

POLICY ON POLICIES

A. Purpose

The purpose of this policy is to set forth the rules and procedures for adding policies to or amending policies in The University of Texas Rio Grande Valley (UTRGV) *Handbook of Operating Procedures* (HOP). This includes outlining the process for obtaining input from divisions, departments, and offices, as well as the faculty, staff, or student advisory bodies that may be affected by the new or amended policies and procedures.

B. Persons Affected

This policy applies to all individuals associated with or on the premises of UTRGV, including without limitation employees, faculty, students, visitors, volunteers, contractors, or vendors.

C. Policy

1. The UTRGV HOP contains official rules for the governance of UTRGV. The governance of the institution consists of the policies and procedures affecting the way UTRGV directs, administers, or controls UTRGV (except medical procedures or protocols). These policies and procedures may:
 - a. Direct compliance with applicable state and federal laws and regulations, University of Texas System policies, or other policies with System-wide application;
 - b. Address or affect the responsibility or authority of the various offices and bodies that make up UTRGV; or
 - c. Address the relationships between administration, faculty, students, and staff in relation to institutional values or goals.
2. The President of UTRGV is responsible for developing and administering the rules and regulations for the governance of UTRGV. The President may delegate responsibility for coordination of policy development and review to a Policy Coordinator. The development and review process will include an opportunity for faculty, staff, and student advisory bodies to provide input regarding proposed changes to policies that may impact the respective groups. All rules and regulations or amendments to the HOP must be approved by the President and by either UTRGV's Chief Legal Officer or the Vice Chancellor and General Counsel of The University of Texas System.
3. The HOP does not constitute a contract between UTRGV and its employees.
4. The policies constituting the HOP must not conflict with any state or federal law; state or federal regulation; or rule or regulation found in the *Rules and Regulations* of the Board of Regents of The University of Texas System (*Regents' Rules and Regulations*). Any rule or procedure within a HOP policy that conflicts with any state or federal law; state or federal regulation; or rule or regulation in the *Regents' Rules and Regulations* is null and void and has no effect.

5. Policies, rules, and guidelines adopted by individual UTRGV units are not subject to the approval process described in this policy. However, all such policies, rules, or guidelines adopted by an individual UTRGV unit must be consistent with the UTRGV HOP and the Regents' *Rules and Regulations*, and any unit-level policy found in conflict with the UTRGV HOP or Regents' *Rules and Regulations* is null and void.

D. Procedures

1. *Phase One: Preparing a Policy for Submission to the HOP Committee*
 - a. A Policy Owner proposing a new policy or amendments to a current policy will draft and submit a Policy Impact Statement to the HOP Committee for consideration prior to developing a full policy draft. The HOP Committee will determine whether the Policy Owner should proceed with drafting a new HOP policy or amending a current policy.
 - b. At an early point in the drafting stage, the Policy Owner will notify the Policy Coordinator of their intention to submit a new or amended policy. The Policy Coordinator or the Office of Legal Affairs may provide drafting and research assistance.
 - c. The Policy Owner will draft policy language for approved new policies or amendments to existing policies based on the HOP Style Guide and on the completed Policy Impact Statement.
 - d. The leadership of each division represented by a Responsible Executive will create a division-specific internal policy review process. The Policy Owner will route the documents according to their approved division process prior to submission to the HOP Committee.
 - e. The Policy Owner will submit the draft policy and Policy Impact Statement to the division's HOP Committee representative, who will then submit the new or amended policy to the Policy Coordinator.
2. *Phase Two: Submission to the HOP Committee and Stakeholder Review*
 - a. The Policy Coordinator will review the proposed policy and Policy Impact Statement, identifying policy changes that may be non-significant changes. The Policy Coordinator and Policy Owner, in consultation with the Chief Legal Officer, will determine whether the proposed change constitutes a significant change.
 - i. *Non-significant changes.* Proposed changes to a HOP policy that are not significant changes do not require further HOP Committee review. The President may delegate his authority to approve non-significant changes in policies to the Policy Coordinator. The Policy Coordinator and Chief Legal Officer may approve and publish these changes.

- ii. *Significant changes.* Significant changes must follow the remaining steps in the policy review process, starting with step D(2)(b).
- b. The Policy Coordinator will post the proposed policy on the UTRGV HOP Committee internal website and will share the proposed policy with the HOP Committee members.
- c. The HOP Committee members will widely disseminate the proposed policy and the Policy Impact Statement to stakeholders in the divisions they represent for review, including in the faculty, staff, and student governance bodies. HOP Committee members and stakeholders will provide advisory input via UTRGV's HOP Committee internal website according to the posted guidelines.
- d. The Policy Coordinator will determine whether a proposed policy is considered an educational policy. The process and timeline for stakeholder review differ depending on whether policies are considered educational policies:
 - i. *Educational policies.* For educational policies, the stakeholder review process must incorporate review by the faculty advisory body. The window for stakeholder review must last 60 calendar days or less.
 - ii. *Non-educational policies.* For non-educational policies, the window for stakeholder review must last 30 calendar days.
- e. The Policy Owner will review advisory input generated from the stakeholder review process and will address recommended changes to the proposed policy. The Policy Owner should make these changes through the HOP Committee internal website, in accordance with the posted guidelines. Should a conflict arise over suggested changes, the HOP Committee will convene a meeting to discuss and resolve any conflicts.
- f. The HOP Committee will decide whether to approve the proposed HOP policy or amendment(s). Once approved by the HOP Committee, the Policy Coordinator will send the proposed or amended policy to the Chief Legal Officer for review.

