

COMMITTEE/BOARD REPORT

SESSION:

Public
Non-Public

ACTION REQUESTED:

Decision
Discussion/Direction
Information

TO: Academic Council

DATE: April 11, 2018

PRESENTED BY: Cheryl Foy

SLT LEAD: Cheryl Foy, University Secretary and General Counsel

SUBJECT: Policy Framework Review – Update on Consultation

COMMITTEE/BOARD MANDATE:

- Under the UOIT Act, section 9 (1), the Board has the power: “to establish academic, research, service and institutional policies and plans and to control the manner in which they are implemented”. The UOIT Policy Framework is a key institutional policy that delegates the Board’s power, establishing categories of policy instruments with distinct approval pathways.
- Under the UOIT Act, section 10 (5) the board has a “Duty to consult” with Academic Council before making a decision regarding the establishment of institutional policies.
- We submit this report and draft amendments for your comments or discussion about the draft amendments, consultation so far or views about the UOIT Policy Framework.

BACKGROUND/CONTEXT & RATIONALE:

- The UOIT Policy Framework was approved by the Board November 28, 2014. Under the Framework, all policy instruments must be reviewed at least every three years. A review of the Framework is nearing completion after extensive consultation.
- The UOIT Policy Framework establishes five categories of Policy Instruments as follows:
 - **Board:** Policy Instruments that relate to the governance and administration of the Board of Governors.
 - **Legal, Compliance and Governance:** Policy Instruments that relate to: broader institutional planning and governance issues, management of institutional risk, accountability and legislative requirements, and academic governance matters outside those authorities explicitly delegated by the Board to Academic Council.

- **Administrative:** Policy Instruments that relate to the ongoing management and operations of the University and that have application across more than one organizational unit.
- **Academic:** Policy Instruments that relate to academic governance and administration within the delegated authority to Academic Council from the Board.
- **Local:** Policy Instruments that relate to the ongoing management, work, and operation of the single organizational unit for which they were developed. Local policy instruments may be Academic or Administrative in nature.
- The approach of the UOIT Policy Framework is to ensure that governing bodies are engaged in the most effective manner by establishing differing approval authorities for each category. These approval paths are being reviewed and updated.

RESOURCES REQUIRED:

- N/A

IMPLICATIONS:

- N/A

ALIGNMENT WITH MISSION, VISION, VALUES & STRATEGIC PLAN:

- N/A

ALTERNATIVES CONSIDERED:

- N/A

CONSULTATION:

- Through Policy Advisory Committee and University Administrative Council, the USGC has solicited comments from policy leads or policy owners who have engaged in policy projects under the Policy Framework. Additionally, we have developed an online questionnaire targeted at Policy Framework users to collect comments. We have conducted a special meeting with Academic Council to obtain their views on the existing Policy Framework. In addressing comments from Academic Council, we have engaged outside counsel to provide a perspective on the duty to consult and ensure that the Policy Framework is consistent with the UOIT Act. Comments from members of Academic Council have informed the proposed amendments to the Policy Framework and Procedures.

List of Consultation Dates:

- Policy Advisory Committee (December 13, March 2, March 22, April 19)
- Academic Council (January 16, February 13, April 17)
- Online Consultation (community comments) (January 30 - February 28)
- University Administrative Council (February 13, April 10)
- Senior Leadership Team (February 26, April 9)
- Governance, Nominations and Human Resources Committee (February 7, April 19)
- Board of Governors (March 7)

Comments Received and Response:

