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<b>SUBJECT</b>	REGULATORY FRAMEWORK POLICY GA2 – AMENDMENT	
<b>REPORT TO</b>	BOARD OF GOVERNORS	
<b>MEETING DATE</b>	DECEMBER 5, 2019	
<b>MATTER TYPE</b>	<input checked="" type="checkbox"/> BOARD DISCUSSION NOT REQUIRED	<input type="checkbox"/> BOARD DISCUSSION REQUIRED
<b>ACTION REQUESTED</b>	IT IS HEREBY REQUESTED that the Board of Governors <b>approve</b> the amendment of the Regulatory Framework Policy (GA2 – Administration of Policies) as set out in Supplemental Materials #1, effective upon publication in the Official Repository on the website of the Office of the University Counsel.	
<b>REPORT DATE</b>	November 5, 2019	
<b>EXECUTIVE PROPONENT</b>	Hubert Lai, Q.C., University Counsel	
<b>PRESENTED BY</b>	Hubert Lai, Q.C., University Counsel	
<b>SUPPORTED BY</b>	Lorena Vlad, Legal Counsel	

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#### PRIOR SUBMISSIONS

The subject matter of this Report has been considered previously by the Governance Committee on the following occasion: [June 3, 2019](#).

The following executive summary assumes familiarity with the prior submission and provides a status update from the date of the most recent report.

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#### EXECUTIVE SUMMARY

Proposed amendments to the Regulatory Framework Policy were presented to the Governance Committee of the Board of Governors for information and input at the meeting of the Governance Committee in June 2019. The Office of the University Counsel (“OUC”) published the proposed amendments for community consultation from June 6, 2019 until September 30, 2019, resulting in comments from the Ombudsperson for Students, the Alma Mater Society (“AMS”), and the Graduate Student Society (“GSS”). The Policy Development Committee that was constituted for the review of the Regulatory Framework Policy reconvened to review the feedback received, and recommends various amendments, which are summarized below.

The Ombudsperson for Students suggested additional language be included regarding diversity on Policy Development Committees and that Policy Development Committees include members from the AMS, GSS, and the Student Union of UBC Okanagan (“SUO”) in addition to any other students-at-large that may be on such committees. The AMS and the GSS also suggested that elected student representatives be included in the composition of Policy Development Committees for Board Policies that affect students.

In response to the above-noted feedback, the Policy Development Committee recommends the following changes to the Policy proposal previously presented for information in June 2019:

1. Section 2 of the Procedures has been revised to more directly address diversity goals. Specifically, the proposed language now states that the “OUC also seeks to form Policy Development Committees that bring a diverse range of perspectives and experiences to the Policy Development Committee and may add other members to Policy Development Committees as appropriate”.
2. Section 2 of the Procedures has been revised to include new language to explicitly provide that where the subject matter of Policies impacts students, the OUC will seek nominations of student representatives from the AMS, GSS, and the SUO, as appropriate.

In addition to the substantive proposed changes described above, the Policy Development Committee also recommends additional revisions to the Regulatory Framework Policy for clarification purposes, as follows:

3. The proposed revisions in section 4.5 of the Regulatory Framework Policy clarify the timing for Policy reviews by including a date for the next review of a Policy that was reviewed but not revised as part of the previous 5-year review. Accordingly, the proposed change is to include the italicized wording below:

“4.5 In consultation with the Responsible Executive, the OUC will conduct a review of each Board Policy and its Procedures, if any, at least every five years from the later of the (i) effective date of the Board Policy; or (ii) the last date of revision of the Board Policy, if applicable; *or (iii) the last date of review, if no revisions were made...*”

4. The proposed revisions in section 7.3 of the Regulatory Policy include two additional circumstances in which the OUC may revise Board Policies and Procedures, as follows: (1) to reflect changes made by the President to Responsible Executive designations or Responsible Executive titles pursuant to section 2.6 of the amended Regulatory Framework Policy; and (2) to reflect changes in addresses, phone numbers, or other contact information upon request from a UBC member who has a supervisory role at UBC. The OUC will report any such revisions to the Board at its next regularly scheduled meeting or as soon thereafter as practicable.


The revisions to the Regulatory Framework Policy proposal previously submitted to the Board for information do not result in any changes to the anticipated benefits or the financial, operational or reputational risks that were identified in the previous Board submission for this Policy proposal.

Subject to approval by the Board of the amended Regulatory Framework Policy at its meeting on December 5, 2019, the OUC anticipates that it will publish the updated version of the Regulatory Framework Policy in the Official Repository within three business days following the Board’s December meeting, at which time the amended Regulatory Framework Policy will become effective. The OUC will also send a notification to those registered to receive news from the OUC and will publish a notice in *UBC Today* to advise the UBC community of the amended Regulatory Framework Policy.

