

## **NOTICE OF PROPOSED RULEMAKING**

This Notice of Proposed Rulemaking is issued pursuant to West Virginia University Board of Governors Governance Rule 1.1. The following new Board of Governors Rule is proposed for adoption:

- West Virginia University Board of Governors Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-defense Act

Additionally, changes are proposed to the following current Board of Governors Rule:

- West Virginia University Talent & Culture Rule 3.5 – Employee Leave.

The new Rule is proposed to ensure compliance with state law. Additionally, the changes proposed to the current BOG Rule are to ensure consistency with current University practices and to comply with applicable federal laws.

Substantively, the new Rule and the proposed changes to the current Rule will result in additions and amendments as set forth below:

<b>BOG Rule</b>	<b>Recommended Action</b>	<b>Comments</b>
BOG Finance & Administration Rule 5.14 – Deadly Weapons, Dangerous Objects, & W. Va. Campus Self-Defense Act	Adopt and Approve	<ul style="list-style-type: none"> <li>▪ This Board Rule is proposed to provide guidelines regarding Deadly Weapons and Dangerous Objects on WVU Property, and the University’s implementation of W. Va. Code § 18B-4-5b, the Campus Self-defense Act.</li> <li>▪ Section 2.1 of the proposed Rule provides that Deadly Weapons and Dangerous Objects are prohibited on University property except as specifically provided by this Rule or by law.</li> <li>▪ As required by the W. Va. Self-defense Act, Section 2.2 provides that the prohibition in Section 2.1 does not apply to a person holding a License to carry a Concealed Deadly Weapon and who is carrying a Concealed Pistol or Revolver on WVU Property except as provided in Section 2.3.</li> <li>▪ Section 2.3 provides that all Deadly Weapons, including Concealed Pistols and Revolvers, are prohibited in several locations including, but not limited to, the following: <ul style="list-style-type: none"> <li>○ At an organized event taking place at a stadium or arena with a capacity of more than 1,000 spectators;</li> <li>○ At a daycare facility located on WVU Property;</li> <li>○ In the secure area of any building used by University Police or other law-enforcement agency on WVU Property;</li> <li>○ In an on-campus room or rooms in which a student or employee disciplinary proceeding is being held;</li> <li>○ In Sole Occupancy Offices, but only in those offices where the sole occupant notifies those who may be entering that Concealed Pistols and Revolvers are prohibited; and</li> <li>○ In on-campus residence halls, except common areas such as lounges, dining areas, and study areas.</li> </ul> </li> <li>▪ Section 3 of the new Rule outlines the resources the University’s Administration must provide related to this Rule and the University’s compliance with the Campus Self-defense Act, including an informational website and Frequently Asked Questions.</li> </ul>

BOG Rule	Recommended Action	Comments
		<ul style="list-style-type: none"> <li>▪ Section 4 outlines the penalties for violations of this Rule. A University Employee or Student who fails to abide by the requirements within this Rule shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate. If any other person fails to follow this Rule, they shall be subject to appropriate action, including a request to leave campus or temporarily relinquish the prohibited item and, if they fail to do so, referral for any appropriate criminal action and/or issuance of a trespass notice.</li> </ul>
BOG Talent & Culture Rule 3.5 – Employee Leave	Amend and Approve	<ul style="list-style-type: none"> <li>▪ The Board originally adopted this Rule on September 8, 2017, to outline the guiding principles for annual leave, sick leave, medical leave, funeral leave, catastrophic leave, parental leave, FMLA, personal leave of absence without pay, military leave, special emergency leave without pay, witness and jury leave and leave usage during facility disruption, utility service interruption and inclement weather for University employees.</li> <li>▪ Section 2.2.6 is being modified to provide clarity regarding when employees may accrue sick and annual leave while they are out on a leave covered by FMLA.</li> <li>▪ Section 5.3.1 and 10.5 are being modified to provide that employees who fail to report at the conclusion of a leave period will now be considered to have resigned rather than terminated.</li> <li>▪ Section 5.4 is being modified to provide that the University shall grant leave in accordance with the FMLA, ADA, and other relevant laws.</li> <li>▪ Section 5.8 is being modified to provide that issues related to pregnancy will be handled on a case-by-case basis.</li> <li>▪ Section 8.1.3 is being modified to clarify the parameters of the requirement that a position be held while an employee is on parental leave.</li> </ul>

A copy of the current Rules can be found at <http://bog.wvu.edu/policies> and a copy of the new proposed Rule, the amended Rule, and this Notice of Proposed Rulemaking can be found at <http://policies.wvu.edu/>.

There will be a 30-day public comment period from February 26, 2024 until March 27, 2024 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](mailto: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 Rules may be changed, subject to comments received.