



## Eastern Kentucky University Policy and Regulation Library

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Volume 1, Governance

Chapter 1, Policies, Regulations, and Guidelines

Section 1, Policy on Policies and Regulations

Approval Authority: Board of Regents

Responsible Offices: University Counsel

Effective:

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Next Review Date:

## Policy on Policies and Regulations

### Statement

Pursuant to Kentucky Revised Statutes 164.350(2), it is the duty of the Board of Regents to adopt bylaws, rules, and regulations for the governance of the University. At Eastern Kentucky University, the Board of Regents has declared that the University shall be governed by Board-adopted University Policies (“Policies”). It is the expectation of the Board of Regents that the President and the administration will develop a system of Regulations that implement the Policies or that manage routine operations of the University. By way of this Policy, the Board of Regents hereby establishes the Policy and Regulation development process. The Board retains full Policy-making authority at the Board level and hereby delegates to the President the authority to approve internally developed Regulations. University Counsel, in consultation with the President’s Cabinet, will determine the appropriate categorization of new Policies and Regulations dependent upon their level of potential legal liability.

Eastern Kentucky University, through the practice of shared governance, formally develops, approves, disseminates, implements, and maintains University Policies, Academic Regulations, and Administrative Regulations, as defined in this document, through a uniform process. All members of the University community may be involved in developing, updating, recommending, and disseminating University Policies and/or Regulations, and, thus, must adhere to the precepts set forth in this policy. This document defines a University Policy, Academic Regulation, and Administrative Regulation, and provides a format for their development, revision, approval, and dissemination. Additionally, it describes the responsibilities of the parties involved in their formulation and adoption.

This Policy enables the University to make Policy and Regulation development and approval efficient and consistent. Further, a comprehensive document that outlines the development, revision, approval, dissemination, implementation, and maintenance of University Policies and Regulations allows for more consistent enforcement, greater accessibility, and timelier review. This process will enhance communication, organizational operations, compliance, and accountability.

Eastern Kentucky University will be guided by the following principles:

- Policies and Regulations will
  - support the University’s mission, values, initiatives, and strategic goals;
  - be designed to encourage students’ success in achieving their goals while at the same time be intended to maintain the mission of a high quality educational experience;
  - align authority with responsibility and accountability;
  - comply with applicable federal and state and local laws and regulations as well as accrediting standards; and
  - be consistent with other university policies;
- The Policy and Regulation development process will
  - be transparent;
  - honor shared governance by seeking participation from stakeholders;
  - have a mechanism for evaluation and improvement in a timely manner; and
  - minimize bureaucratic gridlock.

## Entities Affected

Entire university community, including all campuses and extended sites.

## Procedures

### **UNIVERSITY POLICY ORIGINATING, VETTING, AND APPROVAL PROCESS**

Any University Community member may identify the need for a new Policy or the revision of an existing Policy. Once the need for a new Policy or the need to substantively revise a current Policy is identified, the following steps must be followed:

- 1) The Director of Policy Development shall be informed of the need for a new Policy or substantive revision to a Policy. When a member of the University Community identifies the need for a new Policy, an Impact Statement describing the justification for the new Policy or revision to an existing Policy; the alignment with the University’s mission or with external obligations; and its potential impact on the campus community shall be submitted to the Director of Policy Development. A draft of the new Policy may be submitted with the Impact Statement but is not required.
- 2) The Director of Policy Development will review the Impact Statement, if applicable, and will work with the Policy Originator and the President’s Cabinet to confirm the need for the new Policy or Policy revision.

