



ACADEMIC COUNCIL REPORT

SESSION:

Public
 Non-Public

ACTION REQUESTED:

Decision
 Discussion/Direction

TO: Academic Council (AC)

DATE: March 31, 2020

PRESENTED BY: Cheryl Foy, University Secretary & General Counsel

SUBJECT: Temporary Amendment to Consultation Path in Policy Framework

AC MANDATE:

- In accordance with Article 1.3 of By-law No. 2, the Board has a duty to consult with AC on the establishment of service and institutional policies and plans.
- The Policy Framework is a key institutional policy that delegates the Board’s power, establishing categories of policy instruments with distinct consultation and approval pathways.
- We are consulting with AC to obtain Council members’ feedback on the proposal to temporarily abbreviate the consultation pathways set out in the Policy Framework in order to allow for a more expedited process to establish temporary policies or procedures or make temporary amendments to policy instruments to account for changes to the university’s operations due to the effects of the COVID-19 pandemic response.

BACKGROUND/CONTEXT & RATIONALE:

- The Policy Framework sets out a mandatory consultation and approval pathway, which requires a number of consultations to take place before an amendment to a policy instrument can be presented to the designated approval authority for approval.
- In accordance with the university’s Act and By-laws, the Board has a duty to consult with Academic Council before exercising its power “to establish academic, research, service and institutional policies and plans and to control the manner in which they are implemented”.

- The Policy Framework integrates the Board's duty to consult, requiring mandatory consultation with Academic Council before the approval of new policy instruments or amendments.
- The mandatory consultation steps are intended to allow the university community (including leadership, students, faculty members and staff) a chance to comment on, raise concerns with, or suggest improvements to policy instruments as well as providing an opportunity to build awareness of, and promote buy-in for, policy changes.
- Consultation steps can take a matter of months to complete. This is not compatible with the requirement to respond quickly to the COVID-19 pandemic situation, where guidance and orders from government and public health officials are changing day by day and hour by hour.
- We recommend temporarily abbreviating the consultation pathway requirements of the Policy Framework to allow for urgent policy changes driven by the need to respond to the COVID-19 pandemic.
- This would not obviate the duty to consult Academic Council under the university's Act.
- Members of Academic Council have indicated that they are willing to make themselves available for special meetings to consider urgent matters during this period. Alternatively, consultation with Academic Council could take place by email, as well.
- The approval authorities for policy amendments would remain the same:
 - Legal, Compliance and Governance policies: Board of Governors
 - Board policies: Board of Governors
 - Academic policies: Academic Council
 - Administrative: President
- This expedited approval process would only be available for establishing or amending policy instruments where there is a demonstrated, justifiable need to move quickly.
- Amendments approved in this manner should be in place for up to three months. This time period can be extended if necessary.
- The Policy Office will track and maintain a Policy Library of temporary policy instruments approved in this manner. This will ensure transparency and integrity of decision-making.
- The development or amendment of non-urgent policy instruments are expected to continue to follow the regular consultation and approval paths during this time.
- The Policy Office intends to continue to support ongoing policy work at the university during this time.
- Consultation and approval requirements are not suspended for policy amendments where there is no demonstrated, justifiable need.

IMPLICATIONS:

- Consultation on policies is a crucial step for ensuring compliance with and respect for university policies. Enacting policies without consultation should only be done when it is necessary to support operations in this unusual circumstance.

ALTERNATIVES CONSIDERED:

- We have considered alternatives such as maintaining the consultation requirements that are set out in the Policy Framework, when making necessary policy amendments or allowing deviations from existing policy requirements.
- In our judgement, the former will not allow the speed of response required by the emerging situation, and the latter does not provide sufficient transparency in decision-making.
- The proposal balances between the need for rapid adjustments and a desire to revisit in the future any policy decisions made without consultation while ensuring all policy decision-making is appropriately authorized and documented.

CONSULTATION:

- Academic Council (April 28, 2020)
- Senior Leadership Team (March 30, 2020)

COMPLIANCE WITH POLICY/LEGISLATION:

- the university's Act and By-law No. 2

NEXT STEPS:

- The proposed amendment to the consultation pathway in the Policy Framework will be presented to the Board of Governors for approval at the soonest opportunity.
- The Policy Office will report on any interim approvals of Academic or Administrative policy instruments, and bring any proposed Legal Compliance and Governance policy instruments to the Board for approval.

