



September 23, 2020

**TO:** THE DISTRICT BOARD OF TRUSTEES  
OF VALENCIA COLLEGE

**FROM:** SANFORD C. SHUGART  
President

**RE:** POLICY ADOPTION

Amendments to the policy listed below are proposed to update and better align with applicable laws and regulations, to eliminate obsolete language, and to reflect current and improved practices:

- Policy 6Hx28: 1-09 – Policy Development, Review and Approval

**RECOMMENDED ACTION:**

The President recommends that the District Board of Trustees of Valencia College approve Policy 6Hx28: 1-09 – Policy Development, Review and Approval, as presented.

A handwritten signature in black ink, reading "Sanford C. Shugart". The signature is written in a cursive style and is positioned above a horizontal line.

President



**POLICY: 6Hx28:1-09**

**Responsible Executive:** Vice President,  
Policy and General Counsel

**Policy Contacts:** Vice President, Policy  
and General Counsel

**Specific Authority:** [Sections 8\(b\) and \(c\), Art. IX of the State Constitution;](#)  
1001.61-65, 1004.70, F.S.

**Law Implemented:** [Sections 8\(b\) and \(c\), Art. IX of the State Constitution;](#) 1001.61-65, 1004.70, F.S.

**Effective Date:** 09-23-2020

**Date of Last Policy Review:**  
09-23-2020

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## Policy Development, [Review](#) and [Review](#)[Approval](#)

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### Policy:

- I. The District Board of Trustees has the ultimate responsibility for adopting policy for the operations of the College. The process of formulating policy, however, is the shared responsibility of the District Board of Trustees, the faculty, and the administration of the College. It is the policy of the District Board of Trustees to comply with relevant state and federal laws, rules and regulations at all times. Any policy, regulation, rule, or procedure found to be in conflict with a state or federal law, rule or regulation shall be null and void to the extent of the conflict. [The College shall have a formal process to develop, approve, issue, and maintain all College policies in a consistent format in a central electronic policy library. The President or designee is authorized to develop and adopt procedures to implement this policy. Accordingly, all College policies will be:](#)
- [A. Presented in a common format.](#)
  - [B. Formally approved by the District Board of Trustees.](#)
  - [C. Developed and maintained by the College in consultation with and as coordinated by the Office of Policy and General Counsel.](#)
  - [D. Maintained centrally in a manner that is accessible to all interested parties.](#)
  - [E. Linked electronically to procedures for implementing the policy.](#)
  - [F. Kept current within the framework of an organized system of change control.](#)
- II. **Division of Responsibility and [Approval](#) Authority:**— The governance activities of the College shall maintain a clear distinction between [Board](#)

policies and College procedures:

A. For strategic governing policies, the approval of the District Board of Trustees is required, except as otherwise provided in this policy. Prior to such approval by the District Board of Trustees, the Faculty Council of the College shall be provided by the President, or designee(s), the opportunity to review and comment upon proposed policies, which are the responsibility of the District Board of Trustees. Such policies shall be adopted in accordance with and subject to relevant local, state and federal laws, rules and regulations. to which all other policies and College procedures, operating plans, protocols, guidelines, forms, catalogs, and handbooks are subject to and must conform to such policies. To the extent that these policies are determined to be Rules as defined by section 120.52, Florida Statutes, applicable legal requirements shall be observed in their adoption, amendment, and repeal.

A.B. For administrative rules, plans, and procedures for employees to follow in implementing College policies, which are the responsibility the approval of the president or designee(s) is required, subject to II.A. These rules, plans, and procedures are considered to be Internal Management Memoranda as defined by section 120.52, Florida Statutes.

B.C. For specific tactical operating plans, protocols, guidelines, forms, catalogs, handbooks, and related procedures adopted by the various sectors of the College, which are the responsibility the approval of various operating units, administrative structures, or other positions as determined by the president or designee(s) is required, subject to II.A. and II.B. These operating plans, protocols, guidelines, forms, catalogs, handbooks, and related procedures are considered to be Internal Management Memoranda as defined by section 120.52, Florida Statutes.

II.III. Regular Policy Review, Revision, and Repeal. Policies adopted by The District Board of Trustees shall be subject to regular and continuous review for mission and strategy relevance, compliance, clarity, and appropriatenesseffectiveness. The Responsible Executive, or designee, for each policy within their jurisdiction, shall review and update that policy, or propose repeal, as necessary due to changes in law or other circumstances but no less frequently than every three (3) years.

