

Formatting, Adopting, and Publishing Policies, Regulations, and Rules

Version 1

 Print

Policy	REG01.15.01
Title	Formatting, Adopting, and Publishing Policies, Regulations, and Rules
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Contact	University Attorney (252-328-6940)
Related Policies	UNC Code (http://www.northcarolina.edu/policy/index.php?pg=dl&id=4406&inline=1&return_url=%2Fpolicy%2Findex.php%3Fpg%3Dtoc%26id%3D11)
Additional References	<p>Guidelines for Drafting Policies, Regulations, and Rules (PRRs) (https://www.ecu.edu/cs-admin/policies/upload/Guidlines-for-Drafting-PRRs.pdf)</p> <p>PRR Approval Process (Flowchart) (https://www.ecu.edu/cs-admin/policies/upload/2009-09-22-PRR-Flowchart_edited.pdf)</p> <p>PRR Template (https://policy.ecu.edu/customcf/PRR_template.doc)</p> <p>PRR Representatives (https://policy.ecu.edu/customcf/uploadedDocs/UPC_Roster.pdf)</p>

1. PURPOSE:

The University of North Carolina has delegated various powers and duties to the Boards of Trustees and Chancellors of its constituent institutions, including the authority to establish policies and regulations for the efficient and orderly administration of the institution. This Regulation addresses the sources of authority for Policies, Regulations, and Rules (PRRs) at East Carolina University and the procedures for their adoption and publication. PRRs adopted in substantial compliance with this regulation are valid and may not be grieved for procedural error.

2. DEFINITIONS AND SOURCES OF AUTHORITY:

For the purpose of this regulation, these terms have the following meanings:

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 the Board of Governors.

2.2. Regulation: A "Regulation" is any standard, statement (which may refer to a policy statement), or procedure of general applicability adopted by the Chancellor or the Chancellor's delegee that addresses any of the following matters:

2.2.1. Compliance with fiscal, academic, research, human relations, or administrative requirements imposed by federal or state laws or implementing regulations.

2.2.2. Procedures and reporting requirements related to implementation or compliance with policies of the Board of Governors or Board of Trustees, or regulations of the General Administration.

2.2.3. Matters not specifically addressed in Board of Governors or Board of Trustees policies or regulations of the General Administration that are within the general nature of the chancellor's delegated responsibilities to administer the institution.

2.2.4. In Section 502D of The Code of UNC, the UNC Board of Governors ("BOG") has established that, subject to its policies and those of the president and the Board of Trustees ("BOT"), the Chancellor: shall be the leader and the official spokesperson for the institution; shall promote the educational excellence and general development and welfare of the institution; shall define the scope of authority of faculties, councils, committees, and officers of the institution; and all projects, programs, and institutional reports to be undertaken on behalf of the institution shall be subject to the Chancellor's authorization and approval.

2.2.5. Changes or exceptions to Regulations issued by the Chancellor may only be made by the Chancellor.

2.3. A "Rule" is a standard, statement (which may refer to a policy or regulation) or procedure, (a) adopted by an academic or administrative unit of East Carolina University pursuant to authority mandated by an East Carolina University Policy or Regulation or (b) adopted by an executive officer or executive officer's delegee pursuant to authority delegated in Section 6 of this regulation to address specific subject matters that are limited in scope to a particular unit's operational functions. A Rule may supplement but not conflict with Policies and Regulations.

2.4. "Standard Operating Practices" are established by academic or administrative units to facilitate the day-to-day business operations of a particular unit and are distinguished from policies, regulations, and rules because they do not directly or substantially affect procedural or substantive rights or duties. Except as is otherwise specified, Standard Operating Practices are not subject to this Regulation, must not conflict with policies, regulations, or rules, and should be clearly written and well communicated.

2.5. "Executive Officer" includes the vice chancellors, provost, or any other senior level administrator reporting directly to the chancellor.

2.6. "Issuing authority" means the entity that has been delegated the authority to create and implement policies, regulations or rules.

3. ADOPTION OF POLICIES, REGULATIONS, AND RULES:

3.1. Recommendations for New PRRs or Changes to Existing PRRs

Faculty Senate, the Graduate School Administrative Board, Staff Senate, Student Government Association, any standing or ad hoc committee of East Carolina University or any administrative or academic officer, including Executive Officers, may recommend new PRRs or changes to existing PRRs. Any member of the University Community may forward recommendations for new or revised PRRs to any of the above entities/individuals.

