



SIMON FRASER UNIVERSITY
ENGAGING THE WORLD

TO: Senate

FROM Joy Johnson
Chair – Senate Committee on Agenda and Rules (SCAR)

DATE: October 25, 2024

SUBJECT: Proposed Amendments to Policy B10.00

SCAR has reviewed S.24-149 (Proposed Amendments to Policy B10.00) and is forwarding it to Senate for information.

MEMO

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| SUBJECT | Proposed amendments to Policy B10.00 |
| DATE | October 17, 2024 |
| TO | Senate Committee on Agenda and Rules (SCAR) |
| PREPARED BY | Francesca Hennigar, General Counsel, SFU |

The *University Act* sets out the specific division of responsibilities between the Board of Governors (Board) and Senate: broadly speaking, the Board is responsible for the management of property, revenue, and business of the university, whereas Senate is responsible for the university's academic governance. Policy B10.00 is the policy of the Board that governs the development of policies that are, within the parameters set out by the *University Act*, subject to the Board's jurisdiction.¹ Accordingly, policy B10.00 creates obligations for the Board and administration at the Board's direction with respect to those policies within the Board's jurisdiction.

For clarity, policies within Senate's sole jurisdiction are specifically excluded from the scope of policy B10.00, and policy B10.00 does not impose any obligations on Senate. Where a policy may be subject to the shared jurisdiction of Board and Senate, the policy contemplates increased interaction, cooperation, and consensus-building between the two bodies, but as policy B10.00 cannot obligate Senate, it necessarily leaves further detail in respect of those processes up to both bodies to agree upon in the specific circumstances at hand.

Proposed draft updates to policy B10.00 and its related procedures were shared with SCAR on May 28, 2024, following which SCAR directed the policy and procedures to be shared with Senate for information. Senators provided feedback to the policy and procedures during the Senate meeting on June 10, 2024.

Following receipt of Senate's feedback as well as other feedback received during general community consultation and targeted stakeholder consultation (detailed below), we have made updates to the policy and procedures. These updates address the themes below, as well as clarifying and streamlining changes, and are attached to this memo in redline format, marking the changes made since last presented to SCAR/Senate. These proposed updates have been shared with the Executive Team and will proceed to the Board for approval in November.

This policy and its procedures were the subject of a lengthy consultation, which included:

- posting the policy and procedures for general university-wide community consultation from June 21 to July 19;
- separate, specific requests for feedback being made to:
 - o SFUFA;
 - o CUPE;

¹ One of the proposed changes to policy B10.00 is to rename it the "Policy on Policies within Board of Governors' Jurisdiction" to clarify that it does not apply to every policy adopted within the university and specifically excludes policies that are within Senate's sole jurisdiction.

- TSSU;
- Poly Party;
- APSA;
- SFSS;
- the Office of Aboriginal Peoples; and
- the Equity Office; and
- development of tailored content to reach students.

Feedback received before October 7 was considered in preparing the final version of the policy and procedures for Board approval. The general themes that were raised in the feedback were as follows:

| Themes | Amendments and Actions |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Requests to clarify the meaning in the reference to SFU's "core principles" | Changed to "values and priorities set out in SFU's then applicable strategic plan," and "values and priorities." These are highlighted in SFU's What's Next Strategic Plan and as such, agreed upon by SFU leadership and approved by the Board. |
| 2. Questions regarding whether policy requests may be appealed | Amended policy to allow requests to be resubmitted where new and significant information is emerges that was not available at the time of the original decision. |
| 3. Questions regarding next steps if a policy request is denied | Amended procedures to provide for summary (as appropriate) reasons to be shared with an individual who requests a new policy or amendments to policy. The Policy Office has also created a resource outlining the various types of documents that may be developed by the organization, such as procedures and guidelines. This resource will be shared with the university community. If a request for a policy is denied due to not meeting the necessary criteria for policy but contains information that may be appropriate for alternative guidance materials, the Policy Sponsor may consider developing such alternative guidance documents. |
| 4. Requests to review the policy questionnaire | Will be shared with the Equity Office and others who requested it. |
| 5. Questions regarding initiating policy development/update, identifying stakeholders, proper consultation methods, and policy approval process | The Policy Office will be developing a Policy Development Guide to support university community members involved in updating a policy or developing a new policy. We are also working with Communications to enhance the Policy Office webpage, showcasing information about the new policy development process. |
| 6. Feedback regarding transparency in the policy change request process and requests for further clarity on Senate engagement | Amended procedures to provide for additional transparency and accountability in the policy change request process: see above regarding ability to re-submit policy change request and provision of reasons to requesters, and additionally the procedures were |

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| | <p>amended to clarify that a policy sponsor may request further information from a requester if the original information provided was not sufficient to inform a decision.</p> <p>Amended procedures to clarify that Senate re-engagement is mandatory where a policy has been significantly changed after Senate approval or consultation.</p> |
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Policy on Policies within Board of Governors' Jurisdiction and Associated Procedures

| | |
|--------------------------------------------------|---------------------------------|
| Date [TBD] | Number B10.0 |
| Date of Last Review/Revision [TBD] | Mandated Review [TBD] |