- Many in the university community are not aware of the process involved in developing and consulting on policies at UOIT. **Response:** We will develop a training presentation to deliver to those involved in policy projects and other interested parties.
- There is a desire to clarify and simplify the policy development, consultation and approval process. A key concern is that the process from policy idea to approval can be long. We wish to explore ways to clarify the process, making it easier to navigate without losing sight of the importance of consultation in the policy development process. **Response:** Under the Policy Framework, the Policy Owner is responsible for assigning a Policy Lead to conduct the consultation process, draft policies, and integrate or respond to stakeholder comments. Many factors, including limited resourcing to do policy work within the Policy Owner's unit and within the Secretariat. Given the limited resources, the Secretariat's focus is on education and facilitation. To that end we will continue to develop tools and training related to stakeholder consultation and support Policy Leads in developing consultation schedules. We plan to make Policy Advisory Committee (PAC) agendas available to faculty and staff for increased transparency. In our proposed amendments, we set out mandatory consultation steps intended to ensure that consultation remains a priority.
- Strengthen the role of PAC to provide its comments more weight, and to include a role in the approval of administrative procedures. Ensure PAC reviews all Administrative and Legal, Compliance and Governance policies and procedures. **Response:** Proposed amendments to the Policy Framework and Procedures have included PAC as a mandatory step for all Administrative and Legal, Compliance and Governance policy instruments. PAC's assessment will be reported during deliberation and approval. We are also recommending increasing faculty numbers on PAC from one to two.
- The current implementation process for policies does not always include follow-up to ensure their successful implementation and adoption. **Response:** There is no audit function for policy compliance at this time as the focus continues to be on implementation and clean up. The Policy Framework places the responsibility for an implementation plan on the Policy Owner, but also requires the Policy Owner to evaluate the implementation and report on the implementation to the Approval Authority within one year of implementation. This requirement must be emphasized in our training and communications around the Policy Framework.
- There has been discussion of the categorization and approval authority for the Administrative and LCG categories. Administrative policies do not come to the Board for approval. The intent is to ensure that the Board is focused on high-level strategic policies, and not overwhelmed by operational policies. The Board is kept informed through an annual report on policies. **Response:** We are looking at how we can bring more clarity to the categorization of policies and also increase accountability to the Board. We have developed a delegation of authority chart as an appendix to the Policy Framework, as well as a Local policy approval form to approve Local policy instruments. .
- There has been a suggestion to increase the opportunities for faculty members to contribute to policy development. **Response:** We agree that faculty members have a valuable perspective in the development of policies. We propose to increase the Teaching Staff membership of PAC to two. Additionally, the amendments to the Policy Framework provide for a mandatory open comment period on new or revised policies and procedures. These measures provide an additional opportunity for faculty members to consider and comment on policies in development.
- There has been discussion about approval authority and deliberation for Academic policy instruments. It has been suggested that any delegation of approval authority for Academic policy instruments should be done as part of a broader governance review and the development of committee terms of reference in the context of By-law No. 2 implementation. **Response:** We support re-examining Academic approval authorities at a later date as part of By-law implementation. Any changes to committee terms of

reference that may arise from the implementation of the new By-law may require amendments to the Policy Framework. The proposed amendments to the Policy Framework and Procedures make Academic Council the approval authority for all Academic Policy Instruments and Academic Council committees are deliberative bodies.

- There has also been discussion about the duty to consult Academic Council and ensuring that the Policy Framework is consistent with the UOIT Act. **Response:** Under the UOIT Act, section 10 (5) the Board has a “Duty to consult” with Academic Council before making a decision regarding the establishment of academic, research, service and institutional policies. The definition of Legal, Compliance and Governance is intended to capture those policy instruments related to university governance and institutional planning, regulatory compliance and institutional risk. In the past, Legal, Compliance and Governance policies have been brought to Academic Council as part of their role in the governance of the university and broader institutional planning. Some Administrative policies, which are operational in nature, have been brought on a case-by-case basis. After receiving comments from Academic Council and consulting outside counsel, we confirm that the intention is to consult Academic Council on both Legal Compliance and Governance and Administrative policy and procedure. Our proposed amendments to the Policy Framework and Procedures add clear mandatory consultation steps to give members of Academic Council an opportunity to review and provide comments on LCG and Administrative policies and procedures. In- Consultation at a scheduled meeting is required for LCG and written consultation for Administrative.

COMPLIANCE WITH POLICY/LEGISLATION:

- The UOIT Policy Framework delegates the Board’s power “to establish academic, research, service and institutional policies and plans and to control the manner in which they are implemented”. A key consideration in doing so is the Board’s duty to consult Academic Council under the UOIT Act and By-law No. 2 before establishing such policies. We are taking steps to ensure that the Framework engages the governance bodies effectively, while ensuring that our approach is consistent with the requirements of the legislation.

NEXT STEPS:

- Review of draft amendments by Policy Advisory Committee (April 19)
- Review of draft amendments by GNHR (April 19)
- Return to Academic Council and request a recommendation for approval of the draft amendments (May 18)
- Return to GNHR and Board with recommended amendments for deliberation and approval. (May 31/June 27)

MOTION FOR CONSIDERATION:

- N/A

SUPPORTING REFERENCE MATERIALS:

- Appendix A - Approval Authority Chart and Guide to Mandatory Consultation
- Appendix B – Delegation of Authority
- List of approved Policies and category descriptions

APPENDIX A – GUIDE TO APPROVAL PATH AND MANDATORY CONSULTATION STEPS

Category/Type	Policy Advisory Committee	Vice-President (Policy Sponsor)	University Administrative Council	Online Consultation	Academic Council Committees	Academic Council	President	Board Committee	Board of Governors
BRD Policy				MC				D	A
BRD Procedure				MC				D / A	
BRD Guideline BRD Directive				MC				D / A	
LCG Policy	PA	*	MC	MC		MC	MC	D	A
LCG Procedure	PA	*	D	MC		MC	MC	A	
LCG Directive LCG Guideline	PA	*	D				A		
ADM Policy	PA	*	D	MC		MC	A		
ADM Procedure	D	*	A	MC		MC			
ADM Directive ADM Guideline	D	A							
ACD Policy		*	MC	MC	D	A			
ACD Procedure		*	MC	MC	D	A			
ACD Directive ACD Guideline		*	MC		D	A			
Local Approval Authority Form		A				A			