SUPPORTING REFERENCE MATERIALS:

- Blacklined Interim Policy Framework (draft)



Classification	LCG 1100
Category	Legal, Compliance and Governance
Approval Authority	Board of Governors
Policy Owner	University Secretary
Approval Date	June 27, 2018
Review Date	June 2021
Last Updated	Editorial Amendments, February 18, 2020
Supersedes	Policy Framework, November 2014

POLICY FRAMEWORK

PURPOSE

1. This framework is intended to provide for effective and consistent practice in the development and administration of University policy instruments.

DEFINITIONS

2. For the purposes of this policy the following definitions apply:

“Approval Authority” means a body or position that has authority to approve, amend, review or revoke a Policy Instrument.

“Deliberative Body” means a University body or committee responsible for discussion and consideration that provides recommendations for Policy Instruments prior to submission for approval.

“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.

“Guideline” means a set of optional directions that provide guidance, advice or explanation to support the implementation of a Policy or Procedure.

“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.

“Policy Advisory Committee (PAC)” means an advisory committee and deliberative body, established to conduct Policy Assessments and deliberate on Policy Instruments as set out in Appendix A.

“Policy Assessment” means a review of a draft Policy Instrument as described in the PAC Terms of Reference (Appendix C).

“Policy Instrument” means the different tools and documents that are used 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-wide).

“Policy Library” means the official central repository for the coordination and communication of University-wide Policy Instruments.

“Policy Lead” means the individual(s) responsible for drafting, reviewing, or amending a Policy Instrument.

“Policy Owner” means the position responsible for overseeing the implementation, administration and interpretation of a Policy Instrument.

“Procedure” means a process, information or step-by-step instructions to implement a Policy.

“University Administrative Council (UAC)” means a body chaired by the Provost and made up of the Senior Leadership Team (not including the President) and the Senior Academic Team.

SCOPE AND AUTHORITY

3. This policy applies to all University Policy Instruments.
4. The University Secretary is delegated overall responsibility for the administration of the Policy Framework.
5. The University Policy Library is the official central repository for all University-wide Policy Instruments and is overseen and maintained by the University Secretary.

POLICY

The University is committed to developing and maintaining Policy Instruments that contribute to the achievement of its goals and priorities and that provide transparency, clarity and consistency in decision making related to the University’s academic, administrative, legal, compliance and governance requirements.

6. Policy Instruments

6.1. There are four main types of Policy Instruments:

- Policies
- Procedures
- Directives
- Guidelines

7. Categories

7.1. There are five categories of Policy Instruments:

- **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 solely 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.

8. Application

8.1. There are two levels of application of Policy Instruments:

- **University-wide** Policy Instruments that have application across more than one organizational unit.
- **Local** Policy Instruments that have application to only the organizational unit for which they were developed. A Local Policy Instrument will not be considered to solely relate to a single organizational unit where:
 - a) Similar Policy Instruments exist within other organizational units, and/or;
 - b) The Policy Instrument purports to regulate the actions of other members of the University community.

9. Hierarchy

9.1. All Policy Instruments will be subordinate to and interpreted consistent with the University of Ontario Institute of Ontario Act and the University's By-laws.

9.2. Policy Instruments at the University will follow a hierarchy. The hierarchy of Policy Instruments is as follows:

- a) Policies
- b) Procedures
- c) Guidelines / Directives

9.3. Where two Policy Instruments in the hierarchy conflict, the Policy Instrument higher in the hierarchy takes precedence.

- a) Local Policy Instruments may not contradict University-wide Policy Instruments. University-wide Policy Instruments take precedence where there is a conflict between a University-wide and Local Policy Instrument.
- b) Where there is a conflict between a Policy Instrument and an existing collective agreement between the University and one of its bargaining units, the collective agreement will prevail.

10. Development, Approval and Review

10.1. Policy Instruments will be developed, amended, approved and reviewed in accordance with the Procedures for the Development, Approval and Review of Policy Instruments.

10.2. Policy Instruments will be formatted and presented in a unified and consistent manner.

10.3. University-wide Policy Instruments will be subject to a Policy Assessment as set out in Appendix A before submitting for deliberation or approval.

11. Approval and Administration

11.1. All Policy Instruments will have a designated Approval Authority. Approval Authorities are set out in Appendix A to this Policy.