As provided in Section 502D of The Code of UNC, the BOG requires the Chancellor to ensure that there exists in the institution a faculty council or senate, a majority of whose members are elected by and from the members of the faculty. At East Carolina University, the general faculty are the general electorate and the Faculty Senate is the legislative and advisory body representing the general faculty. The Chancellor and the

Chair of the Faculty facilitate communication that enables continuing and effective faculty participation in all aspects of the University community. The Chancellor is a member of all faculties and other academic bodies of the institution and shall have the right to preside over the deliberations of any legislative bodies of the faculties of the institution.

3.2. Mandated Policies and Regulations

3.2.1. Policies or Regulations that East Carolina University is specifically directed to adopt by federal or state law or regulation, or by action of the Board of Governors or General Administration are adopted pursuant to the procedures in Section 3.5 except as otherwise allowed noted in Section 3.2.2.

3.2.2. Special Circumstances: The procedures in Section 3.5 do not need to be followed in the following circumstances:

1. The Chancellor or the Chancellor's delegee may issue interim Regulations without following the procedures set forth in Section 3.5 when it is necessary to meet emergency deadlines or in other special circumstances.
2. The University Attorney is authorized to make non-substantive edits and substantive updates to Board of Trustees Policies that are non-discretionary mandatory changes to accord with UNC policies and regulations or state or federal law. The University Attorney is also authorized to make similar revisions to East Carolina University Regulations and Rules. Non-substantive edits include, but are not limited to updating titles or names that may have changed; correcting grammar, punctuation and typographical errors; editing for language consistency and format; and changing monetary rates that are the result of federal or state regulatory changes (e.g., mileage rate reimbursement)

3.3 Other Policies and Regulations

Policies and Regulations not within the Scope of Section 3.2 are not subject to procedures in Section 3.5. Such Policies and Regulations are reviewed and issued directly by the Board of Trustees, Chancellor or Chancellor's delegee. The Board of Trustees, Chancellor and executive officers with delegated authority may follow the procedures in Section 3.5, but are not required to do so. All Policies and Regulations are subject to the requirements of Section 4 and executive officers are responsible for ensuring legal review of PRRs. The Chancellor or Chancellor's delegee shall ensure the establishment of appropriate procedures within the institution to provide members of the faculty the means to give advice with respect to PRRs that involve questions of academic policy and institutional governance. The procedures for giving advice may be through the Faculty Senate, special committees or other consultative means. East Carolina University places particular emphasis upon recommendations to the Chancellor or Chancellor's delegee in matters of tenure and promotion, curriculum, degree requirements, instructional standards, and grading from the Faculty Senate. Communication with other executive officers and the Chancellor and University Attorney is expected unless the executive officer and the University attorney concur in the issuance of the PRR.

3.4 Rules

Rules are not within the scope of Section 3.2. Academic or administrative units may adopt Rules after review and approval of the unit administrator with delegated authority and legal review and concurrence of the University Attorney. Rules are subject to the Requirements in Section 4.

3.5 Procedure for the Adoption of Mandated Policies and Regulations

3.5.1 Proposals are submitted for initial review to the Chancellor or an executive officer. Proposals should be submitted in the format set forth in Section 4.

3.5.2 If the Chancellor or executive officer concurs with the proposal, the proposed Policy or Regulation is forwarded to the Office of the University Attorney for review.

3.5.3 After legal review, if no changes are recommended, the proposed Policy or Regulation is forwarded to

the Chancellor's Office for review by the Executive Council. If the Office of the University Attorney recommends changes, the executive officer and the Office of the University Attorney will resolve the issue, or jointly seek resolution by the Chancellor.

3.5.4 The proposal is placed on the Executive Council's agenda for review. Normally at least five (5) business days are provided prior to the Executive Council's review.

