



SAGINAW VALLEY STATE UNIVERSITY
BOARD OF CONTROL BYLAWS

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ARTICLE I - THE UNIVERSITY

1.100 THE BOARD OF CONTROL

The board of control of Saginaw Valley State University created under Act No. 278 of 1965 of the Public Acts of 1965 of the State of Michigan is an institution of higher education. The conduct of its affairs and control of its property shall be vested in the board of control, the members of which shall constitute a body corporate.

There is established a “board of control”, to consist of eight members to be appointed by the governor with the advice and consent of the senate for terms of eight years not more than two of which shall expire in the same year. Vacancies shall be filled in like manner. The president of the institution shall be ex officio a member of the board without the right to vote.

The Board has adopted a corporate seal, a replica of which appears on the official certificate of these bylaws. The seal may be used for business transactions and other contracts entered into as authorized acts of the University. The seal of Saginaw Valley State University shall be used on all diplomas issued by the university to students.

ARTICLE II - BYLAWS OF THE BOARD OF CONTROL

2.100 SESSIONS OF THE BOARD

1. SESSIONS

Meetings of a quorum of the members of the Board shall be referred to as “sessions.”

2. FORMAL SESSIONS

Formal sessions of the Board shall be held as scheduled by the Board and shall be designated as regular formal sessions or special formal sessions.

3. REGULAR FORMAL SESSIONS

Regularly scheduled sessions of the Board are referred to as regular formal sessions. The calendar of regular formal sessions will be established on a yearly basis, with a minimum of four regular formal sessions to be scheduled for each fiscal year.

4. SPECIAL FORMAL SESSIONS

Special formal sessions of the Board may be called by the chairperson, the president or three members of the Board. Notice of special formal sessions shall be given to all Board members not less than eighteen hours in advance. Advance notice may be waived if all members of the Board agree. Notices for special formal sessions shall specify the date, time, and place of the session.

5. INFORMAL SESSIONS

Sessions of the Board may be called as informal sessions. In addition, by majority vote the Board may determine to move from a regular or special formal session to an informal session, and by further majority vote may move back to formal session.

6. PROCEDURE

The Board shall conduct all sessions according to a prepared and previously distributed agenda developed by the president and the chairperson. Any member of the Board may request of the president or of the chairperson that an item be included on the agenda. All regular and special formal sessions of the Board shall be open to members of the public, and minutes of such formal sessions shall be kept and shall be made available to the public.

7. GENERAL PARLIAMENTARY RULES

Except as otherwise provided, Robert's Rules of Order shall govern the conduct of business at all sessions of the Board.

8. MEMBERSHIP

The Board shall consist of eight voting members and one ex officio, non-voting member.

9. AFFIRMATIVE VOTE

The Board can take action only on the affirmative vote of a majority of all its voting members whether or not some of the voting members are absent from the meeting. Normally five affirmative votes are required to take action except in the event of the death or resignation of one or more voting members, when the number of voting members that constitute a majority required for an affirmative vote may be reduced until a successor is appointed.

10. COMMUNICATIONS EQUIPMENT

A member of the Board may participate in a session by means of conference telephone or similar communications equipment so long as all persons participating in the session can hear each other. Participation in a session pursuant to this provision shall constitute presence in person at the session, provided, however, that more than one-half of the Board members participating in a formal session must be physically present at the session.

11. QUORUM

A quorum will consist of a majority of the membership of the Board, normally five members, unless the membership is reduced in the event of the vacancy of one or more members, when the number of members to establish a quorum shall be reduced until a successor is appointed.

2.101 OFFICERS OF THE BOARD

1. OFFICERS

The Board of Control shall elect, from its voting membership, a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer.

2. TERM OF OFFICE

Officers of the Board will take office the first day of July after election by the Board and will hold office for a term of one year or until a successor is elected.

3. REMOVAL FROM OFFICE

An officer of the Board may be removed from office by vote of a majority of the members of the Board.

4. CHAIRPERSON

The Chairperson shall preside at all sessions of the Board of Control, manage the business of the Board, appoint the membership of the standing and special committees established by the Board, and be an ex officio member of all such committees. The Chairperson may participate in discussions and vote but may not introduce motions.

5. VICE CHAIRPERSON

The Vice Chairperson shall perform the powers and duties of the Chairperson during the Chairperson's absence and such other duties and functions as are delegated by the Chairperson or the Board.

6. SECRETARY

The Secretary shall have Board minutes taken, certify such minutes, and be custodian of the corporate seal to be used at the direction of the Board of Control.

