

Administrative Regulation 1:6

Formulation and Issuance of University Governing Regulations and Administrative Regulations

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I. Introduction

This *Administrative Regulation* establishes the policies and procedures for drafting, reviewing, revising, withdrawing, approving, announcing, and archiving official University regulations. This Regulation also defines the roles and responsibilities of the participants in the regulation development process and establishes the Regulation Review Committee.

II. Authority

KRS 164.200 and 164.180 authorize the Board of Trustees to establish regulations for the governance of the University. The *Governing Regulations* are promulgated by the Board of Trustees to establish the broad policies and procedures for the operations of the University and to delegate certain responsibilities to the President, the University Senate, the Staff Senate, the Student Government Association, the Graduate Faculty, and others. The Board of Trustees generally delegates to the President the authority to promulgate *Administrative Regulations*, which include the *Human Resources Policies and Procedures* and the *Business Procedures Manual*. Some *Administrative Regulations* are promulgated by the Board of Trustees when required by state or federal law, external accrediting agencies, or other similar requirements. Chief administrative officers are authorized to establish unit policies and procedures consistent with their delegated administrative responsibilities. (See *Governing Regulation, Part XIII.B* and *Governing Regulation, Part II*)

NOTE: The *Human Resources Policies and Procedures* and the *Business Procedures Manual* are not subject to the review requirements of this *Administrative Regulation*.

III. Entities Affected

This regulation applies to all employees, students, and units of the University.

IV. Definitions

A. University Regulations

“University regulations” mean the policies that contain the official governing principles and procedures of the University. University regulations are distinguished from procedures and unit-level policies. University regulations are the *Governing Regulations*, *Administrative Regulations*, *Human Resources Policies and Procedures* and *Business Procedures Manual*.

University regulations:

1. Mandate requirements for the University community and provide procedures for implementation;
2. Have broad application throughout the University;
3. Facilitate the University’s mission, mitigate institutional risk, promote operational efficiency, and ensure compliance with applicable laws, regulations, or accreditation requirements;
4. Are approved by the Board of Trustees or President, or his/her designee, in accordance with the *Governing Regulations, Part II and Part XIII*; and
5. Are administered by at least one responsible official and a responsible office.

B. Interim Regulation

“Interim regulation” means a provisional regulation issued when a University regulation is needed within a time period too short to complete the process described in Section VIII.B.

C. Unit-Level Policies

“Unit-level policies” means policies, procedures, or guidelines established by an educational or administrative unit which are not required to go through the review process enumerated here. Unit-level policies must be consistent with, and not in conflict with, University regulations. Unit-level policies may be more detailed or restrictive than University regulations, but cannot be less restrictive. In the event of a conflict between a University regulation and a unit-level policy, the University regulation supersedes the unit-level policy.

D. Procedures

“Procedures” mean detailed statements that provide for orderly implementation of established policies through specific, prescribed actions. Procedures are generally not included in a regulation unless required by law or by an external agency.

E. Regulations Review Committee (RRC)

“Regulations Review Committee” (RRC) means the standing committee appointed by the President to review

and provide advice on new and existing University regulations.

F. Responsible Official/Responsible Office

“Responsible official/responsible office” means the University employee and unit charged with overseeing the administration of the regulation, including but not limited to developing, implementing, and enforcing the regulation. Depending on the scope of its subject matter, a regulation may have more than one responsible official or office.

V. Policy

The University requires regulations to communicate institutional expectations and requirements, support and compel compliance with laws and regulations, mitigate institutional risk, and enhance the University’s productivity. To fulfill these requirements, the University has a clear and transparent process, as delineated in this regulation, for drafting, reviewing, revising, withdrawing, approving, announcing, and archiving regulations.

All *Governing Regulations* and *Administrative Regulations* must be promulgated in accordance with the standards and procedures set forth in this regulation. *Governing Regulations*, which are broad University policies, are created by the Board of Trustees. All *Administrative Regulations* must be created with the input of the responsible department and administrator and reviewed by the Regulations Review Committee.

