

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS

Statement on Policies

Policy #001

Source of Authority: N.C.G.S. Chapter 116;

UNC Code

Revision Authority: Board of Trustees

History: **First Issued:** February 17, 2011

Related Policies: N.C.G.S. Chapter 116;

UNC Code;

UNC Policy Manual;

UNC Code § 403;

UNC Code Appendix I

Responsible Offices: Chancellor

Effective Date: February 17, 2011

I. Purpose

In order to promote administrative efficiency and streamline the process of implementing important policy and procedural changes, this policy seeks to establish and delineate which University of North Carolina School of the Arts' policies must be presented to the UNCSCA Board of Trustees for approval. This policy is also intended to focus attention on the distinction between policy and procedure for purposes of UNCSCA operations.

II. Scope

This policy applies to all policies, regulations, and procedures enacted by the Board of Trustees, the Chancellor, or any department or division at UNCSCA.

III. Definitions

- A. **“Internal Policies”** means those which apply exclusively within the operations of a particular unit, department, or school and which do not have an impact or effect on any other unit, department, or school.
- B. **“Official UNCSCA Policy Manual”** means the physical hard-copy compilation of updated and approved UNCSCA policies maintained by the Secretary of the University.
- C. **“Procedures”** means descriptive, operational processes or methods identified to implement policies, often including information such as sequential tasks, personnel assignments, required resources, etc.

IV. Policy

A. Effect of Revisions

- 1. No policy is effective until approved by the entity having authority to approve revisions to the policy.

2. Should a conflict arise between any Board of Trustees or Chancellor approved policy and other UNCSEA departmental policies, the policy approved by the Board of Trustees or Chancellor shall govern. The same principle shall govern concerning procedures related to policies.
3. Subject to paragraph 2 above, upon authorized approval of a policy, or revisions thereto, all prior versions of that policy are rescinded and ineffective.
4. A policy that is approved by the Board of Trustees (but that could have been approved under the Chancellor's delegated authority) has the same effect as if approved by the Chancellor, unless Board of Trustees' approval is specifically prohibited by the *Code*, Board of Governors' policy, or the law.
5. The Board of Trustees may delegate authority to the Chancellor to approve substantive changes if permitted by the *Code*, Board of Governors' policy and/or North Carolina law. For purposes of this section, a substantive change is a change in language that alters UNCSEA policy. Changes to procedures and grammatical and formatting changes do not require additional approval from the Board of Trustees.
6. Substantive changes to any policy occur in manner outlined in the procedure attached to this policy.

B. Specific Delegations of Policy Making Authority to the Board of Trustees

1. The State of North Carolina and the Board of Governors have specifically delegated certain policy-making authority to the Board of Trustees.
2. All policies that fall under a specific delegation to the Board of Trustees must be submitted to the Board of Trustees for approval. These include the powers and functions enumerated in Appendix I and §403 of the *Code* and N.C.G.S. 116, as each may be amended from time to time, and any powers otherwise delegated to the Board of Trustees by the Board of Governors or the State of North Carolina.

C. Policy Authority Not Specifically Delegated to the Board of Trustees Delegated to the Chancellor

1. In accordance with the *Code*, the Chancellor is responsible for promoting the educational excellence, 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 undertaken on behalf of the institution.
2. In order to fulfill these responsibilities, the Board of Trustees delegates to the Chancellor the authority to approve policies in any area not specifically delegated to the Board of Trustees unless such delegation is prohibited or superseded by federal or State law or Board of Governors policy.
3. Policies approved under the authority of the Chancellor may be implemented without approval from the Board of Trustees.
4. The Chancellor shall provide annually to the Board of Trustees a summary of each such policy approved.

5. Operating units, departments, and schools may develop internal policies applicable exclusively within the particular unit, department, or school. In addition, they may also develop internal procedures for implementing the policies.
6. Internal policies (and their attendant procedures) may not conflict with or supersede applicable federal and state laws, policies of the Board of Governors, the *Code*, or UNCOSA policies and procedures established by the Board of Trustees and/or the Chancellor.
7. Internal policies and subsequent modifications are subject to approval by the Chancellor; the department, unit, or school head may approve internal procedures and all subsequent modifications.

