

DEPAUL UNIVERSITY



Establishing a University Policy

Category: Presidential

Responsible Department: Office of the General Counsel

Responsible Officer: University Secretary and Vice President, General Counsel

Effective Date: 12/14/2022

Policy Summary

This Policy sets standards across the university for the establishment and revision of University Policies and Procedures (except those policies and procedures guiding the academic enterprise which are the responsibility of Faculty Council). Furthermore, it provides the definitions of a "policy" and a "procedure," as well as outlining the steps necessary to have the policies and procedures reviewed leading to presidential approval.

Scope

This policy affects the following groups of the University:

- Entire University Community

This policy affects all members of the University Community.

Policy

Authority for establishing University Policy

Policies and procedures are created to guide the members of the university community in the conduct of essential university functions with the highest level of transparency, efficiency, effectiveness, or in compliance with statutory, accreditation or Board of Trustee mandates.

The fiduciary authority to establish university policies rests with the Board of Trustees. The Board has delegated the responsibility for approving institutional policies and procedures to the President.

The President has assigned responsibility for maintaining the University's official policy and procedures manual and website to the Office of the General Counsel. This Office also has the responsibility to maintain a documentary history for all policies and procedures. Finally, the President has also charged this office with responsibility for coordinating the shared governance process by which a non-academic university policy is created, reviewed, revised, approved, and published.

As a matter of general principle ALL policies and procedures that mandate a certain behavior or course of action on behalf of the university from all faculty, staff, or students must be approved by the president, and communicated to those whose actions and behavior are being directed. These policies and procedures must be easily accessible for consultation by those constituencies. University constituencies should be regularly reminded of their responsibility to be aware of, and follow, institutional policies and procedures. Finally, it is the responsibility of policy owners to administer all policies and procedures consistently and fairly.

The normative public processes by which these policies and procedures are created, reviewed, revised and approved should always respect the principles and requirements of shared governance. Over and above the requirements of shared governance; appropriate institutional consultation about the need and impact of proposed policies, and the efficacy of proposed procedures is a good business practice.

Individual schools, colleges, and departments may establish policies and procedures that are unit specific. However, in no case may these policies and procedures conflict with university policies and procedures.

Board of Trustees Policy Mandates

The Board of Trustees reserves the right, according to its own judgment, to mandate the establishment of university policy. When the Board of Trustees chooses to issue such a mandate it will do so by informing the President in writing; explaining the purpose, scope, and provisions of the mandated policy. The President will then share this mandate in writing with Faculty Council, Staff Council, the Student Government Association and Joint Council, as appropriate. These groups may, for the record, offer their concerns or objections to the proposed policy to the President.

Ordinarily, when the Board of Trustees mandates the creation of university policy, it should also direct the President to have the competent management authority within the university design procedures to best accomplish the policy objectives. The Board may reserve to itself the approval of these procedures, or it may empower the President to approve these procedures.

The President will direct the Office of the General Counsel to prepare the policy and its procedures using the university template. Once this has been done, the President will give his final approval, inform the Board of Trustees that he has fulfilled their mandate, and direct that the policy/procedures come into immediate effect. A public announcement will include the information as to the fact of the Board's mandate and the reason(s) that led the board to take this action. Board mandated policies are not bound by the requirement of a mandatory three-year review as required for all other non-academic university policies and procedures.

Policies Required for Compliance with New Laws or Accreditation Standards

The university on occasion must establish or revise policies quickly in order to bring the institution into compliance with new laws or accreditation standards. Such policies will proceed through the standard review process when time permits. However, if legally imposed deadlines make following the standard process impossible, the President may approve such policies without PRG or council review. University constituencies will be kept informed about the formation and the establishment

of these mandated policies and procedures. If there is any leeway in the establishment of procedures appropriate constituency consultation will take place.

Faculty Council: Academic Policies

In fulfillment of its governance role as defined in the Faculty Handbook: *Primary Responsibilities of the Faculty*, Faculty Council has its own guidelines to govern the creation of academic policies regarding the academic integrity of the curriculum and the professional requirements of faculty status. The President has delegated approval of these proposed academic policies/procedures and academic policy/procedures revisions to the Provost.

After receiving the Provost's approval, academic policies and procedures within the realm of responsibility of Faculty Council will be added to the university's policy and procedures manual. While the President and the Board of Trustees have the authority to reverse the decision of the faculty regarding their primary responsibilities, it is expected that they would do so only in exceptional circumstances and would communicate the reasons to the faculty.