Policy Instrument Categories: BRD – Board; LCG – Legal, Compliance and Governance; ADM – Administrative; ACD – Academic

PA – Policy Assessment D – Deliberation A – Approval * – Approval of editorial amendments

MC – Mandatory Consultation: Orange – in person Blue – written¹

¹ Where written consultation is required, Policy Lead may optionally decide to consult in person

UOIT POLICY FRAMEWORK APPENDIX B – DELEGATION OF AUTHORITY CHART

	Individuals									Administrative Bodies		Academic Council				Board of Governors		
	Policy Advisor	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	PAC	UAC	Faculty Council	Research Board	Other AC Committees	Academic Council	Board Committee	Board
Policy Project Initiation, Administration and Drafting																		
Authorize a policy project					X													
Identify a policy gap	X								X									
Assign a Policy Lead				X														
Consultation planning			X															
Initial consultation (optional)											X							
Draft Policy instrument			X															
Act as Policy Sponsor									X	X								
Act as Policy Owner								X	X	X								
Act as Policy Owner for Local Administrative PI						X	X	X										
Act as Policy Owner for Local Academic PI								X										
General training and advice on UOIT Policy Framework processes	X																	
Administer online consultation site	X																	
Assign Policy Category and Type		X																
Determine the approval authority for a PI if it is not clear										X ¹								
Determine Related Policies, Procedures & Documents	X																	
Determine Policy Owner/Sponsor										X								
Annual Reporting on PI approved and reviewed ²		X																
Deliberation																		
Submit Policy Instrument to Policy Office to begin deliberation process			X															

¹ In collaboration with the Board Chair under the advice of the University Secretary

² includes reporting on Local PI submitted by Local Policy Owners

	Individuals									Administrative Bodies		Academic Council				Board of Governors		
	Policy Advisor	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	PAC	UAC	Faculty Council	Research Board	Other AC Committees	Academic Council	Board Committee	Board
Develop PAC agenda	X																	
Approve PAC Minutes											X							
Policy Assessment of LCG and ADM PI											X							
Policy Assessment of ACD PI ³																		
Policy Assessment of BRD PI		X																
Amend PAC terms of reference																		X
Approvals (New or Substantive Amendments)																		
Submit PI for approval	X																	
Training and communications to support implementation of PI			X	X	X													
Approve new BRD Policy or substantive amendment																		X
Approve new BRD Procedure or substantive amendment																	X	
Approve new BRD Guidelines/ Directives or substantive amendment																	X	
Approve new LCG Policy or substantive amendment																	X	
Approve new LCG Procedure or substantive amendment																	X	
Approve new LCG Guidelines/ Directives or substantive amendment										X								
Approve new ACD Policy or substantive amendment																X		
Approve new ACD Procedure or substantive amendment																X		
Approve new ACD Guidelines/ Directives or substantive amendment																X		
Approve new ADM Policy or substantive amendment										X								
Approve new ADM Procedure or substantive amendment												X						
Approve new ADM Guidelines/ Directives or substantive amendment									X									
Approvals (Administrative Local Policy)																		
Approve new Local Administrative Policy or amendment							X	X	X									
Approve new Local Administrative Procedure or amendment						X	X	X	X									

³ Recommend an Academic Policy Committee of AC to fill this role

Individuals										Administrative Bodies		Academic Council				Board of Governors	
Policy Advisor	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	PAC	UAC	Faculty Council	Research Board	Other AC Committees	Academic Council	Board Committee	Board

Policy Library																	
Notify Policy Advisor of new PI or amendment approvals			X	X													
Maintain official record of university-wide PI approvals	X																
Maintain official copy of university-wide PI	X																
Editorial/ formatting review of PI before posting	X																
Post PI to Policy Library	X																
Policy Review																	
Determine University-Wide BRD Policy Review priorities																	X
Determine University-Wide LCG Policy Review priorities									X								
Determine University-Wide ADM Policy Review priorities											X						
Determine University-Wide ACD Policy Review priorities															X		
Establish unit Policy Review priorities to fulfil University-Wide priorities									X								
Provide recommended outcome of Policy Review				X													
Determine outcome of Policy Review ⁴									X						X		X
Maintain Policy Review Schedule	X																
Initiate Policy Review ⁵				X	X												
Develop PI forms and templates	X								X						X		X
Approve PI forms and templates (appendix to procedures)																X	

⁴ Outcome is determined by the approval authority of the Policy under review

⁵ Initiated by the approval authority of the Policy under review

Policy Instrument Categories and Types - Definitions

The UOIT Policy Framework establishes the approval process for all university policy instruments. A **policy instrument** means the different tools and documents utilized to provide direction in the governance and administration of the University. Policy instruments may have application within a single organizational unit (Local) or across more than one organizational unit (University).

