

FAYETTEVILLE STATE UNIVERSITY

POLICY ON POLICIES AND RULES

Authority:	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
Category:	University-wide
Applies to:	• Faculty • Staff • Students
History:	Approved February 15, 2005 First issued, February 17, 2005
Related Policies:	The <i>Code</i> of the University of North Carolina
Contact for Info:	University Legal Counsel (910) 672-1141

I. Introduction

The University of North Carolina has delegated various powers and authority to the Boards of Trustees and Chancellors of its constituent institutions, including the authority to establish policies and procedures for the efficient and orderly administration of the institution. This policy addresses the sources of authority for policies and rules (PRs) at Fayetteville State University and the procedures for their adoption and publication. PRs adopted in substantial compliance with this policy are valid and may not be grieved for procedural error.

II. Definitions and Sources of Authority

A. **Executive Staff** – The executive staff is comprised of members of the Chancellor's senior staff, which includes the chief of staff and legal counsel, vice chancellors, chief information officer, and executive/special assistants to the chancellor.

B. **Policy** - A "policy" is defined as the following:

1. any standard, statement, or procedure of general applicability adopted by the Board of Trustees pursuant to authority delegated by law or the Board of Governors; or
2. any standard, statement, or procedure of general applicability adopted by the Chancellor that addresses any of the following matters:

- a. Compliance with fiscal, academic, research, human relations, or other management standards and requirements imposed by federal or state laws or implementing regulations;
 - b. Procedures and reporting requirements related to implementation or compliance with policies of the Board of Governors or Board of Trustees, or regulations of the Office of the President; or
 - c. Matters not specifically addressed in Board of Governors' or Board of Trustees' policies or regulations or the Office of the President that are within the general nature of the Chancellor's delegated responsibilities.
- C. **PR** – A policy and rule.
 - D. **Proposed Policy** – A proposal to establish a new policy which is initiated by a sponsor.
 - E. **Proposed Rule** – A proposal to establish a new rule or to change an existing rule, which is initiated by a sponsor.
 - F. **Revised Policy** – A proposal to change an existing policy which is initiated by a sponsor
 - G. **Revised Rule** – A proposal to change an existing rule which is initiated by a sponsor
 - H. **Rule** - A "rule" is a standard, statement, or procedure, other than a policy, adopted by an academic or administrative unit of Fayetteville State University pursuant to specific authority granted in a Fayetteville State University policy. A rule must be approved by the member of the Executive Staff to whom the unit reports and the Chancellor prior to becoming effective.
 - I. **Source of Authority** - Individual and/or body that has the delegated authority to approve the PR (e.g., Chancellor, Board of Trustees, Board of Governors).
 - J. **Sponsor** - Any of the university senates, any standing or *ad hoc* committee of Fayetteville State University, any member of the university community, or any administrative or academic officer may be a sponsor.

II. Approval of New Policies or Revisions to Current Policies

All Fayetteville State University new policies or revisions to current policies must be approved by the Chancellor. This requirement applies to policies that may or may not require approval of other governing entities.

- A. Policies that Fayetteville State University is specifically mandated to adopt by federal or state law or regulation or direction of the Board of Governors or Office of the President shall be approved by the Chancellor (and any other

governing entity) without being subject to the procedures outlined in section III.

- B. Policies not specifically mandated by the Board of Governors, Office of the President, or federal or state law or regulations, but which are initiated by the Chancellor, may be forwarded to one of the university senates, a standing or *ad hoc* committee of Fayetteville State University, or an administrative or academic officer for review and consideration.

In such cases, the reviewing entity/individual shall submit to the Chancellor, in narrative form, specific suggestions/modifications to the draft policy, if any. The reviewing body shall not edit the language included in the draft policy by adding new language or striking out language proposed for deletion. Neither shall the reviewing entity/individual respond by submitting a new draft policy. Editorial changes and/or new draft policies will not be considered.

Policies initiated by the Chancellor shall not be subject to the procedures outlined in section III.