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## SUPPLEMENTAL MATERIALS

1. Clean Copy of the Proposed Regulatory Framework Policy Being Presented to the Board for Approval
2. Blackline of Proposed Amendments to the Regulatory Framework Policy Showing Changes Against Version Previously Presented to the Board for Information in June 2019
3. Summary of Community Feedback and Policy Development Committee Recommendations

 <b>The University of British Columbia Board of Governors</b>	<b>Policy No.:</b> <b>GA2</b>
<b>Long Title:</b> Regulatory Framework for the Administration of Board Policies and Procedures	
<b>Short Title:</b> <b>Regulatory Framework Policy</b>	

### Background & Purposes:

The University Act establishes a bicameral governance structure that divides responsibility for UBC between (i) the Board of Governors (the “Board”); and (ii) the Senates and the Council of Senates. The Board has responsibility for UBC’s property, revenue, and business affairs. The Board establishes Board Policies to provide direction to UBC Members regarding a range of matters that fall within its statutory authority. The purpose of this Policy is to define and set out the framework for the development, review, repeal, approval, and communication of Board Policies. This Policy applies only to Board Policies, and not to policies established by one or more of the Senates and the Council of Senates or to policies that are jointly established by the Board and one or more of the Senates and the Council of Senates.

## 1. Regulatory Framework

- 1.1 Board Policies and Procedures provide a basis for consistent and appropriate decision-making and conduct. The creation, amendment, and repeal of Board Policies and any associated Procedures or Rules are based upon UBC’s institutional requirements.
- 1.2 The general regulatory framework utilized by the Board consists of:
  - 1.2.1 Board Policies;
  - 1.2.2 Procedures associated with Board Policies;
  - 1.2.3 Rules associated with Board Policies; and
  - 1.2.4 Guidelines associated with Board Policies.
- 1.3 “**Board Policies**” are principle-based documents developed to regulate matters that are within the exclusive jurisdiction of the Board. Board Policies are mandatory in nature.
- 1.4 “**Procedures**” provide direction to UBC Members regarding the operational application of the Board Policy with which the Procedures are associated. They are subordinate to the associated Board Policy and must not be inconsistent with the provisions of any Board Policy. Procedures are mandatory in nature.

- 1.5 Board Policies and Procedures may provide for a process for the creation, amendment, or repeal of “**Rules**”. Rules are intended to set out detailed processes and requirements that are not appropriate for inclusion in the associated Board Policy or Procedures. They are subordinate to the associated Board Policy and Procedures and must not be inconsistent with provisions of any Board Policy or Procedures. Rules are mandatory in nature.
- 1.6 “**Guidelines**” are advisory publications that are intended to provide guidance to UBC Members as to how the associated Board Policy, Procedures, and Rules are implemented and may include illustrative examples, best practices, or recommendations. Guidelines are non-binding in nature.
- 1.7 In the case of any inconsistency between a Board Policy and any associated Procedures or Rules, the Board Policy takes precedence followed by the Procedures, followed by the Rules.

## 2. Application of Board Policies, Procedures, and Rules

- 2.1 Except as otherwise provided in a Board Policy, Procedure, or Rule, Board Policies, Procedures, and Rules apply to all UBC students (as defined in the *University Act*); any other UBC learners as may be specifically provided for in a Board Policy; all UBC employees and appointees, including, without limitation, staff members, faculty members, temporary or sessional instructors, clinical or honorary professors, and adjunct professors; all volunteers engaged in a UBC activity; all other persons acting on behalf of UBC; and any other persons as may be specifically provided for in a Board Policy (“**UBC Members**”).
- 2.2 It is the responsibility of each UBC Member who has a supervisory role at UBC (each, a “**Supervisor**”) to (i) communicate with those under the Supervisor’s direction about the application of Board Policies, Procedures, and Rules; (ii) ensure compliance with Board Policies, Procedures, and Rules by those under the Supervisor’s direction; and (iii) take appropriate action in the event that any concern related to Board Policies, Procedures, or Rules arises, or in the event that any breach of a Board Policy, Procedure, or Rule occurs.
- 2.3 Notwithstanding section 2.2, all UBC Members also have an independent responsibility to familiarize themselves with the content of Board Policies, Procedures, and Rules and to conduct themselves in accordance with their requirements.
- 2.4 The “**UBC Executive**” is the group of senior administrators selected by the President for the purposes of providing advice regarding UBC operations and implementing UBC’s strategic plan.
- 2.5 For each Board Policy, the President designates one or more members of the UBC Executive (which may include the President) as having primary responsibility for the implementation and administration of the Board Policy and any associated Procedures and Rules (the “**Responsible Executive**”). The Responsible Executive for a particular Board Policy has the authority to approve individual requests for exceptions in connection with the application of such Board Policy or any associated Procedures or Rules. Where the Responsible Executive authorizes any exceptions, the Responsible Executive will report the exercise of such authority to the Board Secretary forthwith and to the responsible Board committee at its next regularly scheduled meeting or as soon thereafter as practicable.
- 2.6 The President may change the designation of Responsible Executive(s) at any time to ensure that the designations properly represent the executive structure of UBC and that the most

appropriate persons are responsible for the administration of each Board Policy and any associated Procedures and Rules. Where the President changes the designation of Responsible Executive(s), the President or the President's delegate will report the change to the Board Chair and Board Secretary as soon as practicable.