Policy Sponsor: General Counsel

Associated Procedures: *Procedure to Policy B10.00 Policy on Policies within Board of Governors' Jurisdiction and Associated Procedures*

EXECUTIVE SUMMARY

This policy establishes a framework for developing, reviewing, amending and repealing Policies and their associated Procedures. This framework is intended to ensure that Policies and Procedures are consistent with the University's ~~core principles-values and priorities set out in SFU's then-applicable strategic plan~~, compliant with applicable law, presented in a standardized format, and publicly accessible. The procedures to this policy establish detailed instructions to develop, review, amend and repeal Policies and Procedures.

GLOSSARY

Board means the Board of Governors of Simon Fraser University.

Designated Lead means, in respect of each Policy, the individual designated as such by the Policy Sponsor.

Editorial Amendment means a non-substantive amendment to a Policy, such as formatting changes, name changes, and removing references to defunct policies, ~~and updating references to organizational structures, programs or positions.~~

Governance, Risk and Compliance Committee means the Board committee of that name, as it may be renamed from time to time.

Mandated Periodic Review means a substantive review that is triggered by the passage of time, rather than an event or changes in the University, other Policies, practices, external factors or the law.

Mandated Periodic Review Date means the date by which a Policy must undergo a Mandated Periodic Review.

Policy means, for the purposes of this policy and its associated procedures, an official document on a subject matter within the Board's jurisdiction that establishes key requirements and responsibilities and guides or directs the actions of members of the University Community

regarding a particular matter.

Policy Sponsor means the University executive named as the Policy Sponsor in a Policy, and for proposed new Policies and Policies that do not name a Policy Sponsor, the person designated by the President and Vice Chancellor or, as contemplated by Section 4.4.3, the Board.

Policy Gazette means that part of the Simon Fraser University's website that serves as the repository for Policies and Procedures.

Procedure means an official document approved by the Policy Sponsor that prescribes the operational method by which a Policy will be carried out and given effect.

Substantive Amendment means an amendment to a Policy that affects its meaning, effect, function, processes or other substantive matters, and includes: any change to the role or responsibilities assigned to an office or a unit, ~~or a position; a change to a role's responsibilities in implementing a Policy~~; any change to the actions that are permitted or prohibited; any change to the rights or responsibilities of an individual; and any change to the Policy Sponsor.

University Community means all students and employees of the University and all people who have a status at the University mandated by legislation or University policies, designations or appointments, including: research assistants, post-doctoral fellows, members of Senate and the Board of Governors, volunteers, visiting and emeritus faculty, and visiting researchers.

1. PREAMBLE

- 1.1 As set out in the University Act, the academic governance of the University is vested in the Senate, and the management, administration and control of the property, revenue, business and affairs of the university are vested in the Board.
- 1.2 In order to properly exercise its governance role on matters within its jurisdiction, the Board may adopt Policies, which assign roles and responsibilities, provide guidance for the actions of members of the University Community, contribute to openness and transparency, facilitate operational continuity and consistency of decision-making and reduce institutional risk. To be effective, Policies and their associated Procedures must comply with applicable law, be current, practical and useful and readily accessible.

2. PURPOSE

- 2.1 The purpose of this policy is to:
 - 2.1.1 establish a consistent approach to create new and amend existing Policies whose subject matter is within the jurisdiction of the Board and to establish a procedure to develop, review, approve, amend and repeal those Policies and associated Procedures in a consistent, collaborative and coordinated manner;
 - 2.1.2 facilitate the writing of clear, coherent, accessible and effective Policies and Procedures; and
 - 2.1.3 assign responsibility for developing and approving Policies and Procedures.

3. SCOPE AND JURISDICTION

- 3.1 This policy applies to Policies and Procedures and to all members of the University

Community who play a role in their development, approval, maintenance, review, amendment and repeal.

3.2 This policy does not apply to:

- 3.2.1 the Board's power to make rules, policies, bylaws, terms of reference and manuals for the operation and functioning of the Board, including regarding meetings of the Board and its transactions, codes of conduct for Board members, Board communications and Board committees;
- 3.2.2 policies that are within the authority delegated by the Board to one of its standing Committees pursuant to that Committee's terms of reference; and
- 3.2.3 for further clarity, policies whose subject matter is within the exclusive jurisdiction of the University's Senate.

4. POLICY

4.1 General

- 4.1.1 Policies will advance the University's mission, fulfill its requirements in accordance with the University Act, be consistent with the University's ~~core~~ principles-values and priorities and will promote good governance and management practices.
- 4.1.2 Policies must be developed, approved, amended, reviewed or repealed pursuant to the *University Act* and this policy and its associated procedures.
- 4.1.3 Policies must be kept current, compliant with applicable law and consistent with other related legal and policy authorities.
- 4.1.4 Policies are only one tool for governing the University Community, and should only be proposed and approved when a Policy is the most appropriate tool to achieve the stated purpose or need.
- 4.1.5 Policies are principle-based documents and are normally mandatory.
- 4.1.6 Policies and Procedures must be presented in a common, standardized format using the approved Policy or Procedure Template and written with inclusive, plain language.
- 4.1.7 Policies and Procedures must be made publicly accessible in the Policy Gazette.