7. TREASURER

The Treasurer shall have general charge, under the direction of the Board, of the financial affairs of the University and have an annual reporting made to the Board of all monies or property received and held and of disbursements made from University funds.

8. ELECTION OF BOARD OFFICERS

- a. Officers shall be elected at the May formal session of the Board. If a vacancy occurs in any office, an election shall be held within 90 days to fill the vacancy.
- b. The Board shall appoint a nominating committee to recommend candidates for each office. The committee should consider the ability, availability and individual interests of members when nominating members for an office.
- c. Nominations may also be made from the floor.
- d. An office holder may be re-elected for an unlimited number of one-year terms.

2.102 PRESIDENT OF THE UNIVERSITY

1. ELECTION AND ROLE OF THE PRESIDENT

The President shall be elected by the affirmative vote of at least five (5) voting members of the Board, be the chief executive officer of the University and an ex officio, non-voting

member of the Board of Control, and may be terminated by the affirmative vote of at least five (5) members of the Board.

2. FUNCTIONS

The President shall be responsible for all functions of the University, be the official medium of communication between the Board and University faculty, staff and students, implement policies of the Board, and have authority to issue directives and executive orders not in contravention with law or the Board's bylaws and policies.

2.103 COMMITTEES OF THE BOARD

1. STANDING COMMITTEES

The Board may establish standing committees from among its members to advise the administration concerning matters within the authority of the Board.

2. SPECIAL COMMITTEES

The Board or its Chairperson may establish special committees to advise the Board or the administration concerning a specific matter within the authority of the Board. Membership of special committees must include one or more members of the Board.

3. LIMITATION OF COMMITTEE AUTHORITY

Committees are advisory in nature and are not empowered to deliberate toward, or make, policy decisions unless specifically directed to do so by action of the Board of Control.

4. PRESENTLY ESTABLISHED STANDING COMMITTEES

a. Standing Committees of the Board are:

- i. Academic, Student Services and Personnel Committee
- ii. Business, Finance, Audit and Facilities Committee

b. The Standing Committees will meet for the purpose of advising the President on related matters.

c. The Chairperson of the Board shall appoint the members of the Standing and Special Committees. The President shall appoint one or more Vice Presidents to staff each of these committees. The Board Chairperson may establish a planned rotation of membership to each committee or may appoint membership at his or her discretion.

d. Committee meetings will be conducted informally, and Robert's Rules of Order Revised will not apply. Any Board member, the President or Vice President may request that an item be placed on the list of items for discussion at committee meetings.

e. The administration is encouraged to seek the advice of the appropriate committee on issues and proposals to be presented to the Board of Control for action.

2.104 MISCELLANEOUS

1. STUDENT REPRESENTATIVE

The Student Association President may sit at the table as an observer at all formal sessions and special formal sessions of the Board and be permitted to speak and participate in discussion with the Board on any issue.

2. EXECUTION OF INSTRUMENTS

All deeds, contracts, bonds, notes or other instruments authorized by the Board of Control shall be validly executed if signed by the Chairperson or the President and Secretary or the Treasurer, or by such other person as the Board of Control may designate.

3. FISCAL YEAR

The fiscal year of the institution is July 1 to June 30.

4. VOTING

Action by the Board of Control may be by general consent, voice vote, or by roll-call. The method of voting shall be determined by the Board Chairperson, except that a roll-call vote shall be taken at the request of any member of the Board.

5. INDEMNIFICATION

The Board of Control shall indemnify any person against expenses (including attorney's fees), judgements, fines and amounts paid in settlement actually and reasonably incurred by reason of the fact that he or she is or was a member of the Board of Control or an officer, employee or agent of the Board of Control, if the Board of Control determines that such person acted in good faith and in a manner reasonably believed to be in or not opposed to the best interests of the Board of Control, and, with respect to any criminal action or proceeding, without reasonable cause to believe his or her conduct was unlawful. An adverse disposition shall not, of itself, create a presumption that the person did not act in accordance with the above-described standards. As a condition of indemnification, the person receiving indemnification (and his or her legal counsel) must cooperate fully on a continuous basis with the University administration and legal counsel.

6. CONFLICT OF INTEREST

A Board member shall avoid participating in decision-making processes involving a conflict or an apparent conflict between a personal interest of the member and an interest of the University. A Board member may not vote on any issue involving a conflict of interest but may participate in the discussion of such an issue if requested by members of the Board.

a. **Fiduciary Responsibility:** Members of the Board of Control serve a public interest role and thus all decisions of the Board are to be made solely on the basis of the best interests of the University and the public good.

b. **Disclosure:** If the Board must consider any transaction for the University which involves a Board member, his/her spouse, a member of either family; or an organization with which the member of the Board is affiliated, that Board member shall, at the first

knowledge of the transaction, publicly disclose the general nature of the interest or involvement.