- 11.2. Appendices to Policy Instruments form part of the document and are subject to the same approval, amendment, and review processes.
- 11.3. The Approval Authority for a Policy that is not clearly within a single policy category will be determined collaboratively between the President and the Chair of the Board of Governors, upon the advice of the University Secretary.
- 11.4. Policy Instruments will be submitted to a designated Deliberative Body prior to submission to the Approval Authority.
- 11.5. All Policy Instruments will have a designated Policy Owner responsible for the administration of the instrument.
- 11.6. Each organizational unit will maintain a Local Administrative Policy Approval Authority Form (Procedures Appendix E) that sets out the designated deliberation and approval path for each type of Local Administrative Policy Instrument. This form is subject to approval as set out in Appendix B.
- 11.7. Academic Council will set out deliberation and approval requirements for Local Academic Policy Instruments, consistent with the University of Ontario Institute of Technology Act and the University's By-laws.
- 11.8. Local Policy Owners are responsible for reporting the approval of Local Policy Instruments to a reporting body as set out in Appendix B.

12. Consultation

- 12.1. Consultation throughout the policy development and review cycle is crucial to the effective administration of Policy Instruments and to improve respect for and compliance with the instruments. Consultation on Policy Instruments will:
 - Consider relevant stakeholders;
 - Provide a comprehensive mechanism to gather and consider feedback and options;
 - Demonstrate that stakeholders' views are being considered;
- 12.2. The University Secretariat will develop and maintain mechanisms to update the University community regarding Policy Instruments under development or review and provide a means for gathering feedback.
- 12.3. Requirements for mandatory consultation are set out in Appendix A.

13. Classification and Publication

- 13.1. Policy Instruments will be organized and maintained according to a classification scheme that is a reflection of the content and application of the instrument.
- 13.2. University-wide Policy Instruments will be maintained in an official University Policy Library that is updated on an ongoing basis.

14. Review

- 14.1. All Policies will undergo a substantive review every three years.

15. Reporting

- 15.1. The University Secretary will report annually to the Board of Governors and Academic Council on Policies approved and reviewed during the year.

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16. Interim Policy Approval

16.1. Notwithstanding the requirements of sections 10.3, 11.4 and 12.3, a Policy Owner may request the temporary approval of a Policy Instrument if necessary to deal with unusual circumstances. An Approval Authority can approve the Policy Instrument for a limited period of time on an interim basis, **if the duty to consult Academic Council under the University's Act has been fulfilled.**

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16.2. In making its decision, the Approval Authority will consider:

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a) the circumstances of the request;

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b) whether there is an urgent need for approval to maintain university operations in making its decision; and

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c) whether the Policy Owner has fulfilled the duty to consult Academic Council under the University's Act.

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16.3. Policy Instruments approved on an interim basis will be maintained in the official University Policy Library that is updated on an ongoing basis.

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16.4. The University Secretary will report to the Board of Governors and Academic Council on Policy Instruments approved on an interim basis.

MONITORING AND REVIEW

16-17. The Policy Framework will be reviewed every three years. The Policy Advisory Committee is responsible for reviewing and evaluating this Framework and its associated Procedures.

RELEVANT LEGISLATION

17-18. University of Ontario Institute of Technology Act, 2002, SO 2002, c 8, Sch O

By-Law Number 1 of the University of Ontario Institute of Technology, as amended

By-Law Number 2 of the University of Ontario Institute of Technology (effective September 1, 2018)

RELATED POLICIES, PROCEDURES & DOCUMENTS

18-19. Procedures for the Development, Approval and Review of Policy Instruments

Policy Instrument Review and Planning Form

Policy Instrument Drafting Guidelines (In development)

Policy Instrument Review Guidelines (In development)

Policy Instrument Templates

APPENDIX A – GUIDE TO APPROVAL PATH AND MANDATORY CONSULTATION STEPS

Category/Type	Policy Advisory Committee	Vice-President (or Policy Sponsor)	University Administrative Council	University Community	Academic Council Committees	Academic Council	President	Board Committee	Board of Governors
BRD Policy				MC2				D	A
BRD Procedure				MC2				D / A	
BRD Guideline				MC2				D / A	
BRD Directive				MC2				D / A	
LCG Policy	PA	*	MC1	MC2		MC1	MC2	D	A
LCG Procedure	PA	*	D	MC2		MC1	MC2	A	
LCG Directive	PA	*	D	MC2		MC2	A		
LCG Guideline	PA	*	D	MC2		MC2	A		
ADM Policy	PA	*	D	MC2		MC2	A		
ADM Procedure	D	*	A	MC2		MC2			
ADM Directive	D	A		MC2		MC2			
ADM Guideline	D	A		MC2		MC2			
ACD Policy		*	MC2	MC2	D	A			
ACD Procedure		*	MC2	MC2	D	A			
ACD Directive		*	MC2	MC2	D	A			
ACD Guideline		*	MC2	MC2	D	A			
Local ADM Policy Instruments		A ¹							

¹ As set out by Vice-President responsible for the unit.

