

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

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #5

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: W. Va. Code §6-9A-1 and 18B-1-6

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 21, 2004


Authorized Signature

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.

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

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**SERIES 47
COMMISSION ORGANIZATION AND MEETINGS**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§133-47-1. 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 - December 21, 2004
- 1.4 Effective Date – January 21, 2004

133-47-2. ORGANIZATION

- 1.5 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.
- 1.6 There shall be three standing committees: the Executive Committee, the Finance Committee and the Academic Policy Committee.
 - 1.6.1 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.
 - 1.6.2 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.
- 1.7 Members may be appointed by the Chair of the Commission to special or ad hoc committees.
- 1.8 All committees shall review and make recommendations to the Commission on matters assigned by the Chair of the Commission or the Executive Committee.

133-47-3. MEETINGS OF THE COMMISSION

- 1.9 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.
- 1.10 Meetings will occur in or near Charleston, West Virginia, or in association with campus visits at a public institution of higher education.
- 1.11 Members may participate in Commission and committee meetings by telephonic or other electronic means which permit the voice or video identification of the member.
- 1.12 A quorum of six members is required to conduct business on matters requiring a vote of the Commission.
- 1.13 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.
- 1.14 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.
- 1.15 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.
- 1.16 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.
- 1.17 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.
- 1.18 Meetings will be conducted according to Robert's Rules of Order subject to the suspension of any rule by a majority vote of the Commission or committee.
- 1.19 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.



WEST VIRGINIA
H I G H E R
E D U C A T I O N
P O L I C Y
C O M M I S S I O N

Mary Clare Eros
Chairman

J. Michael Mullen
Chancellor

December 21, 2004

The Honorable Joe Manchin
Secretary of State
State Capitol
Charleston, WV 25305


Dear Secretary Manchin:

On behalf of the Higher Education Policy Commission, I am submitting the following procedural rule which was approved by the Commission on December 15, 2004:

Title 133, Series 47, *Commission Organization and Meetings*

No comments were received during the public comment period.

Sincerely,


J. Michael Mullen
Chancellor

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