





MEMORANDUM

To: Carmen Scholz
President, Faculty Senate

From: Robert A. Altenkirch 
President

Christine W. Curtis 
Provost and Executive Vice President for Academic Affairs

Subject: Policy on Policies

Date: June 18, 2018

Thank you for your response on the Policy on Policies revisions. We have agreed with all of the changes recommended by the Faculty Senate. The Policy on Policies as revised is now effect and posted on the UAH Policy and Procedures website.

As you are aware, Section D of Board Rule 108 states:

“D. Superseding Board Rules or Chancellor Requirements. All policies are subject to superseding laws, regulations, Bylaws, Rules, minutes, and other pronouncements of The Board of Trustees and Chancellor of The University of Alabama System.”

On November 6, 2017, Chancellor Hayes issued the attached memorandum to the Campus Presidents in which he states his expectations of the application of Board Rule 108 to existing policies:

“any existing policies, including handbooks and manuals, that will remain in effect must be in conformity with Board rules and pronouncements.”

In order for us to be compliant with the Chancellor’s expectations, we need to review and update expeditiously any and all existing policies, handbooks, and manuals that are currently not in compliance with all “superseding laws, regulations, Bylaws, Rules, minutes, and other pronouncements of The Board of Trustees and Chancellor of The University of Alabama System.” We will work with the Faculty Senate Executive Committee to move forward with changes in the Faculty Handbook and other existing policies that are needed for us to be in compliance.

C: Laterrica Simmons, Campus Designee




THE UNIVERSITY OF ALABAMA SYSTEM

The University of Alabama | The University of Alabama at Birmingham | The University of Alabama in Huntsville

MEMORANDUM

TO: Campus Presidents

FROM: Chancellor C. Ray Hayes 

DATE: November 6, 2017

RE: Board Rule 108 / Campus Policies

At its meeting on Friday, the Board of Trustees approved Board Rule 108 to address System Office and University Policies, replacing Board Rule 306. I have attached a copy and ask that you please let me know your "Campus Designee" for these purposes in the next couple of weeks. The Chancellor's Designee will be Chad Tindol. The Designees, along with the Office of Counsel, will work together to assure compliance with this Rule in the future.

Although the rule only has prospective effect, our campuses will need to confirm that any existing policies, including handbooks and manuals, that will remain in effect are in conformity with Board rules and pronouncements. In order to accomplish that task, our Designees will need to work together on a reasonable timeline and prioritization. They will want to initially focus on policies that address faculty, staff, and student rights.

Thanks in advance for your attention to this matter.

CRH/tb

cc: Sid J. Trant, General Counsel
Chad Tindol, Vice Chancellor

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA

Resolution

WHEREAS, in 1980 The Board of Trustees of The University of Alabama adopted Board Rule 306 to address "Publication of Faculty, Personnel, or Other Handbooks or Manuals;" and

WHEREAS, Previously revised in 1997, the Board Rule now requires replacement in light of technological and other changes; and

WHEREAS, the Rule addresses policies that affect many members of our University community, not only the personnel as indicated by the Rule's inclusion in Section 300 of the Board Manual; and

WHEREAS, The Board of Trustees wishes to continue to promote and support consultation with affected constituencies as well as transparency, and consistency in our System and campus policies, all while preserving the Board's fiduciary oversight and encouragement of fairness, equitable treatment, safety, security, and other Board goals.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of The University of Alabama that Board Rule 306 is hereby repealed, and the attached Board Rule 108 is adopted to provide for the development, adoption, and publication of System Office and campus policies.

DRAFT Board Rule 108

108. System Office and University Policies

- A. Delegation of Policy-Making Authority. Consistent with Board Bylaws, and for the information, guidance, and convenience of the faculty, staff, students, and other members of our community, the Chancellor and Presidents of each campus may compile, publish, and distribute policies, handbooks, manuals, and other guides to their organizations and operations (collectively, “policies”). They may also designate appropriate persons to develop policies related to particular divisions, schools, or administrative components. Such policies should comply with this Rule.

- B. Consultation with Affected Constituencies. In the development and formulation of policies, appropriate constituencies should be consulted for input; provided, however, such input does not constitute a veto or interference with administrative rights and responsibilities.

- C. Transparency. The System Office and each campus will host websites or other electronic collections to publicize policies.

- D. Superseding Board Rules or Chancellor Requirements. All policies are subject to superseding laws, regulations, Bylaws, Rules, minutes, and other pronouncements of The Board of Trustees and Chancellor of The University of Alabama System. As such, policy websites and other collections of policies will include a notice to the following effect:

“Although the policies contained herein are intended to reflect current rules and policies of the University, users are cautioned that changes or additions may have become effective since the publication of this material. In the event of a conflict, current statements of Board policy contained in the Bylaws, Rules, official minutes, and other pronouncements of the Board or Chancellor, or superseding law, shall prevail.”

- E. Consistency Among Policies. The Board of Trustees recognizes that campus policies may differ to reflect appropriate and legitimate differences in role and mission. However, each campus and the System Office should seek consistency to the extent practicable, consider the policies of its sister institutions during policy development, and shall work with the Office of Counsel in furtherance of this goals.

- F. Procedural Requirements Related to Campus Policies. Except when expediency is required (e.g., because of a legal mandate or emergency), campus policies should only be adopted and published after following these general procedures:

1. The President or his/her designee¹ (“Campus Designee”), in consultation with the Office of Counsel, shall consider:
 - a. Whether the proposed policy is consistent with Board Bylaws, Board Rules and pronouncements, or Chancellor Rules and pronouncements; and
 - b. Whether the proposed policy is consistent with the policies of other System campuses.
 2. The Chancellor will appoint one or more points of contact for the Campus Designee to discuss any questions related to Board compliance and/or System consistency (“Chancellor’s Designee”). In addition, the Office of Counsel shall serve as advisors.
 3. The Campus Designee will consult with the Chancellor’s Designee and Office of Counsel regarding the goals and purposes of this Board Rule, and the goals and purpose of the proposed policies. Policies must be consistent with the will of the Board as expressed in these and other Board Bylaws, Rules, and pronouncements, and should seek to promote fairness, equitable treatment, safety, security, and other Board goals.
 4. Before final adoption, the Campus Designee must give specific assurance to the Chancellor’s Designee that the proposal is not inconsistent with Board pronouncements. The Chancellor’s Designee and Office of Counsel will review the proposed policy to confirm same, and the policy will not take effect until such confirmation is received.
 5. Policy adoption will be according to campus requirements and procedures, provided the provisions of this Rule are satisfied.
 6. Upon final adoption, the policy will be publicized in accordance with paragraph C of this Rule.
 7. Campuses and the System Office should adopt practices for reviewing policies on a routine basis to ensure that the same are up-to-date. In addition, at all times, the Chancellor and Presidents have the responsibility and right to review policies and the application of policies to determine if the same are consistent with law and Board Bylaws, Rules, and pronouncements.
- G. Effect of Policies. Policies do not create a contract or quasi-contract among the Board, a campus, and any employee, individual, or entity affected thereby. Further, policies are not intended to limit the appropriate exercise of discretion by officials, as called for in particular circumstances. This Board rule shall be applied prospectively.

¹ As appropriate for each campus and situation, the President may designate a central office for policy development and approval, or may designate others as needed.