

## UNIVERSITY OF MANITOBA PROCEDURE

<b>Procedure:</b>	<b>National Centre for Truth and Reconciliation Governance and Administration Procedure</b>
<b>Parent Policy:</b>	National Centre for Truth and Reconciliation Governance Policy
<b>Effective Date:</b>	June 22, 2021
<b>Revised Date:</b>	
<b>Review Date:</b>	June 22, 2031
<b>Approving Body:</b>	Board of Governors
<b>Authority:</b>	<i>The University of Manitoba Act, Section 16(1)(h)</i>
<b>Responsible Executive Officer:</b>	Vice-President (Indigenous)
<b>Delegate:</b>	
<b>Contact:</b>	Executive Director, National Centre for Truth and Reconciliation
<b>Application:</b>	All staff, students and faculty

### Part I Reason for Procedure

- 1.1 To provide a governance and administrative framework for the National Centre for Truth and Reconciliation (NCTR) consistent with:
- (a) The NCTR's unique national and international mandate, role and responsibilities;
  - (b) The University's commitments set out the Administrative Agreement and Trust Deed through which the NCTR was created; and
  - (c) The University's broader commitments to recognize, respect and uphold the human rights of Indigenous Peoples, including those affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*.
- 1.2 To ensure that the voices of Survivors and Intergenerational Survivors remain central to governance and administration of the NCTR.

- 1.3 To actualize a model of shared governance among the University, other academic and institutional Partners, Survivors and Intergenerational Survivors, and Indigenous peoples' organizations.

## **Part II Procedural Content**

- 2.1 The following terms have the following defined meanings for the purpose of this Procedure:

- (a) **Administrative Agreement:** The 2013 agreement between the University of Manitoba and the Truth and Reconciliation Commission of Canada setting out details concerning the administration and operation of the National Centre for Truth and Reconciliation.
- (b) **Governing Circle:** The shared governance body established under by the Administrative Agreement, further details of which are set out in the policy and procedure.
- (c) **Honourary Members of the Governing Circle:** Individuals invited to support the work of the Governing Circle, such as by providing advice, who do not participate in the decision-making functions of the Governing Circle. The roles of the Honourary Members are set out in the By-Laws.
- (d) **Intergenerational Survivors:** All family and descendants of Survivors.
- (e) **National Centre for Truth and Reconciliation (NCTR):** The center established through the Administrative Agreement and Trust Deed entered into by the University of Manitoba and the Truth and Reconciliation Commission of Canada.
- (f) **Partner:** An educational institution, research centre, archive, Indigenous organization, or other interested group or entity engaged as a Partner in pursuit of the NCTR's mandate, pursuant to an agreement with the University.
- (g) **Survivors:** Any and all former students of the Indian Residential School system regardless of the period or location of their attendance.
- (h) **Survivors Circle:** An advisory body to the Governing Circle, established by the Governing Circle, and composed of Survivors and/or Intergenerational Survivors.
- (i) **Trust Deed:** The 2013 agreement between the University of Manitoba and the Truth and Reconciliation Commission of Canada establishing conditions under which the University would act as trustee for testimony,

records and other property of the Truth and Reconciliation Commission of Canada.

## **2.2 Adherence to University policies and procedures**

- (a) The NCTR is responsible for upholding the policies and standard operating procedures of the University.
- (b) As a consequence of its unique mandate and responsibilities, the NCTR will adopt additional policies and procedures specific to its mandate as required.
- (c) Where there are gaps between University policies and procedures of general application and the policies adopted by the NCTR, the Governing Circle and Executive Director will work with the University's governance to address such gaps.

## **Research at the NCTR**

- 2.3 All research conducted at the NCTR, including research conducted by Partners and third parties accessing the records of the NCTR, must be consistent with all relevant University policies, procedures, standards, guidelines and principles pertaining to ethical research, as well as the First Nation principles of OCAP (Ownership, Control, Access and Possession); Manitoba Metis Federation principles of Ownership, Control, Access and Stewardship (OCAS); the Inuit Qaujimagatuqangit; the Tri-Council Policy Statement on Research Involving the First Nations, Inuit and Métis Peoples of Canada; the University of Manitoba Framework for Research Engagement with First Nation, Metis, and Inuit Peoples; and the rights of Indigenous peoples. The NCTR is expected to play a leading role in applying and advancing these policies, procedures, standards, guidelines, and principles in relation to the NCTR's records and the rights of Survivors and Intergenerational Survivors.