4.2 Consultations with the University Community

- 4.2.1 All proposals for a new Policy, an amendment to an existing Policy and the repeal of a Policy, benefit from meaningful consultation with the affected part(s) of the University Community. Consultation has the purpose of providing diverse perspectives and additional subject matter expertise.
- 4.2.2 The exact scope and timing of consultations must be appropriate to the subject matter and impact of the proposed new Policy, Policy amendment or repeal. Consultations must respect the time and expertise of the University Community and take into any consultation obligations set forth in applicable collective agreements. It is acknowledged that Editorial Amendments will generally require less time and investment from the University Community than Substantive Amendments, and policies and amendments that affect a part of the University Community or that merely affect administrative functions will benefit from a more focused consultation than policies that affect the whole University Community and central administrative functions.

4.3 Board and Senate Engagement

4.3.1 The Policy Sponsor will engage the Senate as directed by the Board.

~~a) 4.3.2~~ Without limiting the consultations described in section 4.2 above, if:

- a) required by the University Act, the Senate's approval must be sought, and Senate consulted, then the Policy Sponsor will seek such approval or undertake such consultation, as applicable; and
- b) the *University Act* does not require Senate approval or consultation, Senate will be notified as part of the consultation with the University Community.

~~4.3.24.3.3~~ Questions regarding Senate engagement on the development, amendment or repeal of any particular Policy should be resolved by the Board and the Senate in a collaborative and collegial manner, using the process(es) established by the Board and Senate from time to time.

4.4 New Policies and Substantive Amendments to Existing Policies

4.4.1 New Policies and all amendments to existing Policies must be formally approved by the Board. Normally, proposals for a new Policy and amendments to an existing Policy will be developed by the Policy Sponsor, then presented to the Governance, Risk and Compliance Committee, acting under delegated authority from the Board, for information and direction, and then be brought to a subsequent meeting of the Board for approval.

4.4.2 The Board may, on its own motion, propose a new Policy and shall, on the recommendation of the President and Vice Chancellor, designate a Policy Sponsor for such proposed new Policy. The Board may also propose an amendment to, or repeal, any existing Policy. Normally, the Board will then direct the President and Vice Chancellor to coordinate with the Policy Sponsor to proceed through the relevant process described in the procedures to this policy, but nothing in this policy limits the Board's power to approve a new Policy, or amend or repeal an existing Policy following any process and procedure determined by the Board, provided that, at minimum, the requirements of the *University Act* are met, and the University Community is provided an opportunity to provide written comments to the Board regarding the new, amended or repealed Policy, which shall be summarized and presented by the Policy Sponsor at the next regularly scheduled Board meeting.

4.4.3 For any new Policy proposal arising from the University administration, the President and Vice Chancellor is responsible for designating a Policy Sponsor for the proposed new Policy, who will proceed through the relevant process described in this policy and in the procedures to this policy.

4.4.4 The Policy Sponsor of each Policy is responsible for ensuring that the Policy is periodically reviewed as necessary (and at least at its Mandatory Periodic Review Date) and any required amendments are brought forward for consideration by the Board through the relevant process described in this policy and in the procedures to this policy.

4.5 Editorial Amendments

4.5.1 Editorial Amendments to Policies must be formally approved by the Board. Normally, proposals for Editorial Amendments may be reviewed and approved by the Governance, Risk and Compliance Committee, acting under delegated authority from the Board.

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- 4.5.2 The Governance, Risk and Compliance Committee may direct those consultations with the University Community be appropriately limited, given the non-substantive nature of Editorial Amendments. For greater certainty, the process for Editorial Amendments is not exempt from the *University Act's* requirements for prior Senate consultation or approval (where applicable).

4.6 Repealing Policies

- 4.6.1 The repeal of a Policy must be formally approved by the Board. Normally, proposals for repealing a Policy will first be presented to the Governance, Risk and Compliance Committee for information and direction, and then be brought to a subsequent meeting of the Board for repeal.
- 4.6.2 For greater certainty, the process for repealing a Policy is not exempt from the *University Act's* requirements for prior Senate consultation or approval (where applicable).

4.7 Development of Procedures related to Policies

- 4.7.1 Not every Policy requires Procedures. The Policy Sponsor determines whether Procedures are necessary in order to properly and efficiently carry out or give effect to the associated Policy.
- 4.7.2 Procedures are subordinate to their associated Policy and must not be inconsistent with the provisions of any Policy.
- 4.7.3 Procedures associated with a Policy may be developed, reviewed, revised and repealed in one of the following ways:
- a) in conjunction with the development, review, amendment or repeal of the associated Policy, and ultimately approved by the Board; or
 - b) at any other time, by approval of the President and Vice Chancellor, on the recommendation of the Policy Sponsor, provided that a notice about the new, amended or repealed Procedure is provided to the Board for information at its next regularly scheduled meeting.