- 3) The Director of Policy Development will form a Drafting Team consisting of those representative stakeholders most directly affected by the Policy, including, when appropriate, student representatives.
- 4) With the facilitation and support of the Director of Policy Development, the Drafting Team will develop the draft Policy in the approved, accessible format.
- 5) 10-Day Public Comment  
Once complete, the Policy draft shall be posted on the Policy website for a 10-day public comment period. A memo summarizing the Policy, the entities affected, and a plan for implementation will accompany every Policy through the vetting process, including the public comment period. The Director of Policy Development shall inform the President's Cabinet, Provost Council, Staff Council, and Executive Committee of the Faculty Senate every time a Policy is posted for 10-day public comment. The comment period shall include only business days when the University is open. The comment period will be extended if deemed necessary by the President. Comments received shall be routed to the appropriate stakeholders (i.e., President's Cabinet, University Counsel, the Drafting Team, etc.) by the Director of Policy Development.
- 6) Stakeholder Review  
The Drafting Team will submit the final draft Policy to the Director of Policy Development, who will ensure appropriate review and vetting by University stakeholders.
- 7) Policy Vetting  
The President's Cabinet shall vet all Policies before being forwarded to the President. All Policies shall be presented to the Provost Council as information items. Upon rare circumstances, either council may forward the draft Policy to additional stakeholders for review and recommendations, but not approval.
- 8) After the completion of vetting, the Director of Policy Development will submit the Policy and its accompanying memo to the President.
- 9) Upon receiving a Policy draft, the President may:
  - a. recommend approval and submission to the Board of Regents for adoption;
  - b. not recommend approval and submission to the Board of Regents;
  - c. take other action as the President deems appropriate.
- 10) Upon the recommendation of the President, the Director of Policy Development will submit Policies to the Board of Regents, which has authority to approve University Policies. University Policies will be presented to the Board of Regents at their June and December meetings, with Implementation Dates at the beginning of the fall and spring semesters, respectively.

- 11) Once a Policy is adopted, it will be posted on the University Policy website, and the Director of Policy Development shall inform the President's Cabinet, Provost Council, Staff Council, and Executive Committee of Faculty Senate. Policies will be codified in a manner that includes Volume, Chapter, and Section.

#### **ESTABLISHING AN INTERIM UNIVERSITY POLICY**

When compliance with the law or with an accrediting or governing body will not allow time for the normal policy process to proceed, an Interim Policy may be established. When an Interim University Policy is necessary, a Drafting Team will draft the Policy. The Director of Policy Development will submit the draft Policy and its accompanying memo to the President for approval on an interim basis. The President's Council, the Provost Council, the Executive Committee of the Faculty Senate, and Staff Council will be notified when the President adopts such Interim Policies.

An Interim policy must carry an expiration date of no more than one year from Presidential approval and will either be allowed to expire without additional action, be extended one time for a specific period upon special permission from the President, or be replaced by a standard University Policy, which is vetted through the process as stated within this Policy.

#### **UPDATING OR REVISING A UNIVERSITY POLICY**

On an as-needed basis, the Director of Policy Development may make non-substantive or editorial changes (such as position or unit titles, links, etc.) to University Policies. The Director of Policy Development will note the date of such changes on the Policy and notify the President's Council, the Provost Council, the Executive Committee of the Faculty Senate, and Staff Council.

Procedures for substantive revisions to an existing Policy are the same as the Policy originating, vetting, and approval process as stated above.

When compliance with the law or any accrediting body mandates revision of a Policy, the Director of Policy Development will make such revisions and submit to University Counsel for review and approval. Once approved, the Director of Policy Development will notify the President's Council, Provost Council, Executive Committee of Faculty Senate, and Staff Council.

#### **IMPLEMENTING, DISSEMINATING, AND TRAINING**

Unless otherwise stated in this Policy, a Policy is in effect immediately after it is adopted by the Board of Regents. Once adopted, the Director of Policy Development will ensure that the Policy is disseminated to the University Community. The Responsible Office(s) will establish any support systems to train the community to ensure implementation and ongoing compliance.

#### **INTERPRETING A UNIVERSITY POLICY**

When questions or conflicts arise concerning the application, compliance, or scope of a Policy, the affected parties will provide the details of the question or conflict in writing to University Counsel who, in consultation with the President's Cabinet, serves as the interpreting authority for all Policies.

University Counsel will review the questions or conflicts in light of legal or accreditation requirements as well as any University precedents to ensure consistent interpretation. Once an interpretation has been determined, University Counsel will communicate the decision in writing to the appropriate parties.

#### **PERIODIC REVIEW OF UNIVERSITY POLICIES**

University Policies should be reviewed on a periodic basis (a five-year cycle is recommended) to ensure the currency and accuracy of the Policies. The Responsible Office will ensure Policies under their jurisdiction are so reviewed. Policies will be reviewed for the following:

- Continued relevance to the University mission and values;
- Consistency with other University policies;
- Reflection of changes in laws, regulations, accreditation standards, educational goals/practices, university practices, etc.;
- Errors in fact or in language; and
- Other potential issues.

