

## REG 01.20.01

### Procedure for Formatting, Adopting and Publishing Policies and Regulations

**Authority:** Chancellor

**History:** First Issued: October 7, 2011. Revised: June 12, 2013. Last Revised: August 15, 2013.

**Related Policies:**

- [UNC Code 100.1 Appendix 1 - Delegations of Duty and Authority to Boards of the Trustees](#)
- [General Faculty Bylaws, Article I Section 3](#)

**Additional References:**

- [UNCP Policies and Regulations Website](#)
- [Guidelines for Drafting Policies and Regulations \(PRs\), including templates and process](#)
- [Definitions](#)
- [PR Representatives](#)

**Contact Information:** General Counsel, 910-775-4593

## 1. INTRODUCTION

1.1 The General Assembly, the Board of Governors and the President of the University of North Carolina have delegated various powers and duties to the boards of trustees and chancellors of the UNC constituent institutions, including the authority to adopt policies and regulations for the efficient and orderly administration of the institution. This Regulation addresses the sources of authority for Policies and Regulations (PRs) at The University of North Carolina at Pembroke and sets forth the procedures for their adoption and publication. PRs adopted in substantial compliance with this Regulation are valid and may not be challenged for procedural error.

## 2. DEFINITIONS AND SOURCES OF AUTHORITY

2.1 Policy: A "Policy" is any standard, statement, or procedure of general applicability adopted by the Board of Trustees pursuant to authority delegated by law or from the Board of Governors; or any standard, statement, or procedure of general applicability adopted by the chancellor that addresses any of the following matters:

2.1.a. Compliance with fiscal, academic, research, human relations, or other management standards and requirements imposed by federal or state laws or implementing regulations;

2.1.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

2.1.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.

2.2 Regulation: A "Regulation" is any standard, statement, or procedure, other than a policy, of general applicability adopted by a chancellor's cabinet officer pursuant to delegated authority.

### **3. ADOPTION OF POLICIES AND REGULATIONS**

#### 3.1 Recommendations for New PRs or Changes to Existing PRs

3.1.1 Any university senate, council, standing or ad hoc committee, or task force of UNC Pembroke or any administrative or academic officer may recommend new PRs or changes to existing PRs. Any member of the university community may forward recommendations for new or revised PRs to any of the above entities/individuals.

#### 3.2 Policies and Regulations

3.2.1 Policies that UNC Pembroke 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 adopted by the chancellor or the Board of Trustees without being subject to the procedures outlined in section 3.3.

3.2.2 The chancellor may adopt non-mandated Policies in accordance with his/her delegated authority, without following the standard procedures stated in section 3.3 below.

3.2.3 The general counsel is authorized to make substantive updates to Policies and Regulations that are non-discretionary mandatory changes to comply with UNC policies and regulations or state or federal law. The general counsel may also make non-substantive edits, which include, but are not limited to, updating titles, names, or hyperlinks that may have changed; correcting grammar, punctuation and typographical errors; editing for language consistency and format; and numbering. This authority can be implemented without following the standard procedures stated in Section 3.3 below.

3.2.4 The chancellor's cabinet officers with delegated authority under section 6 may follow the standard procedures in section 3.3 but are not required to do so. The chancellor's cabinet officers are responsible for ensuring legal review of Regulations that they create or revise pursuant to their delegated authority, as appropriate. Prior to adoption of a Regulation, and dependent upon the subject matter and scope of the Regulation, consultation with key constituents (e.g. faculty senate, staff council, etc.), other chancellor's cabinet officers and/or the chancellor should be considered.

#### 3.3 Standard Procedure for Adoption of Policies and Regulations

3.3.1 Proposals are submitted for initial review to the chancellor or the responsible chancellor's cabinet officer. Proposals should be submitted in the format set forth in section 4.

3.3.2 If the chancellor or chancellor's cabinet officer concurs with the proposal, the proposed Policy or Regulation is forwarded to the Office of General Counsel for legal sufficiency review.

3.3.3 After a completed legal sufficiency review, the proposed Policy or Regulation is returned to the chancellor or responsible chancellor's cabinet officer who places the proposed Policy or Regulation on the chancellor's cabinet officers' meeting agenda for review.

3.3.3.1 In most cases draft Policies will be disseminated by the Office of the General Counsel to the university community via email for a 10-day comment period. The general counsel will incorporate feedback received into the draft Policy before being presented to the chancellor's cabinet for review. The draft Policy will then be forwarded to the chancellor or Board of Trustees for final review and approval.

3.3.4 After consideration, the chancellor's cabinet officers provide their recommendation to the chancellor or the responsible chancellor's cabinet officer, who then acts on the proposed Policy or Regulation. The chancellor or the chancellor's cabinet officer may take any action, including but not limited to, action to table, adopt, not adopt, or adopt with revisions. The chancellor or the chancellor's cabinet officer may use any advisory process they deem helpful. With the chancellor's approval, proposed non-mandated Policies will be forwarded to the Board of Trustees for action.

## **4. CONTENT, FORMAT, AND PUBLICATION OF PRs**

### 4.1 Content

4.1.1 PRs create administrative structures, set priorities, assign responsibility, delegate authority, outline procedural parameters, and define reporting requirements. PRs should be concise, understandable and contain only content essential to the PR. PRs must be consistent with all applicable governing authority.

### 4.2 Format

4.2.1 New PRs should be formatted in accordance with the [PR Template](#).

4.2.2 Proposed revisions to PRs shall edit the existing PR by striking out language proposed for deletion and highlighting or underlining language that is new.

4.2.3 Must include a proposed effective date, if other than the date of issuance, and lists related PRs or other relevant information such as forms that the reader of the regulation might find useful.

