

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

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/>.



EXPLANATORY NOTES REGARDING THE REGULATORY FRAMEWORK POLICY AND ASSOCIATED PROCEDURES

Issued December 2019 by the Office of the University Counsel

The OUC has prepared these Explanatory Notes to provide context and background regarding the Regulatory Framework Policy. These Explanatory Notes do not replace or supersede the content of the Regulatory Framework Policy and its Procedures.

Policy Long Title: Regulatory Framework Policy for the Administration of Board Policies and Procedures

Policy Short Title: Regulatory Framework Policy

Policy Number: GA2

Responsible Executive: University Counsel

Responsible Board Committee: Governance Committee

Related Policies: The policies regarding administration, development, and review of Senate and Council of Senate policies are as follows:

- Senate Policy: V-1 Format, Development & Administration of Senate Policies (*Vancouver Senate*);
- Senate Policy: O-1 Format, Development & Administration of Senate Policies (*Okanagan Senate*); and
- Council of Senates Policy: C-1 Format, Development & Administration of Council of Senates Policies (*Council of Senates*).

History:

- The Regulatory Framework Policy was first approved by the Board of Governors in May 1993;
- The Regulatory Framework Policy was revised in March 1995 to include a provision that provides for accommodation of persons with disabilities in respect of the administration of UBC's policies and procedures;
- The Regulatory Framework Policy was updated in July 2019 to reflect a new policy identification system;
- The Procedures were updated in September 2019 to reflect current position titles;
- The Regulatory Framework Policy was revised in December 2019 to provide a comprehensive framework for the establishment, review, and administration of Board of Governors policies and procedures, and rules and guidelines related to Board policies and procedures.

- This Policy is currently identified as the Regulatory Framework Policy, its long title is Regulatory Framework for the Administration of Board Policies and Procedures, and its number is GA2. The previous identification number for this policy was #1 and its title was Administration of Policies.

Related Legislation:

University Act R.S.B.C. 1996, c.468