

Policy Development, Amendment and Rescindment Policy

Policy and Procedure

Sponsor: New Mexico Tech Office of the President

Last modified March 20, 2014

Original Policy Adopted by the Board of Regents January 2004

Amendment of Policy Approved by NMIMT President February 14, 2014

Policy as Amended Adopted by the Board of Regents February 14, 2014

Policy Purpose: The purpose of this policy is to establish guidelines for developing, amending and rescinding New Mexico Tech Administrative Policies and Regents Policies and the procedures for distinguishing between and implementing these policies.

This document is continually being updated; we would appreciate any information and/or insight that would help us develop stronger policies for NMIMT's education, research and business community.

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I. Policy Statement and Definitions

A. Policy Statement

The development, amendment or rescindment of New Mexico Tech policies will follow the procedure established by the Policy Development, Amendment and Rescindment Policy.

B. Purpose of Policies and Definitions

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.

Additionally, 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.

New Mexico Tech Procedures are the methods for implementing our New Mexico Tech Policies.

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.”

The purpose of this policy statement is three-fold:

- To define “policy” as it pertains to processes and procedures formally approved by the New Mexico Tech Board of Regents;
- To distinguish “Regent Policy” from “Administrative (University) Policy” and to distinguish “policy” from “procedure”;
- To articulate the process through which policies are developed, amended, adopted and rescinded.

Departmental or office procedures do not meet Regent Policy or Administrative Policy criteria and therefore are *not* considered university policy. Departmental or office procedures are posted on the appropriate department or office webpage.

All Regent Policies and Administrative Policies are found on the Office of the President Policies and Procedures webpage as links to pdf documents. Please refer to the following section to distinguish between Regent Policy and Administrative Policy.

II. Policy Types

A. Board of Regents Policies

Board of Regents policies are administrative policies that have been approved by the Board of Regents.

The President of the institution and/or the Board of Regents determines whether or not an administrative policy requires Board of Regents' approval.

Board of Regents policies have institution-wide application and are intended to be enduring, rather than a response to a particular issue. Board of Regents policies help ensure compliance with applicable laws and regulations, enhance the university's mission, promote operational efficiencies, and reduce institutional risk.

Examples of Regents policies include, but are not limited to: Appointment, Promotion and Tenure; Sabbatical Leave; Travel Funding; and Tuition and Fees.

Policies to be considered by the Board of Regents as *Regents Policies* will be identified as such on the policy document. If and when such a policy is approved, it will be adopted as a formal Regents Policy under normal board procedure. Substantial amendments to, or rescindment of, Regents Policies also require Board approval.

Not all actions taken by the Board of Regents are policy actions, but they still may be of critical importance to New Mexico Tech. Examples include approval of a university budget, selection of a president, and approval of a particular doctorate program.

B. Administrative Policies

Administrative policies, also called University policies, are needed to operate New Mexico Tech in compliance with state and federal legislation, such as campus health and safety standards, records retention, financial operations, and rules governing student behavior on campus, and academic procedures or standards.

The scope of university policies is extensive, ranging from rules governing the university as a whole, to individual departments or offices, including those off-campus.

C. The Role of Faculty Senate and Academic Policy

As stated in the Faculty Senate Standing Rules, "The Faculty Senate of the New Mexico Institute of Mining and Technology exists to set policy relating to academic matters, including admissions, academic standards, curricula and graduation requirements for both the undergraduate and graduate programs, and to recommend the conferral of earned degrees to the President."

The Faculty Senate approves academic policies or curricular changes that have institutional impact after they have been vetted through and voted on by the Council of Chairs for undergraduate student academic policies and vetted through and voted on by the Graduate Council for graduate student academic policies. Academic policies that are institutional – apply to all students – are vetted through and voted on by the Council of Chairs.

Before voting on an academic policy or curricular change that has institutional impact, the Council of Chairs and the Graduate Council must follow the procedures within this Policy Development, Amendment and Rescindment Policy and Procedure.

After the approval by the Faculty Senate, the academic policies must be approved by the NMIMT President, after which they become Administrative Policies and are recorded in the New Mexico Tech Course Catalog. If the President and/or the Board of Regents deem that the policy requires Board of Regents approval, this approval and adoption by the Board of Regents must occur before the policy is recorded in the New Mexico Tech Course Catalog.

III. Administrative Procedures

An administrative procedure is a series of interrelated steps that implement a policy. Instructions and forms facilitate completing some procedures.

For example, the steps a student must take to receive financial aid, or to register for classes online, or to drop or add a class, are all governed by internal procedures.

Administrative procedures can be amended or revised by the President following changes in personnel or a reorganization of departmental/office duties as the university and its functions develop. Clearly, Board of Regent approval for procedural revisions would not be necessary, although the Board may be notified of any significant changes.

IV. Conflicts

A. Faculty Senate Role and Academic Policies

If a policy or portion of a policy approved by the Faculty Senate is found to be in conflict with Administrative policy, Administrative policy takes precedence. If a policy or portion of a policy approved by the Faculty Senate conflicts with state or federal legislation, or if legislation is passed which conflicts with a policy approved by the Faculty Senate, the policy must be revised to comply with state or federal law.

B. Administrative Policies

If a policy or portion of a policy approved by the Board of Regents is found to be in conflict with Administrative policy, Board of Regents policy takes precedence. If a policy or portion of an Administrative policy is found to be in conflict with state or federal legislation, or if legislation is passed which conflicts with Administrative policy, the policy must be revised to comply with state or federal law.

