

Policy Development, Amendment and Rescindment Policy

Sponsor: New Mexico Tech Office of the President

Original Policy Adopted by the Board of Regents January 2004
Amendment of Policy Approved by President and Board of Regents
February 14, 2014
Revised Policy Approved by President and Board of Regents
May 11, 2018
Amendment of Policy Approved by President and Board of Regents
December 12, 2018
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Policy Purpose: The purpose of this policy is to establish guidelines for developing, amending and rescinding New Mexico Tech policies and the procedures for distinguishing between and implementing these policies.

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POLICY STATEMENTS AND DEFINITIONS

Policy Statement

The development, amendment or rescindment of New Mexico Tech policies will follow the steps detailed herein.

Purpose of Policies and Definitions

The *American Heritage Dictionary* defines policy as "a plan or course of action, as of a government, political party, or business, intended to influence and determine decisions, actions, and other matters." New Mexico Tech Policies help to ensure coordinated compliance with applicable laws and regulations, to promote operational efficiencies, to enhance the Institute mission, or to reduce institutional risk. In addition, New Mexico Tech Policies help to ensure integrity and other fundamental institutional values that define the vision of New Mexico Tech, such as academic freedom, freedom of expression, shared governance, maintaining collegiality and citizenship, and upholding accountability for professionalism and diplomacy among administration, faculty, staff, students, other constituents and maintaining accountability to our accrediting and regulating organizations. *Policies should ideally endure, with periodic adjustments, across time and administrations.* All New Mexico Tech policies are found on the Office of the President Policies and Procedures webpage.

New Mexico Tech procedures are the methods for implementing New Mexico Tech policies. Procedures are *not* considered university policy and do not require development and approval following the steps outlined herein. Examples of procedures include: the steps a student must take to receive financial aid, the method an academic department uses to allocate teaching assistantships or office space, and the score a department or office sets for passing an internal exam. Furthermore, items in the New Mexico Tech Course Catalog that only impact a single academic department (e.g., course descriptions, prerequisites, and required courses), and do not have the potential to negatively impact the Institute, are considered procedures for the purposes of this document. Any Course Catalog changes that have the potential to negatively impact the Institute must be considered policy for the purposes of this document. (Note that significant changes to the Course Catalog, whether in procedure or policy, always require approval by the Faculty Senate.)

Development, amendment and rescindment of the rules and policies of the New Mexico Tech Faculty Senate and Board of Regents follow their own internal processes and are not subject to this Policy Development, Amendment and Rescindment Policy.

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POLICY TYPES AND APPROVALS

The steps required for approval of policy vary depending on whether the policy is academic (i.e., affecting principally the academic mission) or Institute-wide in nature. Following principles of shared governance, faculty play a major role in development and approval of academic policies. Another consideration is whether the terminal (final) approval is by the President or the Board of

Regents.

Institute-Wide Policy

Institute-wide policies are those that affect the broader campus community. For example, those needed to operate New Mexico Tech in compliance with state and federal legislation, such as campus health and safety standards, best practices in research, records retention, financial operations, and rules governing non-academic student behavior on campus.

Academic Policy

Academic policies are those that are focused on the academic mission of the Institute. Examples include policies governing academic freedom, tenure and promotion, academic honesty, faculty governance, and faculty qualifications.

Policies Requiring Board of Regents Approval

Some policies require approval by the Board of Regents in addition to the approval of the President. The President and the Chair of the Board of Regents determine whether or not a policy requires Board of Regents' approval. The Board will typically consider policies that govern the financial health and overall quality of the Institute. Examples of policies that typically require Board approval include:

- (1) Policies that can have a significant impact on the financial health of the Institute (i.e., >\$250,000 liability). For example, those governing tuition and financial practices.
- (2) Policies that govern the quality of faculty and staff. For example, tenure and promotion, sabbatical leave, staff qualifications.
- (3) Any policy that has the potential to expose the New Mexico Tech to significant legal risk. For example, policies governing affirmative action and sexual harassment.
- (4) Policies that reflect substantial revisions to, or repeal of, policies previously approved by the Board.
- (5) Policies that have considerable impact on the governance of New Mexico Tech. For example, the Policy Development, Amendment and Rescindment Policy, policies governing academic freedom and the role of faculty in governance.

