ESTABLISHING COLLEGE REGULATIONS

I. PURPOSE

Describes how regulations are established for the implementation of policies approved as official college positions.

II. LEGAL REFERENCE

In discharging its duties the Board shall function in accordance with applicable state and federal statutes, controlling court decisions, and applicable regulations promulgated pursuant to statute by state and federal agencies. Opinions of the Texas Attorney General shall be used for guidance in interpretation of applicable law. The Board shall constitute a body corporate and shall have the exclusive power to manage and govern the College District. Education Code 1.001(a), 130.082(d), 130.084; Texas Ass’n of Steel Importers, Inc. v. Texas Highway Commission, 372 S.W. 2d 525 (Tex. 1963)

All authority not vested by the laws of the state in the Coordinating Board or in the Central Education Agency shall be reserved and retained locally in the College District or in the Board as provided in the laws applicable. Education Code 130.002

The Board shall have specific powers and duties imposed by statutes of the state. The Board has the legal power and duty to provide policy direction for the College District and adopt and/or amend such rules, regulations, and bylaws as the Board deems advisable. Education Code 51.352(b), 130.082(d) 4.

III. POLICY

A. Official policies governing the operation of the College are the result of action by the Board of Trustees or the President acting with the express authorization of the Board of Trustees.

B. Official policies governing the operation of the college must be in written form and must be approved by the Board of Trustees. Formal adoption of a policy is effected when the policy is approved by a majority of the members of the Board in attendance at a duly constituted meeting of the Board.

C. At the discretion of the Board, proposed College policies may be introduced and approved during the course of a single meeting or may be lodged at one meeting, with action by the Board to approve or not approve delayed until the following meeting.

D. The President is authorized by the Board to develop and/or approve procedures and guidelines to carry out Board-approved policies. The Board, however, retains the sole right to adopt policies. When immediate action is required in an area not covered by Board policy, the President has the power to act. The president must inform the Board promptly of such action, which is subject to review by the Board at its discretion.

E. The policies of the College may not supersede or conflict with policies adopted by the state of Texas, with the rules and regulations of state agencies with jurisdiction over community-college operations, or with any other applicable state or federal laws and regulations.

F. College policies and procedures for implementing those policies must be in writing as Regulations (Regs) in accordance with a standardized format described in Regulation 112. All policies must carry the date of approval, and designate the approving body or official. Normally, only the POLICY section of a regulation is reviewed and approved by the Board; procedures and guidelines to implement policy are
established within the administrative structure of the College.

G. Through the adoption of any policy, all previously adopted policies addressing the same issues are repealed and have no force or effect if they are in conflict with the newly adopted policy. Any amendment of or addition to a policy repeals all previous versions of the policy.

**(POLICY APPROVAL: 12-14-94, Board of Trustees, amended 3-22-95, amended 2-19-08)**

**IV. PROCEDURES**

A. Regulations may originate in any of the following ways.

1. Upon approval of an official policy by the Board of Trustees or the President, the President may request the appropriate College officer to draft a regulation for implementation of the policy.

2. The President or administrative officer of the College may request a staff member or faculty member to draft a regulation to implement an already-existing policy or to suggest a new policy.

3. Any member of the Board, faculty member, administrator or other staff member, or a member of the student body may request or initiate the development of a regulation.

B. Regulations that have not yet been officially approved are referred to as **draft regulations**; those that have been officially approved are **promulgated regulations**.

C. Draft regulations are submitted to the President of the College, who reviews them and discusses them in President's Cabinet prior to distribution. In some cases, the draft may be returned to the originator for revision before distribution; but, in most instances, the draft is disseminated for comment or information by sending it via email to the college governance councils and if deemed proper all college employees. In rare instances, the President may decide that the proposed regulation is inappropriate or ill advised and will return it to the originator without further action.

D. Each governance council reviews the draft regulation and formulates its response (comments, recommendations) in writing, and these written responses are distributed at the meeting of the President's Extended Cabinet designated to discuss the regulation. Any College employee may also formulate a response to the draft regulations for consideration at the President’s Extended Cabinet.

E. After consideration of recommendations from the councils, the President takes one of the following actions: (1) accepts the original draft regulation as written and recommends its promulgation to the Board, (2) amends the draft of the regulation based on recommendations of the councils and discussions at Extended Cabinet, (3) returns the draft to the originator for revision, (4) establishes a conference committee to resolve differences among campus constituents and revise the draft regulation accordingly, or (4) rejects the regulation entirely.

F. If the policy section of a regulation consists of a new policy or an alteration of an existing policy and therefore requires approval by the Board of Trustees, the President places that policy statement on an agenda for a regularly scheduled meeting of the Board.

G. If the policy section of a regulation does not require Board approval, the President approves the regulation.

H. The date of approval and the approving authority are noted in the regulation in parentheses immediately following the statement of policy.
I. Once a regulation receives final approval, the President's Office codifies the regulation and distributes it for inclusion in *WCJC Approved Regulations* (posted on the college web intranet and internet site).

J. The Regulations Manual that resides in the President's Office is designated the official copy. If discrepancies occur among different distributed copies of the manual, the version contained in the official policy manual is authoritative.

V. **GUIDELINES**

A. Draft regulations are developed in accordance with Regulation 112, Format for College Regulations.

B. Draft regulations not expected to affect a particular group are sent to that group for informational purposes, but so doing is not intended to disallow comment if the group so wishes.

C. College regulations should be reviewed on an ongoing basis as they are used and modified, refined, or discontinued, as needed. Suggestions to revise an existing regulation follow the same procedures as outlined above for the development and promulgation of a new regulation.

VI. **NOTE ON AUTHORITY OF THE BOARD AND THE PRESIDENT: COMPLIANCE WITH REGULATIONS**

All regulations in the college's Regulations Manual are to be read and implemented in light of the following:

Two major components of regulations are *policies* and *procedures*; and these two components come under the authority of the board and the president, respectively, as follows:

*Policies* are the directives of the board of trustees. Only the board may establish, modify, amend, change, grant exceptions to, abrogate, suspend, or negate a policy; and the board may do so at any time in its capacity as the institutions lawfully elected governing body. Therefore, all employees of the college, *with no exception*, are required to comply with College policy.

*Procedures* are the directives of the president of the College. Only the president may establish, modify, amend, change, grant exceptions to, abrogate, suspend, or negate a procedure; and the president may do so at any time in his/her capacity as the institution's lawfully appointed chief executive officer. Therefore, all employees of the college are required to comply with college procedures, but the president retains the discretion to change, amend, or abrogate these procedures.

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