- C. New policies or changes to existing policies (“proposed policies”) may be recommended by a sponsor. Prior to presentation for approval by the Chancellor, such proposed policies must be reviewed in accordance with the process outlined in section III below

III. Procedures for Approval of New Policies or Revisions to Current Policies Initiated by a Sponsor

Proposed policies initiated by a sponsor are subject to this section and shall be reviewed, approved, and issued according to the following process:

- A. Proposed policies shall be submitted in the format set forth in section VI to the member of the Executive Staff from whose area the proposed policy originates.
- B. *Concurrence by Executive Staff member:* If the member of the Executive Staff concurs with the proposal, the proposed policy shall be forwarded to the university’s Legal Counsel for form and legal-sufficiency review. After legal review, and if no changes are recommended by the Legal Counsel, the proposed policy shall be forwarded by the member of the Executive Staff from whose area the proposed policy originated to all members of the Executive Staff for consideration. If the Legal Counsel recommends changes to the Executive Staff member, the Executive Staff member and the Legal Counsel will resolve the issue(s) themselves or jointly seek resolution from the Chancellor.
- C. *Non-concurrence by Executive Staff Member:* If the member of the Executive Staff does not concur with a proposal emanating from his or her area, the proposed policy shall be forwarded to the Chancellor with a detailed written explanation as to why it is being rejected. The Chancellor shall forward the proposed policy to the university’s Legal Counsel for form and legal-sufficiency

review. Thereafter, the Chancellor shall submit the proposed policy along with the detailed written explanation and the Legal Counsel's comments/recommendations to the members of the Executive Staff for consideration.

- D. The Executive Staff shall review the proposed policy and advise the Chancellor regarding the proposed policy. Following review by the Executive Staff, the Chancellor will act on the proposed policy. In considering the proposed policy, the Chancellor may use any advisory process deemed helpful. The Chancellor may take any action on the proposed policy, including but not limited to, action to table, approve, not approve, or approve with revisions. The Chancellor shall notify the Executive Staff member from whose unit the proposed policy originated of his or her decision.
- E. Proposed policies approved by the Chancellor shall be forwarded to the university's Board of Trustees and/or Office of the President for action, if such is required.

IV. Adoption of Rules Initiated by an Academic or Administrative Unit

Academic or administrative units may recommend rules to the Chancellor after review and approval of the member of the Executive Staff from whose unit the recommendation originates. Rules are subject to the procedures outlined in section V. below.

V. Procedures for Approval of New Rules or Revisions to Current Rules

- A. Proposed rules or revisions to current rules shall be submitted in the format set forth in section VI to the member of the Executive Staff from whose unit the recommendation originates. Prior to submission of proposed rules, the employees in the specific administrative or academic unit must have discussed such proposed rules.
- B. *Concurrence by Executive Staff member:* If the member of the Executive Staff concurs with a proposed rule originating from his or her area, the proposed rule shall be forwarded to the university's Legal Counsel for form and legal-sufficiency review. After legal review and if no changes are recommended by the Legal Counsel, the proposed rule shall be forwarded by the member of the Executive Staff from whose area the proposed rule originated to the Chancellor for consideration. If the Legal Counsel recommends changes to the Executive Staff member, the Executive Staff member and the Legal Counsel will resolve the issue(s) themselves or jointly seek resolution from the Chancellor. Following the resolution of such issues, the proposed rule shall be forwarded to the Chancellor for consideration
- C. *Non-concurrence by Executive Staff Member:* If the member of the Executive Staff does not concur with the proposed rule originating from his or her area, the proposed rule shall be forwarded to the Chancellor with a detailed written explanation as to why it is being rejected. The Chancellor shall forward the

proposed rule to the university's Legal Counsel for form and legal sufficiency review. Thereafter, the Chancellor shall consider the proposed rule in conjunction with the detailed written explanation from the Executive Staff member.

- D. In considering the proposed rule, the Chancellor may use any advisory process deemed helpful. The Chancellor may take any action on the proposed rule, including but not limited to, action to table, approve, not approve, or approve with revisions. The Chancellor shall notify the Executive Staff member, from whose unit the recommendation originated, of his or her decision.

VI. Content, Format, and Publication of PRs

A. Content

PRs create administrative structures, set priorities, assign responsibility, delegate authority, establish accountability, and define reporting requirements. PRs directly or substantially affect procedural or substantive rights and duties. PRs shall be concise and understandable and contain only material essential to the PR. PRs must be consistent with all applicable governing authority.