In addition, an annual written disclosure is required of Board members concerning all relationships and business affiliations of which he or she has knowledge that reasonably could give rise to conflict of interest involving the University. For the purpose of this policy, affiliation exists if the Board member, or a member of his or her family:

- i. Is an officer, director, trustee, partner, employee or agent of such organization; or
- ii. Is actual or beneficial owner of more than 5 percent of the voting stock or membership or ownership interest in such an organization, or is classified as a control person of such an organization; or
- iii. Has any other direct or indirect dealings with such organization from which he or she is materially benefitted.

Annual disclosures required under this policy must be sent to the managing partner responsible for the external audit for the University, who together with the University counsel, shall be responsible for the administration of this policy.

- c. **Restraint on Participation:** Board members who have declared or have been found to have conflict of interest in any matter before the Board shall refrain from participating in consideration of the proposed transaction, unless for special reasons the Board or the administration requests information or interpretation from the person or persons involved. The person or persons involved may not vote on such matters.

Any Board member who is uncertain about whether a conflict of interest exists, may request the Board to determine the issue; the Board shall resolve the question by majority vote. The question of potential conflict may be referred to counsel for an opinion prior to the Board's vote.

- d. **Nepotism:**

- i. No person may be employed, other than from student employment funds, who is related by blood or marriage to a member of the Board of Control of the University.
- ii. University employees shall not be supervised by relatives, and relatives shall not work for the same immediate supervisor.
- iii. Scholarships, grants, and awards to students do not constitute employment within the meaning of this policy.
- iv. A person recommending, or considering the acceptance of, an appointment to a staff, faculty, or other position who has reason to believe that a relationship by blood or marriage of the kind described exists or may exist, is to report the facts to the

Personnel and Affirmative Action offices so that a determination maybe made prior to the actual appointment.

- e. As used in this policy, "related," "relative," and "family" mean the following types of relationships:

By Blood: Parent, child, grandparent, grandchild, brother, sister, half-sister, half-brother, uncle, aunt, nephew, niece, first cousin.

By Marriage or Domestic Partnership: Spouse, domestic partner, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece.

7. AMENDMENTS OF BOARD OF CONTROL BYLAWS

These bylaws may be amended by a majority vote of the voting membership at any formal session or any special formal session if the proposed changes have been submitted in writing to members of the Board at least 28 days prior to the meeting.

8. HONORARY DEGREE POLICY

Saginaw Valley State University recognizes excellence in service or vocation by awarding honorary degrees to deserving recipients present at commencements and/or other special University occasions.

The selection of honorary degree recipients shall recognize exemplary achievement in any number of fields of endeavor, including the following:

- Original and creative accomplishment in the arts, sciences and humanities of regional, national or international distinction.
- Exemplary leadership in education, government, business and public service that furthers human relationships or assists in the advancement of knowledge.
- Distinguished service by alumni, faculty or staff whose accomplishments reflect distinction on the University and represent the highest goals of education.

Board of Control members may not be considered eligible for receipt of an honorary degree until three (3) years after their term of service with the University.

The Board of Control will receive recommendations concerning the awarding of honorary degrees from the President.

ARTICLE III - POLICIES OF THE BOARD OF CONTROL

3.100 BOARD FUNCTIONS

Without in any way limiting the generality of the Board's functions as prescribed by law, the Board's functions include:

1. Interpret the needs of the community and the state which are to be served by the University.
2. Select, retain and terminate the President.
3. Advise the President on the selection and performance of the Vice Presidents and the Secretary to the Board of Control.
4. Assure financial responsibility for all University funds.
5. Assure that the University operates within its mission in pursuit of its annual goals.
6. Support the President's efforts to secure private, corporate, state and federal funds.
7. Preserve the capital investment of the University.
8. Preserve academic freedom.
9. Serve as the final appeal body except in those cases where the final appeal has been otherwise delegated.
10. Assure that the quality of education at the University is consistent with the institution's mission.

3.101 SEPARATION AND DELEGATION/RESERVATION OF FUNCTIONS

The Board of Control delegates the authority to conduct all University business to the President except that the Board reserves authority for the following:

1. Approve periodically and review the University's mission and strategic goals and objectives, approve plans for attainment and measure and evaluate performance.
2. Approve establishment or discontinuation of academic schools or colleges.
3. Approve establishment or discontinuation of degree programs and academic majors.
4. Approve academic standards of admission and graduation requirements.
5. Approve or discontinue intercollegiate athletic programs.