Code of Student Responsibility

With the approval of the President, the *Code of Student Responsibility* provides policies and procedures governing Student Life at the University. This Code is the responsibility of the Vice President for Student Affairs, who reports to the Provost. For further information, see the *Updates to the Student Code of Responsibility* policy.

Policy Review Group

The Policy Review Group (PRG) is a consultative body staffed by the Office of the General Counsel and made up of representatives of the Office of the General Counsel, Academic Affairs, Human Resources, Financial Affairs, Information Services, Institutional Compliance, Internal Audit, Faculty Council, Staff Council, and the Student Government Association, as well as other appropriate university units. PRG plays no governance role in the establishment or review of university policies and procedures, nor is it the owner of any policy.

PRG reviews proposed policies and policy revisions early in their development to provide feedback to the sponsoring unit as to issues such as clarity of expression, legality, constituency perspectives, congruence with other policies and procedures, and like questions. The Chair of PRG also outlines the appropriate governance review route for the proposed policy, leading to presidential approval. A sponsoring unit is free to take/not take into consideration the suggestions and recommendations of PRG. However, these suggestions and recommendations remain as part of the policy's record and accompany the proposed policy through the review process leading to presidential review and approval.

Procedures

Establishing a new University Policy

Policies and procedures are created by university units to guide the members of the university community in the conduct of essential university functions with the highest level of transparency, efficiency and effectiveness.

As previously noted except with respect to the establishment of Academic Policies under Faculty Council authority and the Code of Student Responsibility, the process of establishing, archiving, revising, approval and publicizing all university policies and procedures is coordinated by the Office of the General Counsel.

In all instances, the Office of the General Counsel, as the custodian for the University Policies and Procedures manual, should be consulted to ensure conformity with established policy and procedures templates, legal and compliance reviews, and inclusion in the university's policy and procedures website.

To determine if a new policy is needed, begin by asking yourself the following questions from the perspective of your unit's mission:

- What is the exact nature of the issue that the proposed policy is designed to address?
- What is the intended impact of the policy?
- Who is the intended audience of the policy (i.e., all members of the university community, budget managers, grant directors, etc.)?
- Will the policy assure compliance, or be in compliance, with relevant legislative and accreditation mandates?
- What are the risks associated with not establishing this policy?
- What procedures will be necessary to implement this policy?
- Are there other university units whose cooperation is essential to the policy's implementation?
- Does the appropriate technology infrastructure exist to support the proposed policy?

If, after answering these questions, you feel the creation of a new policy is needed you should then notify the Office of the General Counsel. This office will assist you through the remainder of the process.

Drafting Process

The Office of the General Counsel will assist in drafting the policy and procedures using the established [university template](#).

To assist with the creation and drafting of new university policies, the Office of the General Counsel has created a [template Policy Background Memo](#). Sponsoring units should answer the questions on this memo during the drafting stages of the policy development. The memo will then accompany the policy as it moves through the review and approval processes.

During the drafting process, the sponsoring unit must also consult any other university units that will have a role in carrying out or enforcing the policy, e.g Information Services or Human Resources.

After the policy is drafted it should be submitted to the Office of the General Counsel. The Office of the General Counsel will review the policy to ensure consistency with other university policies and recommend changes as appropriate.

The Office of the General Counsel must also receive written documentation that the draft has received the approval of the Divisional Vice President or other senior authority of the unit proposing the policy. In addition the Office of the General Counsel may require written documentation of approval from the unit's Executive Officer and/or other relevant/collaborating divisional authorities.

If applicable, the appropriate technology infrastructure must be in place to support the proposed policy prior to Presidential approval.

Review Process

After the proposed policy is submitted to the Office of the General Counsel, it enters the review process. This tiered system ensures that the appropriate individuals/groups have the opportunity to review the proposed policy. The Office of the General Counsel will guide the proposed policy through each step.

The review process:

1. Policy Review Group

The PRG will review the policy and provide feedback to the policy's sponsor/author as to issues such as clarity of expression, legality, constituency perspectives, congruence with other policies and procedures, and like questions. The Chair of PRG also outlines the appropriate review route for the proposed policy/procedures, leading to presidential approval.

