Do We Have a Policy About That? Do We Need One?
Tips on Navigating and Developing University Policies

Division of Institutional Integrity Fall Legal Symposium
October 16, 2018
Presented by Amy S. Kelso, Senior Associate General Counsel

Overview
This session will cover:
- **Purpose** of University Policies
- **How to navigate** University Policies website
- **Explanation of what University Policies ARE and what they are NOT**
- **How to determine** whether a new University Policy is needed
- **Tips on drafting/developing** new University Policies
- **Review of “policy on policies,” University Policy 805, University Policy Development, Approval, and Publication**

Why do we need University Policies, anyway?
University Policies support **institutional stability** and enhance University’s mission:
- **Inform & educate** University community
- **Provide clarity & guidance** to University community
- **Promote consistency** in treatment of issues
- **Set standards for community behaviors**
- **Facilitate operational efficiencies**
- **Establish responsibility & accountability**
- **Enable coordinated compliance** with external laws, regulations, & policies
- **Reduce institutional risk**
Navigating University Policies

Where to find them?

Quickly access University Policies page & subject chapters from drop-down menu at legal.uncc.edu

University Policies Website
legal.uncc.edu/university-policies
What IS a University Policy?

A written statement of policy of general applicability to members of the University community

Developed by a college, department, or unit (responsible office/owner)

Reviewed/recommended by Chancellor’s Cabinet

Approved by Chancellor (or Board of Trustees, when required)
What IS a University Policy? contd.

• Declares institutional principles & standards
• Establishes definitions & applicability
• Establishes procedures
• Prescribes/proscribes behavior
• Establishes consequences for violations
• Assigns roles and responsibilities
• Includes revision history, approval authority, responsible office/owner
• Lists related resources (see University Policy 805)

What is NOT a University Policy?

University Policies do NOT include:
• College/departmental policies, which
  • apply only to the operation of a specific college, department, or unit
  • promote operational efficiencies but are not broadly applicable
• Procedures or regulations that
  • implement or supplement University Policies
• Guidelines that are suggestive but not prescriptive
• PIMs (Personnel Information Memoranda; see UP-104)
• PATS parking ordinances & traffic policies

What is NOT a University Policy? contd.

Supplemental Procedures or Regulations
Appended to some University Policies, they –
• contain specific mechanisms or processes related to how to apply a University Policy
• include detailed instructions, steps, and/or forms that facilitate compliance with a University Policy
• are more easily revised than a University Policy

Note: Not all University Policies include Supplemental Procedures or Regulations
New University Policies…

Do we already have one?
If not – do we need one?
If so – how do we get one?

Step 1: Do we have a policy about that?

Identify whether we already have a policy:
• Check University Policy chapter/subject index
• Search University Policies website using key words in search box
• If a current University Policy does not address the situation, check other policies, e.g.,
  Academic Policies & Procedures, Research Policies, Library Policies, IT Policies, Facilities Management Policies, etc. (see links on University Policies website)

Step 1: Do we have a University Policy about that? contd. legal.uncc.edu/policies/university-policies
Step 2: So there isn’t a University Policy; how do I know whether we need one?

- Does the situation call for a University Policy?
  - Or is it an internal/departmental issue?*
  - Or a procedural issue?*
  - Or a performance (people) issue?*
  - Or an implementation (systems) issue?*
  - Or just a particular circumstance that has arisen?*

If none of the above, it may be a candidate to become a new University Policy!

* Avoid the tendency of “policy on particulars”

Step 3: Identify responsible office

- A unit will be the “responsible office” (or “policy owner”) when –
  - Subject matter of policy is central to the function of the unit
  - Unit’s expertise is imperative to understanding how current systems function & determining whether a new policy is needed
  - It is a unit without whose support the policy cannot be implemented
  - Contact responsible officer (Vice Chancellor or designee) to discuss necessity of new policy
  - Responsible office must oversee/endorse new policy development

Step 4: Ask the big questions

- Who (in Responsible Office and beyond) will be involved in initial discussions?
- Who will be involved in drafting?
- What will be the policy’s direction and scope?
- What are the central issues/situations this policy will address?
- What specific problems need to be resolved (or prevented from occurring)?
- Identify constituents—to what or whom will this policy apply?
- What procedures will it establish?
- Will the administration support the policy?
Step 5: Organize & draft

Once the advisability of a new policy is established & drafters have been identified, organize policy draft –

- Outline keeps the writer(s) out of the weeds
- Discern what is policy vs. what is procedure
- Review University Policy 805, University Policy Development, Approval, and Publication for guidance
- Download University Policy template (see next slide)
- Contact Legal Affairs for guidance/assistance in drafting and review

Download University Policy template

Overview of University Policy 805 ("policy on policies")

- University Policy 805, University Policy Development, Approval, and Publication, legal.uncc.edu/policies/up-805
- Purpose is to create consistency in
  - Development/drafting
  - Format/structure
  - Review/revision
  - Approval process
- Includes policy template to guide drafting
- Includes supplemental procedures for adding or revising University Policies
Roles and Responsibilities