6. Approve application for regional or program specific accreditation.
7. Grant and revoke contracts to public school academies in accordance with Act 416 of Public Acts of 1993.
8. Approve the tenure of faculty members.
9. Approve the promotion of faculty members.
10. Approve contract and establish the compensation for the President.
11. Approve all collective bargaining agreements.
12. Approve all contracts of \$2,500,000 or greater for the contract term.
13. Approve operating, capital outlay and Auxiliary Services - Bonded Facilities budgets.
14. Approve capital project "program statements" as defined by the State of Michigan.
15. Appoint the University auditing firm and the University general legal counsel.
16. Accept the annual audit of University accounts.
17. Approve investment policies.
18. Approve University real property and facilities leases for a term exceeding one year and approve easements which could significantly impact University operations.
19. Approve the acquisition or sale of real property if such property is contiguous to the main campus of SVSU or in any instance in which the sale price is in excess of \$250,000.
20. Approve capital projects estimated to cost more than \$1,000,000.
21. Approve tuition, fees and room and board rates.
22. Approve the SVSU Code of Student Conduct.
23. Approve the Student Association Charter and the amendments thereto.
24. Approve the awarding of degrees.
25. Approve the awarding of honorary degrees.
26. Approve naming of facilities and memorials.

27. Periodically evaluate the performance and functioning of the Office of the President and the Board of Control.
28. Establish and approve any changes to the Board of Control Bylaws.

3.102 SECRETARY TO THE BOARD OF CONTROL

The President shall, with the concurrence of the Board, designate a member of the Administrative staff as Secretary to the Board of Control who shall report to the President and, among other assignments, assist the President regarding Board functions and serve the Board of Control in a staff role.

FUNCTIONS:

1. Coordinate distribution of materials to the Board members.
2. Coordinate the preparation of documents and special studies as requested by the Board.
3. Develop and maintain a record of Board action and advise the Board when a pending action modifies or rescinds a previous action of the Board.
4. Maintain the Board of Control Bylaws, the index of Board resolutions, and a permanent record of Board minutes.
5. Maintain the Board of Control historical documents.
6. Coordinate and assist with the orientation of new Board members.
7. Coordinate Board educational activities, retreats and conference attendance.
8. Materials to be considered at a formal session of the Board of Control should be made available not less than seven days prior to the scheduled session and should include:
 - a. Formal session or special formal session Agenda.
 - b. Minutes of the prior session, if not previously distributed.
 - c. Proposed resolutions.
 - d. Support documents for agenda items.
9. Materials to be considered at meetings of the Standing Committees should be distributed to all the members of the Board of Control, the President, and committee members prior to the meeting and include:
 - a. List of items for discussion.
 - b. Notes of the prior meeting, if not distributed earlier
 - c. Other informational and support material as deemed appropriate by a Vice President.

3.103 APPEARANCES BEFORE THE BOARD OF CONTROL

The Board will provide an opportunity for students, staff and the public to speak to the Board during regular formal and special formal sessions of the Board of Control.

1. Individuals or groups who desire to speak to the Board are asked to submit an electronic or written request to the President's Office at least ten days before a Board session.
2. Any request to speak to the Board shall include the name of the individual, the organization represented (if any), and the topic to be addressed.
3. A presentation may not exceed five minutes.
4. If the request is related to a Board agenda item, the individual will be asked to speak when the agenda item is introduced, prior to Board discussion of that item. For other requests, the speaker shall be recognized at the agenda item, "Communications and Requests to Appear Before the Board."
5. If two or more individuals are to speak on a topic, they must speak consecutively. Each individual's presentation will be limited to five minutes. The Chairperson may halt a presentation which repeats points already presented.