4.7.4 The Policy Sponsor will determine whether to consult and with whom on any Procedures.

4.8 Effective Date

- 4.8.1 A Policy takes effect on the date it is formally approved by the Board or at a later date specified by the Board.
- 4.8.2 Procedures take effect on the same date as the Policy with which they are associated. If the Procedures are subsequently reviewed and revised separately from the Policy with which they are associated, the revised Procedures take effect on the date the revised
- 4.8.3 Procedures are posted on the Policy Gazette or at a later date specified by the Policy Sponsor (which date should be stated in the Procedure).
- 4.8.4 A Policy approved by the Board prior to the effective date of this policy remains in effect until it is amended or repealed.

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4.9 Mandated Periodic Review of Policies

- 4.9.1 Each Policy must have a Mandated Periodic Review Date, which will either:
 - a) be established at the time when the Policy is approved by the Board; or,
 - b) be established by the President and Vice Chancellor, if the Policy was approved without a Board-approved Mandated Periodic Review Date.
- 4.9.2 A Policy must normally undergo a substantive review at least once every five years to determine whether any changes are needed, but may be reviewed at any time at the motion of the Board, or at the discretion of the Policy Sponsor.
- 4.9.3 Procedures associated with a Policy must be reviewed whenever the Policy is reviewed, but may be reviewed separately, in addition, at any time.

4.10 Inconsistency of Procedures and other Policies

- 4.10.1 If there is any conflict between the provisions of a Policy and its associated Procedures, the Policy governs. Upon receiving notice of a conflict, the Policy Sponsor will initiate a review and advance amendments required to remove the conflict, as soon as practicable.
- 4.10.2 Faculties, other academic units, and administrative units may establish local policies and procedures for matters within their purview, but these are always subject to and must not contradict the relevant Policy(ies) and Procedure(s). Where there is a contradiction, the relevant Policy(ies) and Procedure(s) will prevail, and the unit will initiate a review and advance amendments required to remove the conflict, as soon as practicable.

4.11 Inconsistency of Policies

- 4.11.1 Where a Policy or Procedure directly contradicts a provision in a collective agreement between the University and a union, the collective agreement provision will prevail with respect to the members of the bargaining unit covered by that collective agreement.
- 4.11.2 Where the applicable laws or court, tribunal, or arbitral orders binding upon the University, regulatory requirements (such as Ministerial orders, public health orders, etc.) or critical external requirements, such as eligibility requirements of the Tri-Council), change and conflict with a Policy or Procedure, the applicable law, order, regulatory requirement and critical external requirements will prevail.
- 4.11.3 In the event of a perceived contradiction between two or more Policies, the matter will be referred to the Policy Sponsor of each Policy.
- 4.11.4 In any of the foregoing circumstances, the relevant Policy Sponsor(s) will review the matter as soon as practicable, and, if necessary, undertake the appropriate Policy process to address the conflict.
- 4.11.5 In addition to the foregoing, at the recommendation of the Policy Sponsor(s) and the General Counsel, and with the approval of the Chair of the Governance, Risk and Compliance Committee, the President and Vice Chancellor may issue a special policy statement that provides clarity and guidance to the University Community. The special policy statement must be presented to the Board for information at its next regularly scheduled meeting. The special policy statement will be effective until superseded, whether by the adoption of a new Policy, the amendment or repeal of any existing Policy or by a resolution of the Board.

5. ROLES AND RESPONSIBILITIES

- 5.1 The Policy Sponsor is responsible for initiating Policy development and review, for overseeing the drafting of proposed policies and amendments and for overseeing the development and approval of associated procedures. The Policy Sponsor is also responsible for initiating proposals to repeal Policies. The Policy Sponsor leads the presentations to the Governance, Risk and Compliance Committee and the Board.
- 5.2 The Governance, Risk and Compliance Committee is responsible for exercising authority delegated by the Board to review and direct the Policy Sponsor regarding proposals for new Policies, amendments to existing Policies and the repeal of existing Policies. The Governance, Risk and Compliance Committee also reviews and directs the Policy Sponsor in the Editorial Amendment process, and approves special policy statements.
- 5.3 The Board is responsible for approving new Policies, amendments to existing Policies and the repeal of Policies.

6. RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

- 6.1 The legal and other Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:
 - 6.1.1 University Act, R.S.B.C. 1996, c. 468
 - 6.1.2 [GP 30 Interpretation Policy](#).

7. RETENTION AND DISPOSAL OF RECORDS

- 7.1 Information and records made and received to administer this policy are evidence of the University's actions to manage the development, amendment, approval and repeal of Policies. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

8. POLICY REVIEW

- 8.1 The General Counsel will review this policy at least once every five years.

9. AUTHORITY

- 9.1 This policy is administered under the authority of the General Counsel.