3.5.5 Following review by the Executive Council, the Chancellor acts on the Proposed Policy or Regulation. The Chancellor may take any action on an Executive Council recommendation, including but not limited to: action to table, adopt, not adopt, or adopt with revisions. The Chancellor may use any advisory process deemed helpful by the Chancellor. The Chancellor shall ensure the establishment of appropriate procedures within the institution to provide members of the faculty the means to give advice with respect to PRRs that involve questions of academic policy and institutional governance. The procedures for giving advice may be through the Faculty Senate, special committees or other consultative means. East Carolina University places particular emphasis upon recommendations relating to matters of tenure and promotion, curriculum, degree requirements, instructional standards, and grading from the Faculty Senate. In the spirit of shared governance, before the Chancellor either adopts with revisions a regulation or recommends to the Board of Trustees a proposed policy that differs from a recommendation of the Faculty Senate regarding matters of tenure and promotion, curriculum, degree requirements, instructional standards, and grading, the Chancellor will seek additional advice from the Faculty Senate to be provided within a period the Chancellor establishes in the best interest of the University. Proposed Policies will be forwarded to the Board of Trustees for action.

4 CONTENT FORMAT AND PUBLICATION OF PRRS:

4.1 Content

PRRs create administrative structures, set priorities, assign responsibility, delegate authority, establish accountability, and define reporting requirements. PRRs directly or substantially affect procedural or substantive rights and duties. PRRs should be concise, understandable and contain only material essential to the PRR. PRRs must be consistent with applicable governing authority. PRRs should contain a date for review on a consistent basis.

4.2 Format

Each University policy should be developed in numerical outline format following the PRR template. Section titles and subtitles should be used where appropriate. Every policy should be drafted in numerical outline in Garamond 12 point font. The following format should be used to maintain consistency with each University policy:

4.2.1 New PRRs should be drafted in numerical outline format following the PRR template. Section titles should be used where appropriate. Hyperlinks in the body of the regulation are limited to other ECU PRRs and forms. All other references should be listed and hyperlinked in the informational section preceding the text of the PRR.

4.2.2 Proposed revisions to PRRs should edit the existing PRR by striking out language proposed for deletion and highlighting or underlining language that is new.

4.2.3 New PRRs or proposed revisions to PRRs should be accompanied by information, from the sponsor to the executive officer to whom the unit reports, that, summarizes the content of the new PRR or proposed revisions, suggests a proposed effective date, if other than the date of issuance, and lists related PRRs or other relevant information such as forms that the reader of the regulation might find useful. Sponsors should follow instructions at the beginning of the PRR template and obtain legal review prior to submitting the proposed PRR to the executive officer.

4.2.4 The Assistant Secretary to the Board of Trustees is responsible for maintaining the hardcopy of each Policy that is approved by the Board of Trustees. The Executive Assistant to the Chancellor is responsible

for maintaining the hardcopy of each Regulation that is approved by the Chancellor. If a Policy or Regulation must be approved by the Board of Governors, the Assistant Secretary to the Board of Trustees shall maintain the hardcopy of the Policy and the Executive Assistant to the Chancellor shall maintain the hardcopy of the Regulation.

4.3 Publication of PRRs

4.3.1 The official site for approved PRRs is the East Carolina University Policy Manual website. When approved by the authorized university officer, PRRs are to be forwarded to the Office of the University Attorney for electronic publication on the University's PRR web page. The Office of the University Attorney will assign a number to the PRR, edit the title for location and subject matter clarification, insert the effective date and edit the informational section preceding the PRR to include related PRRs, forms, and additional relevant information. The Office of the University Attorney will also add the PRR to the table of contents and site map and provide search terms for the web site function.

4.3.2 Any electronic reproduction of a PRR by any University unit must be by hyperlink to the PRR on the East Carolina University PRR 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 East Carolina University PRRs, with or without including the text verbatim, there must be a disclaimer that establishes the pre-eminent authority of the PRR and a reference to the location of the official PRR.

