

Section:	VIII.1.1	
Title:	Policy Framework	
Effective Date:	June 28, 2022	
Approved By:	Board of Trustees	
Responsible Unit:	Office of General Counsel (609) 771-2734; ogc@tcnj.edu	
Related Documents:	<ol style="list-style-type: none"> 1. N.J.S.A. 18A:64-6c – describes the powers and duties of the Board of Trustees to “determine policies for the organization, administration and development of the college.” 2. N.J.S.A. 18A:64-6m – describes the powers and duties of the Board of Trustees to “adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations and orders...that are necessary and proper for the administration and operation of the college and the carrying out of its purposes.” 3. N.J.S.A. 18A:64-8 – describes the powers and duties of the President “for the execution and enforcement of the bylaws, rules, regulations and orders governing the management, conduct and administration of the college.” 	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
3.0	June 28, 2022	Revised by Board of Trustees Resolution
2.0	July 9, 2013	Revised by Board of Trustees Resolution
1.0	December 8, 2009	New policy; Initial release

I. INTRODUCTION

The purpose of this policy is to establish a policy framework for The College of New Jersey (“TCNJ” or “the College”). This policy prescribes a consistent process for the development, issuance and review of institutional policies. In addition, the Policy Framework promotes the development of timely, accurate and effective policies through the required periodic policy reviews.

The Policy Framework acknowledges the essential role of the College’s shared governance process with respect to policies. Governance Structure and Processes (“Governance Policy”), allows designated stakeholder groups to work cooperatively to assist the administration in identifying areas of operation that need new or revised

policies or procedures, to recommend to the administration appropriate policies and procedures and participate in the development of those policies and procedures, and to make recommendations to the administration on issues related to policy in support of the mission of the College.

Nothing in this policy modifies in any way the TCNJ shared governance process, that allows designated stakeholder groups to work cooperatively to make recommendations to the administration on issues related to policy in support of the mission of the College.

II. DEFINITIONS

1. Board of Trustees Policies – Board of Trustees Policies are issued by the Board in accordance with applicable New Jersey law and the Bylaws of the Board. They include policies that relate to the organization, administration, and development of the College as a whole and overarching rules, regulations and orders issued by the Board that are necessary and proper for the administration and operation of the College. They establish fundamental principles as a basis and guide for mandating or constraining action by College administrators, employees, students, and other members of the College community.
2. College Operating Policies – College Operating Policies are issued by the President for the executive management and conduct of the College in all Units and for the execution and enforcement of the Bylaws, rules, regulations and orders governing the management, conduct and administration of the College in accordance with applicable law and consistent with Board of Trustees Policies and delegations of authority.
3. Interim Policies – Interim Policies may be issued by the Board of Trustees (Interim Board of Trustees Policies), the President (Interim College Operating Policies), or other College officers or administrators (Interim Unit Policies) in situations where a policy must be established in a short time period to meet legal or regulatory requirements, emergency deadlines or in other special circumstances.
4. Responsible Unit – The Unit charged by the issuer of the policy for its review and enforcement.
5. Units – Units are formally recognized portions of the College that may include: schools, departments, divisions, offices, centers, programs, or other administrative units at the College.
6. Unit Policies – Unit Policies generally do not have the broad scope or significant impact of College Operating Policies, but instead may apply to only a single or several units and are established by or for that or those unit(s).

