

	FGCU POLICY 1.001	Responsible Unit: Office of the General Counsel
	Guidelines and Procedure for Approval and Issuance of University Policies (Policy On Policies)	

A. POLICY STATEMENT

The University President, as the University’s Chief Executive Officer, has the authority and responsibility to promulgate and organize University Policies by delegation of the authority provided in the Florida Statutes, Board of Governors’ Regulations, and by the Florida Gulf Coast University Board of Trustees. Policies are official documents, created to provide reference and guidelines in the operation, management, or implementation of the various programs, services, facilities, and activities of Florida Gulf Coast University (FGCU). The FGCU Policies Webpage is the official repository of University Policies and related procedures and may be reviewed at the Office of the General Counsel’s website.

B. REASON FOR POLICY

The University must adopt Policies to dictate and guide the operations of the University when statutes and regulations do not provide specific guidance or do not offer procedures or implementation directives necessary for efficient University operations. To ensure compliance with Policy objectives and to establish the accountability of operating units and affected individuals, Policies must be kept current and made available to all relevant individuals and operating units in a timely manner.

C. APPLICABILITY AND/OR ACCOUNTABILITY

1. These guidelines and procedures for the approval and issuance of University Policies are applicable to all units of the University which will be creating a Policy applicable to the University as a whole.
2. Policies relating to traditional academic matters falling within the purview of the Faculty Senate are not covered by this Policy. However, Policies relating to academic administration or management are covered by this Policy. Local Policies that relate solely to an internal unit’s matters shall be developed and approved in writing by the appropriate Vice President, or designee, at the department level and not through this Policy.

D. DEFINITION OF TERMS

1. *Policy*: Established to provide direction and assistance to the University community in the conduct of University business or activities. A Policy describes core institutional values or a general principle, plan, or course of action. A Policy may involve a series of steps, require the use of certain forms, or prescribe other instructions for carrying out the

Policy. University Policies apply to all units, departments, or divisions of the University with respect to their operations at the University. Policies must not conflict with statutes, regulations, or other laws applicable to the University.

2. *President's Cabinet*: Chaired by the University President, the President's Cabinet consists of senior administrators who have been designated by the President to be a member of this cabinet.
3. *Responsible Unit*: The division, office, or department responsible for developing and administering the Policy. The Responsible Unit is responsible for the accuracy of the Policy's subject matter and its administration, and also serves as a point of contact for questions regarding the interpretation or application of the Policy.

E. PROCEDURES

1. Initiation of, or revision to, a Policy occurs when the need is identified. Policies should be reviewed every three (3) years to make sure the information, processes, and procedures listed are still relevant and up-to-date with federal, state, and local laws.
2. The procedure outlined below provides a uniform process for formatting, approving, revising, and publishing a University Policy. To aid in the drafting of a new Policy or revision of an existing Policy, contact the Office of the General Counsel to obtain the appropriate template.
 - a. A new or revised Policy template should contain the following information:
 - 1) Policy Name;
 - 2) Responsible Unit;
 - 3) Policy Statement;
 - 4) Purpose/Reason for Policy;
 - 5) Applicability and/or Accountability;
 - 6) Definition of relevant terms; and
 - 7) Procedures necessary, if any, to implement the Policy.
 - b. Policies to be revised are to be submitted in a redlined format, which would indicate the language being deleted and the new language being added to the last approved Policy.
 - c. The steps to be utilized in initiating a new Policy or revising an existing Policy are to:

- 1) Review Policy 1.001 and obtain the appropriate template from the Office of the General Counsel.
- 2) A representative from the Responsible Unit must submit the draft/revised Policy to the Office of the General Counsel for legal review.
- 3) After review by an attorney in the Office of the General Counsel, the draft/revised Policy will be returned to the appropriate representative in the Responsible Unit to route to their respective Vice President for review and approval.
- 4) Once the respective Vice President approves the draft/revised Policy, they will submit the draft/revised Policy to the President's Cabinet for review.
- 5) Upon the completion of review by the President's Cabinet, the Office of the General Counsel will provide the draft/revised Policy to Faculty Senate and the Staff Advisory Council for review. Faculty Senate and the Staff Advisory Council will have fourteen (14) days to provide feedback to the Office of the General Counsel.
- 6) Upon the completion of review by the President's Cabinet, the Office of the General Counsel will also provide the United Faculty of Florida-FGCU Chapter (UFF) with an advance copy of any proposed policy that changes a term or condition of employment contained therein. Such advance copy will be provided to the UFF at least thirty (30) days in advance of its effective date to seek consultation related thereto. This provision is consistent with Article 1.2, University Rules and Policies, of the 2018-2021 Collective Bargaining Agreement with the UFF.
- 7) After these fourteen (14) days, the Office of the General Counsel will post the proposed Policy to FGCU Policy Webpage and disseminate, via email, the draft/revised Policy to all faculty and staff, as well as students, as appropriate, for review and comment. Feedback must be provided to the Office of the General Counsel as instructed in the email within ten (10) days of the posting of the draft/revised Policy.
- 8) If substantive comments are received, the Vice President and General Counsel will present the feedback to the President's Cabinet for further review and possible revisions.
- 9) The draft/revised Policy will then be forwarded to the President for final review, revision, if necessary, and approval.
- 10) Once the President has approved a final version, the Office of the General Counsel will ensure that the new Policy is promulgated by posting the approved Policy on its webpage.

F. POLICY AMENDMENTS

1. Severability

If a Policy, or a portion of a Policy, is found to be in conflict with federal or state laws, University regulations, or similar legal requirements, such Policy, or portion of the Policy, shall be void as a matter of law. However, the remaining portion of the Policy, if any, shall continue in full force and effect. Policies in conflict with a University collective bargaining agreement (CBA) will be addressed under an express term and/or condition of the CBA.

3. Major Changes

Major revisions to Policies will follow the process outlined under section E., Procedures.

4. Minor Corrections

Minor (technical) corrections in Policies are occasionally needed, such as formatting, nomenclature, or statutory reference number changes. The Vice President and General Counsel is authorized to make such corrections, as appropriate, to a Policy without review by the President's Cabinet and University community, when the substance of the Policy is not affected.

5. Rescission/Repeal

A Policy may be repealed or rescinded upon request of a Vice President or upon changes in the law, or if determined to be necessary. The draft is then presented to the President for review and approval.

G. RELATED INFORMATION

Colleges, centers, and institutes may have guidance documents, such as guidelines or internal procedures, specific to their operations, but those will not be included as a University Policy. Such guidelines and internal procedures must be in writing and must be approved by the appropriate Vice President, or designee. Any such Policies must not conflict with relevant statutes, regulations of the Florida Gulf Coast University Board of Trustees or the Board of Governors, University Policies, or any approved University CBAs. To the extent that there is a conflict between a college, center, or institute Policy and the statutes, regulations of the Florida Gulf Coast University Board of Trustees or the Board of Governors, University Policies, or any approved University CBAs, the provisions of such governing documents will prevail.

Authority

BOG Regulation 1.001, University Board of Trustees Powers and Duties

History of Policy

New 12/09/03; Amended 04/22/08; Amended 01/13/10; Amended 03/02/10; Amended 09/04/19; Amended 11/13/20

APPROVED

*s/Michael V. Martin
Michael V. Martin, President

November 13, 2020
Date