### **3. Development of Proposals for Board Policies, Procedures, and Rules**

- 3.1 The Office of the University Counsel ("**OUC**") coordinates the development of proposals for the consideration of the Board regarding the establishment, amendment, or repeal of Board Policies ("**Policy Proposals**"). Where such Board Policies have associated Procedures, the Policy Proposal will normally address both the Board Policy and the associated Procedures in a holistic manner. Where an existing Board Policy does not require amendment but the establishment, amendment, or repeal of associated Procedures is contemplated, the OUC coordinates the development of proposals for the consideration of the President regarding the establishment, amendment, or repeal of such Procedures ("**Procedure Proposals**").
- 3.2 Where the establishment of associated Rules is contemplated by a Board Policy or Procedures, the staff of the Responsible Executive normally coordinates the development of proposals for the consideration of the Responsible Executive regarding the establishment, amendment, or repeal of those Rules. The Board Policy or Procedures may establish procedural or other requirements for the development of such proposals.

### **4. Approval of Board Policies, Procedures, and Rules**

- 4.1 The Board has overall responsibility for Board Policies and Procedures. The Board has exclusive authority to establish, amend, and repeal Board Policies. The Board has authority to establish, amend, and repeal Procedures but also delegates such authority to the President.
- 4.2 Where the President authorizes the establishment, amendment, or repeal of Procedures, the President or the President's delegate will report the exercise of such authority to the responsible Board committee at its next regularly scheduled meeting or as soon thereafter as practicable.
- 4.3 Where the establishment of associated Rules is contemplated by a Board Policy or Procedures, the Responsible Executive for the Board Policy has the authority to establish, amend, or repeal those Rules provided that the Responsible Executive follows any requirements that are set out in the Board Policy or Procedures for doing so. The applicable Responsible Executive must provide the OUC with notice of the establishment, amendment, or repeal of any Rules so that the changes can be reflected in the official repository maintained by the OUC pursuant to section 7.1 of this Policy.
- 4.4 Where a Responsible Executive for a Board Policy considers that associated Guidelines would be beneficial, the Responsible Executive has the authority to issue such Guidelines, keeping in mind that such Guidelines are advisory only, and non-binding in nature. The applicable Responsible Executive must provide the OUC with notice of the establishment, amendment, or repeal of any Guidelines so that the changes can be reflected in the official repository maintained by the OUC pursuant to section 7.1 of this Policy.
- 4.5 In consultation with the Responsible Executive, the OUC will conduct a review of each Board Policy and its Procedures, if any, at least every five years from the later of the (i) effective date

of the Board Policy; or (ii) the last date of revision of the Board Policy, if applicable; or (iii) the last date of review, if no revisions were made. The purpose of such review will be to evaluate the currency of the applicable Board Policy and its Procedures, if any, and determine whether amendments are required. The OUC will report the result of the review to the responsible Board committee at its next regularly scheduled meeting or as soon thereafter as practicable.

## 5. Effective Dates

- 5.1 New Board Policies and any changes to, or repeals of, Board Policies take effect when approved by the Board or on such later date as may be specified by the Board.
- 5.2 New Procedures and any changes to, or repeals of, Procedures take effect when approved by the Board or the President, or on such later date as may be specified by the Board or the President, as the case may be.
- 5.3 New Rules and any changes to, or repeals of, Rules take effect when approved by the Responsible Executive, or on such later date as may be specified by the Responsible Executive.

## 6. Supplementary Information

- 6.1 The OUC may issue explanatory notes to Board Policies and Procedures. Such explanatory notes may provide historical or other additional information regarding Board Policies and Procedures. Any such explanatory notes must be clearly identified as such, and are informational only and have no regulatory effect.

## 7. Official Record

- 7.1 The OUC is responsible for maintaining the official repository of Board Policies, Procedures, Rules, and Guidelines that are in force (the “**Official Repository**”) in the location set out in the Procedures associated with this Policy. UBC Members are entitled to rely upon the versions published in the Official Repository as being accurate.
- 7.2 The OUC will provide notification to the Board Secretary of any modifications of the Official Repository promptly upon such modifications being made, and the notification will include either a copy of the modified document or information regarding the location of the modified document in the Official Repository.
- 7.3 The OUC may revise Board Policies and Procedures to:
  - 7.3.1 correct obvious clerical errors, provided that such revisions do not have any material effect on the substance and content of such Board Policies and Procedures;
  - 7.3.2 reflect changes made by the President to Responsible Executive designations or Responsible Executive titles pursuant to section 2.6 of this Policy; or
  - 7.3.3 reflect changes in addresses, phone numbers, or other contact information upon request from a Supervisor.

The OUC will report any such revisions to the Board at its next regularly scheduled meeting or as soon thereafter as practicable.