Local ACD Policy Instruments						A ²			
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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: **MC1 – Face to Face** **MC2 – Written**³

² As set out by Academic Council.

³ Written Consultation means posting a draft policy instrument on USGC website for community comments. Policy Lead may optionally consult face to face.

POLICY FRAMEWORK APPENDIX B – DELEGATION OF AUTHORITY CHART

	Individuals										Administrative Bodies		Academic Council			Board of Governors	
	Policy Office	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	PAC	UAC	Faculty Council	AC Committees	Academic Council	Board Committee	Board
Policy Project Initiation, Drafting and Consultation																	
Policy Sponsor (approve projects to fill university-wide policy gaps)									X	X							
Policy Owner (identify policy gaps, assign Policy Leads)								X	X	X							
Policy Owner (Local Administrative Policies)						X	X	X									
Policy Owner (Local Academic PI)								X									
Policy Lead (identify stakeholders, determine schedule and method of consultation and develop plan, benchmark, draft PI, submit for consultation, incorporate and/or respond to comments)			X														
Policy Lead (submit draft to Policy Office for deliberation with a report on consultation to the deliberative body)			X														
Provide general training and advice on framework processes, advise on consultation planning, manage consultation website & schedule	X																

	Individuals									Administrative Bodies		Academic Council			Board of Governors		
	Policy Office	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	PAC	UAC	Faculty Council	AC Committees	Academic Council	Board Committee	Board
Classify PI, determine if amendments are editorial or substantive, report on PI reviews and approvals to Board and Academic Council. ⁴		X															
Determine Policy Owner and Sponsor. Resolve questions about the approval authority for a PI where it is unclear										X ⁵							
Required consultation for research, service & institutional policies ⁶															X		
Policy Assessment																	
Submit to Policy Office for Policy Assessment			X														
Policy Assessment of Legal, Compliance and Governance and Administrative PI											X						
Policy Assessment of Academic PI														X ⁷			
Policy Assessment of Board PI		X															
Amend Policy Advisory Committee terms of reference																	X

⁴ includes reporting on Local Policies submitted by Local Policy Owners

⁵ In collaboration with the Board Chair under the advice of the University Secretary

⁶ Research-related PI should undergo consultation with Research Board and all applicable research ethics or compliance committees

⁷ Recommend that a committee of Academic Council fill this role

	Policy Office	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	Administrative Bodies		Academic Council			Board of Governors	
											PAC	UAC	Faculty Council	AC Committees	Academic Council	Board Committee	Board
Deliberation																	
Determine if Mandatory Consultation & Policy Assessment are complete. Review formatting of PI. Submit for deliberation	X																
Report on deliberations to approval authority			X														
Approvals (New or Substantive Amendments)																	
Submit PI for approval	X																
Training and communications to support implementation of PI. Assess adoption and compliance with new PI and report to the Approval Authority after one year of implementation			X	X	X												
Approvals (Editorial)																	
Approve editorial amendments to all PI Categories (except Local)					X												
Report editorial amendments to Approval Authority			X	X	X												
Policy Library																	
Notify Policy Office of new PI or amendment approvals			X	X													
Maintain official copy of university-wide PI & record of approvals & amendments. Review formatting of PI. Determine related Policies, Procedures and Documents. Post to Policy Library	X																

	Individuals										Administrative Bodies		Academic Council			Board of Governors	
	Policy Office	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	PAC	UAC	Faculty Council	AC Committees	Academic Council	Board Committee	Board
Policy Review																	
Determine Policy Review priorities and initiate a Policy Review ⁸										X						X	
Determine outcome of Policy Review ⁹										X					X		X
Maintain University-Wide Policy Review Schedule	X																
Approvals (New or Substantive Amendments)																	
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			

⁸ Policy Reviews can be initiated by the policy sponsor, owner or approval authority of a Policy

⁹ Review outcome is determined by the approval authority of the Policy under review, with the recommendation of the Policy Sponsor or Owner

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								

	Policy Office	University Secretary	Policy Lead	Policy Owner	Policy Sponsor	Manager	Director	AVP/Dean	VP	President	PAC	UAC	Faculty Council	AC Committees	Academic Council	Board Committee	Board
Approvals (Local Administrative Policy)																	
Approve new Local Administrative Policy or amendment and report to reporting body for Local Administrative PI							X	X	X								
Approve Local Administrative Approval authority form									X								
Maintain the official copy and a record of approvals & amendments of Local Administrative PI over time	X																
Reporting body for Local Administrative PI											X						
Approvals (Academic Local Policy)																	
Set out approval and deliberation path for Local Academic PI															X		
Approve editorial amendments to Local Academic PI and report to Faculty Council and reporting body for Local Academic PI								X									
Maintain the official copy and a record of approvals & amendments of Local Academic PI over time	X																
Reporting body for Local Academic PI														X ¹⁰			

¹⁰ Reporting body is the applicable committee of Academic Council based on their terms of reference.