Interim Policies

Interim policies are needed when a policy must be in place and there is not time to follow the procedures outlined in this document. For example, an interim policy might be needed to keep New Mexico Tech in compliance with federal or state laws, or the expectations of an accreditation agency. An interim policy only requires approval by the President. An interim policy must note in its title that it is an interim policy. Such policies are by their nature short-term, and should be replaced by regularly developed and approved policy within one year of their adoption.

Conflicts

If a policy or portion of policy conflicts with other Institute policy or with state or federal legislation, the higher ranking policy takes precedence, with the order of ranking, from lowest to highest: academic policy, Institute-wide policy, any policy approved by the Board of Regents, state legislation, federal legislation. If no policy exists regarding a particular issue, the Institute must defer to state or federal law.

WORKFLOW FOR DEVELOPMENT AND APPROVAL OF POLICIES

The recommended workflow for development and approval of policies varies depending on whether the policy is academic or Institute-wide (Figs. 1 and 2), a reflection of the central role faculty play in development of academic policy. It is not necessary to follow all of the steps exactly as described in these workflows. For example it is probably not necessary to follow all of the steps for a minor adjustment to a previously vetted policy. However, there are key elements of the process that must be followed in all cases. These are noted as *required* below and in Figures 1 and 2. The recommended and required steps for development and approval are described below by policy type.

Institute-Wide

1. Concept Agreement

Organizers determine constituents impacted by the policy being developed. The proposed policy or policy amendment should be aired before subject matter experts, potential users of the proposed policy or revised policy, and representatives of groups affected by the policy. One example of the process is the revised work Visa policy for non-U.S. citizens that was vetted before constituent groups affected by its ramifications before receiving Presidential approval (in 2002). Later, the President briefed the Board of Regents on the procedural change. As part of this effort it is good practice to search for similar policies at other universities and to identify state and federal laws relevant to the proposed policy.

2. Approval by Appropriate VP/Director (Required)

Organizers discuss the proposed policy with the relevant Vice President or Director (i.e., a person who reports directly to the President) and receive approval to proceed.

3. Notification of the President and Cabinet

The Vice President/Director apprises the President and the President's Cabinet of the policy-in-work or the revision of an established policy. If the President deems that the proposed policy or policy revision requires additional review and input, the President shall appoint a committee comprised of university constituents affected by the policy or its changes. Members may include, but not be limited to, representatives from the President's Cabinet, the New Mexico Tech Student Association, Faculty Senate, Council of Chairs, and New Mexico Tech staff.

4. Draft the Policy (Required)

Proposed policies need not have an identical format; however, a suggested New Mexico Tech Policy and Procedures Style Guide and Template is available for download at the New Mexico Tech Policies and Procedures webpage. In drafting the policy route drafts to affected parties, to the President and the President's Cabinet, and to the President's Policy and Procedures Committee, if one was appointed. Those consulted can return the draft of the policy to the originating party with recommendations for modification, or can meet with policy supporters for clarification.

5. Review by Appropriate VP/Director

The Vice President/Director of the organizer's division or, if applicable, the President's Policies and Procedures Committee, may forward the draft policy to others for review.

The VP/Director may consult with the President prior to determining whether legal review is required before forwarding the proposed policy to the President for final approval. Legal review is mandatory for policies involving personnel matters.

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6. Review by Campus Community (Required)

The draft of the policy, after being reviewed and, if needed, further revised as needed, is posted for 15 calendar days on the website for review and comment by the campus community. Faculty, staff and students will be notified via email of the posting, and their comments solicited. After the 15 day posting period is complete, the policy originators should consider the campus community comments and make any pertinent and reasonable revisions for a final draft.

7. Final Approval by Appropriate VP/Director (Required)

Policy originators provide final draft to the Vice President or Director for final review and signature. The VP/Director may first send the policy for legal review in some circumstances.

