

6.1

Institutional policy

Policy and collegial governance

Policies express the rules that the institution sets to guide its operations and administration.¹ Policies comprise rules and standards about diverse and important matters – see appendix A for some examples.

Policies may articulate rules without prescribing institutional processes; however, a policy may be accompanied by one or more formal procedures. Policies may be organized according to an institutional policy framework (see appendix B).

Developing, reviewing and approving policy is an essential part of governance.

Policy may have both academic (academic policy) and administrative (management policy) dimensions. Although some policies are commonly understood to be more closely concerned with academic matters than others, a distinction between academic and management policy is often difficult or impossible to draw. Academic policy decisions often have administrative implications, whereas administrative policies can influence the conditions of academic work.

Principles of collegiality require that academic staff are meaningfully involved in policy development, review and approval processes that affect the conditions of academic work. Although university and college administrators often play an active role in initiating and overseeing policy development, collegial governance bodies should never simply cede responsibility for policy to the administration.

The senate and academic policy

The senate² has final decision-making authority for academic policy. In addition, the senate should have unlimited power of recommendation to the board of governors on policy matters within the board's purview. This requires that the senate is apprised of board and administrative proposals or initiatives before final decisions are made and has meaningful opportunities to consider and provide recommendations.

Policy versus legislation

Post-secondary institutions in Canada are generally created and/or governed through statute. Often such statutes have associated regulations providing further details and application rules for the statute.

Institutional policies must be consistent with any governing legislation. For example, if legislation does not empower the senate to define which academic staff members may be on the senate, it may not do so. Academic staff associations should ensure that policy does not violate or conflict with governing legislation.

Policy versus collective agreements

Institutional policy is not a substitute for strong collective agreements that secure academic staff members' rights that can be enforced by the academic staff association through grievance/arbitration. It is important that policy be consistent with collective agreements.

The policy landscape may suggest areas where the collective agreement should be strengthened, such that unilateral employer policy (whether supported by the senate or not) is replaced with or pre-empted by negotiated terms and conditions of employment.

Even though terms and conditions of employment should be established in collective agreements and not left to policy, collective bargaining is not a replacement for collegial governance. Even within the context of a strong collective agreement, many decisions will remain to be taken in governance forums such as senate and the board of governors. For example, academic matters are better suited to collegial processes than negotiation. Specific example may include matters of program development, review and approval; academic standards, including admission and graduation requirements; and long-term academic planning. For this reason, even as they constrain management rights, collective agreements should secure rights for academic staff that include (but are not limited to) strong rights of collegial participation in institutional decision-making and the setting of policy.

Academic staff association role

The academic staff association can play a vital role in fostering a better set of institutional policies and better policy development processes through:

- Regular review and analysis of extant institutional policies, with an eye to monitoring and elucidating issues or gaps and to identifying possible areas of conflict with the collective agreement or where the collective agreement should be strengthened
- Educating members about the important role that senate and other governance bodies, such as faculty councils, should play in policy development, review and approval
- Building member solidarity in support of stronger collegiality and collegial governance
- Approaching policy processes cautiously and critically, while recognizing that they provide an opportunity for the association to build awareness of institutional challenges, articulate a positive vision, and organize members to press collectively for improvements

Importantly, the academic staff association may often decide not to take a position on a policy matter (for example, on curricular matters). However, it has a legitimate role in protecting and fostering the ability of its members to take positions.

Checklists

Below are a series of checklists associations can apply to ensure that institutional policies are developed, monitored, revised and applied in a manner that respects collegial governance and the collective agreement.

The role of the academic staff association

- The association should ensure that academic staff will be meaningfully engaged in policy-related processes. It should also ensure that governance bodies, including the senate, will play the decisive role in initiating and overseeing policy efforts, in approving policies, and in assessing how well they are working.
- The academic staff association should organize itself to monitor policy matters and to strengthen and support the voice of its members in policy-related processes.

- The association's collective agreement secures rights to collegial participation, and these rights are reinforced through rights to academic freedom, rights to equity, and fair workload provisions that support all members (including contract academic staff) in delivering their share of the service load.³
- In particular, the collective agreement requires the employer to follow collegial policy development processes – see the “collective agreements” section of this library for details.

The association proactively conducts periodic reviews and analyses of extant institutional policies to:

- monitor and elucidate issues or gaps
- identify possible areas of conflict with the collective agreement and/or legislation
- identify areas where the collective agreement should be strengthened
- The association communicates with its members about these issues, listens to member concerns, and develops and maintains information and educational resources about the issues and about faculty members' roles in addressing those issues.
- The association adopts a member organizing strategy that includes (but is not limited to) organizing members around governance, including policy issues.
- The association anticipates institutional policy initiatives (for example, as review dates approach or following major events where policies have been tested) and is prepared to provide without-prejudice input during consultation processes as necessary.
- Prior to and during policy-related processes, and following approvals, the academic staff association considers possible implications for members' working conditions, possible areas of conflict with the collective agreement, and possible implications for subsequent rounds of collective bargaining and member organizing.