VI. University Regulation Document Template

- A. The University utilizes a standard regulation document template and review process to facilitate consistency and compliance with regulations. The *Governing Regulations*, *Administrative Regulations*, *Human Resources Policies and Procedures*, and *Business Procedures Manual* may each have a unique template.
- B. Depending on the subject matter, a regulation may include any or all of the sections described below, but at a minimum the regulation must include the following sections: Regulation Information, Introduction, Entities Affected, and Policy. Additional sections described below may also be included as appropriate for each individual regulation. The responsible official determines the appropriate sections for a regulation.
1. *Regulation Information*: contains basic information about the regulation, such as the regulation’s title, responsible official(s), responsible office(s), latest effective date, and next regular review date.
 2. *Introduction*: briefly describes the regulation’s purpose, its core provisions or requirements, and why the policy exists. The Introduction typically identifies the institutional risk, University mission or value, or any legal or regulatory requirements the policy addresses.
 3. *Authority*: describes any specific delegation or mandate to the University from a state or federal agency, governing body, or accrediting agency.
 4. *Entities Affected*: describes the people, units, or other constituencies to which the regulation applies.
 5. *Definitions*: includes terms that are important or unique to the regulation.
 6. *Policy*: details the regulation’s core provisions and requirements.
 7. *Responsibilities*: describes the obligations of those who are affected by the regulation or responsible for implementing and managing it.
 8. *Committee*: If the regulation establishes a committee, this section describes the committee’s purpose, responsibilities, and composition.

9. *Procedures*: describes the actions required to fulfill the regulations requirements. Procedures should be included in a regulation to the extent that is necessary for the implementation and management of the regulation and will vary depending on the subject matter.
10. *Reporting requirements*: describes any required regular reports related to the subject of the regulation and the University official or external agency to which the report must be provided.
11. *Exceptions*: describes when exceptions are allowed, the process by which the exceptions are granted, and the University official who is authorized to grant an exception.
12. *Appendix*: consists of supplemental documents attached to the regulation that expand on and illustrate the regulation requirements, such as a flowchart, chart, matrix, detailed procedures, or a form. Appended materials are considered part of the regulation and subject to the review required by this *Administrative Regulation*.
13. *References*: provides citations to any sources of authority for the regulation (e.g. state or federal law, the *Governing Regulations*, *Minutes of the Board of Trustees*, an external accreditation agency, etc.) as well as a list of any other regulations affected by the regulation.
14. Revision history: provides the dates of previous iterations of the regulation.

VII. Language Protocols

For ease of interpretation of regulations and consistency throughout the University's body of regulations, the following language protocols apply:

- A. Use of the verb "must" for actions which are mandatory;
- B. Use of the verb "may" for actions which are discretionary;
- C. Use of the verbs "shall" and "should" must be avoided;
- D. Use of "University" for the University of Kentucky; and
- E. Use of the plural pronoun "their" for his, her, or his/her.

VIII. Regulations Review Committee (RRC)

A. RRC Membership

1. The RRC is appointed by the President and comprised of representatives from the major units within Office of the Provost and the offices of the executive vice presidents, each of the vice presidential areas, the Office of Legal Counsel, the University Senate, and the Staff Senate. In order to achieve appropriate University-wide representation, the President may also appoint additional faculty and staff employees.
2. The chair is designated by the President.
3. The Committee members have staggered three-year appointments, and members may be reappointed for consecutive terms.

B. RRC Responsibilities

The RRC serves as a regulations advisory group to the President, the Provost, the executive vice presidents, and vice presidents. The RRC reviews new and existing regulations for practicality, clarity, and the impact of the regulation on the University. The RRC eliminates conflicts between University regulations and ensures that regulations are consistent with laws, other external requirements, and the University's mission.

IX. Institutional Responsibilities

A. Responsible Official/Responsible Office

The responsible official for a regulation may assign an office within their area of operations to be responsible for the regulation's review, implementation and management. Duties of the responsible office or designee include:

1. Identifying the need for and purpose of a regulation in relation to a responsibility that falls under their jurisdiction;
2. Determining the extent that comments from other units or university members should be incorporated into a regulation;
3. Reviewing and recommending approval of the final draft of the regulation before it is presented to the President;
4. Communicating with and training appropriate areas or individuals regarding the regulation's requirements;
5. Establishing any support systems necessary to achieve ongoing compliance with the regulation; and
6. Reviewing and revising the regulation when it is due for renewal.

B. Office of Legal Counsel

The Office of Legal Counsel's responsibilities for *Governing Regulations* and *Administrative Regulations* include:

1. Guiding regulations through the drafting, review, and revision processes, and assisting the responsible officials and responsible office with the regulation development process;
2. Providing administrative and legal support for the RRC and chairing the RRC meetings;
3. Overseeing the form, wording, and structure of regulations to assure clarity, consistency, and coherence;
4. Establishing a calendar for regular review of all regulations (regular review is generally recommended to occur every five (5) years);
5. Ensuring that the appropriate units are provided an opportunity to comment on the regulation;
6. Assisting with obtaining final approval by the Board of Trustees or President or designee;
7. Assisting the Office of the President in issuing the University-wide announcement to promulgate or, where appropriate, withdraw a University policy; and
8. Maintaining the University's regulations website (<https://www.uky.edu/regsl/>).