8. Final Approval by President/Board (Required)

The President reviews the final draft, and, if satisfied with the draft, approves the policy in writing. The President also has the option of remanding the proposed policy to the originating party with recommendations for revision or of rejecting it outright, in determining what is best for New Mexico Tech and its constituents. Prior to any final approval process, the President will confer with the Chair of the Board of Regents to determine whether or not the proposed policy requires Board approval. If as a result of this consultation it is determined to require Board approval, then the proposed policy will be shared with the Board for discussion, consideration and action at a subsequent Board of Regents meeting. In the event that there is a difference of opinion on whether Board approval is required, the policy will be shared with the Board for possible action.

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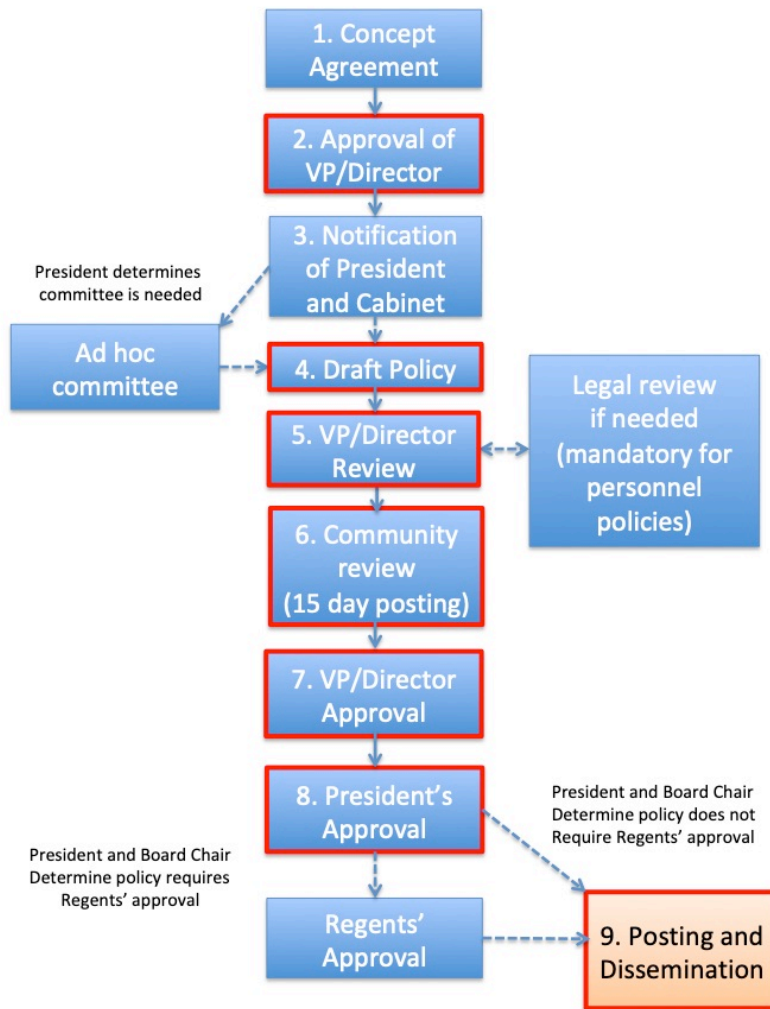


Figure 1. Summary of recommended and required steps for development/amendment and approval of New Mexico Tech Institute-wide policies. Required approvals/steps are outlined in red, optional pathways = dashed lines.

