

## 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*



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## 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



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## 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



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# Navigating University Policies

## Where to find them?



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Quickly access University Policies page & subject chapters from drop-down menu at [legal.uncc.edu](http://legal.uncc.edu)



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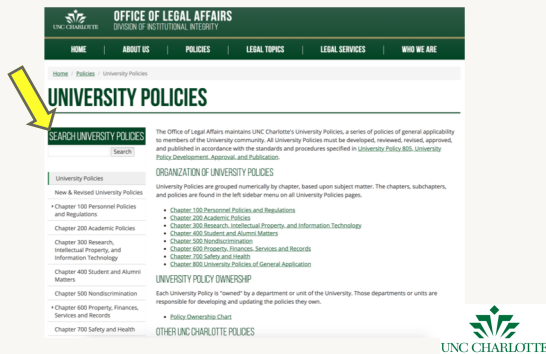
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University Policies Website  
[legal.uncc.edu/university-policies](http://legal.uncc.edu/university-policies)



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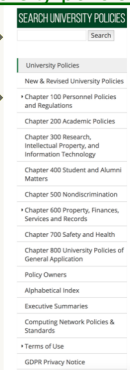
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**University Policies Website**  
[legal.uncc.edu/university-policies](http://legal.uncc.edu/university-policies)



The screenshot shows a search bar with the text "SEARCH UNIVERSITY POLICIES" and a search button. Below the search bar is a list of policy categories: University Policies, New & Revised University Policies, Chapter 100 Personnel Policies and Regulations, Chapter 200 Academic Policies, Chapter 300 Research, Intellectual Property, and Information Technology, Chapter 400 Student and Alumni Matters, Chapter 500 Nondiscrimination, Chapter 600 Property, Finances, Services and Records, Chapter 700 Safety and Health, Chapter 800 University Policies of General Application, Policy Owners, Alphabetical Index, Executive Summaries, Computing Network Policies & Standards, Terms of Use, and GDPR Privacy Notice. Two yellow arrows point to the search bar and the first category.




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**What IS a University Policy?**



*And what is NOT?*


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**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)




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**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*)




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**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




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**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*




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## New University Policies...

*Do we already have one?*

*If not – do we need one?*

*If so – how do we get one?*



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### 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](#))



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### Step 1: Do we have a University Policy about that? *contd.* [legal.unc.edu/policies/university-policies](http://legal.unc.edu/policies/university-policies)

The screenshot shows the 'OFFICE OF LEGAL AFFAIRS' website. A search box is visible at the top left. Below it, a list of policy categories is shown, including 'University Policies', 'New & Revised University Policies', 'Chapter 100 Personnel Policies and Regulations', 'Chapter 200 Academic Policies', 'Chapter 300 Research, Intellectual Property, and Information Technology', 'Chapter 400 Student and Alumni Matters', 'Chapter 500 Non-discrimination', 'Chapter 600 University Financial Services', 'Chapter 700 University Research', 'Chapter 800 University General Application', 'Policy Owners', 'Alphabetical Index', 'Executive Summaries', 'Computing Network Policies', 'Standards', 'Terms of Use', and 'GDPR Privacy Notice'. A 'NEW TO US POLICIES' section is highlighted with a yellow arrow, listing 'Academic Policies and Procedures', 'Athletic Policies', 'Business Management Policies', 'Campus Safety Policies', 'IT Policies and Standards', 'Library Policies and Procedures', 'Research Policies', 'University Policies', 'University Governance', and 'University Trademark'. A yellow arrow also points to the 'SEARCH UNIVERSITY POLICIES' search box.



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**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"




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**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




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**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?




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### 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




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### Download University Policy template

The screenshot shows a draft of a University Policy template with several sections highlighted and callouts explaining their purpose:

- University Policy NUMBER, TITLE:** Callout: **Any 5. Note** This section is added to increase transparency and accountability. Legal Affairs will assign specific policy number to the document.
- I. Policy Statement and Purpose:** Callout: **Any 5. Note** General overview of purpose and function of the policy.
- II. Definitions:** Callout: **Any 5. Note** If the policy includes any terms that are specific to the policy being implemented, the policy should define them.
- III. Applicability:** Callout: **Any 5. Note** In what or what does this policy apply to in an specific or general.
- IV. Roles and Responsibilities:** Callout: **Any 5. Note** Identify the roles and responsibilities for implementing the policy, and who is responsible for the role.
- V. Procedures:** Callout: **Any 5. Note** List out the steps that need to be carried out under the policy.
- Revision History:** Callout: **Any 5. Note** This area will record track and policy to formally approved.
- Authority/Charter:** Callout: **Any 5. Note** This area will record track and policy to formally approved.
- Responsible Office:** Callout: **Any 5. Note** This area will record track and policy to formally approved.
- Related Resources:** Callout: **Any 5. Note** This area will record track and policy to formally approved.

[legal.uncc.edu/sites/legal.uncc.edu/files/media/UniversityPolicy-Template.docx](http://legal.uncc.edu/sites/legal.uncc.edu/files/media/UniversityPolicy-Template.docx)

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### Overview of University Policy 805 (“policy on policies”)

- University Policy 805, *University Policy Development, Approval, and Publication*, [legal.uncc.edu/policies/up-805](http://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




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## 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




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## 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](http://legal.uncc.edu/policy-owners)




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## 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




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### 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




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### 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](#))




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### 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




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## 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.




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## 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](http://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.




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## Policy Development or Revision, Step-by-Step

[legal.uncc.edu/sites/legal.uncc.edu/files/media/UP-805-Procedures.pdf](http://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 requestor/Policy Owner to develop draft of the new policy or revision
- OLA makes recommendations as to form, format, clarity, substance, and legal implications




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### 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




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### Policy Development/Revision, Step-by-Step

#### 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




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### Policy Development/Revision, Step-by-Step

#### 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)




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## 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



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## Questions?

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