3. Phase Three: Legal Review

- a. The Chief Legal Officer will have 30 calendar days from receiving the proposed policy from the Policy Coordinator to review and provide input through the HOP Committee internal website, in accordance with the posted guidelines.
- b. The Chief Legal Officer has the discretion to refer any proposed HOP Policy or amendments to the Vice Chancellor and General Counsel of the UT System (or designee) for review and approval. Policies that go to the UT System for legal review are exempted from the 30-day timeline under Section D(3)(a).

- c. Recommendations and comments from UTRGV or UT System attorneys, including the Chief Legal Officer, constitute legal advice provided to university administration. As such these recommendations and comments must be treated as privileged and confidential attorney-client communications.
- d. Upon the expiration of the 30-day legal review period, the Policy Owner will review the legal advisory input and incorporate proposed changes. The Policy Owner should make these changes through the HOP Committee internal website, in accordance with the posted guidelines.
- e. The Chief Legal Officer may determine that the proposed policy has undergone a fundamental alteration in its nature or scope over the course of the legal review period. If that determination is made, the Chief Legal Officer has discretion to resubmit the policy to the HOP Committee for a second and final round of review to last no more than 30 calendar days. The Policy Owner will review and address any additional input and resubmit the policy to the Chief Legal Officer.
- f. Once the Policy Owner and the Chief Legal Officer are in agreement with the final version of the HOP policy, the Chief Legal Officer or designee will submit the policy to the President for final approval, including the Policy Impact Statement and any additional background and rationale for the proposed policy.

4. *Phase Four: Final Approval and Publication*

- a. The President will review the new or amended policy, the Policy Impact Statement, and any accompanying explanatory materials, and decide whether to approve the policy.
- b. Upon the President's final approval, the Policy Coordinator will place the new or amended policy in the HOP and post the amended policy online.
- c. The Policy Coordinator will be responsible for the notification of the UTRGV community regarding new or amended HOP policies.
- d. All HOP policies will be subject to periodic review, which will be conducted pursuant to a schedule established by the Policy Coordinator with the input of the HOP Committee members.

E. Definitions

1. ***Educational Policy*** – Policies in the HOP that pertain to the areas of faculty responsibility as set forth in Rule 40101 of the Regents' *Rules and Regulations*. Under Rule 40101, faculty are expected to have a major role in governance of the institution in the areas of general academic policies and welfare; student life and activities; requirements of admission and graduation; honors and scholastic performance; and approval of degree candidates.

2. *HOP Committee* – The standing committee appointed by the UTRGV President to review and make recommendations regarding the HOP to the President. The HOP Committee membership may include the President or designee(s), the Executive Vice Presidents or their respective designees, the Vice Presidents or their respective designees, the Faculty Senate President, the Staff Senate President, the Student Government Association President, the Policy Coordinator, and other individuals as appointed by the President.
3. *Policy Coordinator* – Person appointed by UTRGV's President to ensure institutional compliance with this policy, or that person's designee(s).
4. *Policy Impact Statement* – An initiating document proposing a new policy or revision to existing policy. It provides relevant background information addressing the rationale, scope, and potential impact issues (e.g., resource, operational, financial, training, etc.).
5. *Policy Owner* – Person with primary authorship over a proposed policy, who steers a proposed policy through the policy development process. Primary authorship may include responsibility for initially conceiving of the policy change, producing an initial draft of the proposed policy, and incorporating all subsequent edits arising through the HOP amendment process reviews. The Policy Owner may also be the Responsible Executive or the division's representative on the HOP Committee.
6. *Responsible Executive* – The institutional official or designee who leads the programmatic, functional, or administrative area addressed by the policy and procedure.
7. *Significant change* – A change that results in a change to the rule's meaning, including changes to essential principle(s), scope, or application of the HOP policy or its procedures. Minor editorial changes such as fixing paragraph and outline numbering, correcting misspellings, or updating reference citations, are not significant changes.
8. *Stakeholder* – Department, office, or faculty, staff, or student advisory body with a key interest in changes to a policy.

F. Related Statutes or Regulations, Rules, Policies, or Standards

University of Texas Board of Regents' *Rules and Regulations*, Rule [10100](#), Rule on Rule and Regulations

University of Texas Board of Regents' *Rules and Regulations*, Rule [20201](#), Presidents

University of Texas Board of Regents' *Rules and Regulations*, Rule [40101](#), Faculty Role in Educational Policy Formulation

[UTRGV Handbook of Operating Procedures](#)

[UTRGV HOP Guidelines: HOP Style Guide](#)

[UTRGV HOP Guidelines: Adding Comments to a HOP Policy](#)

[UTRGV HOP Guidelines: Editing a HOP Policy Under Review](#)

[UTRGV HOP Guidelines: Receiving Update Notifications for a HOP Policy](#)

G. Dates Reviewed or Amended

Amended March 24, 2017.

Amended December 8, 2020.