10. INTERPRETATION

- 10.1 Questions of interpretation or application of this policy or its procedures shall be referred to the President and Vice Chancellor, and the Chair of the Board of Governors, who will jointly make a decision which shall be final.

11. ASSOCIATED PROCEDURES

- 11.1 The procedure for this policy is:
 - 11.1.1 Procedure to Policy B10.0 Policy on Policies within Board of Governors' Jurisdiction and Associated Procedures.

12. FORMS AND TEMPLATES

- 12.1 The forms and templates that must be used for a Policy and Procedures are:
 - 12.1.1 SFU Policy Template
 - 12.1.2 SFU Procedure Template

Procedure to Policy B10.00 Policy on Policies within Board of Governors' Jurisdiction and Associated Procedures

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|-------------------------|------------------------------|---------------------|
| SIMON FRASER UNIVERSITY | Date | Number |
| Policies and Procedures | [TBD] | B10.00 – Procedures |
| | Date of Last Review/Revision | Mandated Review |
| | [TBD] | [TBD] |

Policy Sponsor: General Counsel

Parent Policy: *B10.00 Policy on Policies within Board of Governors' Jurisdiction and Associated Procedures*

GLOSSARY

See the Policy on Policies within Board of Governors' Jurisdiction and Associated Procedures (B 10.00) for definitions of words used in these procedures. For ease of reference only:

Designated Lead means, in respect of each Policy, the individual designated as such by the Policy Sponsor.

Governance, Risk and Compliance Committee means the Board committee of that name, as it may be renamed from time to time.

Mandated Periodic Review means a substantive review that is triggered by the passage of time, rather than an event or changes in the University, other Policies, practices, external factors or the law.

Mandated Periodic Review Date means the date by which a Policy must undergo a Mandated Periodic Review.

Policy means, for the purposes of this policy and its associated procedures, an official document on a subject matter within the Board's jurisdiction that establishes key requirements and responsibilities and guides or directs the actions of members of the University Community regarding a particular matter.

Policy Sponsor means the University executive named as the Policy Sponsor in a Policy, and for proposed new Policies and Policies that do not name a Policy Sponsor, the person designated by the President and Vice Chancellor or, as contemplated by Section 4.4.3, the Board.

In addition, in these procedures:

Policy Change means, collectively, any proposed change to the Policies of the University, including a new Policy, an amendment to an existing Policy and a repeal of a Policy.

University Executive means the committee of senior administrative officers of the University, established by the President and Vice Chancellor.

1. PURPOSE

- 1.1 The purpose of this procedure is to describe the steps by which Policies and Procedures are developed, reviewed, amended, repealed and approved. These steps are guided by the University's governance requirements.

2. GENERAL PROCEDURE FOR POLICY CREATION AND AMENDMENT

2.1 Identify Need and Initiate Process

2.1.1 The need for a new or amended Policy may be identified by any of:

- (a) the Board, and communicated to the President and Vice Chancellor;
- (b) the President and Vice Chancellor;
- (c) for amendments to Policies for which a Policy Sponsor has been so designated, the Policy Sponsor;
- (d) for amendments to Policies for which a Designated Lead has been so designated, the Designated Lead; or
- (e) any other member of the University Community, and communicated to the Designated Lead or Policy Sponsor, for existing Policies, and through the Policy Gazette, for proposed new Policies.

The person who identified the need for a new or amended Policy (or their designate) completes a policy sponsorship questionnaire in the form established by the Office of the General Counsel.

2.1.2 After completion, the questionnaire is submitted to the Policy Sponsor.

2.1.3 The Policy Sponsor and the Designated Lead consider the needs expressed and, after consulting with the General Counsel, the Policy Sponsor will determine whether a Policy Change reasonably justified.

2.1.2 ~~. If the Policy Sponsor decides that the needs expressed are reasonably justified, the Policy Sponsor will recommend the Policy Change to the Governance, Risk and Compliance Committee, which will determine, on delegated authority from the Board, if a Policy Change is needed.~~

2.1.3 ~~2.1.4~~ In deciding whether the needs expressed for a Policy Change are reasonably justified, the Policy Sponsor will include in their analysis whether a Policy is the most effective regulatory tool to address the matter, by considering the following:

- (a) whether the subject matter falls within the sole jurisdiction of the Board or Senate, or shared jurisdiction of the Board ~~or and~~ the Senate;
- (b) ~~the part(s) of the~~ impact on the University Community ~~impacted~~; and
- (c) whether the subject matter requires a Policy Change, or can be addressed through alternative means, such as rules, procedures, standards and expectations adopted at the level of the Board, faculties, portfolios, departments or units.

~~(e) The Policy Sponsor may seek further information from the submitter if the information initially provided is not sufficient to support a decision.~~

2.1.5 Where the need for a new or amended Policy is identified as set out in section

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2.1.1(a)-(d) above and the Policy Sponsor has determined that the Policy Change is reasonably justified, the Policy Change process may proceed in accordance with these procedures, starting with the establishment of a Working Group if directed, as described at section 2.1.7. Where the need for a new or amended Policy is identified as set out in section 2.1.1(e) above and the Policy Sponsor has decided that the needs expressed are reasonably justified, the Policy Sponsor will recommend the Policy Change to the Governance, Risk and Compliance Committee, which will determine, on delegated authority from the Board, if a Policy Change is needed.

