

## UNIVERSITY OF MANITOBA POLICY

<b>Policy:</b>	<b>GOVERNING DOCUMENT DEVELOPMENT AND REVIEW</b>
<b>Effective Date:</b>	June 25, 2013
<b>Revised Date:</b>	
<b>Review Date:</b>	June 25, 2023
<b>Approving Body:</b>	Board of Governors
<b>Authority:</b>	
<b>Responsible Executive Officer:</b>	President
<b>Delegate:</b>	Office of Legal Counsel
<b>Contact:</b>	Office of Legal Counsel
<b>Application:</b>	University Community

### Part I Reason for Policy

- 1.1 To define and establish principles and requirements for the development, approval, implementation, review and repeal of all Governing Documents.

### Part II Policy Content

#### Definitions

- 2.1 The following terms have the following defined meanings for the purpose of this Policy and its Procedures:
- (a) **“Approving Body”** means the person(s) or University body under whose jurisdiction the Governing Document has been, or will be, approved.
  - (b) **“Contact”** means the individual or unit responsible for answering general questions concerning the Governing Document.
  - (c) **“Contact Information”** means the name, title, email address and phone number for the Responsible Executive Officer and Contact person responsible for responding to inquiries concerning a Governing Document.

- (d) **“Delegate”** means the individual or unit to whom the Responsible Executive Officer has delegated his/her obligations relating to the implementation, communication and review of a Governing Document.
- (e) **“Governing Document”** means a University Policy, Procedure, By-Law and/or Regulation.
- (f) **“Governing Document Proposal”** means a Policy, Procedure, By-Law and/or Regulation in any stage of development, prior to approval by the Approving Body.
- (g) **“Procedure”** means a University Procedure which supports and gives effect to a University Policy, By-Law or Regulation.
- (h) **“Policy”** means a University Policy which, among other things:
  - (i) states the University’s position on issues which have broad application;
  - (ii) reflects and upholds the University’s governing principles;
  - (iii) delegates authority to the appropriate individual(s) or unit(s);
  - (iv) provides decision makers with limits, alternatives and guidance;
  - (v) promotes operational efficiencies;
  - (vi) reduces institutional risk; and/or
  - (vii) changes infrequently.
- (i) **“Responsible Executive Officer”** means the President, Vice President, or any other unit head, who sponsors a Governing Document Proposal that falls under his/her jurisdiction. Depending on the scope of the subject matter, a Governing Document may have more than one Responsible Executive Officer. Upon approval, the Responsible Executive Officer, or his/her delegate, will be responsible for the implementation, communication and review of the Governing Document.
- (j) **“Secondary Documents”** means documents that support a Governing Document, including but not limited to, Forms, Codes, Guidelines and FAQ’s.
- (k) **“Unit Level Governing Documents”** means documents that do not have a broad impact and are limited in their scope and application to a specific unit or area.
- (l) **“University”** means The University of Manitoba.
- (m) **“University Community”** means all employees, students, individuals with University appointments, visitors, volunteers and members of governing bodies and committees of the University.

## **Introduction**

- 2.2 Governing Documents exist to ensure that the University's processes and practices align with the University's strategic direction, core principles and the regulatory and legislative environment in which it operates.
- 2.3 Individuals engaged in developing, revising or repealing Governing Documents must follow the requirements outlined in this Policy and the Governing Document Development and Review Procedure.
- 2.4 Secondary Documents may be developed, if necessary, to support the implementation, communication and monitoring of a Governing Document.
- 2.5 The Office of Legal Counsel is available throughout the Governing Document development and review process to provide assistance and advice.

## **Governing Document Approval**

- 2.6 The Approving Body may be the Board of Governors, Senate, the President, and/or the responsible Vice President(s), any combination thereof, or any person(s) to whom a formal delegation of authority has been made by the responsible Approving Body for that purpose.
- 2.7 The Approving Body may approve Procedures which comply with a Policy, By-Law or Regulation, or it may delegate the power, in writing, to another person or body, as it determines is appropriate. The Procedures must be submitted for approval as set forth in the Governing Document Development and Review Procedure.
- 2.8 A Governing Document becomes effective upon receiving the approval of the appropriate Approving Body, or at a later date, if so specified by the Approving Body.