The PRG ordinarily meets three times annually. Additional meeting dates may be scheduled, if needed. To be placed on the PRG agenda, a draft policy should be received by the Office of the General Counsel **at least two weeks** before the meeting date. Meeting dates and material due dates will be announced to the university community via Newswire.

Once the proposed policy has gone through PRG review, the Office of the General Counsel will memorialize the PRG recommendations in the PRG meeting minutes and will communicate them to the sponsoring unit. PRG meeting minutes and records of action are available for other members of the university community to review upon request. If the sponsoring unit decides to move forward without taking the PRG's recommendations into consideration, the draft policy will proceed to the next review level along with the documentation of the PRG's suggestions and recommendations.

2. Council Reviews

Following review by PRG, each of the Councils may choose to further review a proposed new or revised policy if the policy raises potential concerns that are unique to its members. After reviewing a policy, a council is asked to endorse or not endorse the policy/procedures.

- Faculty Council - In accordance with the Faculty Handbook, for those policies/procedures impacting faculty's primary and participatory responsibilities, or otherwise uniquely affecting faculty.
- Staff Council - In accordance with the Staff Council constitution, for those policies/procedures uniquely affecting staff, including Human Resource policies.
- Student Government Association - For university policies which uniquely affect students as members of the university community.
- Joint Council - For those policies and procedures that impact the entire university community.

Should the vote be to endorse, the policy will move forward for review by the Joint Council and the President with such a notation.

Should the vote be to not endorse, the council will communicate the specific reason(s) for this action in writing to the Office of the General Counsel and the sponsoring unit. Any suggestions for revisions should also be made in writing to the Office of the General Counsel and the sponsoring unit. A decision to not endorse a policy does not stop the review and approval process. If the sponsoring unit decides to move forward despite objections or reservations, the policy will proceed to the President for review along with the written documentation of the council(s) decision not to endorse.

3. Presidential Approval

After these reviews are completed, the proposed policy is forwarded to the President by the Office of the General Counsel along with the proposed policy's review history and documentation from each stage of the process. If the President approves the policy, the Office of the General Counsel will post the new policy on the university policy website and will inform the University Community via Newslines.

If the President approves the policy but with changes, these changes are communicated in writing by the Office of the General Counsel to the sponsoring unit and/or members of the reviewing Councils for their information before the policy is announced.

If the President declines to approve a policy/procedures, this decision and the reasons for it, are communicated in writing by the Office of the General Counsel to the sponsoring unit/and or members of the reviewing council(s) for their information.

Announcing Policies to the University Community

Once a policy has been approved, it will be communicated to the university community. The sponsoring department which is responsible for the policy and procedures will be responsible for promoting its use to affected groups. Furthermore, the sponsoring division is responsible for handling questions regarding the interpretation of the policy or its procedures.

Employee Awareness and Orientation of University Policies and Procedures

As a condition of employment, all university employees are required to make themselves aware of university policies and procedures, especially those which directly impact their job responsibilities.

The Office of the General Counsel will collaborate with Human Resources to ensure that all new employees are aware of university policies and procedures as they begin their employment at the university.

Three-Year Review Process and Other Updates to Policies

Except as previously noted, all university policies and procedures undergo a review every three years. This will ensure that all policies/procedures are up-to-date. However, a policy owner may propose policy/procedure revisions at any time as needed.

The Office of the General Counsel informs sponsoring units as to which of their policies and procedures are up for review each year.

Minor, non-substantive revisions to policies and procedures can be made at any time with the agreement of the Office of the Secretary. By way of example, minor changes may include updating employee names, contact information, department titles, and hyperlinks.

All substantive changes to policies must undergo the full review process as outlined above.

In the event that a policy owner becomes aware of a need to propose minor/major revisions of a policy or its procedures prior to the three-year mandatory review, they should inform the Office of the General Counsel, who will initiate the review process. Before beginning revisions, the reviser should contact the Office of the General Counsel for the current Microsoft Word version of the policy. Revisions should be submitted to the Office of the General Counsel in "Track Changes."

At any time if a member of the university community has questions about a policy or its procedures, or if they would like to propose changes, they should contact the policy owner of record, and copy the Office of the General Counsel. In the reply, the policy owner should also copy the Office of the General Counsel. If there seems to be an unresolved question about the need for a particular policy or a clear problem with procedures as stated the Office of the General Counsel may ask the policy owner to discuss the issue at a meeting of the Policy Review Group.

Divisional Collaborations

None

Contact Information

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Appendices

None

History/Revisions

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