



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

9/30/2019 4:28:20 PM

Office of West Virginia  
Secretary Of State

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**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-54  
RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: Yes  
RULE NAME: Campus Safety Procedures

CITE STATUTORY AUTHORITY: 18B-1-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/30/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Dr. Sarah Tucker  
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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Establishes guidelines and procedures for institutional planning and response to on-campus emergencies at public four-year higher education institutions.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Eliminates annual reporting and submission of Campus Safety Plan to the Chancellor.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

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. -- ~~August 7, 2018.~~

1.4. Effective Date. -- ~~September 7, 2018.~~

1.5. Repeal of Former Rule. -- Repeals and replaces Title 133, Series 54, dated ~~January 4, 2014~~ September 7, 2018.

**§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, a Continuity of Operations Plan (COOP), and teams in place;

2.1.b.1. Continuity of Operations Plan is defined as an effort within institutions to ensure that Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents and technological or attack-related emergencies. The COOP should include methods and processes by which the critical activities performed by institutions, especially after a disruption of normal activities, may be continued with little or no interruption of essential services.

2.1.b.2. There are two categories of essential functions: Primary Mission Essential Functions (PMEFs), and Mission Essential Functions (MEFs). It is the responsibility of the institution to determine the functions in each category, however the complete plan should address:

2.1.b.2.a. Orders of Succession. Provisions for the assumption of senior agency offices during an emergency in the event that any of those officials are unavailable to execute their legal duties.

2.1.b.2.b. Delegations of Authority. Identification, by position, of the authorities for making policy determinations and decisions at the senior staff level, administrative and faculty levels, staff levels and coordination of services at the student level. Generally, pre-determined delegations of authority will take effect when normal channels of direction have been disrupted and will lapse when these channels have been reestablished.

2.1.b.2.c. Continuity Facilities. Locations, other than the primary facility, used to carry out essential functions, particularly in a continuity event. Continuity Facilities, or “Alternate Facilities”, refers to not only other locations, but also nontraditional options such as working at home (teleworking/telecommuting), and mobile-office concepts.

2.1.b.2.d. Continuity Communications. Communications that provide the capability to perform essential functions, in conjunction with other agencies, under all conditions.

2.1.b.2.e. Vital Records Management. The identification, protection and ready availability of electronic and hard copy documents, references, records, information systems, data management software and equipment needed to support essential functions during a continuity situation.

2.1.b.2.f. Human Capital. During a continuity event, emergency employees and/or other pre-determined employees who are activated by an agency to perform assigned response duties.

2.1.b.2.g. Tests, Training, and Exercises. Measures discussed and/or exercised in some manner periodically to ensure that an institution’s continuity plan is capable of supporting the continued execution of the institution’s essential functions throughout the duration of a continuity event.

2.1.b.2.h. Devolution of Control and Direction. Capability to transfer statutory authority and responsibility for essential functions from an institution’s primary operating staff and facilities to other capable institution employees and available facilities.

2.1.b.2.i. Reconstitution. The process by which surviving and/or replacement institution personnel resume normal institutional operations from the original or replacement primary operating facility.

2.1.c. Ensure that institutions make available to the campus community members information on how to respond to emergency situations, make them aware of the COOP, 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;

2.1.e. Provide emergency best practices, training, and resources for institutions; and

2.1.f. Provide that individual campuses have a plan and method by which critical and essential operations may continue in times of natural or manmade disasters, documents and records are stored and accessible in a protected location, and that an order of succession is identified and authority is delegated to appropriate individuals.

**§133-54-3. Guidelines.**

3.1. The following will guide the further development and coordination of emergency preparedness and response, and establishment of a COOP associated with 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. Additionally, all institutions are required to have a COOP in place that addresses the performance of essential functions during all-hazards emergencies or other situations that may disrupt normal operations. 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 COOP ~~and the president of each institution shall submit a copy of the emergency plan and COOP to the Chancellor annually by June 30. A written summary of any revisions to the emergency plan and/or COOP is 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. Additionally, this team should address issues associated with the COOP, including but not limited to essential functions, orders of succession, delegates of authority, continuity of facilities and communications, vital records management, and human capital. 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, ~~through the Director of Facilities and Sustainability and/or other individuals qualified to offer support and coordination,~~ will actively provide training and resources associated with emergency planning and response and Continuation of Operations (COOP) best practices as requested.

#### **§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.