III. POLICY

A. Policy Type and Issuance

- i. Board of Trustees Policies: The College of New Jersey Board of Trustees issues Board of Trustees Policies in accordance with the Bylaws and applicable law.
- ii. College Operating Policies: The Board delegates to the President the authority to issue College Operating Policies. College Operating Policies are needed to manage the College and its various units in accordance with applicable state and federal law and reasonable administrative practice, and consistent with Board of Trustees Policies and delegations of authority from the Board of Trustees. Occasionally, because the Board of Trustees expresses interest or because the administration notes the implications of a particular policy, a College Operating Policy will be brought to the Board of Trustees as an information item.
- iii. Unit Policies: The President may delegate to College officers or administrators who oversee units of the College the authority to issue Unit Policies. Unit Policies generally do not have the broad scope or significant impact of College Operating Policies, but instead apply to only a single or several units and are established by that or those units.
- iv. Interim Policies:
 - a. Interim Policies may be issued in special situations that likely may include a change in or new recognition of or interpretation of federal or state law, or the identification of a major institutional risk.
 - b. Generally, an Interim Policy is a policy concerning subject matter that would involve the regular process of policy development and review pursuant to the Governance Policy that is issued prior to the completion of the governance review process (“GRP”).
 - c. Upon receiving notice that an Interim Policy will be issued, the Steering Committee may notify campus stakeholders and initiate the governance review process and endeavor to make any recommendations for modifying the terms of the Interim Policy within two (2) academic years after the issuance of the Interim Policy, if it is determined by the Steering Committee that the GRP is necessary.
 - d. An Interim Policy shall remain in force until the earlier of (i) the end of the academic year subsequent to the academic year of the date of issuance (the “Interim Expiration Date”) or (ii) until it is replaced by an approved Policy (which may include a revised version of the Interim Policy) or revoked by the issuer, whichever occurs first. If, with due consideration to the respective governance review process, an approved policy that replaces the Interim Policy is not issued and the Interim Policy is not revoked or otherwise altered prior to the Interim Expiration

Date, the Interim Policy shall remain in effect as a Board of Trustees Policy, College Operating Policy, or Unit Policy, as appropriate, with the term “Interim” no longer appearing in the title to the policy¹; provided, however, that to the extent that the governance review process cannot be completed by the Interim Expiration Date because of an extraordinary, unanticipated delay, the Interim Expiration Date may be extended by mutual agreement of the Steering Committee and the cognizant Cabinet officer (i.e., the Cabinet officer for the Responsible Unit). The conversion from interim status to a Board of Trustees Policy, College Operating Policy, or Unit Policy in no way forecloses the opportunity for members of the campus community to later bring an issue of concern about that policy to the Steering Committee or other appropriate representative body for possible review through the governance review process.

B. Areas of Responsibility

- i. The President may designate an appropriate College officer or administrator to implement and be responsible for overseeing compliance with a particular approved policy. Designated administrators are responsible for identifying areas of operation within their units that are in need of new or revised policy or procedures; for recommending appropriate policies and procedures; for participating in the development of those policies and procedures; and for assuring adherence to approved policies and procedures within their areas of organizational responsibility.
- ii. Employees and students are responsible for knowing, understanding, and complying with policies that relate to their employment or enrollment at the College.
- iii. Overall responsibility for the maintenance and organization of policies is assigned to the Compliance Office. The Compliance Office serves as a resource for policy developers and issuers during policy development and review, and then assists in the monitoring of policies for compliance and effectiveness. The General Counsel is authorized to make non-substantive edits and substantive updates to Board of Trustees Policies that are non-discretionary mandatory changes to comply with state or federal law. All such updates shall be reported to the Board and to the Steering Committee as information items. Non-substantive edits include but are not limited to updating titles, names, divisions, departments or the like that may have changed; correcting grammar, punctuation and typographical errors; editing for language consistency and format; and changing monetary rates that are the result of federal or state regulatory changes (e.g., mileage rate reimbursement).

¹ This recharacterization of the policy (as non-Interim) shall be considered effective upon the earlier to occur of (i) the Interim Expiration Date or (ii) a communication to the approving authority and the Steering Committee that upon completion of the Governance Review Process the cognizant Cabinet officer has determined that no change in the text of the Interim Policy is warranted.

- iv. Nothing in this policy limits or circumscribes in any way the power and authority of the Board of Trustees or the President to issue, amend, revoke, or permit or direct the issuance, amendment, or revocation of policies on any matter, with or without notice, as circumstances or the good of the College may require.