If changes in the Policy are deemed necessary, the appropriate process (revising, updating, or repealing) should be initiated.

#### **REPEALING A UNIVERSITY POLICY**

If a Policy is identified as no longer relevant or necessary, the same vetting process as was used in its origination shall be followed to repeal the Policy, with the exception of the 14-day public comment period. As the governing authority, the Board of Regents, through the majority vote of a quorum of its members at an open meeting, may repeal any Policy.

#### **ARCHIVING A UNIVERSITY POLICY**

If a Policy is updated, revised, superseded, or repealed, the older version of the policy will be archived in University Archives. These archived Policies will be made available upon request.

#### **ACADEMIC AND ADMINISTRATIVE REGULATIONS**

The Board of Regents delegates to the President the final approval authority for Academic and Administrative Regulations, which, except as noted below, follow the development process established above for University Policies.

- Academic Regulations: These Regulations apply specifically to academic matters of the University, including faculty-related issues, and require the approval of University Counsel, the Provost, the Provost Council, and the President. Academic Regulations may be approved at any time during the calendar year, with implementation taking place as appropriate.
- Administrative Regulations: These Regulations may, but are not required to, apply institution wide and require approval from University Counsel, the President's Cabinet, and the President. Administrative Regulations may be approved at any time during the

calendar year, with implementation taking place immediately upon approval or as appropriate.

- **Human Resources Regulations:** These Regulations apply institution wide and require approval from University Counsel, the Executive Director of Human Resources, and the President. These Regulations are not subject to a public comment period. Human Resources Regulations may be approved at any time during the calendar year, with implementation taking place immediately upon approval or as appropriate.

All Administrative and Academic Regulations will be presented to the Board as information items. All Administrative Regulations will be presented to the Provost Council, Staff Council and the Faculty Senate as information items. All Academic Regulations will be presented to the Faculty Senate as information items. Members of these bodies may provide feedback on Policy drafts either 1) individually via the University comment period process or 2) by submitting feedback to the Chair of their respective organization, who may provide feedback on behalf of the organization via the University comment period process.

#### **DEPARTMENT/UNIT PROTOCOLS AND PROCEDURES**

Protocols, and procedures that apply only to specific departments or units are not subject to this process. Departments, colleges, and units must ensure that all procedures and protocols are consistent with University Policies, Regulations and protocols, are developed and approved consistent with the principles of shared governance, and are published.

### **Definitions**

- **Academic Regulation:** A Regulation which solely addresses the academic matters of the University and issues of faculty rights and responsibilities.
- **Administrative Regulation:** A Regulation which addresses administrative affairs of the University, including policies which have broader implications beyond academic or faculty issues, even if academic or faculty members are affected.
- **Drafting Team:** A drafting team is a small workgroup formed for the purpose of writing and editing a Policy draft within an approved, accessible format. Drafting teams will consist of representative stakeholders.
- **Effective Date:** The date the University Policy is approved by the Board of Regents or Interim Policy as approved by the President unless otherwise specified.
- **Interim Policy:** This is a provisional Policy issued when a University Policy is needed before the standard process can be completed. An Interim Policy must carry an expiration date and will either be allowed to expire without additional action, be extended one more time for a specified period upon special permission from the President, or be replaced by a standard University Policy.

- **Policy Impact Statement:** Document to be completed by the Policy Originator describing the justification for developing a new Policy and the impact of such on the University.
- **Policy Originator:** An individual or group identifying a need for a Policy or Policy revision and assisting in the development of that Policy.
- **Recognized University Unit or Organization:** Examples include University Departments, RSO's, Student Government Association, etc.
- **Regulation:** A guiding University document that implements a University Policy or that manages routine operations of the University. Regulations are divided into two categories: academic and administrative.
- **Responsible Office(s):** University office(s) designated with the responsibility of administering a Policy, communicating with and training the university community regarding the Policy requirements, and executing its timely review and updating.
- **Shared Governance:** As it relates to this Policy, a joint effort of the university community for the development of University Policies.
- **Stakeholder:** Any individual or group who might be impacted by or might have knowledge related to a particular Policy.
- **University:** Eastern Kentucky University
- **University Community:** a representative from an administrative or academic unit; a committee, senate, association, or council; or an individual (student or employee) sponsored by a Recognized University Unit or Organization.
- **University Policy:** A Policy which applies institution-wide and is directly tied to the legal compliance of the University. These Policies include, but are not limited to, topics such as equal opportunity, Title IX, ADA compliance, free speech, use of University resources, tuition and fees, and financial Policies. University Policies will be presented to the Board of Regents at their June and December meetings, with implementation at the beginning of the fall and spring semesters, respectively.