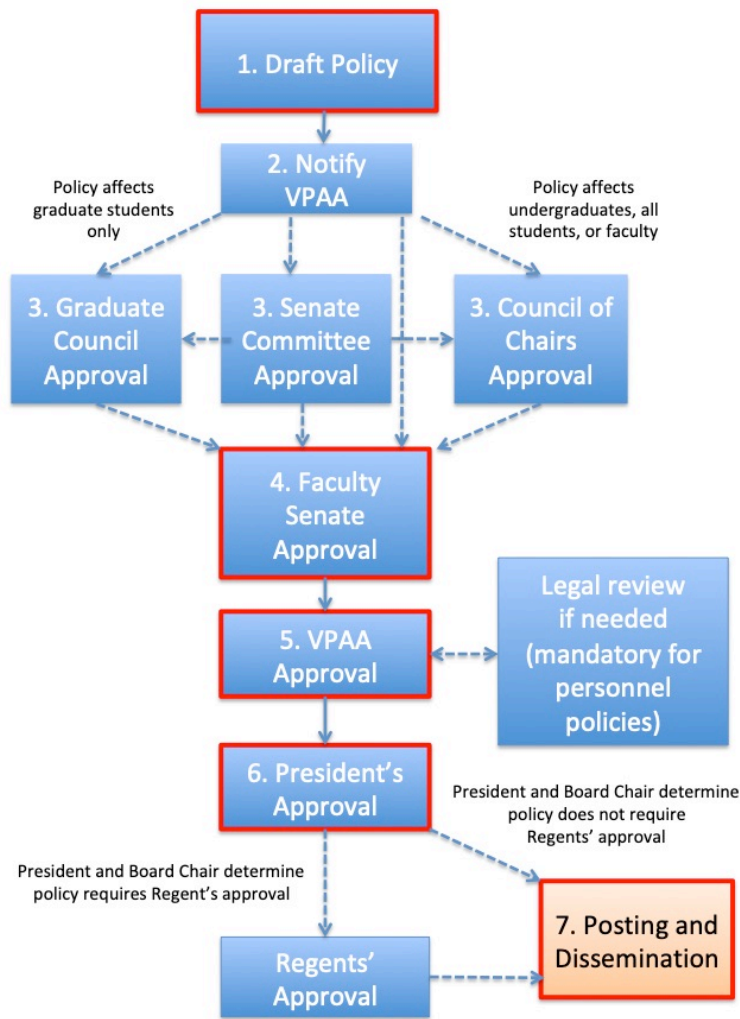
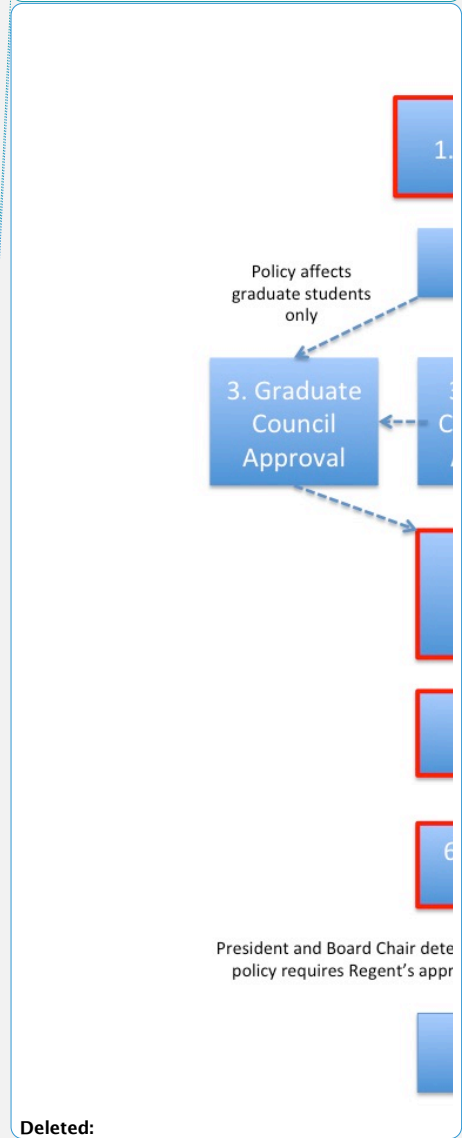


Figure 2. Summary of recommended and required steps for development and approval of New Mexico Tech academic policies. Required approvals/steps are outlined in red, optional pathways = dashed lines.

