



James E. Shepard, Founder

REG - 01.04.1 - FORMATTING, ADOPTING AND PUBLISHING POLICIES, REGULATIONS AND RULES (PRR Protocol)

Authority: Chancellor

Responsible Office: Legal Affairs

Number:

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History:

Effective Date: May 31, 2016

Related Policies/Sources:

[Delegations of Duty and Authority to Boards of Trustees, PRR Template](#), [Approval Process for Proposed Regulations and Policies](#),

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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 North Carolina Central 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 delegated authority.

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. Matters subject to the Chancellor's authorization and approval, as set forth in Section 502D of The Code of UNC, including, serving as the leader and the official spokesperson for the institution; promoting the educational excellence and general development and welfare of the institution; defining the scope of authority of faculties, councils, committees, and officers of the institution; and authorizing and approving all projects, programs, and institutional reports to be undertaken on behalf of the institution.

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 North Carolina Central University pursuant to authority mandated by an North Carolina Central University Policy or Regulation or (b) adopted by an executive officer or executive officer's delegatee 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

3.1.1 The Faculty Senate, Staff Senate, Student Government Association, University Planning Council and any standing or ad hoc committee of North Carolina Central 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.

3.1.2 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 North Carolina Central 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 North Carolina Central 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:

3.2.2.1 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.

3.2.2.2 The Office of Legal Affairs 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 Office of Legal Affairs is also authorized to make similar revisions to North Carolina Central 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. Communication with other executive officers and the Chancellor and the Office of Legal Affairs is expected unless the executive officer and the Office of Legal Affairs 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 Office of Legal Affairs. 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 Legal Affairs 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 Leadership Team. If the Office of Legal Affairs recommends changes, the executive officer and the Office of Legal Affairs will resolve the issue, or jointly seek resolution by the Chancellor.

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

3.5.5 Following review by the Executive Leadership Team, the Chancellor acts on the Proposed Policy or Regulation. The Chancellor may take any action on an Executive Leadership Team 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. North Carolina Central 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 NCCU 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 North Carolina Central University Policy Manual website. When approved by the authorized university officer, PRRs are to be forwarded to the Office of Legal Affairs for electronic publication on the University's PRR web page. The Office of Legal Affairs 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 Legal Affairs 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 North Carolina Central 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 North Carolina Central 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, NCCU 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 Affairs

- 5.1.1 Degree eligibility for undergraduate and graduate students
- 5.1.2 Undergraduate and graduate 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 and graduate students
- 5.1.6 Faculty appointments, reappointments, promotion, tenure, leaves of absence, phased retirement, and retirement/re-employment agreements
- 5.1.7 Faculty ranks and titles
- 5.1.8 International programs
- 5.1.9 Distance education and learning technologies
- 5.1.10 Libraries
- 5.1.11 Degree eligibility for graduate students
- 5.1.12 Graduate assistantships and fellowships
- 5.1.13 Personnel procedures relating to postdoctoral scholar appointments
- 5.1.14 Appointment of graduate faculty, including titles and ranks
- 5.1.15 Graduate student services
- 5.1.16 State residency appeals
- 5.1.17 ROTC Programs

5.2 Vice Chancellor for Student Affairs

- 5.2.1 Student activities

- 5.2.2 Student services and groups
- 5.2.3 Student conduct
- 5.2.4 Student health, wellness and fitness
- 5.2.5 Arts programs and activities
- 5.2.6 Student Union
- 5.2.7 Student housing

5.3 Vice Chancellor for Institutional Advancement

- 5.3.1 Criteria and Procedures for the Acceptance of Gifts
- 5.3.2 University Development
- 5.3.3 Alumni Relations
- 5.3.4 Advancement Services
- 5.3.5 University Communications

5.4 Vice Chancellor for Administration and Finance

- 5.4.1 Financial and business operations
- 5.4.2 Campus Safety
- 5.4.3. Environmental Health and Safety
- 5.4.4 Financial Services
- 5.4.5 Facilities
- 5.4.6 Parking and Transportation Services
- 5.4.7 Enterprise Risk Management

5.5 Associate Provost and Dean of the Division of Research and Sponsored Programs

- 5.5.1 Sponsored research and other sponsored projects
- 5.5.2 Grants and Contracts
- 5.5.3 Research Compliance
- 5.5.4 Technology Transfer
- 5.5.5. Implementation of the Copyright Use and Ownership Policy of the University of North Carolina
- 5.5.6 Human Subjects Protection
- 5.5.7 Use of Animals in Research
- 5.5.8 Conflicts of Interest
- 5.5.9 Misconduct in Science
- 5.5.10 Export Controls
- 5.5.11 Biohazards, chemical safety, recombinant DNA and radiation hazards

5.6 Chief Information Officer

- 5.6.1 Network, information and data security
- 5.6.2 IT management and computer use
- 5.6.3 IT compliance and risk management
- 5.6.4 IT disaster recovery

6. **DELEGATION OF AUTHORITY FOR ISSUING RULES**

A Rule must be approved by the executive officer or delegee to whom the unit reports prior to its issuance.

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 Office of Legal Affairs unless the Regulation or Rule otherwise specifies.