

Policy Manual



Title: Development of Rules, Policies and Procedures	Number: 6Hx2-1.11
Legal Authority: <i>Fla. Statutes 120.52(16), 120.536, 120.54, 120.81, 1001.64, 1001.65</i>	Page: 1 of 2

As established in Broward College Policy 6Hx2-1.02, *Powers and Duties*, the Board of Trustees is authorized to adopt the rules, procedures, and policies necessary to assure the fulfillment of the responsibilities assigned to the Board. In so doing, the Board shall concern itself primarily with broad questions of policy rather than with administrative details. Policies adopted by the Board provide the basic direction for the operation of the institution and as such shall be carefully observed by all personnel. The application of policies is an administrative task to be performed by the President and his staff, who shall be held responsible for the effective administration and supervision of the College.

The Board shall delegate to the President the function of taking required actions and designing the detailed arrangements under which the College will be operated. Such detailed arrangements shall constitute the procedures governing the College. Designed to implement and support policies adopted by the Board, these administrative procedures must be consistent with the policies adopted by the Board. In the absence of applicable policy, the President is authorized to establish needed procedures subject to confirmation and adoption of a policy should the Board so desire.

The College shall inform its employees of any new policies and procedures and of changes or deletions to existing policies and procedures through the publication of policy and procedures manuals.

Any Board policy or procedure that is also defined as a “Rule,” as used in the Administrative Procedures Act (*Florida Statutes*, Chapter 120), will be adopted, amended or repealed as required by the Administrative Procedures Act. The Administrative Procedures Act defines “Rule” as follows:

“Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

- Internal management memoranda which do not affect either the private interests of any person or any plan or procedure important to the public and which have no application outside the College.
- Legal memoranda or opinions issued to the College by the Attorney General or College legal opinions prior to their use in connection with a College action.
- Policies, procedures, and manuals that do not have rigid guidelines, but instead, are applied on a case by case basis within the discretion of the person applying the policies, procedures, and manuals.
- Test, test scoring, scoring criteria, and testing practices and procedures relating to student assessments that are developed or administered by the Department of Education.
- Where manuals merely inform of a process or procedure without mentioning a penalty for non-compliance.
- Any codification of existing, law, rule, or regulation.
- The preparation or modification of (1) college budgets, (2) statements, memoranda, or instructions to the College issued by the Chief Financial Officer or Comptroller as chief fiscal officer of the state

History: <i>Revised on January 17, 1978; revised on March 19, 1991; revised on April 16, 1997; Revised August 9, 2016</i>			
Approved by the Board of Trustees	Date: 08/09/16	President’s Signature	Date: 08/09/16

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and relating or pertaining to claims for payment submitted by the College to the Chief Financial Officer or Comptroller (3) contractual provisions reached as a result of collective bargaining, (4) memoranda issued by the Executive Office of the Governor relating to information resources management, or (5) preparation or modification of curricula by an educational unit.

Prior to the adoption, amendment, or repeal of any rule, the Board of Trustees shall give notice of its intended action in accordance with College Policy 1.10, *Preparation and Delivery of the Agenda*.

If the Board finds that an immediate danger to the public health, safety, or welfare requires emergency action, the Board may hold an emergency public meeting and give notice of such meeting by any procedure that is fair under the circumstances and necessary to protect the public interest, provided that:

- The procedure provides at least the procedural protection given by other statutes, the Florida Constitution, or the United States Constitution.
- The Board takes only that action necessary to protect the public interest under the emergency procedure.
- The Board publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances.

An emergency rule adopted under this subsection may not be effective for a period longer than 90 days and shall not be renewable, except when the College has initiated rulemaking to adopt rules addressing the subject of the emergency rule and either: (1) a challenge to the proposed rule(s) has been filed and remains pending, or (2) the proposed rule(s) is awaiting ratification by the Legislature pursuant to sec. 120.541(3). However, the Board may take identical action by normal rulemaking procedures. Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or at a date less than 20 days thereafter if specified in the rule, if the Board finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

The Board shall make available for public inspection and copying, at no more than cost:

- All rules formulated, adopted, or used by the Board in the discharge of its functions.
- All Board minutes containing actions of the Board.

All rules adopted pursuant to the Administrative Procedures Act shall be indexed within 90 days. No Board rule is valid for any purpose until it has been made available for public inspection as herein required unless the person or party against whom enforcement is sought has actual knowledge of it.

All other applicable administrative procedures set forth in the Administrative Procedures Act are hereby adopted as rules and procedures of the Board.

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