2.1.42.1.6 The decision of the Policy Sponsor regarding whether the needs expressed for a Policy Change are reasonably justified, and the Governance, Risk and Compliance Committee in determining if a Policy Change is needed, is final. The requestor of a new Policy or amendments to an existing Policy will be notified of the applicable decisions with appropriate summary reasons. Requests for a new Policy or amendments to an existing Policy may be resubmitted where new and significant information has arisen that was not available at the time of the original decision.

2.1.52.1.7 If the Governance, Risk and Compliance Committee decides a Policy Change is needed, it will direct the Policy Sponsor to proceed and the Designated Lead to proceed. The Policy Sponsor may direct the Designated Lead to establish a working group (“**Working Group**”) in accordance with the following principles:

- (a) the Designated Lead will chair the Working Group;
- (b) the Designated Lead will provide the Working Group with written terms of reference that set out, amongst other things, the mandate of the Working Group and the scope of its work, including whether Procedures are included or excluded;
- (c) the Designated Lead will ensure there is sufficient subject matter expertise on the Working Group and members have knowledge of the University to consider the Policy Change, including students, faculty and staff, as appropriate;
- (d) the Designated Lead will ensure that the Working Group contains a diverse range of perspectives and experiences; and
- (e) the Designated Lead will consult with the General Counsel to ensure appropriate legal advice is made available to the Working Group at their request.

2.1.62.1.8 The Designated Lead prepares the proposed new or amended draft policy and a briefing memo, taking the advice and in collaboration with the Working Group, if one has been established. The briefing memo includes the following information:

- (a) why the Policy Change is necessary;
- (b) existing Senate or Board approved policies and collective agreements that may apply to, overlap with, or impact upon the proposed Policy Change;
- (c) the impact of the Policy Change on other Policies, Procedures and the local standards, practices, policies, procedures, or any other guidance of faculties, other academic units, and administrative units that may exist on similar topics;
- (d) the legal and regulatory framework that may inform the Policy Change;
- (e) the benefits and risks of the Policy Change, including the implications of not

making the change;

- (f) how the Policy Change advances the University's ~~values and priorities core principles (including commitments to reconciliation and to equity, diversity and inclusion)~~ and any inconsistencies with ~~those values and priorities~~ ~~those principles~~, and the measures designed to eliminate or reduce any identified inconsistencies;
- (g) the probable financial implications;
- (h) whether the Policy Change must go to Senate, or to a Senate Committee, and whether it must do so for consultation or for approval;
- (i) key stakeholders;
- (j) the consultation plan;
- (k) the communications plan; and
- (l) the plan for training.

2.1.72.1.9 The Designated Lead provides the briefing memo, and the proposed new or amended draft policy to the Policy Sponsor and the General Counsel for review. If the Policy Sponsor and General Counsel provide feedback, the Designated Lead will bring the draft policy back to the Working Group, if one has been established. The Designated Lead and the Working Group, if one has been established, will consider and reflect the feedback received. The Designated Lead will take the draft policy and memo back to the Policy Sponsor and General Counsel for review and approval once it reflects the feedback received.

2.1.82.1.10 The Policy Sponsor tables the briefing memo and draft policy for discussion and approval at a meeting of the University Executive.

2.1.92.1.11 Once the draft policy is approved, the Policy Sponsor prepares a submission to the Governance, Risk and Compliance Committee requesting discussion of the proposal for the new or amended Policy, and direction regarding the scope of Senate engagement and the consultation plan.

2.1.102.1.12 The Governance, Risk and Compliance Committee provides feedback on the draft new or amended Policy, and directs the Policy Sponsor regarding engaging the Senate (if required) and approves, under its delegated authority from the Board, the consultation plan for the University Community.

2.2 Community Consultation

2.2.1 The Designated Lead is responsible for consulting with the University Community, in accordance with the consultation plan approved by the Governance, Risk and Compliance Committee.

2.2.2 In all cases, the consultation plan must include a call for input from the University Community. The Designated Lead will submit the proposed policy to (a) the Office of the General Counsel, which will post the proposed new or amended policy on the Policy Gazette website and send the consultation message to university employees on behalf of the Policy Sponsor, inviting input and (b) the university's communications and marketing unit, who will invite input from university students and refer students to the Policy Gazette website where the proposed new or amended policy has been posted. The consultation plan must also take into account consultation obligations set forth in any applicable collective agreements.