## Responsibilities

- Board of Regents
  - Review and approve all University Policies; ultimate Policy-making authority of the University.
- Director of Policy Development
  - Review Impact Statements and provide feedback to the Policy Originator(s).
  - Identifies need for Policy development or revision as needed.
  - Facilitate the development and processing of University Policies.

- Serve on drafting teams as appropriate.
- Ensure that the University Community is trained concerning Policy development and compliance matters.
- Maintain the University Policy website.
- Assist with the archiving of Policies that have been revised, suspended, or superseded.
- Drafting Team
  - Work with the Policy Originator and Director of Policy Development to draft a new Policy or make revisions to an existing policy.
  - Use the approved, accessible template to create a Policy draft.
  - Edit Policy draft based on input from review groups, stakeholders, and the 14-day university comment period, if appropriate.
- Policy Originators(s)
  - Complete the Impact Statement, if applicable, and submit to the Director of Policy Development to begin the Policy process.
- President
  - Review and approve Regulations.
  - Review and recommend Policies to the Board of Regents for approval.
- President's Cabinet
  - Review all Policies and Regulations before they are sent to the President.
  - Identify additional stakeholders as needed and seek input.
- Provost Council
  - Review all Policies before they are sent to the President's Cabinet.
  - Identify additional stakeholders as needed and seek input.
- Responsible Office(s)
  - Be accountable for implementation of and compliance with Policy.
  - Conduct timely reviews of existing Policies under their jurisdiction.
  - Assist, as needed, in the development, updating, or revision of Policy within their area of responsibility.
  - Lead in the establishment of support systems needed to achieve compliance of Policies.
  - Inform and train the University Community concerning new and substantially revised Policies.



- University Counsel
  - Assist Drafting Teams, as needed, with issues that require a legal interpretation.
  - Review all University Policies and Regulations for compliance with applicable federal, state and local laws and regulations as well as for consistency with other University Policies and Regulations.
  - Make revisions, as necessary, to Policy and Regulations due to changes in law.
  - Make sound judgments on the intent of the when questions or conflicts arise concerning Policy/Regulation application, compliance, or scope.
  - Review precedents, if any, to ensure consistent interpretation.
  - Render an interpretation when called upon to do so and communicate the decision to the appropriate parties.
  - Document all interpretation decisions.

## Violations of the Policy

Violations of this Policy may result in the delay of the approval process or in the official University recognition of the Policy's effect.

## Interpreting Authority

- President
- Senior Vice President for Academics and Provost, if so delegated
- University Counsel, if so delegated
- Vice Presidents or other direct reports to the President, if so delegated

In the event there is a conflict between interpreting authorities, the President will make the final interpretation decision.

## Policy Adoption Review and Approval

### Policy Revised

<u>Date</u>	<u>Entity</u>	<u>Action</u>
December 2, 2020	Director of Policy Development	Editorial Revision
April 23, 2019	Board of Regents	Adopted
January 25, 2016	Board of Regents	Adopted
December 9, 2015	President Benson	Approved
November 4, 2015	Provost Council	Approved

October 5, 2015	Faculty Senate	Approved with amendment
August 31, 2015	Staff Council	Approved

Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
April 19, 2010	Board of Regents	Adopted
April 19, 2010	President Whitlock	Approved
April 16, 2010	Administrative Council	Approved
April 7, 2010	Provost Council	Approved
March 1, 2010	Faculty Senate	Approved
February 18, 2010	Council on Academic Affairs	Approved

Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
November 3, 2009 through May 1, 2010	President Whitlock	Extended effective date
November 10, 2008	President Whitlock	Adopted Interim Policy