## PROCEDURES ASSOCIATED WITH THE REGULATORY FRAMEWORK POLICY

*Pursuant to the Regulatory Framework Policy, the President may approve Procedures or the amendment or repeal of Procedures. Such approvals must be reported at the next meeting of the UBC Board of Governors or as soon thereafter as practicable.*

*Capitalized terms used in these Procedures that are not otherwise defined herein shall have the meanings given to such terms in the accompanying Policy, being the Regulatory Framework Policy.*

### 1. Policy Proposal Development

- 1.1 To facilitate and coordinate the development of a Policy Proposal pursuant to section 3.1 of the Policy where the development of the Policy Proposal is expected to result in the establishment of a new Board Policy, the repeal of an existing Board Policy, or significant amendments to an existing Board Policy, the OUC normally follows the process set out below:
  - 1.1.1 OUC confirms the mandate with the Responsible Executive(s).
  - 1.1.2 OUC carries out an environmental survey to identify preferred policy models at other institutions.
  - 1.1.3 OUC strikes a committee for policy review (a “**Policy Development Committee**”).
  - 1.1.4 OUC prepares draft Policy Proposal for consideration by the Policy Development Committee.
  - 1.1.5 The Policy Development Committee reviews the draft working policy and provides comments and recommendations.
  - 1.1.6 The steps set out in sections 1.1.4 and 1.1.5 are repeated as necessary to develop a Policy Proposal that is satisfactory to the Policy Development Committee.
  - 1.1.7 Depending on the degree of institutional impact, the OUC may present the Policy Proposal to the UBC Executive for discussion prior to submission to the responsible Board committee.
  - 1.1.8 OUC prepares the docket package regarding the Policy Proposal for the responsible Board committee. The University Counsel and the applicable Responsible Executive(s) must approve the docket package prior to submission to the responsible Board committee.
  - 1.1.9 The Policy Proposal is presented to the responsible Board committee for information.
  - 1.1.10 If the Policy Proposal is not widely applicable to the UBC community, the Policy Proposal is then presented to the Board for approval.

1.1.11 If the Policy Proposal is widely applicable to the UBC community:

- (a) subject to comments from the responsible Board committee, the Policy Proposal is published with a call for comments from the UBC community;
- (b) the Policy Development Committee considers feedback received from the UBC community and may recommend changes to the Policy Proposal;
- (c) OUC amends the Policy Proposal in accordance with the recommendations of the Policy Development Committee;
- (d) OUC prepares the docket package in connection with the revised Policy Proposal for the Board. The University Counsel and the applicable Responsible Executive(s) must approve the docket package prior to submission to the Board; and
- (e) the Policy Proposal is presented to the Board for approval.

## 2. Composition of Policy Development Committees

- 2.1 The primary considerations in determining the composition of a Policy Development Committee are ensuring that its members (i) have the subject matter expertise and knowledge of UBC necessary to support the development of an effective Policy Proposal, and (ii) consist of persons who are representative of units responsible for the subject matter of the Policy Proposal and the primary UBC constituencies that would be impacted by the Policy Proposal. The OUC also seeks to form Policy Development Committees that bring a diverse range of perspectives and experiences to the Policy Development Committee and may add other members to Policy Development Committees as appropriate.
- 2.2 Where the Policy may impact student interests, the OUC will also seek nominations of student members from the Student Union of UBC Okanagan, the Alma Mater Society, and the Graduate Students Society (collectively, the “**Student Societies**”), as appropriate.
- 2.3 Where the OUC seeks nominations from the applicable Student Societies pursuant to section 2.2 above, the following will apply:
  - 2.3.1 the Student Society may nominate any student who is a member of that Student Society and is not restricted to nominating members of its executive body or governing council;
  - 2.3.2 the Student Societies are not obliged to nominate a student;
  - 2.3.3 if the applicable Student Societies do not provide the OUC with a nomination or if a Student Society’s nominee does not attend Policy Development Committee meetings, the Policy Development Committee will not be prevented or in any way restricted from carrying out its work.
- 2.4 Policy Development Committees may include the chair of the Board committee that is responsible for the particular subject matter of the Policy Proposal or such chair’s designate.
- 2.5 In determining the composition of Policy Development Committees, the OUC will consult with the applicable Responsible Executive and the chair of the applicable Board committee having responsibility over the subject matter of the Policy Proposal.



- 2.6 If a member of a Policy Development Committee becomes unwilling or unable to serve as a member of the Policy Development Committee before such committee has completed its work, the chair of the Policy Development Committee may appoint a replacement in such chair's discretion. While the replacement member may be any person whose participation is expected to contribute significantly to the Policy Development Committee's activities, the usual practice is for the chair of the Policy Development Committee to replace a member from a stakeholder group with a person from that group. If the chair of the Policy Development Committee does not appoint a replacement member, the Policy Development Committee may complete its work notwithstanding the vacancy.
- 2.7 If a student member of a Policy Development Committee ceases to be a student at UBC but remains willing and able to continue to serve as a member of the Policy Development Committee, the chair of the Policy Development Committee may permit the student to continue to serve or may appoint a replacement student member at such chair's discretion. Any such replacement student must be from the same campus as the student who is being replaced and must be at the same level of studies as the student who is being replaced (i.e., an undergraduate or graduate student, as applicable).

### **3. Streamlining the Policy Development Process**

- 3.1 Where amendments of an existing Board Policy are not expected to be significant, the OUC will streamline the process set out in section 1.1 of these Procedures as appropriate, balancing timeliness, efficient utilization of UBC resources in the development of the Policy Proposal, and the ultimate requirement that the final Policy Proposal be of high quality and effective in meeting the specific needs of UBC that are intended to be addressed by the Policy Proposal. When a Policy Proposal is submitted to the Board for approval, the Board submission will include a description of the process that was used to ensure that the Policy Proposal has had the benefit of an appropriate level of stakeholder input.