IV. Official Online Policy Manual. All approved Board policies shall be posted on the College's policy website in a standard format.

V. Minor Policy Amendments. The District Board of Trustees authorizes the President or designee(s) to periodically adopt routine changes to Board policies (Minor Amendments). Minor Amendments are editorial changes that do not otherwise affect the policy content or substance, such as for the purpose of reflecting changes in various types of policy provisions, including without limitation organizational structure, position or office titles, dates, information technology based systems, contact names and information, references to laws, rules or policies; and to correct grammar,

punctuation, or clerical errors; or to conform to other Board policies in any other non-substantive ways. Such Minor Amendments may be made to Board policy at any time during the life cycle of a policy, shall properly reflect the intent of the existing Board policy, and may be adopted without further Board consideration, action or notice.

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**Policy  
History:**

Adopted 11-20-01; Amended 9-23-2020; Replaced former Policies 6Hx28:01-00, 6Hx28:02-00, 6Hx28:02-01, 6Hx28:02-02, 6Hx28:02-03, 6Hx28:02-05, 6Hx28:04-01 and 6Hx28:04-02; Formerly 6Hx28:01-08

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**Procedures:**

**(Note: the following Procedures language is all new language)**

**I. Definitions**

**A. Policy**

1. Policies are guiding principles that express the institutional culture, goals, and philosophy. Policies promote consistence and operational efficiency and effectiveness, enhance the College’s mission and mitigate significant institutional risk. Policies allow for some discretion by guiding decision making and limiting or setting parameters or choices. A College policy:
  - a. Is a governing principle that mandates or constrains actions to advance the College’s mission,
  - b. Has institution-wide application,
  - c. Changes infrequently and sets a course for the foreseeable future,
  - d. Helps achieve compliance with applicable laws, rules, and regulations,
  - e. Reduces institutional risk, and
  - f. Is approved in accordance with the established College policy development policy and procedures.

**B. Procedure**

1. Procedures detail the steps necessary to operationalize and implement policies and articulate the process for accomplishing controls, ensuring the consistent and repetitive approach to accomplish control activities.

Procedures need not follow the development and approval requirements as required for policies, but should be developed in consultation with the Office of Policy and General Counsel, subject matter experts and stakeholders, and the Faculty Council when appropriate.

### **C. Responsible Executive**

1. Responsible Executives are accountable for the substance of policy documents, namely the provisions and requirements of, and compliance with College policies under their jurisdiction.
2. **Responsible Executives:**
  - a. Identify the need for and purpose of a policy in relation to a subject that falls under their jurisdiction, in consultation with the Office of Policy and General Counsel.
  - b. Designate Policy Contact(s) to develop and administer policies under their jurisdiction.
  - c. For each policy under review, commission/assemble a work team and develop a policy development plan/path.
  - d. Determine how stakeholder comments on drafts of the policy should be incorporated.
  - e. Approve final drafts of all policy documents before they are presented to the Faculty Council for review and comment, and then to the District Board of Trustees for approval.
  - f. Present policy documents, in person or through a designee, to stakeholder groups and the Faculty Council, as appropriate.
  - g. Conduct timely reviews of existing policies under their jurisdiction.
  - h. Where appropriate, advise the Office of Policy and General Counsel of intent to withdraw an existing policy or to consolidate with another policy.

### **D. Policy Contact**

1. When requested by the Responsible Executive to develop a policy, or as otherwise necessary and appropriate, form a work team to provide subject matter expertise, and technical/editorial assistance.
2. Guided by the approved impact statement, provide the content for full policy drafts, assisted by the editorial input of the Office of Policy and General Counsel.
3. Work with the Office of Policy and General Counsel in putting policy drafts through the standard policy review cycle and making the resulting changes to the document.
4. At appropriate times in the policy drafting process, in consultation with the Responsible Executive, seek and consider incorporation of stakeholders' input.
5. Consult with the responsible executive while drafting a policy, so that the content continues to reflect the policy's original purpose.
6. Lead the establishment of any new support systems needed to achieve

community compliance with new or substantially revised policies.

7. Inform the College community on new, revised, or withdrawn policies, and provide training as necessary.
8. Consult with the Responsible Executive to update existing policies on a timely basis.