## **2.4 Shared governance model**

- (a) Shared governance among the University, Partners, Survivors and Intergenerational Survivors, and Indigenous peoples' organizations is carried out through the Governing Circle.
- (b) The University will participate in the shared governance of the NCTR by appointing the Vice-President (Indigenous) to serve as a full member of the Governing Circle. In the event that the Vice-President (Indigenous) is unable to fulfill this role, the University President will appoint an alternate from among the University's senior leadership.
- (c) An additional position on the Governing Circle is reserved for another member of the University administration, faculty or staff who will be nominated and appointed through the process set out in section 2.8 below.

## 2.5 **Composition of the Governing Circle and Term of Appointment**

- (a) The Governing Circle will consist of no fewer than seven (7) members as stated in the Administrative Agreement and up to eleven (11) members to meet the need for diversity and representativity. All members will be equal in standing in all decision-making processes.
  - (i) The membership of the Governing Circle will reflect the shared interests in good governance of Survivors and Intergenerational Survivors, the University of Manitoba, and its Partners.
  - (ii) This membership of the Governing Circle will also reflect a diversity of cultures and languages, genders, and regional representation and will have the skills, experience and ability to help fulfill the Governing Circle's needs and to enhance the Governing Circle's institutional role.
  - (iii) At least two (2) members of the Governing Circle will represent Partners.
- (b) A majority of Governing Circle members must be persons who identify as First Nations, Inuit or Métis Nation descent. Of these members, at least one person must be a First Nations Residential School Survivor or Intergenerational Survivor, at least one person must be an Inuit Residential School Survivor or Intergenerational Survivor, and at least one person must be a Métis Nation Residential School Survivor or Intergenerational Survivor.
- (c) As per the Administrative Agreement, the standard term for members of the Governing Circle is a minimum of two (2) years. However, in their first term on the Governing Circle, each member will be expected to serve a minimum three (3) year term. There is no limit on the number of terms that a Governing Circle member may be re-appointed.
- (d) It is expected that the Governing Circle will establish additional committees and advisory positions to receive further input as appropriate from Survivors, Intergenerational Survivors, Elders and others.

## **Roles and responsibilities of the Governing Circle**

- 2.6 The Administrative Agreement specifies that the Governing Circle has a dual role both as decision-maker and as advisor to the University and its Partners. In the areas set out below, any decision-making process should begin with the Governing Circle. Where additional sign-off is required from the University, deference will be given to the decision made or advice given by the Governing Circle. The three areas are a) governance, protocols and policy; b) strategic direction; and c) operation.

- (a) **Governance, protocols and policy** includes decisions and advice with respect to:
  - (i) Confirming, amending, repealing or replacing NCTR by-laws;
  - (ii) Adopting procedures or rules for Governing Circle meetings;
  - (iii) Establishing and setting the Terms of Reference for committees or other advisory bodies to the Governing Circle;
  - (iv) Creating ethical guidelines or codes of conduct for members of the Governing Circle and any of its committees;
  - (v) Reviewing and adopting policies and protocols governing operations of the NCTR and its external operations; and
  - (vi) Identifying categories of partners that would benefit the NCTR, ratify agreements with new partners, or modify or end existing partnerships.
- (b) **Strategic direction** includes decisions and advice with respect to:
  - (i) Setting priorities and strategic goals for NCTR activities and spending;
  - (ii) Determining fundraising goals and provide advice on strategies;
  - (iii) Making decisions about expanding the NCTR's holdings and resources, including the form that the expansion will take, and the sources and subject matter of any new holdings or resources; and
  - (iv) Approving and adopting communication strategies for the NCTR.
- (c) The **operation** of the NCTR includes joint decisions to hire and evaluate the Executive Director of the NCTR, in collaboration with the Vice-President (Indigenous).
- (d) Beyond the areas named in (a), (b) and (c) above, the Governing Circle does not directly engage with the administration and day to day operations of the NCTR. The administration and day to day operation are conducted in accordance with the Administrative Agreement and are the responsibility of the Executive Director.

