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<b>SUBJECT</b>	Policy Development Process for Joint Board and Senate Policies
<b>SUBMITTED TO</b>	Governance Committee
<b>MEETING DATE</b>	June 9, 2021
<b>SESSION CLASSIFICATION</b>	Recommended session criteria from Board Meetings Policy: OPEN
<b>REQUEST</b>	For input only - No action requested
<b>LEAD EXECUTIVE</b>	Hubert Lai, Q.C., University Counsel
<b>SUPPORTED BY</b>	Lorena Vlad, Legal Counsel Karen Hakkarainen, Board Secretary Christopher Eaton, Associate Registrar & Clerk to the Senate

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### PRIOR SUBMISSIONS

The subject matter of this submission has not previously been considered by the Governance Committee.

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### EXECUTIVE SUMMARY

This Executive Summary is being provided regarding the following question: Is a formalized process required to govern the development or revision of policies whose subject matter falls under the jurisdiction of the Board and one or more of the Senates (“**Joint Policy Development**”), and if so what rules should govern such formalized process? The reason for this question is that there is currently no formalized mechanism to address circumstances in which the Board and applicable Senates may not agree on certain aspects of a policy proposal. Such circumstances are addressed on an *ad hoc* basis, which can lead to information gaps, delays in implementing policy amendments, and inefficient utilization of resources. While the current practices for Joint Policy Development work efficiently in most cases, it would be prudent to consider whether implementing a formalized process to consider joint policy proposals would be beneficial, and if so, what rules would govern such process.

#### **Background**

UBC has four governing bodies: (1) the Board of Governors (the “**Board**”), (2) the Council of Senates (the “**COS**”), (3) the UBC Okanagan Senate (the “**Okanagan Senate**”), and (4) the UBC Vancouver Senate (the “**Vancouver Senate**” and, together with the COS and the Okanagan Senate, the “**Senates**”). Under the *University Act*, which sets out the powers of the Board and the Senates, the subject matter of some UBC policies falls under the jurisdiction of the Board and also one or more of the Senates. For example, the Academic Administrators Appointment Policy and the Registrar/Librarians Appointment Policy are joint Board and Senate policies because section 27(2)(f) of the *University Act* provides that the Board has the power, *with the approval of the senate*, to establish procedures for the recommendation and selection of candidates for librarians, registrar, and other senior academic administrators as the Board may designate. Accordingly, any amendments to these Policies require the approval of the Board, the Okanagan Senate, and the Vancouver Senate.

#### **Current process for Joint Policy Development**

Board policies are developed in accordance with the Board’s Regulatory Framework Policy and its Procedures, and the Senates have their own process to develop Senate policies. Currently, there is no formal process for the review and development of policies that fall within the jurisdiction of both the Board and one or more of the Senates.

When review of a joint Board and Senate policy or the development of a new policy that falls under joint jurisdiction is recommended by the administration, generally, the Office of the University Counsel (“OUC”) follows a process that is similar to the development process for Board-only policies as set out in the Regulatory Framework Policy, with the Senates being engaged as appropriate. This process has been generally used in circumstances where substantive amendments were proposed to joint Board and Senate policies and so the Board and the Senates are familiar with the process.

In summary, under this process, the OUC typically carries out an environmental survey to identify preferred policy models at other institutions and strikes a policy development committee to develop a draft proposal. The proposal is presented to the relevant Board and Senate committees for information followed by a community consultation period. The policy development committee reconvenes at the end of the consultation period to consider the feedback received and finalizes a proposal for submission to the Board and the applicable Senates for approval. If the proposal is not widely applicable to the UBC community, the proposal is not generally published for community consultation and instead the proposal is revised as necessary to address any comments raised by the responsible Board or Senate committees and is then presented to the Board and the applicable Senates for approval.

Where Joint Policy Development is initiated by a request for specific changes from the Board or one or more of the Senates, the aforementioned environmental survey and policy development committee are not typically necessary and the OUC will simply prepare drafts of the language as requested by the Board or Senates. The draft language will be provided for review to the Responsible Executives for the policy, the Chairs of the responsible Board and Senate committees, and any other persons that the above-noted individuals or the OUC consider would be appropriate to review the drafts and provide input. The draft language is then presented to the responsible Board and Senate committees for information, and subject to their comments and the nature of the proposed amendments, the draft language may be published for community consultation or revised as necessary to address any comments from the Board and Senate committees. If community consultation is undertaken, the feedback received is then typically considered by the Responsible Executives, the Chairs of the responsible Board and Senate committees, and any other persons that participated in preparing the draft language, and the OUC prepares a final policy proposal that reflects the recommendation of the above-noted individuals. The final proposal is then submitted for approval by the Board and applicable Senates.

***Proposed next steps for determining the practice for Joint Policy Development going forward***

In order to advance this matter and determine whether a formalized process for Joint Policy Development would be beneficial, it is recommended that the following steps be taken:

1. the Board Secretariat conducts due diligence and researches the practices of other institutions with respect to Joint Policy Development as soon as possible based on available resources in the Board Secretariat Office;
2. the Board Secretariat shares the due diligence findings and recommendations with the Chair and Vice-Chair of the Governance Committee;
3. the relevant Committee Chairs and Vice-Chairs from the Board and the Senates meet to have a discussion regarding this matter; and
4. the recommended course of action be presented to the relevant Board and Senate committees in September or October 2021.

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**SUPPLEMENTAL MATERIALS (optional reading for Governors)**

1. [Regulatory Framework Policy](#)