency response, holding a campus Safety Summit in March and working to strengthen partnerships between campuses and organizations, such as the Red Cross, utility companies and local response agencies. Recent weather related emergencies have demonstrated the need for improved communication and coordination between the Commission and individual institutions. In addition, violent acts on college campuses across the nation have underscored the necessity for campuses, no matter their size, to prepare for a range of unthinkable circumstances.

It is recommended that the Commission approve the proposed procedural rule, Series 54, Campus Safety Procedures, for submission to the Secretary of State for a thirty-day public comment period. The rule strengthens support mechanisms, improves coordinated response and ensures communications between institutional responders, administrators and the Chancellor's Office. If no comments are received at the conclusion of the comment period, staff will file the procedural rule with the Legislative Oversight Commission on Education Accountability and with the Secretary of State for final filing.