



**FLORIDA POLYTECHNIC
UNIVERSITY**

OFFICIAL POLICY

Subject/Title: Policy Creation and Development Process: Non-Academic Policies

Policy Number: FPU-1.001P

_New _Revised _Technical Revision Only _Emergency Policy

Date First Adopted: July 1, 2013

Date Revised: September 23, 2020

Responsible Division or Department: General Counsel

Initiating Authority: General Counsel

A. APPLICABILITY & PURPOSE

This policy applies to University policies governing administration of two or more departments; it does not apply to internal policies or procedures of any single department or to rules or regulations.

This policy governs the authority of the administration to issue, revise, and repeal non-academic University policies in a manner that is consistent and transparent.

B. POLICY STATEMENT:

Florida Polytechnic University is governed by state and federal statutes, regulations and guidelines of the Florida Board of Governors (BOG), and University regulations. The University adopts policies and related procedures to direct and guide the operations of the University when statutes, regulations, and BOG guidelines require the University to do so or when such do not provide specific guidance, or do not offer procedures or implementation directives necessary for efficient University operations, or as is otherwise prudent.

Policies can neither conflict with provisions contained in applicable laws or regulations, and should not merely restate or duplicate those provisions, unless required by law. Should an existing University policy conflict with any

governing law or regulation, the law or regulation prevails over the University policy to the extent of the conflict.

While this policy is not intended to address the University's regulation promulgation process, Initiating Authorities should take care to ensure that a proposed policy does not rise to the level of a rule as defined in section 120.52, Florida Statutes. Policies are not regulations if they are focused exclusively on internal management and do not affect the private interests of any person. Any questions regarding the University's regulation promulgation process or whether a policy meets the definition of a regulation should be directed to the Office of the General Counsel (OGC).

The OGC maintains the official non-academic University policies. Policies may be reviewed online on the University's policies and regulations webpage, linked from the bottom of the University homepage. The effective date of a policy is the date of last approval as indicated in the signature block unless otherwise stated in the policy.

C. DEFINITIONS:

- 1. Initiating Authority:** a person or entity empowered to recommend creation, revision, or repeal of a University policy. Only the President, vice presidents, the General Counsel, and the Policies Committee (established in this policy) are Initiating Authorities.
- 2. Policy:** a statement of management philosophy or practice established to provide direction and assistance to the University community in the conduct of University business or activities that directly and substantially affects multiple units, departments, or divisions with respect to their operations at the University
- 3. Emergency Policy:** a policy implemented to respond to a recent change in law or to address an immediate danger to the public health, safety, or welfare.
- 4. Stakeholder:** a person or unit within the University community interested in the terms and operation of the policy because it significantly impacts their role, responsibilities, and/or operations at the University
- 5. University Policies and Procedures Committee (the "Policies Committee"):** a committee appointed by the University President to act as the central body for making recommendations regarding the creation, revision, or repeal of non-academic University policies. The General Counsel or General Counsel's designee will serve as an ex-officio nonvoting member of the committee.
- 6. Technical Change:** nonmaterial changes to a policy that do not result in a change in meaning such as: typographical, clerical, and stylistic

changes, or changes to names or titles (e.g. facility naming, position retitling)

D. PROCEDURES:

1. Initiation and Approval Process

- (a) An Initiating Authority determines the need to create, revise, or repeal a non-academic policy.
- (b) The Initiating Authority or designee oversees the creation of a draft of the policy following the instructions in this policy.
- (c) When the Initiating Authority has a working draft of the new or revised policy, the Initiating Authority shares the draft, or that the policy is slated for repeal, to Stakeholders to review the draft and provide comments. The Initiating Authority considers the comments, revises accordingly if it deems necessary, and sends the proposed policy or repeal to the OGC for legal review and assignment of a number, if new.
- (d) Once approved by the OGC, the OGC or designee will email the proposed policy or repeal to the University at large for review and comment, including students for those policies affecting students. The University community will have at least 3 business days to provide feedback to the Initiating Authority or designee.
- (e) Once at least 3 business days have elapsed and feedback has been considered, the Initiating Authority or designee may forward the proposed policy or repeal to the Policies Committee.
- (f) If and when the Policies Committee determines that a proposed policy is acceptable, the chair of the Policies Committee will forward the final document to the President for approval (or rejection). If a policy is being repealed, the chair of the Policies Committee will forward a document reflecting the repeal, including a signature block, to the President for approval (or rejection).
- (g) If the President approves the proposed policy or the repeal of the policy, the President or designee will forward the proposed policy or its repeal to the Board of Trustees if the Board of Trustees is required by law or regulation to approve the policy.
- (h) Once the President approves the policy, or its repeal the policy is posted on, or removed from the University's website.