### **4. Official Repository**

- 4.1 For the purposes of section 7 of the Policy, the Official Repository is located at <https://universitycounsel.ubc.ca/policies/index/>.

 <p><u>The University of British Columbia</u>  <u>Board of Governors</u>  <del>The University of British Columbia</del>  <del>Board of Governors</del></p>	<b>Policy No.:</b> <b>GA2</b>
<b>Long Title:</b>  Regulatory Framework for the Administration of Board Policies and Procedures	
<b>Short Title:</b>  <b>Regulatory Framework Policy</b>	

### Background & Purposes:

The University Act establishes a bicameral governance structure that divides responsibility for UBC between (i) the Board of Governors (the “Board”); and (ii) the Senates and the Council of Senates. The Board has responsibility for UBC’s property, revenue, and business affairs. The Board establishes Board Policies to provide direction to UBC Members regarding a range of matters that fall within its statutory authority. The purpose of this Policy is to define and set out the framework for the development, review, repeal, approval, and communication of Board Policies. This Policy applies only to Board Policies, and not to policies established by one or more of the Senates and the Council of Senates or to policies that are jointly established by the Board and one or more of the Senates and the Council of Senates.

## 1. Regulatory Framework

- 1.1 Board Policies and Procedures provide a basis for consistent and appropriate decision-making and conduct. The creation, amendment, and repeal of Board Policies and any associated Procedures or Rules are based upon UBC’s institutional requirements.
- 1.2 The general regulatory framework utilized by the Board consists of:
  - 1.2.1 Board Policies;
  - 1.2.2 Procedures associated with Board Policies;
  - 1.2.3 Rules associated with Board Policies; and
  - 1.2.4 Guidelines associated with Board Policies.
- 1.3 “**Board Policies**” are principle-based documents developed to regulate matters that are within the exclusive jurisdiction of the Board. Board Policies are mandatory in nature.
- 1.4 “**Procedures**” provide direction to UBC Members regarding the operational application of the Board Policy with which the Procedures are associated. They are subordinate to the

associated Board Policy and must not be inconsistent with the provisions of any Board Policy. Procedures are mandatory in nature.

1.5 Board Policies and Procedures may provide for a process for the creation, amendment, or repeal of “**Rules**”. Rules are intended to set out detailed processes and requirements that are not appropriate for inclusion in the associated Board Policy or Procedures. They are subordinate to the associated Board Policy and Procedures and must not be inconsistent with provisions of any Board Policy or Procedures. Rules are mandatory in nature.

1.6 “**Guidelines**” are advisory publications that are intended to provide guidance to UBC Members as to how the associated Board Policy, Procedures, and Rules are implemented and may include illustrative examples, best practices, or recommendations. Guidelines are non-binding in nature.

1.7 In the case of any inconsistency between a Board Policy and any associated Procedures or Rules, the Board Policy takes precedence followed by the Procedures, followed by the Rules.

## 2. Application of Board Policies, Procedures, and Rules

2.1 Except as otherwise provided in a Board Policy, Procedure, or Rule, Board Policies, Procedures, and Rules apply to all UBC students (as defined in the *University Act*); any other UBC learners as may be specifically provided for in a Board Policy; all UBC employees and appointees, including, without limitation, staff members, faculty members, temporary or sessional instructors, clinical or honorary professors, and adjunct professors; all volunteers engaged in a UBC activity; all other persons acting on behalf of UBC; and any other persons as may be specifically provided for in a Board Policy (“**UBC Members**”).

2.2 It is the responsibility of each UBC Member who has a supervisory role at UBC (each, a “**Supervisor**”) to (i) communicate with those under the Supervisor’s direction about the application of Board Policies, Procedures, and Rules; (ii) ensure compliance with Board Policies, Procedures, and Rules by those under the Supervisor’s direction; and (iii) take appropriate action in the event that any concern related to Board Policies, Procedures, or Rules arises, or in the event that any breach of a Board Policy, Procedure, or Rule occurs.

2.3 Notwithstanding section 2.2, all UBC Members also have an independent responsibility to familiarize themselves with the content of Board Policies, Procedures, and Rules and to conduct themselves in accordance with their requirements.

2.4 The “**UBC Executive**” is the group of senior administrators selected by the President for the purposes of providing advice regarding UBC operations and implementing UBC’s strategic plan.

2.5 For each Board Policy, the President designates one or more members of the UBC Executive (which may include the President) as having primary responsibility for the implementation and administration of the Board Policy and any associated Procedures and Rules (the “**Responsible Executive**”). The Responsible Executive for a particular Board Policy has the authority to approve individual requests for exceptions in connection with the application of such Board Policy or any associated Procedures or Rules. Where the Responsible Executive authorizes any exceptions, the Responsible Executive will report the exercise of such authority to the Board

Secretary forthwith and to the responsible Board committee at its next regularly scheduled meeting or as soon thereafter as practicable.