Classification	LCG 1100
Category	Legal, Compliance and Governance
Approval Authority	Board of Governors
Policy Owner	University Secretary
Approval Date	June 27, 2018
Review Date	June 2021
Supersedes	N/A

APPENDIX C – POLICY ADVISORY COMMITTEE

1. Purpose

The Policy Advisory Committee (PAC) is an advisory committee and Deliberative Body that provides recommendations to other Deliberative Bodies, Approval Authorities, Policy Sponsors and Policy Owners who have brought forward Policy Instruments under development.

It is expected that broader consultation on the development and drafting of Policy Instruments has occurred prior to a Policy Instrument reaching the PAC. The purpose of the Committee is not to act in place of appropriate consultative processes in the development of Policy Instruments.

2. Terms of Reference

The Committee will conduct an assessment of Policy Instruments and act as a Deliberative Body as set out in Appendix A of the Policy Framework. When PAC deliberates on a Policy Instrument, the committee should also conduct a Policy Assessment of the instrument, if it has not previously done so.

a) Optional Early Consultation

The Committee can provide a consultation in the early stages of a policy project to aid in identifying stakeholders, consider consultation and implementation planning, and provide recommendations on whether a policy need can be achieved by modifying or clarifying existing Policy Instruments.

b) Policy Assessment

When conducting a Policy Assessment, the Committee will:

- i. Assess whether and what type of new Policy Instrument is needed or whether the policy need can be achieved by modifying or clarifying existing Policy Instruments.
- ii. Ensure that Policy Instruments are aligned as far as possible with operational practicalities and that potential operational gaps are identified.
- iii. Assess the Policy Instrument for consistency or conflict with legislation, the Policy Framework and Procedures, as well as other existing Policy Instruments, regulations and collective agreements. When applicable, the Committee will give particular consideration to the policies of any and all strategic institutional partners with whom the University shares academic or administrative operations that may overlap or otherwise affect the proposed Policy Instruments (e.g. Durham College).
- iv. Determine coherence and consistency with the established template and format.
- v. Review the process and extent of consultation and advise the Policy Sponsor or Policy Owner on areas where additional consultation may be needed.

- vi. Provide advice and guidance to the Policy Sponsor or Policy Owner on issues related to implementation and communication.
- vii. Provide feedback regarding the implications of proposed policies, including impact on students, faculty and staff, as well as potential risks, costs and operational requirements, and make recommendations regarding possible areas for consideration or change.

c) Deliberation

When acting as a Deliberative Body, the Committee is responsible for discussion and consideration and provides recommendations for Policy Instruments prior to submission for approval. Committee members should consider the elements of a Policy Assessment when deliberating on a Policy Instrument.

d) Policy Priorities and Planning

The Committee will discuss and consider policy gaps and policy needs at the University to provide recommendations to and advise the University Administrative Council on priorities for policy development and review. This includes receiving for information and discussion approved Local Policy Instruments. Local Administrative Policy Instruments will be considered in the planning and development of university-wide Policy Instruments.

3. Responsibilities

- a) The Committee will be responsible for the periodic review of the Policy Framework and its associated Procedures and for making recommendations to improve the effectiveness and implementation of the Framework.
- b) Representatives to the Committee will be responsible for disseminating information and updates regarding Administrative and Legal, Compliance and Governance Policies to their respective areas.

4. Membership

- University Secretary, or delegate (Chair)
- Policy and Compliance Advisor (Secretary to the Committee)

One representative from each of the following Administrative areas:

- Provost
- Labour Relations
- External Relations and Advancement
- Research and International
- Finance

- Human Resources
 - Office of Campus Infrastructure and Sustainability (OCIS)
 - Student Life
 - School of Graduate and Postdoctoral Studies
 - Faculty Planning and Operations Group
 - Registrar
 - IT Services
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- Two representatives from the Teaching Staff with direct knowledge and interest in University policies and policy development. Teaching Staff Representatives will be selected by the Provost after consultation with Academic Council.

Administrative representatives are appointed by the Vice-President or delegate for each organizational area. Each representative is expected to be a person within each area who has either direct knowledge or responsibility for the administration and application of policy for their respective unit (i.e. a senior administrative staff member).