## **II. Timeframes**

- A. Responsible Executives and Policy Contacts shall engage in regular review of policies in response to changes in law, regulation, operational strategies and structure, and adoption of new best practices or other practice changes, but documented review must occur at least every three years for policies and every two years for procedures.

## **III. Policy Development/Revision Process**

### **A. Predevelopment**

#### **1. Identify Policy Issues/Needs**

- a. Gap in policy and/or procedure
- b. New legal/regulatory requirements
- c. College operational requirements/considerations

#### **2. Conduct Research/Analysis**

- a. Identify Responsible Executive/Policy Contact(s)/Other Subject Matter Experts
- b. Identify others with interest – Responsible Executives commission/assemble work team and develop policy development plan/path.
  - i. As appropriate, include faculty, deans, directors, senior staff, students, and others who are subject matter experts or key stakeholders regarding the policy.
  - ii. As appropriate, consult the Instructional Affairs Committee for perspective and advice.

### **B. Development/Revision**

#### **1. Operational and Strategic Review**

- a. In the drafting process, drafters must engage in strategic review and, using tools such as strategic review rubrics, consider how can/does the policy/procedure language promote and support Strategic College Priorities such as Student Learning, Affordability, Equity/Inclusion, and Sustainability? Can/does the policy being amended or created lead to unexpected disparate impacts or other unintended results/outcomes?

- b. In operational terms, is policy producing the results contemplated and expected? Does the policy cause conflict with other college policies/procedures?
- c. Use policy/procedure template as the base draft policy document and apply strategic review rubrics as appropriate.
- d. Distinguish Policy language from Procedure language, using definitions for guidance. In accordance with the definitions:

- i. What are Policies?**

- 01. Have widespread application
    - 02. Are non-negotiable, change infrequently
    - 03. Are expressed in broad terms
    - 04. Are statements of what and/or why
    - 05. Answer major operational issues

- ii. What are Procedures?**

- 01. Have a narrower focus
    - 02. Are subject to change and continuous improvement
    - 03. Are a more detailed description of activities
    - 04. Are statements of how, when and/or who & sometimes what
    - 05. Detail a process

- e. Add definitions that may be needed to make policy more understandable.
- f. Identify Related Policies, documents, resources and add to the designated section at the end of the policy template.
- g. During drafting work, pay attention to draft documents management, as the subject matter experts work team enters the revision process.

- 2. Consultation/collaboration

- a. Facilitate appropriate solicitation of review and comments.
    - i. As appropriate, consult the Instructional Affairs Committee for comments and drafting suggestions.
  - b. Gather and consider/integrate other Stakeholder input as appropriate. Draft/Redraft/Repeat. Develop final draft. This part of the development process should occur in accordance with pre-established timelines and adoption schedules as set forth in the policy development plan.
  - c. Faculty Council review/comment is required for all Policies before DBOT consideration, in accordance with established faculty policy review protocols (implementing procedures are

approved by Responsible Executive for the implemented policy, with Faculty Council review/comment as may be appropriate). Consider/integrate PRC/Faculty Council comments as appropriate. See Section IV below.

3. Formal State Rulemaking Requirements
  - a. Policy development must observe state rulemaking requirements – including timely published notices of rule development and adoption.
4. District Board of Trustees Consideration and Approval
  - a. Finally, consideration and approval by the District Board of Trustees at a noticed public meeting.

### **C. Implementation/Education**

1. The new/revised policy is published online by the Office of Policy and General Counsel.
2. Responsible Executive and Policy Contact(s) develop and implement communication plan for new policy, in consultation with relevant Valencia offices.
3. Policy Contact(s) ensure that the new/revised policy is accurately reflected in the College Catalog, and relevant portions of other operating plans, protocols, guidelines, forms, handbooks, and related procedures.
4. Design and deliver training/education programs as appropriate, in consultation with relevant Valencia offices.

### **D. Maintenance**

1. **Responsible Executive and Policy Contact(s) shall observe the required Policy Maintenance Process:**
  - a. Monitor**
    - i. Is policy being implemented?
    - ii. If so, consistently?
  - b. Evaluate**
    - i. Is policy working?
    - ii. Effective/succeeding in producing intended outcomes/objectives?
    - iii. Reflective of current and/or best practices?
  - c. Review**
    - i. Recommend amendment/repeal/leave as-is?
    - ii. Required regular review of policies in response to changes in law/regulation/operational structure and adoption of new best practices or other practice changes, but at least every three years for policies and every two years for procedures.
    - iii. Always update effective dates and dates of last review for policies and procedures (Office of Policy and



General Counsel will archive prior versions/changes).