2.6 The President may change the designation of Responsible Executive(s) at any time to ensure that the designations properly represent the executive structure of UBC and that the most appropriate persons are responsible for the administration of each Board Policy and any associated Procedures and Rules. Where the President changes the designation of Responsible Executive(s), the President or the President's delegate will report the change to the Board Chair and Board Secretary as soon as practicable.

### **3. Development of Proposals for Board Policies, Procedures, and Rules**

3.1 The Office of the University Counsel ("**OUC**") coordinates the development of proposals for the consideration of the Board regarding the establishment, amendment, or repeal of Board Policies ("**Policy Proposals**"). Where such Board Policies have associated Procedures, the Policy Proposal will normally address both the Board Policy and the associated Procedures in a holistic manner. Where an existing Board Policy does not require amendment but the establishment, amendment, or repeal of associated Procedures is contemplated, the OUC coordinates the development of proposals for the consideration of the President regarding the establishment, amendment, or repeal of such Procedures ("**Procedure Proposals**").

3.2 Where the establishment of associated Rules is contemplated by a Board Policy or Procedures, the staff of the Responsible Executive normally coordinates the development of proposals for the consideration of the Responsible Executive regarding the establishment, amendment, or repeal of those Rules. The Board Policy or Procedures may establish procedural or other requirements for the development of such proposals.

### **4. Approval of Board Policies, Procedures, and Rules**

4.1 The Board has overall responsibility for Board Policies and Procedures. The Board has exclusive authority to establish, amend, and repeal Board Policies. The Board has authority to establish, amend, and repeal Procedures but also delegates such authority to the President.

4.2 Where the President authorizes the establishment, amendment, or repeal of Procedures, the President or the President's delegate will report the exercise of such authority to the responsible Board committee at its next regularly scheduled meeting or as soon thereafter as practicable.

4.3 Where the establishment of associated Rules is contemplated by a Board Policy or Procedures, the Responsible Executive for the Board Policy has the authority to establish, amend, or repeal those Rules provided that the Responsible Executive follows any requirements that are set out in the Board Policy or Procedures for doing so. The applicable Responsible Executive must provide the OUC with notice of the establishment, amendment, or repeal of any Rules so that the changes can be reflected in the official repository maintained by the OUC pursuant to section 7.1 of this Policy.

4.4 Where a Responsible Executive for a Board Policy considers that associated Guidelines would be beneficial, the Responsible Executive has the authority to issue such Guidelines, keeping in mind that such Guidelines are advisory only, and non-binding in nature. The applicable Responsible Executive must provide the OUC with notice of the establishment, amendment,

or repeal of any Guidelines so that the changes can be reflected in the official repository maintained by the OUC pursuant to section 7.1 of this Policy.

4.5 In consultation with the Responsible Executive, the OUC will conduct a review of each Board Policy and its Procedures, if any, at least every five years from the later of the (i) effective date of the Board Policy; or (ii) the last date of revision of the Board Policy, if applicable; or (iii) the last date of review, if no revisions were made. The purpose of such review will be to evaluate the currency of the applicable Board Policy and its Procedures, if any, and determine whether amendments are required. The OUC will report the result of the review to the responsible Board committee at its next regularly scheduled meeting or as soon thereafter as practicable.

## 5. Effective Dates

5.1 New Board Policies and any changes to, or repeals of, Board Policies take effect when approved by the Board or on such later date as may be specified by the Board.

5.2 New Procedures and any changes to, or repeals of, Procedures take effect when approved by the Board or the President, or on such later date as may be specified by the Board or the President, as the case may be.

5.3 New Rules and any changes to, or repeals of, Rules take effect when approved by the Responsible Executive, or on such later date as may be specified by the Responsible Executive.

## 6. Supplementary Information

6.1 The OUC may issue explanatory notes to Board Policies and Procedures. Such explanatory notes may provide historical or other additional information regarding Board Policies and Procedures. Any such explanatory notes must be clearly identified as such. ~~For greater clarity, any such explanatory notes, and~~ are informational only and have no regulatory effect.

## 7. Official Record

7.1 The OUC is responsible for maintaining the official repository of Board Policies, Procedures, Rules, and Guidelines that are in force (the “**Official Repository**”) in the location set out in the Procedures associated with this Policy. UBC Members are entitled to rely upon the versions published in the Official Repository as being accurate.

7.2 The OUC will provide notification to the Board Secretary of any modifications of the Official Repository promptly upon such modifications being made, and the notification will include either a copy of the modified document or information regarding the location of the modified document in the Official Repository.

7.3 The OUC may ~~implement revisions to~~ revise Board Policies and Procedures, ~~including correcting to:~~

7.3.1 correct obvious clerical errors, provided that such revisions do not have any material effect on the substance and content of such Board Policies and Procedures;

7.3.2 reflect changes made by the President to Responsible Executive designations or Responsible Executive titles pursuant to section 2.6 of this Policy; or

7.3.3 reflect changes in addresses, phone numbers, or other contact information upon request from a Supervisor.

The OUC will report any such revisions to the Board at its next regularly scheduled meeting or as soon thereafter as practicable.