5. DELEGATION OF AUTHORITY FOR REGULATIONS:

The Chancellor delegates final approval authority for regulations not specifically mandated by federal or state law or regulation or direction by the UNC Board of Governors, ECU Board of Trustees and UNC-General Administration and that fall within the specific areas below to the following executive officers:

5.1 Provost and Vice Chancellor for Academic and Student Affairs

5.1.1 Degree eligibility for undergraduate students

5.1.2 Undergraduate Admissions to the University

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

5.1.4 Academic Registration and Records

5.1.5 Academic standards and curricula matters for undergraduate students

5.1.6 Faculty personnel procedures relating to faculty titles and ranks, appointment, reappointment, promotion, tenure, leaves of absence, the phased retirement program, and retirement/re-employment agreements

5.1.7 International Programs

5.1.8 Distance education, continuing studies and learning technologies

5.1.9 Academic Libraries and Learning Resources

5.1.10 Student activities

5.1.11 Student Services and groups

5.1.12 Student Conduct

5.1.13 Student Health, wellness and fitness

5.1.14 Arts programs and activities

5.1.15 ROTC Programs

5.1.16 Student Union

5.1.17 State Residency Appeals

5.1.18 Accreditation and certification for academic programs and reviews of academic and non-academic programs (Note: this is a shared item between the Division of Academic and Student Affairs, Division of Health Sciences and the Division of Research and Graduate Studies)

5.1.19 Institutional Planning, Assessment and Research

5.1.20 Academic Program Development

5.2 Vice Chancellor for University Advancement

5.2.1 Criteria and Procedures for the Acceptance of Gifts

5.2.2 University Development

5.2.3 Alumni Relations

5.2.4 Advancement Services

5.2.5 University Marketing and Publications

5.3 Vice Chancellor for Administration and Finance

5.3.1 Business Operations

5.3.2 Campus Operations

5.3.3 Environmental Health and Safety

5.3.4 Financial Services

5.3.5 Human Resources

5.3.6 Information Technology and Computer Systems

5.3.7 Facilities

5.3.8 Parking and Transportation Services

5.3.9 Enterprise Risk Management

5.4 Vice Chancellor for Health Sciences

5.4.1 Clinical Operations

5.4.2 Compliance

5.4.3 Risk Management

5.4.4 Business Operations

5.4.5 Educational Programs

5.4.6 Human Resources in the Division of Health Sciences

5.4.7 Health Sciences Library Services

5.4.8 Research Programs and Clinical Trials

5.4.9 Division Advancement/Development

5.4.10 Faculty personnel procedures relating to faculty titles and ranks, appointment, reappointment, promotion, tenure, leaves of absence, the phased retirement program, and retirement/re-employment agreements

5.4.11 Academic standards and curricula matters in health sciences

5.4.12 Prospective Health

5.4.13 East Carolina University Heart Institute

5.5 Vice Chancellor for Research and Graduate Studies

Graduate Studies

5.5.1 Graduate School

5.5.2 Degree eligibility for graduate students

5.5.3 Graduate admissions

5.5.4 Graduate assistantships, fellowships and tuition remissions

5.5.5 Academic standards and curricula matters for graduate students

5.5.6 Personnel procedures relating to postdoctoral scholar appointments

5.5.7 Appointment of graduate faculty, including titles and ranks

5.5.8 Graduate student services

5.5.9 State Residency Appeals

Research

5.5.10 Sponsored Programs

5.5.11 Grants and Contracts (Note: this is a shared item between the Division of Research and Graduate Studies, Administration and Finance, and the Division of Health Sciences)

5.5.12 Research Compliance

5.5.13 Technology Transfer

5.5.14 Human Subjects Protection

5.5.15 Use of Animals in Research

5.5.16 Conflicts of Interest

5.5.17 Misconduct in Science

5.5.18 Export Controls

5.5.19 Biohazards, chemical safety, recombinant DNA and radiation hazards (Note: this is a shared item between the Division of Research and Graduate Studies, Administration and Finance, and the Division of Health Sciences)

5.5.20 Diving and Water Safety

6. DELEGATION OF AUTHORITY FOR RULES:

6.1 International Programs - Associate Vice Chancellor for International Affairs

6.2 Distance Education and Learning Technologies - Associate Vice Chancellor for Academic Outreach

6.3 Joyner Library Operations -Director of Academic Library Services

7. EFFECTIVE DATE OF PRRS:

Policies are effective when adopted by the Board of Trustees unless the Policy or Board action otherwise specifies. Regulations and Rules are effective when approved by the Chancellor. Regulations and rules delegated to an Executive Officer or Executive Officer's delegee are effective upon approval of the Executive Officer or delegee and the University Attorney unless the Regulation or Rule otherwise specifies.

East Carolina University

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