D. Treatment of Procedures

1. Authority of the Chancellor to Approve Procedures

- a. Under N.C.G.S. 116-34(a) and *UNC Code* §502 B, the Chancellor is named administrative and executive head of UNCOSA and is therein granted the authority to establish university procedures.
- b. Unless otherwise reserved to or expressly delegated to the Board of Trustees, the Chancellor shall have the authority to approve procedures relevant to policies passed by the Board of Trustees or permitted by the *Code*, Board of Governors or Board of Trustees policy, or State or federal law.

2. Procedure Development

- a. Generally, the Chancellor or his designee shall identify appropriate personnel to develop necessary procedures to implement all policies.
- b. The appropriate personnel will identify and involve staff with relevant experience, expertise, and knowledge to assist in procedure development.
- c. The Chief Operating Officer and Chief Academic Officer shall be responsible for ensuring that procedures are evaluated at least every three years.

V. Revision History

- A. February 17, 2011 – Adopted by Board of Trustees as part of UNCOSA Policy Manual

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS**Statement on Policies****Procedure #001****I. Procedure for Revisions to All Policies EXCEPT Internal Policies**

- A. Any department head may present a proposed revision to a **campus-wide or multiple department policy** to the General Counsel and COO or CAO (as appropriate).
- B. Once the COO or CAO has determined that the proposed policy revision is appropriate and advisable, the General Counsel will review the proposed revision, suggest modifications if necessary, and discuss any attendant risk management or legal issues with the COO or CAO, as appropriate.
- C. The COO or CAO determines whether to present the proposed policy revision to the Chancellor via the Executive Committee. Any revision the COO or CAO submits must show the existing and proposed language and be available in electronic final format.
- D. Approval
 - 1. If the revision is to a policy over which the Chancellor has authority, the Chancellor shall make the final decision regarding the policy revision and shall ensure that the revised policy is transmitted in final electronic form to the Secretary of the University.
 - 2. If the revision is to a policy over which the Board of Trustees has authority, the Chancellor shall direct the policy to the Secretary for the University for presentation to the Board of Trustees and shall provide a recommendation to the Board concerning adoption or rejection of the proposal. The Board of Trustees shall make the final decision regarding the policy revision.
- E. The Secretary of the University will remove the former policy from the Official UNCOSA Policy Manual, replacing it with the revised policy. He/She will post the revised policy electronically in the online version of the Official UNCOSA Policy Manual and will notify students, faculty and staff of the revision. (This may be done via the Every Friday Email and/or other available methods.). The Secretary of the University will also forward the revised policy to the University Archivist for archival purposes.

II. Procedures for Revisions to All Procedures Associated with Campus-Wide or Multiple Department Policies. Revisions to procedures associated with a campus-wide or multiple department policy will be effectuated in the same manner as are changes to campus-wide or multiple department policies over which the Chancellor has authority.

III. Promulgating New Policies. Proposals for new campus-wide or multiple department policies will follow the same procedures outlined above for revisions to campus-wide or multiple department policies. The Secretary of the University will determine the appropriate policy number for the new policy.

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS**Statement on Policies****Appendix #001****I. Overview**

- A. This appendix is intended to provide some guidance concerning areas of authority, responsibility, and delegation in the policy-making context.
- B. The following listing is an accurate reflection of the terms of the *UNC Code* of the Board of Governors, the *UNC Policy Manual*, and applicable state law as of September, 2010.
- C. In recognition of the fact that the *Code*, the *UNC Policy Manual*, and statutes are revised from time to time, any subsequent revisions of those sources of authority which supersede this Appendix are to be given full force and effect.
- D. The Board of Governors has reserved certain policy making powers to itself, and certain policy making powers have been delegated to the Boards of Trustees of constituent institutions. In other areas, authority over policy rests with the constituent institutions themselves.
- E. UNCOSA's Board of Trustees interprets the Board of Governors' delegation to the constituent institution to mean delegation to the Chancellor (or his designee) of this institution unless otherwise expressly provided.