2. Technical Revision to Policy Process

(a) Notwithstanding the above, the following process will be used when a policy is revised exclusively to make Technical Changes:

(i) The Initiating Authority determines the need to make such changes.

(ii) The Initiating Authority forwards the revised policy to the OGC for approval.

(iii) If and when the OGC approves the revised policy, the Initiating Authority will forward the revised policy to the President only for approval (or rejection).

(iv) The Policies Committee's and BOT's approvals are not required when only Technical Changes are made.

3. Emergency Process

(a) Notwithstanding the above, the following process will be used exclusively to adopt, amend, or repeal Emergency Policies.

(i) The Initiating Authority determines the need to adopt and Emergency Policy.

(ii) The Initiating Authority forwards the revised policy to the OGC for approval.

(iii) If and when the OGC approves the revised policy, the Initiating Authority will forward the revised policy to the President, only, for approval (or rejection).

(iv) The President will notify the BOT Chair of the passage of an Emergency Policy and will notify the University of the policy by email, among any other methods at the President's discretion.

(b) The Policies Committee's and BOT's approvals are not required when Emergency Policies are created.

(c) An Emergency Policy may be promulgated only to respond to a recent change in law or to address an immediate danger to the public health, safety, or welfare.

(d) An Emergency Policy is not effective for more than 90 days. However, the University may adopt a similar or identical policy as outlined in the Initiation and Approval Process section of this policy in which case the Emergency Policy will be automatically repealed as of the effective date of the new policy.

2. Drafting University Policies

The Initiating Authority or designee must use the policy template (see attached Form).

(a) At a minimum, any policy must contain:

(i) The subject/title of the policy;

(ii) A specification that the policy is a New Policy, a Revised Policy, a Technical Revision to Policy Only, or an Emergency Policy;

- (iii) Dates of adoption and revision (if any);
 - (iv) The University division or department responsible for the policy;
 - (v) The Initiating Authority for the proposed policy changes;
 - (vi) A statement of the applicability and purpose of the policy, and;
 - (vii) A statement of the policy.
- (b) Policies may also include:
- (i) Definitions, if any are needed
 - (ii) Procedures, if any are needed, to implement the policy
 - (iii) General policy or preamble summarizing policy
 - (iv) Background information
 - (v) Related information
 - (vi) Related documents
 - (vii) Contacts
 - (viii) Forms

E. Maintenance of the Policies: The OGC will maintain the official version of any policies. Policies may be kept online.

F. Internal Guidelines, Procedures, or Policies (Internal Protocols): Internal guidelines, procedures, and policies (Internal Protocols) specific to the operations of a particular unit are not addressed in this Policy as they are not intended to apply outside the unit. They are not maintained by the OGC. Those Internal Protocols are considered statements with specific and limited applications to guide the respective department or division in its routine internal management responsibilities. The unit is responsible for adoption, maintenance, and application of their Internal Protocols, which must not conflict with applicable law or BOG or University rules, regulations, policies or guidelines or collective bargaining agreement.

G. FORMS:

University Policy Template (attached)

POLICY APPROVAL	
Policy No.: FPU-1.001P	
_____ Initiating Authority	_____ Date
_____ Policies Committee Chair	_____ Date
_____ President/Designee	_____ Date
Approved by Florida Polytechnic University BOT, if required	_____ Date
EXECUTED SIGNATURE PAGES ARE AVAILABLE IN THE OFFICE OF THE GENERAL COUNSEL	



OFFICIAL POLICY

Subject/Title:

Policy Number:

New Revised Technical Revision Only Emergency Policy

Date First Adopted:

Date Revised:

Responsible Division or Department:

Initiating Authority:

A. APPLICABILITY and PURPOSE:

B. POLICY STATEMENT:

C. DEFINITIONS: [if any are necessary]

1.

D. PROCEDURES: [if any are necessary]

1.

POLICY APPROVAL	
Policy No.: _____	
_____ Initiating Authority	_____ Date
_____ Policies Committee Chair	_____ Date
_____ President	_____ Date
Approved by Florida Polytechnic University BOT, if required _____	_____ Date

Form: University Policy Template 09.14.20