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9. Posting and Dissemination of the Policy (Required)

Once approved by the President and in some cases the Board of Regents, the Office of the President adds it to the Policies and Procedures webpage with a link to the document under the appropriate office. The information pertaining to the new policy is also disseminated throughout the campus community as determined by the Office of the President.

Academic Policy

1. Draft Policy (Required)

Draft academic policy is typically developed by Faculty Senate committees or by Academic Affairs administrators. Organizers determine constituents impacted by the policy being developed. The proposed policy or policy amendment should be aired before subject matter experts, potential users of the proposed policy or revised policy, and representatives of groups affected by the policy. Proposed policies need not have an identical format; however, a suggested Policy and Procedures Style Guide and Template is available for download at the New Mexico Tech Policies and Procedures webpage.

2. Notification of Vice President for Academic Affairs

Organizers discuss the proposed policy with the Vice President for Academic Affairs. This is highly recommended because the final policy will require VPAA approval, and the VPAA may know of related policy initiatives or wider impacts of the proposed policy that the organizers are not aware of. The VPAA may also have suggestions for routing the proposed policy prior to Senate vote.

3. Approval by Graduate Council, Council of Chairs, or a Senate Committee

Draft policy must be approved following the standing rules of the Faculty Senate, which are subject to change. Prior to Senate approval draft policy is often approved by one or more of the following entities prior to Senate vote: (1) the Council of Chairs (for undergraduate student policies, policies that affect all students, and policies that affect faculty); (2) the Graduate Council (for graduate student policies); or (3) a Senate committee. Policies that are routed through a Senate committee are in some cases also routed through the Council of Chairs or Graduate Council for approval prior to Senate vote.

4. Approval by Faculty Senate (Required)

Discussion and approval of the draft policy is placed on the agenda for a meeting of the Faculty Senate. As part of normal Senate procedure the draft policy will typically be available for review in the week prior to the meeting. However, it is highly desirable that all proposed academic policies be made available for review sufficiently in advance of the next Senate meeting that they can at least be discussed in the Council of Chairs (or Graduate Council) before the Senate meeting.

5. Approval by VP for Academic Affairs (Required)

Policy originators provide the final draft to the VP for Academic Affairs for review and signature. The VP may wish to send the policy for legal review or seek input from the Council of Chairs or Council of Deans in some circumstances. [\(Note: Legal review is mandatory for policies involving personnel matters; for other policies the VPAA may wish to consult with the President on the question of legal review\).](#) The VPAA should act on policies approved by the Senate in a timely manner (i.e., normally within two months of the Senate vote). If the VPAA does not act upon the policy in a timely manner the policy originators may take the proposed policy to the President for approval. In addition, in the event that the VPAA does not approve a policy, the policy originators may appeal the VPAA's decision directly to the President.

6. Approval by President/Board (Required)

The President reviews the final draft, and, if satisfied with the draft, approves the policy in writing. The President also has the option of remanding the proposed policy to the originating party with recommendations for revision or of rejecting it outright. Prior to any final approval process, the President will confer with the Chair of the Board of Regents to determine whether or not the proposed policy requires Board approval. If as a result of this consultation it is determined to require Board approval, then the proposed policy will be shared with the Board for discussion, consideration and action at a subsequent Board of Regents meeting. In the event that there is a difference of opinion on whether Board approval is required, the policy will be shared with the Board for possible action.

7. Posting and Dissemination (Required)

Once approved by the President and in some cases the Board of Regents, the Office of the President adds it to the Policies and Procedures webpage with a link to the document under the appropriate office. The information pertaining to the new policy is also disseminated throughout the campus community as determined by the Office of the President.

REVIEW, UPDATING AND AMENDMENT OF POLICY

Policies should be reviewed regularly and updated or amended as needed following the normal steps for approval of new policy detailed in the Policy Development, Amendment and Rescindment Policy.

RESCINDING AN ESTABLISHED POLICY

The President has the right to rescind an established policy for which he/she had terminal approval where it is in the best interest of the university to do so. The Regents have the right to rescind an established policy for which it had terminal approval.