

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED

2004 OCT 15 P 3:44

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: WV Code § 18B-1-6 and 18B-1B-4

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 47

TITLE OF RULE BEING PROPOSED: Commission Organization and Meetings

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 15, 2004 AT 3:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Office of the Chancellor

Higher Education Policy Commission

1018 Kanawha Blvd. East

Charleston, WV 25301

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY

**Title 133
Procedural Rule
Higher Education Policy Commission**

**Series 47
Commission Organization and Meetings**

This rule establishes the committee structure of the Policy Commission and the method for holding and conducting its meetings.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-47: Commission Organization and Meetings

Type of Rule: Legislative Interpretive Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East
Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There is no increase in the costs of organization or meetings.

3. Objectives of These Rules:

This rule establishes the organization and procedures for meetings of the Policy Commission.

Rule Title: 133-47: Commission Organization and Meetings

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

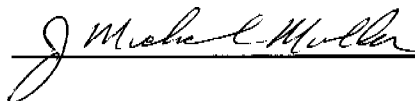
None

C. Economic Impact on Citizens/Public at Large.

None

Date: October 15, 2004

Signature of Agency Head or Authorized Representative:



TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
SERIES 47
COMMISSION ORGANIZATION AND MEETINGS

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1. GENERAL

- 1.1 Scope – This procedural rule establishes the organization of the West Virginia Higher Education Policy Commission and conduct of its meetings.
- 1.2 Authority – W. Va. Code § 6-9A-1, 18B-1-6
- 1.3 Filing Date - _____
- 1.4 Effective Date - _____

2. ORGANIZATION

- 2.1 The officers of the Commission shall be a chair, vice chair and a secretary. Officers shall be elected in June of each year for a one year term commencing on July 1 and ending on June 30 of the following year. Officers may not serve more than two consecutive terms in the same office.
- 2.2 There shall be three standing committees: the Executive Committee, the Finance Committee and the Academic Policy Committee.
 - 2.2.1 The Executive Committee shall consist of the officers of the Commission, the chairs of the Finance and Academic Policy Committees, and the Commission's immediate past chair.
 - 2.2.2 The Finance and Academic Policy Committees shall consist of Commission members and chairs appointed by the Chair of the Commission. Each Commission member shall be assigned to either the Finance or Academic Policy Committee.
- 2.3 Members may be appointed by the Chair of the Commission to special or ad hoc committees.
- 2.4 All committees shall review and make recommendations to the Commissions on matters assigned by the Chair of the Commission or the Executive Committee.

3. MEETINGS OF THE COMMISSION

- 3.1 Meetings of the Commission will be scheduled approximately six (6) times per year. Special meetings may be convened by the Chair, or upon the petition of a majority of the members.
- 3.2 Meetings will occur in or near Charleston, West Virginia, or in association with campus visits at an institution of public higher education.

- 3.3 Members may participate in Commission and committee meetings by telephonic or other electronic means which permit the voice or video identification of the member.
- 3.4 A quorum of five members is required to conduct business on matters requiring a vote of the Commission.
- 3.5 Meetings will be noticed in accordance with the provisions of the Open Governmental Meetings Act. This includes notice of regularly scheduled meetings being filed with the Secretary of State for filing in the State Register at least five days prior to the date of the meeting.
- 3.6 The agenda for each regularly scheduled meeting will be made available to the presidents of each institution and to the Chairs of the statewide advisory councils of faculty, students, and classified employees at least three working days before the meeting. Agendas shall also be posted on the Commission's web site at www.hepc.wvnet.edu.
- 3.7 The notice provisions of this section shall not apply in the event of an emergency requiring immediate official action. Notice of an emergency meeting may be filed at any time prior to the emergency meeting and shall include the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.
- 3.8 All meetings of the Commission and the committees shall be open to the public, except the Commission or a committee may vote to hold an executive session during its meeting for any of the reasons authorized under W. Va. § 6-9A-4. A motion to hold an executive session must identify the authorization in W. Va. § 6-9A-4 for the executive session and be approved by a majority of the members present.
- 3.9 At the discretion of the Chair, members of the Commission's staff, institutional presidents and administrative staff, faculty members, classified employees and members of the public may be recognized to address the Commission or a committee during its meeting.
- 3.10 Meetings will be conducted according to Robert's Rules of Orders subject to the suspension of any rule by a majority vote of the Commission or committee.
- 3.11 The Commission may cause the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.
- 3.12 At least twice a year the chair will provide time on the agenda of the Commission to meet with the statewide advisory councils of faculty, students and classified employees to address the Commission on matters of concern to the respective advisory council.