Office of Legal Affairs
• Manages process for development, approval, & publication of University Policies
• Ensures that University Policies are consistent with applicable laws, regulations, & governing policies
• Determines who has approval authority for each University Policy, according to applicable laws, regulations, and related policies
• Determines whether a proposed policy follows the requirements for a University Policy

Roles and Responsibilities (contd)

Responsible Office (Policy Owner)
• Owns, develops, & administers a particular University Policy and any Supplemental Procedures or Regulations
• Accountable for the accuracy of the policy
• Responsible for following procedures & standards of UP-805 in policy development/revision
• Ensures that University Policies it “owns” are:
  • consistent with other policies within its area
  • communicated properly
  • reviewed, revised, & updated as needed
  • monitored for compliance and effectiveness
• Policy Owners: legal.uncc.edu/policy-owners

Roles and Responsibilities (contd)

Chancellor’s Cabinet
• Responsible for reviewing and recommending the approval or revision of University Policies.

Chancellor
• Responsible for final approval of University Policies over which Chancellor has authority, such authority being determined by governing policies/regulations

Board of Trustees
• Responsible for final approval of University Policies over which it has authority, such authority being determined by governing policies/regulations
Policy Standards

- Clear and concise
- Contains sufficient information on the subject without being excessive in length
- Detailed mechanisms or processes are reserved for supplemental procedures/regulations or departmental policies

Policy Format

- Policy Title
- Policy Statement and Purpose
- Definitions
- Applicability
- Procedures
- Roles and Responsibilities
- At the end:
  • Revision History (including initial effective date & all revision dates)
  • Authority (Chancellor or Board of Trustees)
  • Responsible Office/Policy Owner
  • Related Resources
(See policy template)

Approval Exceptions

Clerical Changes

- Some clerical or non-substantive revisions to existing University Policies may be approved by the Responsible Office and the Office of Legal Affairs without full review and recommendation by the Chancellor’s Cabinet or approval by the approving authority

Supplemental Procedures or Regulations

- May initially be developed, revised, and approved as part of the approval of a new or revised UP, but may also be revised or updated without additional review and approval of the approving authority
Policy Review

• Every University Policy will be reviewed at least every five years by the Responsible Office for that policy, or more frequently, if necessary.
• Responsible Office will propose revisions or updates on an as-needed basis to keep the Policy current and whenever necessary to comply with regulatory changes or changes in business operations.
• Office of Legal Affairs will oversee the review/revision process.
• Policy revisions will follow the same review and approval process as for new University Policies.

Policy Publication/Distribution

• All approved University Policies and supplemental procedures or regulations will be published on the official University Policy site (legal.uncc.edu/policies/university-policies).
• If a unit wishes to include University Policies on its website, it must do so by linking to the official University Policy site to ensure that the official version is referenced.
• The official University Policy site will be the only site that carries the assurance that the University Policies posted on it are current and correct.

Policy Development or Revision, Step-by-Step

legal.uncc.edu/sites/legal.uncc.edu/files/media/UP-805-Procedures.pdf

Step 1
• New policy or revision requests must be initiated by Chancellor or a Chancellor’s Cabinet member or designee
• Requests must be sent to the Office of Legal Affairs (OLA)

Step 2
• OLA reviews new policy draft or revision
• OLA works with requester/Policy Owner to develop draft of the new policy or revision
• OLA makes recommendations as to form, format, clarity, substance, and legal implications
Policy Development/Revision, Step-by-Step

Step 3
- Once revision/drafting process is complete, OLA determines that draft is in good legal form
- OLA emails to Chancellor and Cabinet members:
  - New policy draft or redlined version of revised policy
  - Explanatory memo
- OLA sets a deadline for comments

Step 4
- OLA collects comments/recommendations from Chancellor, Cabinet members/designees
- OLA works with requestor/Policy Owner on additional revisions

Step 5
- Once policy finalized, it is placed on Cabinet meeting agenda:
  - 3 weeks time, if no revisions
  - follow-up Cabinet meeting, if necessary
  - additional Cabinet meetings, if inability to resolve issues

Step 6
- If under Step 5, Chancellor determines further editing/revisions, OLA will:
  - work with unit/Policy Owner to draft revisions
  - re-submit revised draft for Cabinet review or solely to Chancellor, if so requested
  - step 6 will repeat, if necessary, until policy approved

Step 7
- If Chancellor authorized to approve, OLA produces an approval letter for Chancellor’s signature, along with final draft (approval process complete)
- If BOT authorized to approve, OLA places it on BOT agenda for next regular meeting, along with resolution and memo and final draft, if approved (process complete)
Policy Development/Revision, Step-by-Step

Step 8

• Once final approval complete, OLA will:
  ➢ post new policy on OLA website
  ➢ create revision page for policy under “Recent Revisions” web page
  ➢ Submit announcement to Inside UNC Charlotte for publication
  ➢ Notify Policy Owner and Cabinet Members and request that they disseminate the new/revised policy to their units, as appropriate.

Step 9 – FINAL

• OLA maintains a digital copy of the expired version of the policy in its archive files

Questions?

• Amy S. Kelso
  • Senior Associate General Counsel, Office of Legal Affairs
  • Phone: 828-232-4990, Email: amy.kelso@uncc.edu