- iv. Encourage and solicit feedback from users on existing policies – what is there that needs amendment, what is there that needs to be repealed, what is not there but needs to be considered/adopted (online manual/meetings/other)
2. **Responsible Executives and Policy Contacts should regularly examine analytics data and policy feedback for their respective policies in the online manual**
- a. Monitor policy outcomes for possible repeal – is it a policy that no one follows with no negative impact; is it obsolete or stale?
  - b. Consider appropriate amendments to address common questions asked or comments offered since the last review, to the extent they may focus on particular clauses or sections of the policy/procedure.

#### **IV. Faculty Council Review and Comment**

- A. The elected Faculty Council (FC) may adopt a process in order to implement the shared responsibility of the Board, the faculty, and the administration for the process of formulating college policies, and to effectuate the college's commitment to providing faculty (by and through the FC) with an opportunity to review and comment upon proposed policies and proposed amendments to policies, in an appropriately prompt and collaborative manner, before presentation to the Board for consideration.
- B. Minor Amendments to policies, as described in Section IV of Policy 6Hx28:1-09, Policy Development and Review, shall be sent to the FC for information purposes, but such Minor Amendments generally are not subject to the FC review/comment processes. However, the FC may request that a minor amendment be submitted for Level Two Review if it identifies a substantive change in the Minor Amendment.
- C. The established levels of FC review/comment for college policy development purposes are as follows:
  - 1. **Minor Amendments (Office of Policy and General Counsel)**
    - a. The policy amendment is a Minor Amendment as described in Section IV of Policy 6Hx28:1-09, Policy Development and Review.
    - b. The Office of Policy and General Counsel will send notification of the Minor Amendment to the FC for its information. The FC, by itself or through its Policy Review Committee (PRC) may request that the Minor Amendment be submitted for Level One Review if it identifies a substantive change in the policy as a result of the Minor Amendment.
  - 2. **Level One Faculty Review (Policy Review Committee)**
    - a. The proposed policy/policy amendment does not pertain directly to a teaching /learning related subject and/or will not impact faculty significantly enough to warrant formal review

and comment by the FC.

- b. In a Level One Review, the PRC reviews the proposed policy/policy amendment and provides comments, as may be deemed appropriate, to the Office of Policy and General Counsel without presenting the matter to the FC. The FC then communicates to the Office of Policy and General Counsel that the policy is ready for adoption. (*An example would be the "check writing policy"*)

### 3. **Level Two Faculty Review/Comment (PRC and Faculty Council)**

- a. In a Level Two Review, the PRC reviews the proposed policy/policy amendment and determines whether the proposed policy/policy amendment pertains directly to a teaching /learning related subject and/or will impact faculty significantly enough to warrant review and comment by the Faculty Council.

- b. If the PRC determines that a Level Two Review is appropriate, the PRC would present the matter to the FC, and explain why it believes the FC, and not just the PRC, should review and comment upon the matter. (The proposed policy/amendment would be included in the FC's pre-meeting information). The FC would review and comment upon the proposed policy/amendment, and communicate the results of the review and the comments to the Office of Policy and General Counsel. (*An example would be the Instructional Materials policy*)

### 4. **Level Three Faculty Review/Comment (PRC, FC, and Faculty Association)**

- a. In a Level Three Review, the PRC reviews the proposed policy/policy amendment and determines whether the proposed policy/policy amendment invokes the Faculty Association (VCFA) Constitutional provision which states, "[t]he VCFA as a whole attends to and speaks to policy-level decisions regarding compensation, member benefits, and workload conditions."

- b. If the PRC determines that a Level Three Review may be indicated and appropriate, the PRC would present the matter to the FC, and explain why this opportunity for review and comment may need to proceed to the Association as a whole. In these very rare cases, the FC would only deliberate about the best method of presenting the proposed policy/amendment to the Association for its review and comment (campus meetings, assemblies, opinion surveys, etc.) The FC President will report the feedback to the FC, and then to the Office of Policy and General Counsel and the Policy Responsible Executive for appropriate further action in the policy review process. (*An example would be the Award of*

*Tenure and Evaluation of Tenured and Tenure Track Faculty  
policy)*

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**Procedure History:**  
Adopted 09-23-2020

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**Date of Last Procedure Review:** 09-23-2020