### 4.3 Publication of PRs

4.3.1 The official site for approved PRs is [UNCP Policies and Regulations Website](#). When final approval is given by the authorized chancellor's cabinet officer, PRs are to be forwarded to the Office of General Counsel as a .doc file for electronic publication on the PR website. New PRs or proposed revisions to PRs shall be accompanied by information that summarizes the content of the new PR or proposed revisions (e.g. To comply with recent amendments to the Family

Medical Leave Act (FMLA) and with the UNC Policy (300.2.11) and Guidelines on Serious Illness and Disability Leave for Faculty (300.2.11[G]); to allow for the change in the paid leave title from "replacement pay" to "continuation pay"; to address issues with modified duties when faculty return mid-semester; to clarify that the "continuation pay" does not apply in the summer; and lastly to expand upon the FMLA qualifying reasons covered under the policy.).

4.3.2 The Office of General Counsel will assign a number to the PR, suggest edits to the title for indexing and/or subject matter clarification, insert the effective date and edit the informational section preceding the PR to include related PRs, forms, and additional relevant information. The Office of General Counsel will also add the PR to the table of contents and site map and provide search terms for the website search function.

4.3.3 Any electronic re-publication of a PR by any university unit must be by hyperlink to the PR on the UNCP Policies and Regulations Website. 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 UNC Pembroke 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.

4.3.4 The responsible chancellor's cabinet officer must give notice of new and revised PRs to the general counsel, other constituency groups based on the subject matter of the particular PR, or the entire campus community where applicable.

## **5. REFORMATTING, EDITORIAL, OR MINOR CHANGES FOLLOWING PUBLICATION**

5.1 The chancellor delegates to the general counsel final authority to revise PRs as follows:

5.1.1 Non-substantive changes. The general 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).

5.1.2 Substantive changes and non-substantive changes other than those listed above. The general counsel, upon consultation and approval of the member of the chancellor's cabinet with subject-matter responsibility for an issue covered by the PR and approved by the chancellor, is authorized to make the following changes:

5.1.2.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

5.1.2.b. Non-substantive changes other than those listed in subsection 5.1.1, above.

5.2 This authority may be exercised without consultation of other members of the chancellor's cabinet.

5.3 If the general counsel determines that a requested change is substantive in nature and not within the authority set forth in subsection 5.1.2.a. above, the general counsel shall notify the individual recommending the change to bring the matter to the appropriate member of the chancellor's cabinet for consultation, recommendation, and approval. Such change shall require the approval of the chancellor.

## **6. DELEGATION OF AUTHORITY FOR ISSUING REGULATIONS**

6.1 The chancellor delegates final approval authority for regulations not specifically mandated by federal or state law or regulation or direction of the Board of Governors and that fall within the areas specified below to the following university officers:

6.2 Provost and Vice Chancellor for Academic Affairs

6.2.1 Degree eligibility for undergraduate and graduate students

6.2.2 Grants and Contracts (Note: this is a shared item between the Divisions of Academic Affairs and Finance and Administration)

6.2.3 Academic registration and records

6.2.4 Graduate assistantships and fellowships

6.2.5 Academic standards and curricula for graduate students

6.2.6 Faculty appointments, reappointments, promotion, tenure, leaves of absence, phased retirement, and retirement/re-employment agreements

6.2.7 Faculty ranks and titles

6.2.8 International programs

6.2.9 Distance education and learning technologies

6.2.10 Libraries

6.2.11 Implementation of the Copyright Use and Ownership Policy of the University of North Carolina

6.2.12 Administration of inter-institutional centers, institutes, and laboratories

6.2.13 Sponsored research and other sponsored projects

6.2.14 Technology transfer activities involving university-owned intellectual property

6.2.15 ROTC programs

6.3 Vice Chancellor for Finance and Administration

6.3.1 Facilities

6.3.2 Financial and business operations, excluding student fees

6.3.3 Business operations

6.3.4 Human resources of the university not otherwise specifically the responsibility of the chancellor or provost.

6.3.5 Campus operations

6.4 Vice Chancellor for Student Affairs

6.4.1 Student activities

6.4.2 Student services

6.4.3 Student Conduct

6.4.4 Student Housing

6.4.5 Student Health, wellness and fitness

6.4.6 State residency appeals

6.4.7 Student fees

6.4.8 Environmental Health and Safety

6.4.9 Parking and Transportation Services

6.5 Vice Chancellor for University Advancement

6.5.1 Criteria and Procedures for Acceptance of Gifts

6.5.2 University Development

6.5.3 Alumni Relations

6.5.4 Advancement Services

6.5.5 University Communications

6.5.6 University Marketing and Publications

6.6 Vice Chancellor for Enrollment Management

6.6.1 Scholarships and other forms of financial aid excluding graduate assistantships and fellowships

6.6.2 Undergraduate and graduate admissions to the university

6.7 Associate Vice Chancellor for Information Resources and CIO

6.7.1 Network, information and data security

6.7.2 IT management and computer use

6.7.3 IT compliance

6.8 Director of Athletics

6.8.1 Scheduling of Athletic Contests

6.8.2 Compliance with UNC Peach Belt Conference and NCAA regulations

6.8.3 Student-Athlete Handbook

6.8.4 UNCP Home athletic events, including ticket prices

6.9 Director of Police and Public Safety

## **7. EFFECTIVE DATE OF PRS**

7.1 Policies are effective when adopted by the Board of Trustees unless the policy or Board action otherwise specifies. Regulations are effective when adopted by the chancellor's cabinet officer or designee, unless the regulation otherwise specifies.

## **8. CONVERSION DEADLINE**

8.1 All policies and associated documents must be converted to the new format and published on appropriate web page no later than January 1, 2013.