B. Format

Proposed PRs must be drafted in outline form with a title and introductory section and follow the format described below. (Please note that this section applies only to proposed policies and rules subject to section III.)

1. Proposed PRs or proposed revisions to PRs must be accompanied by a memorandum from the sponsor to the Executive Staff member to whom the unit reports. The proposed new or revised PR shall be formatted in accordance with the following template:
 - a. Title of the PR: this must be written so that the major subject matter appears first as most individuals search an index or table of contents alphabetically; e. g., Sexual Orientation Policy Statement rather than Policy Statement on Sexual Orientation.
 - b. Authority and Effective Date: who has the delegated authority to issue the PR and what is the effective date.
 - c. History: dates the PR was first enacted and/or last revised.
 - d. Related Policies and Information: any related policies that may help the reader understand the PR. Explanatory memos, forms, state laws or regulations that may be pertinent.
 - e. Contact Person: official title or office that must be called for information about the PR.

2. PRs shall be concise, understandable and contain only material essential to the PR.
3. PRs shall be consistent with all applicable governing authority. If a regulation is to implement a federal or state law, a policy of the Board of Governors or the Board of Trustees, or a directive from the Office of the President, the introduction to the regulation shall note this and the remainder of the PR shall be consistent with the higher governing authority.
4. Proposed revisions to PRs must edit the existing PR by striking out language proposed for deletion and highlighting or underlining language, which is new.
5. Executive Staff members are responsible for ensuring legal review of PRs. Executive Staff members shall communicate with other members of the Executive Staff and the Chancellor prior to presenting proposed PRs to the Executive Staff and the Chancellor.

C. Publication of PRs

1. The official site for approved PRs is Fayetteville State University's PR web site. Upon adoption, PRs are forwarded to the Legal Counsel for electronic publication on the University's PR web page by the PR webmaster.
2. Any electronic republication of a PR must be by hyperlink to the PR on the Fayetteville State University PR web site. Units may publish web pages, handbooks, bulletins, brochures, and similar materials to provide information to faculty, staff, students, and other constituent groups. To the extent that such materials reference Board of Governors' or Fayetteville State University PRs with or without including the text verbatim, there must be a disclaimer that establishes the pre-eminent authority of the PR and a reference to the location of the official PR.

D. Reformatting, Editorial, or Minor Changes Following Publication

The Chancellor delegates to the Legal Counsel final authority to revise PRs as follows:

1. *Non-substantive changes.* The Legal Counsel is authorized to make non-substantive editorial changes to PRs without seeking prior approval for the following types of changes: updating titles or names that may have changed; correcting grammar, punctuation, and typographical errors; editing for language consistency and format; or changing monetary rates that are the result of federal or state regulatory changes (e.g., mileage-rate reimbursement).
2. *Substantive changes and Non-substantive changes other than those listed above.* The Legal Counsel, upon consultation and approval of the member

of the Executive Staff with subject-matter responsibility for an issue covered by the PR and approved by the Chancellor, is authorized to make the following changes:

- a. Substantive changes to PRs to comply with federal and state laws and regulations and policies of the Board of Governors and the Board of Trustees; and
- b. Non-substantive changes other than those listed in subsection D.1, above.

This authority may be exercised without consultation of other members of the Executive Staff.

3. If the Legal Counsel determines that a requested change is substantive in nature and not within the authority set forth in subsection D.2 above, the Legal Counsel shall notify the individual recommending the change to bring the matter to the appropriate member of the Executive Staff for consultation, recommendation, and approval. Such change shall require the approval of the Chancellor.

