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<b>SUBJECT</b>	Policy Development Committees
<b>SUBMITTED TO</b>	Governance Committee
<b>MEETING DATE</b>	November 18, 2022
<b>SESSION CLASSIFICATION</b>	Recommended session criteria from Board Meetings Policy: OPEN
<b>REQUEST</b>	For information only - No action requested
<b>LEAD EXECUTIVE</b>	Hubert Lai, K.C., University Counsel
<b>SUPPORTED BY</b>	Lorena Vlad, Legal Counsel

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### EXECUTIVE SUMMARY

The Regulatory Framework Policy (GA2) and associated Procedures were approved by the Board of Governors in December 2019. They set out the regulatory framework within which Board Policies, Procedures, Rules, and Guidelines (“**Board Policy Documents**”) are established, reviewed, amended, or repealed. They address:

1. the scope of application of Board Policy Documents;
2. the bodies or individuals responsible for the coordination of development of Board Policy Documents and for approval of Board Policy Documents;
3. the effective dates of Board Policy Documents;
4. the location of the official repository of Board Policy Documents; and
5. the process for development of Board Policies and Procedures, including information regarding the composition of policy review committees (“**PDCs**”).

A question has been raised regarding whether PDCs should be used when the repeal of a Board Policy is being proposed. The question was raised in the context of the proposal to repeal the Graduate Student Teaching Policy (AP7), which is currently the subject of community consultation.

The Regulatory Framework Policy largely codifies the practices that have been relied upon for many years to develop Board Policies. Those practices include convening PDCs when language is to be developed for a new Policy or for amendments to an existing Policy. The PDCs are an effective vehicle for developing language for Policy proposals and they have been employed for this purpose for many years. However, PDCs are not convened where substantive language does not need to be developed, such as when the Board has itself requested specific amendments to a Policy (as was the case for the Deans Appointment Policy (AP5)) or for simple Policy repeals. PDCs do not add significant value in such cases, so they have only been involved in Policy repeals when:

1. the repeals resulted from the Policy being consolidated into another Policy (in which case a PDC is convened to develop the language for the consolidated Policy); or
2. it was expected at the start of the exercise that the Policy would be amended but the PDC ultimately recommended that the Policy be repealed instead.

In those cases where a recommendation is received for the simple repeal of a Policy (i.e., there is no expectation that consolidation or other new language will be needed), the practice is as follows:

1. The Responsible Executive must endorse the recommendation, including the rationale for the repeal.

2. An appropriate level of due diligence must be conducted. (In the case of the proposed repeal of the Graduate Student Teaching Policy, the due diligence included consultation with the Graduate Academic Policy Committee (which included GSS representatives), the Graduate Council (which also included GSS representatives), Deans, and others.)
3. The proposed repeal is then presented to the responsible Board Committee for information and input.
4. Following that, the proposal goes out for broad community consultation. (In the case of the Graduate Student Teaching Policy, special outreach has also been made to the UBC Faculty Association, the UBC Teaching Assistants' and Instructors Union, the Vancouver Senate Teaching and Learning Committee, the Okanagan Senate Learning and Research Committee, and to all Deans and Department Heads.)
5. The community consultation informs whether a final proposal is then brought to the responsible Board Committee and then to the Board of Governors for approval or whether the proposal should be withdrawn.
6. If any issues arise at any step of this process, they will be considered and may result in a decision to consider amending the Policy instead of repealing it. If such a decision is made, and if the language that will need to be developed is expected to be substantive, a PDC will then be convened.

These practices are intended to ensure that there have been appropriate levels of due diligence and opportunities for input from affected members of the UBC community before a recommendation is made to the Board of Governors to make a final decision about a Policy. At the same time, they are intended to make efficient use of the finite resources that are available to undertake Policy work, keeping in mind that:

1. It is important that the collection of Board Policies is maintained so that it is up-to-date and responsive to current needs and objectives. There are currently 87 Board Policies (with two new Policy proposals currently being developed). Therefore, if 10 Policies can be amended each year, the average age of the Board's Policies will be roughly 9 years.
2. The existing processes for creating, amending, or repealing Board Policies typically consumes at least 6 months. Therefore, dealing with 10 Policies each year would require at least 5 Policy proposals to be under development at any given time.
3. Convening a PDC and coordinating the schedules of the PDC members is a resource-intensive activity and can be especially challenging when multiple PDCs are being asked to undertake work on multiple Policy proposals during overlapping time periods.
4. The Board only transacts ordinary business at four regularly scheduled meetings each year, which affects scheduling/coordination. Where Policies are joint Board/Senate Policies, additional scheduling/coordination is required with the Senates and their committees.
5. The development of high-quality language for Policy proposals requires that the PDCs consist of individuals who have the necessary domain-specific expertise and individuals who represent the key stakeholder groups. The pool of such individuals is not unlimited and, in any given time period, there is a limit to how many PDCs they are able or willing to participate in.
6. PDCs are working committees. Where PDC members are being asked to develop substantive language, they generally perceive their engagement to be important and meaningful and are willing to commit the time and energy to the work, but where they do not perceive that they are adding significant value, they can be unwilling to participate.

The practices set out above have been relied upon for many years and we believe they represent an efficient and effective way to deploy PDCs. However, the Board of Governors is ultimately responsible for deciding whether to approve the repeal of a Policy and must be satisfied that a proposal to repeal has been well considered. If the Board believes that the existing process for dealing with repeals is not adequate and, keeping in mind the foregoing considerations, believes that PDCs should be convened to consider every proposal to repeal a Policy, it is open to the Board to make that direction.