## PROCEDURES ASSOCIATED WITH THE REGULATORY FRAMEWORK POLICY

Approved ~~[x, 2019]~~ by the Board of Governors

*Pursuant to the Regulatory Framework Policy, the President may approve Procedures or the amendment or repeal of Procedures. Such approvals must be reported at the next meeting of the UBC Board of Governors or as soon thereafter as practicable.*

*Capitalized terms used in these Procedures that are not otherwise defined herein shall have the meanings given to such terms in the accompanying Policy, being the Regulatory Framework Policy.*

### 1. Policy Proposal ~~Developments~~Development

1.1 To facilitate and coordinate the development of a Policy Proposal pursuant to section 3.1 of the Policy where the development of the Policy Proposal is expected to result in the establishment of a new Board Policy, the repeal of an existing Board Policy, or significant amendments to an existing Board Policy, the OUC normally follows the process set out below:

1.1.1 OUC confirms the mandate with the Responsible Executive(s).

1.1.2 OUC carries out an environmental survey to identify preferred policy models at other institutions.

1.1.3 OUC strikes a committee for policy review (a “**Policy Development Committee**”).

1.1.4 OUC prepares draft Policy Proposal for consideration by the Policy Development Committee.

1.1.5 The Policy Development Committee reviews the draft working policy and provides comments and recommendations.

1.1.6 The steps set out in sections 1.1.4 and 1.1.5 are repeated as necessary to develop a Policy Proposal that is satisfactory to the Policy Development Committee.

1.1.7 Depending on the degree of institutional impact, the OUC may present the Policy Proposal to the UBC Executive for discussion prior to submission to the responsible Board committee.

1.1.8 OUC prepares the docket package regarding the Policy Proposal for the responsible Board committee. The University Counsel and the applicable Responsible Executive(s) must approve the docket package prior to submission to the responsible Board committee.

1.1.9 The Policy Proposal is presented to the responsible Board committee for information.

1.1.10 If the Policy Proposal is not widely applicable to the UBC community, the Policy Proposal is then presented to the Board for approval.

1.1.11 If the Policy Proposal is widely applicable to the UBC community:

- (a) ~~1.1.11.1~~ subject to comments from the responsible Board committee, the Policy Proposal is published with a call for comments from the UBC community;
- (b) ~~1.1.11.2~~ the Policy Development Committee considers feedback received from the UBC community and may recommend changes to the Policy Proposal;
- (c) ~~1.1.11.3~~—OUC amends the Policy Proposal in accordance with the recommendations of the Policy Development Committee;
- (d) ~~1.1.11.4~~—OUC prepares the docket package in connection with the revised Policy Proposal for the Board. The University Counsel and the applicable Responsible Executive(s) must approve the docket package prior to submission to the Board; and
- (e) ~~1.1.11.5~~ the Policy Proposal is presented to the Board for approval.

## 2. Composition of Policy Development Committees

2.1 The primary considerations in determining the composition of a Policy Development Committee are ensuring that its members (i) have the subject matter expertise and knowledge of UBC necessary to support the development of an effective Policy Proposal, and (ii) consist of persons who are representative of units responsible for the subject matter of the Policy Proposal and the primary UBC constituencies that would be impacted by the Policy Proposal. ~~To the extent feasible, the~~The OUC also seeks to form Policy Development Committees that ~~represent the diversity of the UBC community.~~bring a diverse range of perspectives and experiences to the Policy Development Committee and may add other members to Policy Development Committees as appropriate.

2.2 Where the Policy may impact student interests, the OUC will also seek nominations of student members from the Student Union of UBC Okanagan, the Alma Mater Society, and the Graduate Students Society (collectively, the “Student Societies”), as appropriate.

2.3 Where the OUC seeks nominations from the applicable Student Societies pursuant to section 2.2 above, the following will apply:

2.3.1 the Student Society may nominate any student who is a member of that Student Society and is not restricted to nominating members of its executive body or governing council;

2.3.2 the Student Societies are not obliged to nominate a student;

2.3.3 if the applicable Student Societies do not provide the OUC with a nomination or if a Student Society’s nominee does not attend Policy Development Committee meetings, the Policy Development Committee will not be prevented or in any way restricted from carrying out its work.

2.4 ~~2.2~~—Policy Development Committees may include the chair of the Board committee that is responsible for the particular subject matter of the Policy Proposal or such chair’s designate.



2.5 ~~2.3~~ In determining the composition of Policy Development Committees, the OUC will consult with the applicable Responsible Executive and the chair of the applicable Board committee having responsibility over the subject matter of the Policy Proposal.

2.6 If a member of a Policy Development Committee becomes unwilling or unable to serve as a member of the Policy Development Committee before such committee has completed its work, the chair of the Policy Development Committee may appoint a replacement in such chair's discretion. While the replacement member may be any person whose participation is expected to contribute significantly to the Policy Development Committee's activities, the usual practice is for the chair of the Policy Development Committee to replace a member from a stakeholder group with a person from that group. If the chair of the Policy Development Committee does not appoint a replacement member, the Policy Development Committee may complete its work notwithstanding the vacancy.