II. Policy-Making Authority. Where the Board of Governors has specifically delegated policy making authority to the Board of Trustees, the *Code* and *UNC Policy Manual* specifically refer to the Board of Trustees. (Ex: "The board of trustees of a constituent institution shall...") Policies established in the following areas require Board of Trustee approval. Please note: this list is not all inclusive and is subject to change:

A. Budget Administration**B. Endowments and Trust Funds**

- 1. Preservation, maintenance, and management of all properties, funds, valuables,

C. Facilities Management

- 1. Campus electric power plants
- 2. Campus water and sewer systems
- 3. Other campus utilities and facilities
- 4. Campus child development centers

D. Personnel

- 1. Non-Salary and Deferred Compensation
- 2. Administrative Separation and Retreat to Faculty Position

E. Education Planning and Policies

1. Student Services – type, level and extent (e.g. health care and counseling)
2. Illegal drug policy

F. Intellectual Property

1. Patent Policy and procedures concerning University ownership
2. Copyright Policies and procedures concerning University ownership

G. Honorary degrees, awards and distinctions**H. Approval of Ordinances controlling parking and traffic****I. Information Technology**

1. Planning, acquisition, implementation, and delivery
2. Security and encryption (e.g. Identity theft and red flagging)
3. Hardware and software standards
4. Consulting and contract services
5. Disaster recovery standards
6. Other standards that may be necessary

III. Regulatory Authority. The Board of Trustees may make regulations governing certain areas of UNCOSA administration and operation. The *Code* and *UNC Policy Manual* generally indicate powers falling within this area by using the following language: “A constituent institution shall [do “X”] subject to regulations established by the board of trustees.” Examples include:

A. Personnel

1. Discharge and suspension of faculty and administrative personnel

B. Education Planning and Policies

1. Scholarships limited in their application to or supported from sources generated by UNCOSA
2. Recognizing students receiving full scholarships as NC residents

C. Campus Law Enforcement

1. Creation and employment
2. Extending jurisdiction – city, county, and fellow institutions

Where the Board of Trustees has discretionary authority to pass regulations but elects not to, the area remains in the province of UNCOSA administration under the authority of the Chancellor.

IV. Specific Decision-Making Authority. Additionally, the Board of Governors has delegated decision-making authority in specific situations to the Board of Trustees of constituent institutions. Those areas include:

A. Real property

1. Acquisition and disposition
2. Construction, improvement, and renovation
3. Selection of architects and Engineers
4. Approval of building Sites
5. Approval of plans and specifications
6. Final acceptance

B. Personnel

1. Appointment, promotion, and compensation for certain senior administrative and EPA positions (unless otherwise delegated by Board of Trustees policy)
2. Severance agreements with pay in excess of 90 days

C. Collecting and Recommending Changes in Tuition, Fees & Deposits

1. Tuition collection and tuition fee recommendations
2. Payment of advance deposits
3. Nonrefundable application fees
4. Weighing the benefits of an activity against the fee needed to support it
5. Acceptance of obligations in lieu of cash

D. Education Planning & Policies

1. Student Services – type, level and extent (e.g. health care and counseling)

E. Honorary degrees, awards and distinctions

V. Chancellor's Authority

A. Where No Delegation to Board of Trustees. Powers of administration and enforcement not delegated to the Board of Trustees and not inconsistent with the *Code*, Board of Governors or Board of Trustees Policy, or state or federal law may be exercised by the Chancellor.

B. Specifically Delegated Powers. Powers specifically delegated to the Chancellor are not subject to approval by the Board of Trustees unless otherwise required by the Board of Governors or state or federal law. For example, the Chancellor has been delegated the authority to implement the UNC Occupational Safety and Health Plan. Policies (if any) and procedures related to the UNC Occupational Safety and Health Plan would not be subject to Board of Trustee approval.