## **Governing Document Review**

- 2.9 Governing Document reviews shall be conducted every ten (10) years by the Responsible Executive Officer or his/her delegate.
- 2.10 The Review Date for a Governing Document will be either:
  - (a) ten (10) years from its Effective Date; or
  - (b) if it has already been reviewed and/or revised, ten (10) years from its last Revised Date.
- 2.11 Governing Document reviews can be conducted earlier than every ten (10) years in the event that:
  - (a) the Responsible Executive Officer or the Approving Body deems it necessary or desirable to do so;
  - (b) the Governing Document is no longer legislatively or statutorily compliant; and/or
  - (c) the Governing Document is now in conflict with another Governing Document.

- 2.12 A Governing Document may be repealed at any time prior to its Review Date in the event that:
- (a) the Responsible Executive Officer or the Approving Body deems it necessary or desirable to do so;
  - (b) the Governing Document is no longer legislatively or statutorily compliant; and/or
  - (c) the Governing Document is now in conflict with another Governing Document.

### **Interim Governing Documents**

- 2.13 Whenever a Governing Document must be enacted before it has been formatted in accordance with the Governing Document Development and Review Procedure it may be disseminated in memo form by the Approving Body, electronically or in print, and posted on the University's Governance Web Page, marked as an "Interim" document. As soon as possible thereafter, the document shall be formatted in accordance with the Governing Document Development and Review Procedure and resubmitted to the Office of the University Secretary for republication. In the meantime, it shall be given full force and effect.

### **Administrative Updates and Typographical Corrections**

- 2.14 The Office of the University Secretary is authorized to update contact information, cross references and to correct typographical errors in Governing Documents, provided that such changes do not materially affect their substance or content.

### **Unit Level Governing Documents**

- 2.15 Faculties, Schools and other academic and administrative units may establish Unit Level Governing Documents, provided always that such documents do not contravene any legal or statutory authority, or conflict with any other Governing Document. In the event of a conflict, the Governing Document shall prevail.

## **Part III Accountability**

### **Administration and Interpretation**

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Policy is required.
- 3.2 The Office of Legal Counsel is responsible for the implementation, administration and review of this Policy.
- 3.3 All members of the University Community are responsible for complying with this Policy.

## **Official Repository**

- 3.4 The Office of the University Secretary shall be the official repository for all Governing Documents. To that end, it shall:
- (a) maintain the University's Governance Web Page which shall include the current version of all Governing Documents;
  - (b) maintain an archive of all previous versions of Governing Documents as they are amended or repealed; and
  - (c) maintain records of all delegations of authority made in writing by an Approving Body.

## **Part IV Authority to Approve Procedures**

- 4.1 The President may approve Procedures which are secondary to and comply with this Policy.

## **Part V Review**

- 5.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Policy is June 25, 2023.
- 5.2 In the interim, this Policy may be revised or repealed if:
- (a) the President or the Approving Body deems it necessary or desirable to do so;
  - (b) the Policy is no longer legislatively or statutorily compliant; and/or
  - (c) the Policy is now in conflict with another Governing Document.

## **Part VI Effect on Previous Statements**

- 6.1 This Policy supersedes all of the following:
- (a) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein;
  - (b) all previous Administration Governing Documents on the subject matter contained herein.

## **Part VII Cross References**

- 7.1 This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) [Governing Document Development and Review Procedure](#);

- (b) Schedule "A" to Governing Document Development and Review Procedure;
- (c) Schedule "B" to Governing Document Development and Review Procedure;
- (d) Governing Document Proposal Form;
- (e) Policy Template;
- (f) Procedure Template;
- (g) Governing Document Routing Form; and
- (h) Request to Repeal Governing Document Form.