3.104 AGENDA FOR FORMAL AND SPECIAL FORMAL SESSIONS

1. The agenda for formal sessions will be prepared by the President and the Chairperson in accordance with the Board Bylaws and Policies; items will be listed in the following format:
 - I. CALL TO ORDER
 - II. PROCEDURAL ITEMS
 - A. Approval of Agenda and Additions to and Deletions from Agenda
 - B. Approval of Minutes of the Previous formal session
 - C. Recognition of the Official Representative of the Faculty Association
 - D. Communications and Requests to Appear Before the Board
 - III. ACTION ITEMS
 - IV. INFORMATION AND DISCUSSION ITEMS
 - V. REMARKS BY THE PRESIDENT
 - VI. OTHER ITEMS FOR CONSIDERATION OR ACTION
 - VII. ADJOURNMENT

2. The agenda for a special formal session and the discussion by the Board, staff, and the public shall be limited to the special purposes for which the session was called. The special formal session agenda shall be formatted as follows:

- I. CALL TO ORDER

- II. ACTION ITEMS

- III. INFORMATION AND DISCUSSION ITEMS

- IV. ADJOURNMENT

3.105 FORMAL SESSION AND SPECIAL FORMAL SESSION MINUTES

1. The minutes of all Board formal sessions and special formal sessions shall be submitted for approval at the next formal Session of the Board of Control. Minutes of a session become official upon approval by the Board at its next regular formal session.
2. Approved minutes will be available for public inspection.
3. Copies of the minutes are to be available, upon request, to members of the staff and student body and to the public at a reasonable charge.
4. Minutes will be archived and available to view on the SVSU website within five days after official approval by the Board.

3.106 EVALUATION OF THE PRESIDENT

The Board shall arrange for evaluation of the Office of the President and shall schedule this evaluation to take place annually. The format for evaluating the President shall be consistent with the President's contract, with such goals as the Board established for the fiscal year, and shall include as follows:

1. The review process will be structured around those functional areas of the University's work in which the President is expected to provide leadership. In broad terms, these include the following:
 - a. Academic programs
 - Leadership
 - Improvement
 - b. Resource management
 - Financial management
 - Facilities and equipment

- c. Resource development/funding
 - Public support
 - Private support
- d. Community/public relations
- e. Institutional planning and evaluation
- f. Organizational leadership
- g. President/Board working effectiveness

This list may be modified by the Board and President for the coming year, including the identification of specific categories or sub-categories for special consideration in the new year ahead.

2. The President will be asked to submit a brief (approximately three page) report identifying important accomplishments or problems from the previous year in each of these functional categories. In a separate section of this report, the President will also identify certain specific plans or objectives in these categories for the coming year.
3. The Board of Control will meet with the President to discuss the President's report and any issues -- suggestions, comments, observations, criticisms -- that might arise from this report or Board members' other information or observations about these and related matters. It is the intent of the Board and the President that this discussion will be open and candid, with particular attention to the identification of any problems or concerns noted by Board members.

It is also the intent of both the Board and the President that this discussion will provide the Board with an overview of the President's plans for the coming year and an opportunity to comment on these, and that the discussion will also provide the President with the Board's best advice and direction as to both the institution's plans and the President's performance.

4. Following the discussion between the Board of Control and the President, the Board will meet without the President present, to reflect on its discussion with the President and to ensure that the Board has adequately expressed its views to the President on these and related matters. If necessary, following this discussion by the Board, the President will be invited to join the meeting for further discussion.
5. A memorandum summarizing these discussions will be prepared by the Chairperson of the Board and, following review by the Board, will be sent to the President for inclusion in the President's personnel file.

3.107 BOARD MEMBERS' CONTACT WITH THE UNIVERSITY'S COUNSEL

Members of the Board may discuss University-related business with attorneys retained by the University when directed to do so by the Board or requested to do so by the President or the Chairperson.

3.108 EXPENDITURE REIMBURSEMENTS FOR BOARD MEMBERS

1. Board members will be reimbursed for actual and reasonable expenses related to Board sessions and Board Committee Meetings, and for other University events to which the member is invited as a member of the Board.
2. Board members will be reimbursed for actual and reasonable expenses related to attendance at conferences sponsored by an organization of which the Board of Control is a member and at other conferences for which attendance has been authorized by the Board.
3. Actual and reasonable out-of-pocket expenses, for a Board member's spouse will be reimbursed when, at the discretion of the President, the spouse's participation at a meeting, event or conference will be of benefit to the University.
4. Reimbursement for the use of personal vehicles shall be at the current University rate for administrative personnel.
5. Reimbursement requests may be reviewed by the Treasurer of the Board to determine whether expenses are actual, reasonable, and appropriate.
6. Any disputes between a Board member and the Treasurer, or the President regarding reimbursable expenses will be resolved by the Board.

3.109 ADOPTION OF BOARD POLICIES AND UNIVERSITY OPERATIONS POLICIES

All policies governing the operations of the University that are enacted by the Board of Control, or by the President or other administrators under authority delegated by the Board, shall be reduced to writing and shall be made a part of a University Operations Manual.