## 2.7 Decision-making Model

- (a) Decisions of the Governing Circle can be made either by a meeting with a quorum of no fewer than three-quarters of current Governing Circle members or by email involving all Governing Circle members.

- (b) Decisions of the Governing Circle will generally be made on the basis of consensus.
- (c) All decisions, advice or other directives of the Governing Circle will be documented through formal written resolutions. A copy of all resolutions of the Governing Circle shall be distributed to the Office of the Vice President (Indigenous) and archived in the University of Manitoba archives.

## **2.8 Selection of Governing Circle Members**

- (a) The Vice-President (Indigenous) of the University of Manitoba is appointed to the Governing Circle by the University President.
- (b) In addition, a second position on the Governing Circle is reserved for another staff member or employee of the University. When this second position becomes vacant, the Governing Circle will inform the University of any specific needs, such as skills or background, which it would request the University to consider in making its appointment. The University will show deference to this advice.
- (c) All other positions are filled through a nomination process as follows:
  - (i) When any position or positions on the Governing Circle become vacant, the Governing Circle will form a Nomination Committee. The Nomination Committee will inform the University of Manitoba and Partners of the vacancy and encourage the University of Manitoba and Partners to submit potential nominees for consideration. Nominations will close no sooner than 60 days after such notification was provided.
  - (ii) The Nomination Committee will consider a number of factors in selecting its nominations, including maintaining the balance among First Nations, Inuit, and Métis Nation members; regional diversity, gender diversity, linguistic and cultural diversity; familiarity with and knowledge of the NCTR, of the Truth and Reconciliation Commission and its work, and of the legacy of Residential Schools; and any specific skill or experience required by the Governing Circle at the time of nomination.
  - (iii) The Governing Circle will appoint Members based on recommendations of the Nomination Committee. In doing so, the Governing Circle will seek to include as many members as possible who are affiliated with the Partners. This will be done in a manner consistent with the overall goals of diversity and balance and the requirements for representation of Survivors and Intergenerational Survivors.

## **2.9 Compensation of Governing Circle Members**

- (a) Governing Circle Members are eligible for compensation for their time and expertise unless the person holds a salaried position at the University of Manitoba.
- (b) Compensation amounts will proactively recognize the expertise and knowledge of Survivors and Intergenerational Survivors as experts and deserving of fair compensation.
- (c) Provision will also be made for reimbursement of all travel expenses, based on rates of the University of Manitoba in its Travel Expense Policy.

#### 2.10 **Administrative Support to the NCTR**

- (a) Through the Administrative Agreement, the University has agreed to be responsible for administration and financial oversight of the NCTR for the duration of the Trust Deed.
- (b) The University makes available to the NCTR and its staff all the usual supports available to academic and administrative units of the University, including with regard to communications, external relations, fund-raising, human resources, finance, information technology, access to information and privacy, and legal matters.

#### 2.11 **Executive Director of the NCTR**

- (a) The Executive Director shall be the chief administrative executive and manager of the NCTR. In fulfilling their role as Executive Director of the NCTR, the Executive Director shall oversee all operations of the NCTR.
  - (i) Subject to the direction and guidance of the Governing Circle and the Vice-President (Indigenous), the Executive Director is responsible to provide the leadership necessary to position the NCTR at the forefront of the Truth and Reconciliation landscape across Canada.
  - (ii) In so doing, the Executive Director is tasked with developing and implementing a strategic plan to advance the NCTR's mission and objectives; to promote the realization of the objective's set forth in the Trust Deed and Administrative Agreements; to uphold and apply *the National Centre for Truth and Reconciliation Act*; and to work with a broad range of national and international partners to advance the mission and mandate.
  - (iii) The Executive Director oversees the operations of the NCTR to ensure quality, service, integrity and the highest values of public service.