2.2.3 With respect to Senate engagement:

- (a) in all cases, the Designated Lead must:
 - (i) submit the draft policy to the Senate or the Senate committee designated by Senate for this purpose, along with a copy of the Board's statement regarding the scope of the Senate engagement; and
 - (ii) liaise with the Senate (or the designated Senate committee) to obtain any required approvals, conduct meaningful consultations and otherwise receive feedback from the Senate.
- (b) if the Senate disagrees with the Board's statement regarding the scope of Senate engagement, and the matter cannot be settled through informal collaborative discussions between the relevant representatives of the Senate, the Policy Sponsor and the President and Vice Chancellor:
 - (i) the President and Vice Chancellor will report same to the Chair of the Governance, Risk and Compliance Committee;
 - (ii) unless an alternative process is agreed upon by the Board or Senate, the President and Vice Chancellor will oversee further Board and Senate discussions aimed at resolving the matter; ~~and~~
 - (iii) the Designated Lead may continue consultations with other key stakeholders pending a resolution of the matter, unless otherwise directed by the President and Vice Chancellor; and
 - ~~(iii)(iv)~~ if the matter remains outstanding when the draft Policy is presented to the Board for information or approval, the Policy Sponsor will raise the matter for discussion at the Board.

2.2.4 The Designated Lead consolidates the input received, including from Senate, and meets with the Working Group, if one has been established, to review the suggestions and to incorporate the feedback into the draft policy.

2.2.5 If the changes to the draft policy are significant, the Designated Lead and Working Group, if one has been established, in consultation with the Office of the General Counsel and the Policy Sponsor, may decide to engage in further consultation. This process is repeated until the Policy Sponsor determines that the University Community ~~(including Senate, if applicable)~~, have been adequately consulted regarding the version of the draft policy that will go to the University Executive for approval. For clarity, if it has been determined that pursuant to the University Act, Senate's approval or consultation must be sought, then further consultation following significant post-consultation changes to a draft policy must include such seeking of Senate's approval or consultation.

2.2.6 Once the draft policy is complete, the Designated Lead prepares an updated briefing memo and submits it to the Policy Sponsor.

2.2.7 The Policy Sponsor reviews and approves the draft policy and updated briefing memo.

2.2.8 The Policy Sponsor tables the briefing memo and draft policy, accompanied by a copy of the original policy with track changes (if the policy is being updated), for discussion and approval at a meeting of the University Executive.

2.3 Board Approval and Dissemination

- 2.3.1 After University Executive approval, the Designated Lead prepares the Board submission requesting Board approval of the new or amended policy.
- 2.3.2 The Designated Lead obtains the necessary approvals and signatures to add the draft policy to the Board agenda, with the exception of the President and Vice Chancellor's signature which will be obtained by the Board Office.
- 2.3.3 The Board considers the proposed new or amended policy together with all relevant supporting information, including a summary of the consultation record, any required Senate approvals and the results of any required Senate consultations.
- 2.3.4 After formal approval by the Board, the Board Office notifies the Policy Sponsor, Designated Lead and General Counsel. If the Policy is not approved, the Board will offer further recommendations, and the Designated Lead may restart the approval process, beginning with section 2.3.1.
- 2.3.5 The University Secretary assigns the new or revised policy a Policy or Revision Number. The University Secretary documents and maintains a tracking record of the policy history, posts the approved new or amended policy on the Policy Gazette website, and sends an announcement to the University community and key stakeholders informing them of the approved new or amended policy.

3. PROCEDURE TO MAKE EDITORIAL AMENDMENTS TO EXISTING POLICIES

3.1 Streamlined Policy Amendment Process

- 3.1.1 Editorial Amendments to Policies must follow the general policy amendment process described in section 2 of these procedures, except that, on account of the non-substantive nature of Editorial Amendments:
 - (a) the approval process may proceed with the content of the briefing memo appropriately limited and reflecting the process described in this section 3;
 - (b) upon the approval of the Governance, Risk and Compliance Committee, the consultation of the University Community will normally be limited to a posting of the proposed amended policy on the Policy Gazette website under Draft Policies and sending a consultation message to the University Community on behalf of the Policy Sponsor, inviting input; and
 - (c) normally, the Governance, Risk and Compliance Committee will approve Editorial Amendments, acting under delegated authority from the Board.
- 3.1.2 For greater certainty, the process to approve an Editorial Amendment is not exempt from the *University Act's* requirements for prior Senate consultation or approval (where applicable).

4. PROCEDURE TO REPEAL A POLICY

4.1 Policy Repeal Process

- 4.1.1 The proposed repeal and replacement of an existing Policy (whether by a new Policy or an amendment to another existing Policy) should proceed together through the general policy amendment process described in section 2 of these procedures.
- 4.1.2 The proposed repeal of an existing Policy, without replacement or resulting amendment of another Policy, must follow the general policy amendment process

described in section 2.0 of these procedures, except that the focus and output of the Designated Lead, the Working Group, if one has been established, the subject matter of the community consultations, including any required Senate engagement, and all briefing materials and submissions, will be a recommendation regarding the proposed repeal of a Policy.

- 4.1.3 For greater certainty, the process for the repeal of a Policy is not exempt from the *University Act's* requirements for prior Senate consultation or approval (where applicable).

