

Policy Office

MEMORANDUM

TO: President's Council

FROM: Linda Makin, Vice President of Planning, Budget, and Human Resources
Cara O'Sullivan, Policy Officer

DATE: January 16, 2014

SUBJECT: Determining Whether to Use a Policy or a Guideline to Address a University Issue

Executive Summary

In the spirit of suggestion, this memorandum establishes criteria that members of President's Council can use to determine whether the policy format or the guideline format is most appropriate for a particular university issue. As we drafted the criteria, we used information from two sources:

- UVU Policy 101, titled "*Policy Governing Policies and Procedures.*"
- The November 5, 2013 Research Memorandum, titled "When does a written guideline, which has not been officially promulgated via the prescribed process, nevertheless become binding University policy?", prepared by Danielle Mastin, the law clerk for the Education Division of the Utah Attorney General's Office.

Essential Difference between Policies and Guidelines

The term "University policy" is defined in Policy 101, section 3.18:

University policies often prescribe standards, requirements, restrictions, rights, or responsibilities and support the mission, values, and operation of the University. In this document, the terms *policy* and *policies* refer to university policies. Policies may not exist except at the university level. Divisions, colleges, schools, departments, programs, offices, etc. may have guidelines, practices, and standard operating procedures.

Policy 101, section 4.1.5, also provides:

University policies are the official policies of the University. Unless expressly stated to the contrary, they are binding on university employees, students, and persons visiting or using the facilities or resources of the University.

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Guidelines generally pertain to divisions, colleges, schools, departments, programs, offices, and other university subdivisions. Guidelines typically provide more procedural detail or “how-to” than university policies do, and more administrative flexibility. Guidelines must not conflict with university policy. If a guideline addresses a university-wide issue, it must be approved by the President’s Council. The Board of Trustees approves all policies.

Guidelines and policies apply to the Board of Trustees, all university employees, individuals associated with the University while on campus or representing the University, and volunteers on campus.

Proposed Criteria

When determining whether an issue should be addressed by a policy or a guideline, the following should be considered:

Guideline	Policy
* Guidelines cannot address tenure, rank, and conditions of employment.	* Policies allow the University to be compliant with state and federal law.
* Guidelines cannot apply to property rights or due process.	* The issue can be grieved or appealed.
* Guidelines cannot apply to contracts or obligations involving university resources.	* The issue deals with property rights thus implicating the state and federal due process clauses.
* Guidelines should be used when the information to be provided is procedural and provides instruction on best practices or how best to accomplish a specific goal.	* The document is intended to memorialize a process as determined by President’s Council.
* Guidelines do not create additional rights or duties that are covered in policy.	* Policies exist at the University level and thus generally govern all university employees, students, and persons visiting or using the facilities or resources of the University.

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Disclaimer to be included on Guideline Coversheet

The following disclaimer shall be included on all guideline coversheet:

The following is not official university policy but rather a guideline used to facilitate the internal actions of the University or a particular unit within the University. Guidelines are not binding on the University and may be amended by the University at any time. A guideline, such as the one to follow, does not establish any contractual rights or obligations between the University and any individual.