C. Board of Regents Policies

If a policy or portion of a policy approved by the Board of Regents is found to be in conflict with state or federal legislation, or if legislation is passed which conflicts with a Regents policy, it is the position of the Board of Regents that such policy, or portion of policy, shall no longer be in force. This provision is in affect when New Mexico Tech's legal counsel or other authority notifies the Board chair of the conflict. *If no policy exists regarding a particular issue, the university must defer to state or federal law.*

V. Procedure for Developing or Amending an Administrative Policy

The Office of the President has adopted the following procedure for developing or amending an Administrative or University policy.

1. Concept Agreement

- 1.1 Organizers determine, with the department chair/director/immediate supervisor, all constituent(s) impacted by the policy being developed.

2. Approval from Division Vice President

- 2.1 Organizers must receive approval from the Vice President of their division/s.

3. Appraisal of President and President's Cabinet with President's Determination if a Committee Need Be Appointed

- 3.1. The Vice President apprises the President and the President's Cabinet of the policy-in-work or the revision of an established policy.
- 3.2 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 Administrative 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. Steps for Policy Organizers

- 4.1 Seek input from all affected parties:
 - 4.1.1 The proposed policy or policy amendment should be aired before the person(s) who proposed it, subject matter experts, potential users of the proposed policy or revised policy, and representatives of groups affected by the policy.
 - 4.1.2 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) as an Administrative policy. Later, the President briefed the Board of Regents on the procedural change.

4.2 Conduct research:

4.2.1 Search for similar policies at other universities and for state and federal laws relevant to the proposed policy.

4.3 Draft the policy:

4.3.1 Proposed policies need not have an identical format; however, a suggested NMT Policy and Procedures Style Guide and Template is available for download at the NMT Policies and Procedures webpage.

This policy you are reading follows the template almost exactly.

4.3.2 Whether the template is followed or not, the policy must contain the following:

4.3.2.a. *Policy Statement:*

What is its purpose?

Who does the policy affect?

Who should know the policy.

Does it require any major conditions or restrictions?

4.3.2.b. *Reason for Policy:*

Is the policy for compliance to legislation or regulatory requirements?

Description of conflict or issue the policy will resolve.

Recognition of legitimate interests of all parties.

Overall benefits.

4.3.2.c. *Supplementary/Related Information*

4.3.2.d. *Policy Sponsors: Office and Division Responsible for the Policy*

4.3.2.e. *Effective Date of Policy*

4.3.2.f. *Policy Signature and Approval Document* (available on the Policies and Procedures webpage)

4.4 Route the proposed draft policy for review to ensure its appropriateness and readability, then revise if necessary:

4.4.1 Route to all affected parties, to the President and the President's Cabinet, and to the President's Policy and Procedures Committee, if one was appointed.

4.4.2 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.

4.4.3 Revisions, if needed, are made, then the policy draft is routed to the Vice President of the organizer's division and to the President.

5. Review by Appropriate University Officer

5.1 The Vice President/Head of the organizer's division or, if applicable, the President's Policies and Procedures Committee, will forward the proposed policy to the appropriate university officer for review.

5.2 The officer will determine if legal assistance is required before forwarding the proposed policy to the President for final approval.

6. Review by Campus Community

6.1 The draft of the policy, after being reviewed and, if needed, further revised by the appropriate university officer, is posted for 15 calendar days on the website for review and comment by the campus community.

6.2 After the 15 day posting period is complete, the policy originators consider the campus community comments and made any pertinent and reasonable revisions for a final draft.

7. Final Approval

7.1 Policy originators provide final draft to the Division Vice President or Division Head for final review and signature.

7.2 The President reviews the final draft, and, if satisfied with the draft, approves the policy in writing.

- 7.3 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.
- 7.4 Under the same authority, the President may rescind or set aside an existing Administrative or University policy where it is in the best interest of the university to do so.
- 7.5 The President determines whether or not the proposed policy or policy amendment requires Board of Regents' approval.

8. Posting and Dissemination of the Policy

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

9. Review, Updating and Amendment of the Policy

- 9.1 Policies should be reviewed annually and updated or amended as needed following the Policy Development, Amendment and Rescindment Policy.
- 9.2 The amendment of an established Administrative Policy requires final approval by the President.
- 9.3 The revision of an established Regents Policy requires final approval by the Board of Regents.

10. Rescinding an Established Administrative Policy

- 10.1 The President has the right to rescind an established policy in determining what is best for New Mexico Tech and its constituents.

11. Rescinding an Established Regents Policy

- 11.1 Substantial revisions to, or repeal of, Regents Policies require Board of Regents approval.

12. Effective Date

- 12.1 This policy becomes effective upon approval by the NMIMT Board of Regents.

V. Policy Signature and Approval Document

Legal Review (if applicable):

Signature Title Date

Campus Community Review Dates: 1/22/14 to 2/5/14
15 Calendar Days

Approval by Chair of President's Policies and Procedures Committee (if applicable):

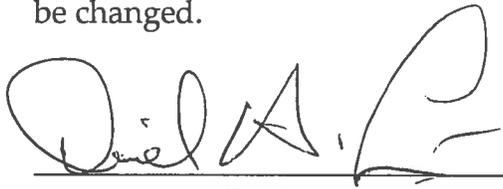
Signature Title Date

Approval by Sponsoring Division Head:

Signature Title Date

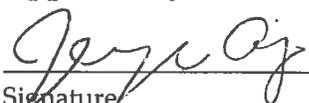
Approval by President:

Approved on this date by Dr. Daniel Lopez, President, New Mexico Institute of Mining and Technology. Minor editorial revisions may be made. Content of this policy cannot be changed.



Signature of the President Date 3-13-14

Approval by Chair of the Board of Regents (if applicable):



Signature Title Date 3/13/14
Sec/Treas