C. Policy Development and Review

- i. The College is committed to encouraging and facilitating a living, learning and working environment that is free from unlawful discrimination and harassment. Members of the campus community are asked to be mindful of the College's commitment to diversity, equity, and inclusion as they draft and review policies. The Office of Inclusive Excellence is available as a resource to members of the campus community as they work to draft, review, and revise policies reflecting this commitment.
- ii. Prior to its issuance or revision, each policy must be organized and formatted consistent with the current College policy template available from the Compliance Office online (the Guide to Writing and Updating College Policies can be found at: <https://policies.tcnj.edu/wp-content/uploads/sites/247/2019/01/TCNJ-User-Guide-to-Writing-Policies-2016.pdf> and the Policy/Procedure Writer's checklist can be found at: <https://policies.tcnj.edu/wp-content/uploads/sites/247/2019/01/TCNJ-Policy-Writers-Checklist-2016.pdf>. Additional resources for drafting College policies are available in the Online Policy Manual at https://policies.tcnj.edu/?page_id=116.
- iii. The title of a policy should briefly describe the policy's subject matter (in this policy, Section III. Policy would contain the subject matter). Care should be taken to avoid including extraneous subject matter that: (i) one would not expect given the title or (ii) is not otherwise in furtherance of the policy's purpose or (iii) is or would be expected to be more appropriately covered in another existing policy.
- iv. Procedures are occasionally incorporated in policies when they help define the nature of the policy. More often, procedures, rules, protocols, directives and guidelines regarding policies are part of the implementation process and are developed and refined by College officers and administrators, consistent with the applicable policy.
- v. Completed draft policies of newly developed policies or reviewed and edited existing policies must be submitted to the Compliance Office. The Compliance Office will act as the liaison to the Steering Committee to ascertain the need for governance review and to promote compliance with this policy and applicable provisions of the Governance Policy. Upon final review and approval of a policy, the cognizant Cabinet Officer shall submit a completed and executed Policy Review and Approval Routing Form, provided by the OGC Paralegal upon request, to the Compliance Office, which shall post the approved policy to the Online Policy Manual.

- vi. In the event that the co-chairs of the Steering Committee believe that the subject matter of a proposed policy requires the governance review process, they may recommend to the cognizant Cabinet Officer that such proposed policy be issued as an Interim Policy to allow for consideration of the policy through the governance review process in a thoughtful and deliberate manner; provided, however, that the issuance as an Interim Policy sets no precedence with respect to the requirement for the governance review process for that subject matter.
- vii. Unless more frequent review is otherwise specified by law, regulation, or best practice, every Responsible Unit shall commence a cyclical review of each of its approved policies with a goal of completing the review of each individual policy not less than once every five (5) years. The Responsible Unit should consult with the Compliance Office if special circumstances warrant additional time, and should endeavor, in any event, to complete the review in not less than seven (7) years. Noncompletion of such review within these specified periods shall not invalidate an existing policy.

D. Policy Termination

A policy may:

- i. expire if it contains a termination or expiration date or event that has occurred;
- ii. be repealed or rescinded by the issuing authority or by an individual designated by the Responsible Unit as authorized by the issuing authority; or
- iii. be replaced or superseded by another policy (of the same or a higher level) either explicitly or implicitly (see E. Conflicting Policies).

E. Conflicting Policies

Members of the College community should report any discrepancies, inconsistencies or conflicts (collectively, “conflicts”) between policies to the Responsible Unit(s). Each Responsible Unit should then confer with the Compliance Office. Thereafter the Compliance Office shall work with the Responsible Unit to resolve any applicable conflicts.

Policies should be read as harmonious whenever reasonable, with separate parts being interpreted within their broader context. Policies are meant to be consistent with each other and any conflict should be reasonably considered and resolved, by the appropriate administrator (Responsible Unit(s) in consultation with the Compliance Office). For example, if two policies cover the same subject matter, but one has more exacting or extensive requirements or applies higher standards, the more exacting or extensive requirements or higher standards may apply.

In the event that any such conflicts cannot be removed, higher-level policies take priority over lower level policies, i.e., the provisions of the policies will be construed in

accordance with the following listed order of precedence: Board of Trustees Policies over College Operating Policies over Unit Policies.

Within a level of priority (e.g., College Operating Policies), if provisions of two different policies are irreconcilably conflicting, or if a later issued policy covers the whole subject of an earlier issued policy and is clearly intended as a substitute, the later issued policy will prevail. In the case of an irreconcilable conflict between two such policies, the later approved policy will be deemed to have repealed the earlier one to the extent of the conflict.

After consultation with the appropriate administrator, the General Counsel is authorized to revise, remove or resolve a conflict between policies in accordance with this section. After making any such an alteration, the General Counsel shall notify the Steering Committee, policy issuer and Responsible Unit.