2.7 If a student member of a Policy Development Committee ceases to be a student at UBC but remains willing and able to continue to serve as a member of the Policy Development Committee, the chair of the Policy Development Committee may permit the student to continue to serve or may appoint a replacement student member at such chair's discretion. Any such replacement student must be from the same campus as the student who is being replaced and must be at the same level of studies as the student who is being replaced (i.e., an undergraduate or graduate student, as applicable).

### **3. Streamlining the Policy Development Process**

3.1 Where amendments of an existing Board Policy are not expected to be significant, the OUC will streamline the process set out in section 1.1 of these Procedures as appropriate, balancing timeliness, efficient utilization of UBC resources in the development of the Policy Proposal, and the ultimate ~~requirements~~requirement that the final Policy Proposal be of high quality and effective in meeting the specific needs of UBC that are intended to be addressed by the Policy Proposal. When a Policy Proposal is submitted to the Board for approval, the Board submission will include a description of the process that was used to ensure that the Policy Proposal has had the benefit of an appropriate level of stakeholder input.

### **4. Official Repository**

4.1 For the purposes of section 7 of the Policy, the Official Repository is located at <https://universitycounsel.ubc.ca/policies/index/>.

Document comparison by Workshare 9.5 on Monday, November 4, 2019 5:23:52 PM

Input:	
Document 1 ID	file:///G:/Public/Elaine Wong/Board/BoG-2019.06/Policy 1/Draft Proposed Amendments to Policy #1 - May 15, 2019 FINAL F.docx
Description	Draft Proposed Amendments to Policy #1 - May 15, 2019 FINAL F
Document 2 ID	file:///G:/Public/Elaine Wong/Board/Board Policies/GA2 - Regulatory Framework Policy/Dec 2019 Board/Regulatory Framework Policy - Draft Nov4 2019.docx
Description	Regulatory Framework Policy - Draft Nov4 2019
Rendering set	Standard

Legend:	
<a href="#">Insertion</a>	
<del>Deletion</del>	
<del>Moved from</del>	
<a href="#">Moved to</a>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	51
Deletions	24
Moved from	0
Moved to	0
Style change	0
Format changed	0

Total changes	75
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### Summary of Community Feedback and Policy Development Committee Recommendation

The proposed amendments to the Regulatory Framework Policy were published on the website of the OUC under a call for comments on June 6, 2019 with the comment period being open until September 30, 2019. The OUC provided notice of the call for comments on June 6, 2019 and a reminder on September 20, 2019 to the recipients that have registered to receive news updates from the OUC. The call for comments was also published in two editions of UBC Today (one on July 23, 2019 and the second on September 4, 2019). The OUC received comments from the Ombudsperson for Students, the AMS, and the GSS during the community consultation process, which comments were reviewed and discussed by the Policy Development Committee. The Community Consultation Summary below sets out a summary of the comments received and the responses of the Policy Development Committee.

	Comments	Applicable Section	Category	Committee Recommendation
1	<p>The Ombudsperson for Students has requested two changes to the composition of policy development committees, as follows:</p> <p>Where representation from the relevant units creates a Policy Development Committee that is not diverse in all aspects identified in the Inclusion Action Plan, the OUC should add members from the university community to achieve this goal. The recommended change in section 2.1 of the Procedures is the following:</p> <p><i><del>"To the extent feasible, the</del> OUC also seeks to form Policy Development Committees that represent the diversity of the UBC community <i>and should add members as needed to bring a diverse range of perspectives and experiences to the Policy Development Committee.</i>"</i></p> <p>Policy Development Committees should have members of the AMS, GSS and SUO because these student representatives have a specific line of accountability to represent student voices, have familiarity with key issues for students vis-à-vis the university, understand the broader context of university priorities, policies and decision-making and have relationships with various resources across campus. Where it is important to have the perspectives from students at large on the Policy Development Committee, then members of the AMS, GSS, and SUO should be <b>added</b> to the Policy Development Committee. The</p>	2.1 of Procedures	Composition of Policy Development Committees	<p>Include the following supplemental acknowledgment and requirement in the section addressing the composition of Policy Development Committees:</p> <ul style="list-style-type: none"> <li>The OUC also seeks to form Policy Development Committees that bring a diverse range of perspectives and experiences to the Policy Development Committee and may add other members to Policy Development Committees as appropriate.</li> <li>Where the subject matter of Policies impacts students, the OUC will seek nominations of student representatives from the AMS, GSS, and the SUO, as appropriate.</li> </ul>

	<p>suggested change is to add the following to the Procedures:</p> <p><i>“Where the Policy may impact student rights or interests, the Policy Development Committee will include at least one representative each from the AMS, GSS and the SUO. The OUC may also add other student members as appropriate.”</i></p>			
2	<p>The AMS and the GSS propose that elected student representatives be included in the composition of Policy Development Committees for Board Policies that affect students.</p> <p>The AMS and GSS are thankful for the inclusion of students-at-large but believe they are not a replacement to elected student representatives. They emphasize that elected student representatives are the only individuals on campus who are able to represent the needs and concerns of the student population. They further state that elected student representatives are chosen from the student population to represent their views and engage with the University as their jobs which means these representatives have more familiarity with the discussions and issues, have a direct line with student groups and have resources such as policy staff.</p>	2.1 of Procedures	Composition of Policy Development Committees	See above.