VII. Interim Policies

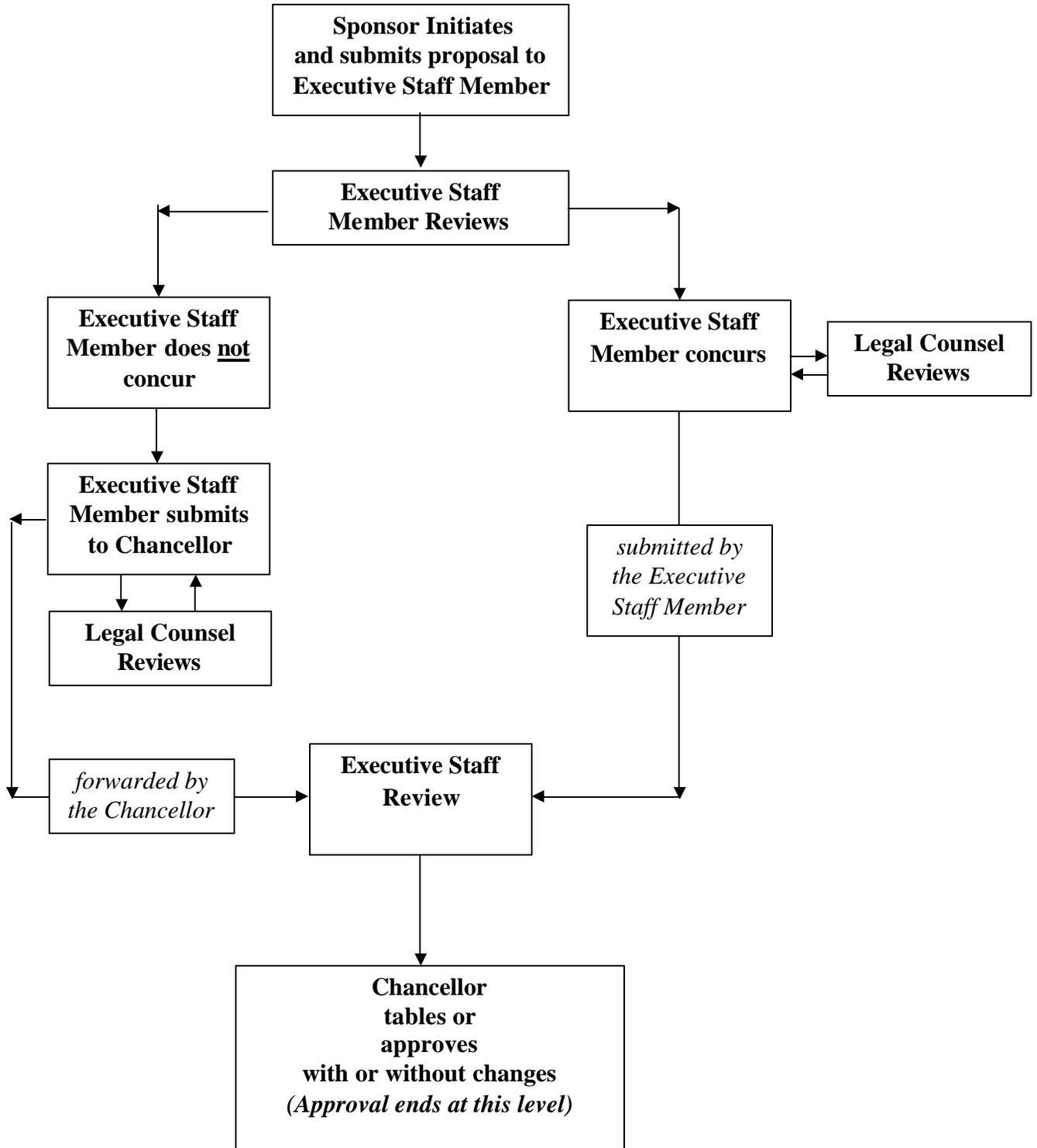
Nothing contained in this policy shall prohibit the Chancellor or the Chancellor's delegee from issuing interim policies when it is necessary to meet emergency deadlines or to meet needs in other special circumstances. Generally, such interim policies shall be in effect for a period of no more than thirty (30) calendar days unless the Chancellor extends the interim policy because of special circumstances.

VIII. Effective Date of PRs

Policies and rules are effective when adopted by the Chancellor unless the policy otherwise specifies that it must be adopted by a governing entity. Rules are effective when approved by the Chancellor unless the rule otherwise specifies.

**FAYETTEVILLE STATE UNIVERSITY
NON-MANDATED PROPOSED POLICIES/REVISIONS
INITIATED BY A SPONSOR**

(Section III: Policy on Policies and Rules)



**FAYETTEVILLE STATE UNIVERSITY
NON-MANDATED PROPOSED RULES/REVISIONS
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