

NOTICE OF PROPOSED RULEMAKING

This Notice of Proposed Rulemaking is issued pursuant to West Virginia University Board of Governors Governance Rule 1.1. The proposed changes are to the following current Board of Governors Rule: West Virginia University Board of Governors Talent & Culture Rule 3.4 – Drug and Alcohol Testing for FTA and FMSCA Covered Positions.

The proposed changes are to amend the current BOG Rule to better reflect the University's current practices regarding drug and alcohol testing and clarify the categories of employees that are outside the scope of the Rule.

A copy of the current Rule can be found at <http://bog.wvu.edu/policies> and a copy of the proposed Amended Rule and this Notice of Proposed Rulemaking can be found at <https://policies.wvu.edu/bog-rules-under-review>.

There will be a public comment period from November 10, 2025, and will extend through December 11, 2025, for the submission of written comments. Comments should be submitted using the online submission form for each Rule, which can be found by clicking on the link to the Rule located at: <http://policies.wvu.edu/>. If there are any questions about the submission process, they can be directed to Valerie Lopez, Special Assistant to the Board of Governors, at Valerie.Lopez@mail.wvu.edu or Valerie Lopez, Office of the President, West Virginia University, PO Box 6201, Morgantown, West Virginia 26506-6201.

Once the comment period has ended, all public comments received or a summary thereof will be posted on the University's policy website. The Rule may be changed, subject to comments received.

Substantively, the proposed changes to the BOG Rule above will result in the amendments as set forth below:

BOG Rule	Recommended Action	Comments
BOG Talent & Culture Rule 3.4 – Drug and Alcohol Testing for FTA and FMSCA Covered Positions	Amend and Approve	▪ The Board adopted this Rule on September 8, 2017 as part of the initial wave of BOG Rules under the Freedom Agenda. ▪ The proposed amendments are minor clerical changes to better reflect the University’s current process with drug and alcohol testing on campus and clarify the categories of positions that the Rule applies to. ▪ As such, the proposed amendments seek to (1) add a new Section 1.3 to give express authority to the President or designee to create a drug testing policy for positions that do not fall within the scope of the Rule, which includes UPD Officers; (2) amend Section 2.1.4 to update the contact information for the University office responsible for administering drug and alcohol tests under the Rule; and (3) amend Sections 2.2.1 and 2.2.2 to more clearly define which University positions do not fall within the scope of the Rule.