5. PROCEDURE FOR MANDATED PERIODIC REVIEW

- 5.1 In the fiscal quarter before the Mandated Periodic Review Date of a Policy, the Policy Sponsor and Designated Lead will create a plan for the Mandated Periodic Review of the Policy. The review plan must include, at minimum, consultations with the faculty(ies), departments, or units who administer the Policy and the General Counsel, and a target for the completion of the Mandated Periodic Review, at the latest, normally 120 days after of the Mandated Periodic Review Date.
- 5.2 As a result of the Mandated Periodic Review, the Policy Sponsor either:
 - 5.2.1 determines that amendment or repeal is required, and engages in the policy amendment or repeal processes described in section 2 of these procedures; or
 - 5.2.2 determines that no amendments are required and presents a briefing memo summarizing the consultations and feedback to the Governance, Risk and Compliance Committee, for review and approval. The Governance, Risk and Compliance Committee determines the new Mandated Periodic Review Date for the Policy.

6. DEVELOPMENT, AMENDMENT AND REPEAL OF PROCEDURES

- 6.1 **Identify Need and Initiate Process**
 - 6.1.1 When a new Policy or amendments to an existing Policy are being considered, the Policy Sponsor:
 - (a) instructs the Designated Lead and the Working Group, if one has been established, to draft Procedures along with the new or amended Policy, in which case the Procedures will follow the same process and be considered together with the associated new or amended Policy; or
 - (b) instructs the Designated Lead and the Working Group, if one has been established, not to draft Procedures.
 - 6.1.2 The need for new or amended Procedures, or repeal, whether or not a policy change is being considered at the time, may be identified by any of:
 - (a) the Board, and communicated to the President and Vice Chancellor;
 - (b) the President and Vice Chancellor;
 - (c) the Policy Sponsor; or
 - (d) the Designated Lead.
 - 6.1.3 The Policy Sponsor and the Designated Lead consider the needs expressed, and, after

consulting with the General Counsel, the Policy Sponsor decides whether a new or amended Procedure is required, and/or whether any existing Procedure ought to be repealed.

In making that determination, the Policy Sponsor considers the purpose and function of Procedures, and whether the subject matter requires a new or amended Procedure, or can be addressed through alternative means, such as rules, procedures, standards, and expectations adopted at the level of the faculties, portfolios, departments or units.

- 6.1.4 If the Policy Sponsor's decision is to proceed, the Policy Sponsor instructs the Designated Lead to develop the new or amended Procedures, or the case for the repeal of an existing Procedure, in accordance with section 6.1.5.
- 6.1.5 The Designated Lead prepares a briefing memo to the Policy Sponsor, with a copy to the General Counsel, that identifies, explains or comments on the following (as applicable):
- (a) why a new Procedure is needed or why an existing Procedure requires amendment or repeal (as the case may be);
 - (b) existing Senate or Board approved policies and collective agreements that may apply to, overlap with, or impact upon the Procedures;
 - (c) the benefits and risks of making the proposed change and the implications of not doing so;
 - (d) consultation plan (if directed by the Policy Sponsor or otherwise required)
 - (e) the communications plan (if directed by the Policy Sponsor); and
 - (f) the plan for training (if directed by the Policy Sponsor).
- 6.1.6 The Policy Sponsor considers the briefing memo and consults the General Counsel.
- 6.1.7 For proposed repeals, the President approves the repeal, and identifies the effective date of the repeal.
- 6.1.8 For proposed new or amended Procedures, the Policy Sponsor directs the Designated Lead to prepare the proposed new or amended draft Procedures, and undertake consultations (if any).
- The President, in consultation with the General Counsel, reviews and approves the proposed new or amended Procedures, and identifies the effective date.
- 6.1.9 Upon approval of a new, amended Procedure, or a repeal of a Procedure, the Designated Lead:
- (a) informs the University Secretary, who updates the Policy Gazette, and the Office of the General Counsel;
 - (b) implements the communications plan and training plan, if any, described in the briefing memo, or as otherwise directed by the Policy Sponsor; and
 - (c) works with the Board Office to provide notice of the new, amended or repealed Procedure to the Board for information, at its next regularly scheduled meeting.

7. POLICY GAZETTE

- 7.1 The University Secretary establishes and maintains a publicly accessible website that

displays the Policy Gazette.

- 7.2 The University Secretary keeps the Policy Gazette current, and keeps associated records, including copies of repealed Policies and Procedures, and past versions of Policies and Procedures.

8. RELATED LEGAL AND POLICY AUTHORITIES

- 8.1 The legal and other Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:
- 8.1.1 *University Act, R.S.B.C. 1996, c. 468*
 - 8.1.2 GP30 Interpretation Policy
 - 8.1.3 B10.00 Policy on University Policies and Procedures

9. FORMS AND TEMPLATES

- 9.1 The forms and templates that must be used for a Policy and Procedures are:
- 9.1.1 SFU Policy Template
 - 9.1.2 SFU Procedure Template