



THE JOHN MARSHALL LAW SCHOOL®

Policy on Policies

1. **Purpose and Overview:** JMLS policies support the Law School's mission by establishing clear and well understood standards for individual conduct, clarifying institutional expectations, promoting compliance with laws and regulations, mitigating risk, and supporting productivity. This Policy establishes a development and approval process for adopting and revising JMLS policies.

By implementing this uniform process, JMLS seeks to enhance operational efficiencies, best practices, effective decision-making, and legal compliance. This Policy also helps ensure that all JMLS policies are effectively communicated, easily accessible, appropriately reviewed and approved before implementation, internally consistent, clear, and consistent with applicable legal standards. All faculty, staff, students, contractors, volunteers, and campus visitors (collectively, Members of the JMLS Community) are expected to comply with applicable JMLS policies.

This Policy applies only to administrative policies of the Law School. Nothing in this policy should be construed to conflict with or supersede the Faculty Handbook or the By-Laws of The John Marshall Law School Corporation, which will continue to govern policies related to academic affairs or matters about which the Board of Trustees determines a policy is required.

2. **Definitions:**

- a. **Policy:** A Law School policy is an official, written directive that establishes expectations for the conduct of Members of the JMLS Community or Law School business, furthers the Law School's mission, reduces institutional risk, promotes operational efficiency, or helps achieve compliance with applicable legal standards, and has been reviewed and approved consistent with this Policy. A policy serves as the Law School's official position on a subject and should be followed by all Members of the JMLS Community. A policy focuses on desired results, not on means of implementation. Further, a policy states required actions, requires compliance, and is further defined by standards and guidelines.

- b. **Standard:** A standard is an action or rule designed to support and conform to a policy. A standard should make a policy more meaningful and effective and may include required specifications for applicable behavior or resources.
- c. **Guideline:** A guideline is a general statement, recommendation, or administration instruction designed to achieve a policy's objectives by providing a framework within which to implement procedures. A guideline can change frequently based on the environment and should be reviewed more frequently than standards and policies. A guideline is not mandatory, rather a suggestion of best practice.
- d. **Procedure:** A procedure describes the process: who does what, when they do it, and under what criteria. A procedure details the series of steps taken to accomplish an end goal and can be text based or outlined in a process map.

Unlike a policy, the development and implementation of a standard, guideline, or procedure is not subject to this Policy on Policies and may instead be addressed at the department level, in consultation with the Dean.

- 3. **Initiation of a Policy:** The policy-making process begins when an individual, department, committee, or other source within the JMLS Community proposes a new policy or a substantive revision to a current policy. The need for a new policy or a revision to an existing policy commonly arises either reactively due to an event or legal or regulatory requirement, or is proposed and implemented proactively.

The source of the new policy proposal should contact the Dean, General Counsel and Assistant Dean for Human Resources, or Associate General Counsel and Chief Compliance Officer at this early stage to discuss the reason for the policy, impact of the policy, and whether amending an existing or similar policy can accomplish the goal of the new policy. When evaluating policy objectives at this initial stage, considerations include, but are not limited to, legal compliance, regulatory guidance or regulations, operational ease of administration, risk and liability, and whether the policy development is in the best interest of the law school.

The Dean has discretion to decide whether the policy proposal will move forward.

- 4. **Policy Format:** JMLS policies need not have an identical format, but should contain the following information:
 - a. Policy title;

- b. Purpose;
 - c. Responsible department;
 - d. Groups covered by the policy;
 - e. Obligations and how they are to be satisfied; and
 - f. Approval date, effective date, and revision date (if applicable).
5. **Policy Drafting and Development:** If the Dean determines that a new policy proposal or revision to a current policy should move forward, the source of the new policy will prepare an initial draft or proposed revision in consultation with key stakeholders. At any time in the drafting process, the Office of General Counsel is available to consult.

The Office of General Counsel will review the new policy proposal or revision for form, consistency, clarity, and legal sufficiency, and once approved by the source of the new policy proposal or revision, will forward the proposal for review and consideration to the Ad Hoc Policy Committee.

6. **Review by the Ad Hoc Policy Committee:** The Committee, whose members will be named by the Dean each academic year, will make an initial determination about whether the proposed new policy or revision to current policy will proceed. The Committee may revise or seek additional information about the proposed draft or may recommend that the proposal be approved as submitted. The source of the proposal, key stakeholders, Committee members, and the Office of General Counsel will work together to revise the proposed draft or revision. The draft may go through multiple versions with input from various sources, including the Dean, to ensure that it serves its desired purpose and is consistent with other law school policies, governing laws, and regulations. Once approved by the Committee, the Committee will forward the proposal to the Dean for final review and approval.
7. **Notice and Comment Period:** Subject to section 11 of this Policy, where appropriate, members of the JMLS community will have an opportunity to share their thoughts about new and proposed revisions to current law school policies prior to their final approval by the Dean. Unless determined to be impractical based on the scope or urgent nature of the proposed new or revised policy, when a new policy or change to a current policy is being considered, the JMLS community will be provided with notice and a designated time frame within which to provide comment. This feedback will be reviewed and considered before final action is taken.

8. **Approval by the Dean:** All new and proposed revisions to current law school policies must be approved by the Dean. The Dean may approve a proposal as submitted, ask that the source of the proposal or the Policy Committee make additional revisions, seek input and review from other sources, or reject a proposal.
9. **Policy Implementation and Dissemination:** Once approved by the Dean, a new policy or revision will be posted on and communicated to the law school community through the Law School website. Additionally, a new policy or revision will be communicated directly to all key stakeholders, which includes those who will be most involved in the policy's compliance efforts and members of the law school community who may have responsibilities under it. Certain policies may require affirmative steps to educate, train, or obtain certification statements from Members of the JMLS Community.
10. **Policy Maintenance:** JLMS endeavors to review policies on a regular basis so that they can be kept current. JMLS departments are responsible for reviewing their own policies, at least once every two years, to determine whether any revisions or amendments are necessary because of a change in applicable law, regulation, or business process and to submit proposals for new policies or revisions pursuant to the provisions of this Policy. The Office of General Counsel is responsible for ensuring that new policies and policy revisions are developed in accordance with this Policy and that prior policies made outdated or inapplicable because of this process are removed from the law school's Institutional Policies webpage.
11. **Emergency and Interim Policies:** Nothing in this Policy limits the Dean's authority to enact emergency or interim policies that he or she determines to be in the law school's best interests.

Administrative policy adopted November 15, 2018; effective immediately.