Policy instruments may be one of four types:

- **Policy:** means a statement of principle intended to govern the operation of the University and which aligns with the legislative, regulatory and organizational requirements of the University
- **Procedure:** means a process, information or step-by-step instructions to implement a policy
- **Guideline:** means a set of optional directions that provide guidance, advice or explanation to support the implementation of a policy or procedure
- **Directive:** means a set of mandatory instructions that specify actions to be taken to support the implementation of and compliance with a policy or procedure

Policy instruments, of all types are also classified into five categories that determine the deliberative body and approval authority for the instrument. Policy instruments are classified based on discussion with the policy lead, the Policy and Compliance Advisor and the University Secretary.

The five categories are:

- **Board:** Policy Instruments that relate to the governance and administration of the Board of Governors.
- **Legal, Compliance and Governance:** Policy Instruments that relate to: broader institutional planning and governance issues, management of institutional risk, accountability and legislative requirements, and academic governance matters outside those authorities explicitly delegated by the Board to Academic Council.
- **Administrative:** Policy Instruments that relate to the ongoing management and operations of the University and that have application across more than one organizational unit.
- **Academic:** Policy Instruments that relate to academic governance and administration within the delegated authority to Academic Council from the Board.
- **Local:** Policy Instruments that relate to the ongoing management, work, and operation of the single organizational unit for which they were developed. Local policy instruments may be Academic or Administrative in nature.

List of Current Policies

The following tables list all University Policies that have been approved under the UOIT Policy Framework in each of the policy instrument categories, with the exception of Local Policies. Local Policies are not tracked centrally at this time. The table header includes the Approval Authority and Deliberative body for each category.

<u>LEGAL, COMPLIANCE & GOVERNANCE</u>		
Deliberative Body: Senior Leadership Team/Board Committees		
Approval Authority: Board of Governors		
Title	Approval Date	Policy Owner
Policy Against Violence, Harassment and Discrimination in the Workplace	December 7, 2016	VP HR
Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence	December 7, 2016	VP Academic
Policy on Naming of Physical University Assets	December 7, 2016	VP External Relations
Statement of Investment Policies	June 29, 2016	CFO
Safe Disclosure Policy	April 20, 2016	University Secretary
Contract Management Policy	April 20, 2016	General Counsel
Policy on Continuing Education Programs	March 9, 2016	Associate Provost
Endowment Management Policy	March 9, 2016	CFO
Fair Processes Policy	October 24, 2016	General Counsel
Use of the External Auditor for Non-Audit Services Policy	October 21, 2015	CFO
Records Management Policy	June 25, 2015	University Secretary
Expendable Funds Policy	March 11, 2015	CFO
Student Association Accountability Policy	March 11, 2015	VP Academic
Policy on the Recognition of Student Organizations	March 11, 2015	VP Academic
UOIT Policy Framework	November 28, 2014	University Secretary

<u>BOARD</u>		
Deliberative Body: Board Committees		
Approval Authority: Board of Governors		
Title	Approval Date	Policy Owner
Board of Governors Meeting Policy	June 25, 2015	University Secretary
Board Attendance Policy	June 25, 2015	University Secretary
Board of Governors Recruitment Appointment and Leadership Policy	April 2014	University Secretary

<u>ACADEMIC</u>		
Deliberative Body: Academic Council		
Approval Authority: As determined by Academic Council		
Title	Approval Date	Policy Owner
Cotutelle Policy	April 19, 2016	Registrar
Posthumous Degrees and Certificates of Achievement in Memoriam Policy	March 17, 2015	VP Academic

<u>ADMINISTRATIVE</u>		
Deliberative Body: PACIP		
Approval Authority: Senior Leadership Team		
Title	Approval Date	Policy Owner
Smoke Free Campus Policy	January 16, 2017	VP HR
Student International Travel Policy	October 11, 2016	VP Research
High Risk International Travel Policy	October 11, 2016	VP Research
Residual Funds Policy	Feb. 22, 2016	CFO
Senior Academic Administrators Appointment Policy	Feb. 10, 2016	President
Booking and Use of University Space Policy	December 23, 2015	VP Academic
Document Imaging Policy	June 22, 2015	University Secretary
Access Control Policy	March 9, 2015	VP HR
Policy on the Over-Expenditure of Research Funds	March 9, 2015	VP Research
Policy on the Use of Internal Research Funds	March 9, 2015	VP Research
Indirect Research Costs	Feb. 9, 2015	VP Research
Emergency Closure Policy	December 15, 2014	VP HR