- (iv) The Executive Director is accountable to the University's Vice-President (Indigenous) for ensuring that all relevant University policies, procedures, and reporting requirements are upheld.
- (v) Should any concern materialize with the Executive Director's performance, whether in the course of the regular performance evaluation described below, or at any other point in the year, the Vice-President (Indigenous) must engage the University of Manitoba's Human Resources office to ensure appropriate documentation occurs consistent with the rules and operations of the University of Manitoba. This shall be done in consultation with the Chair of the Governing Circle.

(b) *Selection and Appointment of the Executive Director*

The following procedure will apply for the appointment of a person to serve as the Executive Director of the NCTR.

- (i) The Vice-President (Indigenous) shall establish a Search Committee composed of an equal number of members of the Governing Circle, Indigenous and non-Indigenous community members, and representatives of the University of Manitoba. The members of the Search Committee will be jointly appointed by the Governing Circle and the University.
- (ii) The Vice-President (Indigenous) will serve as chair of the Search Committee.
- (iii) The Search Committee will make all efforts to ensure the recommended individual is a First Nations, Métis Nation or Inuit person.
- (iv) Based on the recommendations of the Search Committee, the final decision on the appointment will be made by the Governing Circle, including the Vice-President (Indigenous), in consultation with the Survivors Circle, and following all procedures and policies of the University of Manitoba.

(c) *Performance Review and Evaluation of the Executive Director*

At least once annually, the Chair of the Governing Circle, along with any other members of the Governing Circle, chosen by the Governing Circle, shall, jointly with the University of Manitoba Vice-President (Indigenous), conduct a review of the Executive Director's performance in accordance with the University's policies and procedures.

- (i) The Chair of the Governing Circle shall establish parameters for the review through a written and signed performance agreement clearly

communicated to the Executive Director in advance and agreed to by parties involved. In developing this performance agreement, the Chair shall consult with the University of Manitoba Human Resources office to ensure applicable policies and best practices are followed.

(d) *Resignation or Incapacity of the Executive Director*

If the Executive Director is, for any reason, unable to perform the duties of the office, such duties will be assumed and discharged by such person(s) and according to such procedures as the Chair of the Governing Circle may determine, in consultation with the University's Vice-President (Indigenous)'s, subject to ratification by the Governing Circle at its next meeting. To inform said measures, the Executive Director will be required to establish a business continuity plan, for approval by the Governing Circle, on an annual basis to ensure continued operations of the NCTR in the event of the Executive Director's resignation or incapacity.

**2.12 Fiscal Year**

The fiscal year of the NCTR shall end on the 31st day of March in each year or on such date as the University of Manitoba's Board of Governors may from time to time by resolution determine for the University.

**Part III  
Accountability**

- 3.1 The Office of Legal Counsel is responsible for advising the Vice-President (Indigenous) that a formal review of this Procedure is required.
- 3.2 The Vice-President (Indigenous) is responsible for the implementation, administration and review of this Procedure.
- 3.3 The Vice-President (Indigenous) is/are responsible for complying with this Procedure.

**Part IV  
Review**

- 4.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Procedure is June 22, 2031.
- 4.2 In the interim, this Procedure may be revised or repealed if:
  - (a) the Vice-President (Indigenous) for Approving Body deems it necessary or desirable to do so;

- (b) the Procedure is no longer legislatively or statutorily compliant;
- (c) the Procedure is now in conflict with another Governing Document; and/or
- (d) the Parent Policy is revised or repealed.

**Part V**  
**Effect on Previous Statements**

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

**Part VI**  
**Cross References**

- 6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) *Centre for Truth and Reconciliation Administrative Agreement*
  - (b) *Centre for Truth and Reconciliation Trust Agreement*
  - (c) *The National Centre for Truth and Reconciliation Act, C.C.S.M. c. N20, [assented June 30, 2015]*
  - (d) *Research Ethics Involving Human Subjects*
  - (e) *Conflict of Interest Policy*
  - (f) *Respectful Work and Learning Environment Policy*
  - (g) *Travel and Business Expense Claim Policy*
  - (h) *Directors of Schools of a Faculty or College Bylaw*