X. Procedures and Approval Processes*

***Note:** There are some regulations that predate this policy, and so, as yet, have not been through the entire process outlined below. They remain official University policies and, in time, are expected to complete this process.

A. Minor Updates

The Office of Legal Counsel may make routine changes (such as new contact names, position titles, correction of typographical errors, and email or Web addresses) to an existing *Administrative Regulation*. Such changes do not require vetting or final approval of the President. The Office of Legal Counsel will record the details and dates of changes on the regulation document.

B. Substantive Revisions and New Regulations

1. A University unit or official may propose a new regulation or a change to an existing regulation. The Provost, executive vice president, or vice president who is designated as the responsible official must be notified about any new or revised policy proposal. Additionally, the Office of Legal Counsel initiates reviews of existing regulations based on a regular review schedule. The responsible official must be notified when a regulation is due for review.
2. After the responsible official has completed their review of the new or amended regulation, the RRC must then review the new or revised regulation in accordance with section VI.B of this regulation.
3. The Office of Legal Counsel must seek comments from units that have an interest in the policy. The responsible official will determine the extent to which comments and proposed edits will be incorporated.
4. *Governing Regulations* can only be amended in accordance with the procedure delineated in *Governing Regulation XIII, University Regulations*, in which a *Governing Regulation* must be presented to the Board of Trustees in its proposed and final form, with at least one-month elapsing between the proposal of any amendment and its final passage. The President, the University Senate, the Staff Senate, and the Student Government Association will have an opportunity to make recommendations on all amendments to a *Governing Regulation* before final action by the Board of Trustees.
5. The Office of Legal Counsel will seek final approval for *Administrative Regulations* from the Board of Trustees (in cases where Board of Trustee approval is appropriate) or the President. The existing regulation must be shown along with the revised regulation.
6. The responsible official or responsible office and new effective date must be recorded in the header section of the regulation's header.
7. The Office of Legal Counsel, in coordination with the Public Relations and Marketing, is responsible for assisting the Office of the President with announcing new, substantially revised, or withdrawn regulations to the University community.
8. The responsible official and responsible office are responsible for disseminating and implementing the regulation in the affected areas.

C. Withdrawing a Regulation

A responsible official may recommend the withdrawal of an existing regulation or its consolidation with another regulation. In such a case, the responsible official will inform the RRC of the recommendation and the reason. The Board of Trustees or the President, as appropriate, must approve the action. An

announcement of the withdrawn or consolidated policy will be issued. The responsible official will deliver any additional communication to appropriate units.

D. Interim Administrative Regulations

1. When a new regulation or substantial revision to a regulation is needed within a time-period that does not allow for complete drafting and review of the policy document as outlined in this regulation, the responsible official may request that the RRC review a regulation and seek approval for it from the President on an interim basis.
2. Interim regulations are effective for up to twelve months. Extensions beyond this period may be approved by the President in additional six-month increments, with timely notice to the Regulation Review Committee and affected units.
3. In order to become a standard University regulation and be included in the regular regulations review cycle, the interim regulation must complete the process outlined in section VIII.B of this regulation.

E. Posting Regulations

1. The Office of Legal Counsel maintains the website of current *Governing Regulations* and *Administrative Regulations* at www.uky.edu/regs/. The Office Human Resources maintains the current *Human Resources Policies and Procedures* at www.uky.edu/HR/policies/. The EVPFA maintains the current *Business Procedures Manual* at www.uky.edu/ufs/business-procedures-manual.
2. Any unit-level web pages that incorporate or refer to any University-wide regulation must link directly to the site listed above and must not post their own versions.
3. Printed versions of regulations may be included in the student handbook, faculty handbook, staff handbook, announcements, and other publications, but must include a disclaimer that the official University regulations website www.uky.edu/regs/ should be consulted for the latest version.

F. Regulation Templates

Contact the [Office of Legal Counsel](#) for the most current version of the regulation template(s).

References and Related Materials

KRS 164.180 - Officers of board -- Bylaws, rules, or regulations

KRS 164.200 - Regulations for university -- Physical training and discipline of students

Governing Regulation II - Governance of the University

Governing Regulation XIII - University Regulations

Revision History

5/6/2011, 4/24/2019

For questions, contact: [Office of Legal Counsel](#)