Institutional policy framework

The following are important elements of post-secondary institutional frameworks.

- Institutional policy requires that the institution and its administration are clear about when policy-related processes are expected to be initiated.
- Governance bodies, including the senate, play the decisive role in overseeing major policy development efforts. These bodies have properly constituted standing committees that can closely monitor and participate in these efforts. If no such standing committee exists and an ad hoc committee is to be struck, it is struck by and accountable to the appropriate governance body (for example, by the senate in the in the case of academic policy). If an ad hoc committee is to be struck:
 - Academic staff representation is strong, with representatives elected by the relevant governance bodies following an open nomination process (that is, not selected by administration). Even where committees require membership with certain expertise, the relevant governance bodies should retain the authority to select the committee's members (for example, by appointing members of the academic staff with the needed expertise).
 - The committee reflects the diversity of the academic community at the institution, all members have full and equal rights of participation, and barriers to equitable participation have been identified and removed.
 - Rules governing the conduct of committee business (for example, quorum, decision making, etc.) are clearly established.
- The role of external consultants, if any, is clearly defined, limited and determined by the relevant governance body.⁴
- The relevant governance bodies are responsible for overseeing planning efforts. These bodies receive regular reports and drafts (for example, from a committee with delegated authority) and give additional direction as necessary well before the approval stage.

The policy development framework is clearly described and has been approved by both the board of governors and the senate. The framework:

- supports open, democratic processes
- specifies how the approving body or policy class is decided – and by whom – and how questions or disputes about classification are addressed and resolved, with all academic planning and academic policy development

- conducted under the authority of the senate and all others subject to consideration by the senate for possible recommendations to the board
- requires notification of major policy events (for example, when initiating and finalizing development, review, approval, amendment and rescindment)
 - specifies the processes for developing, reviewing, approving, amending and rescinding policies
 - requires periods of open and meaningful consultation with the institutional community, as well as discussion at the senate and other governance bodies, including at early stages; consultations allow the expression of a diversity of views and opinions and are inclusive in terms of participation
 - specifies how approved policies are published and promulgated
 - requires that policy development and review work be properly resourced
 - Where bodies other than the board of governors or the senate are empowered to approve policies, the power to do so is either conveyed by public policy or it has been explicitly delegated (together with any powers of sub-delegation) by the board or senate. The institution does not maintain pseudo-policies outside of the approved policy governance framework.
 - The institution maintains a policy portal through which it publishes approved policies, provides notification about draft policies and consultation periods, and provides information about the policy framework.

Elements of each policy

- The policy meets a well-defined need and has a clear scope, with key terms defined appropriately.
- The final approving body is appropriate to the nature of the policy (that is, the policy is appropriately classified). Where the board of governors is the final approving body, the senate has had meaningful opportunities to consider and provide recommendations to the board.
- The policy has a clearly identified office of administrative responsibility.
- The policy fits well within the set of institutional policies and the public policy context.
- The policy is consistent with legislation and collective agreements.
- The policy contains an appropriate date for review.

- ❑ The policy supports (or does not hinder) faculty and staff in providing a high-quality teaching and learning environment and in conducting scholarship.
- ❑ The policy is consistent with and upholds core principles of academic freedom, equity and collegial governance.

Appendix A: Examples of policy categories

Each policy codifies the rules governing a type of activity or scenario, embodying decisions about how the institution is intended to operate. Typical policy categories include:

- Student admission, standing and graduation
- Examinations, grades and credit
- Program development and review
- Academic scheduling and calendar preparation
- Research activity
- Internal communications
- Health and safety
- Human resource matters, including in support of hiring
- Financial matters, including budgeting and reporting processes
- Facility and asset management
- Environmental sustainability
- Information and records management
- Emergency and risk management
- Decision-making and signing authority
- External relations, including government and media relations
- Donations
- Governance processes
- Managing conflict of interest

Appendix B: Policy framework

An institution may have an explicit policy framework that describes, among other details:

- **Policy categories:** Relevant categories may vary by institution. Examples may include research policies, financial policies, external relations policies, etc.
- **Approval authority or policy class:** For each policy (including draft policies) or policy category, the final approving body is established. This will typically be either the board of governors or the senate, depending on whether the policy is classified as a management or academic policy, respectively.
- **Policy development process:** This is often captured in a policy on policies that establishes the overall policy framework. It specifies the processes for developing, reviewing, amending, rescinding and approving policies. Such a policy may cover requirements for notification, consultation, and publishing. It may also describe how the approving body or policy class is decided – and by whom – and how questions or disputes about classification are addressed and resolved.
- **Policy structure:** Policies will typically follow a common format. Components may include:
 - scope
 - purpose
 - category
 - approving body or policy class (for example, management/academic)
 - office of administrative responsibility
 - definitions
 - related policies, legislation or contracts/agreements
 - approval/revision date
 - date of next review
 - policy statement proper
 - Policies may also be accompanied by procedures, which will typically also follow a common format.

- **Definitions:** These are common definitions that apply across all policies or to the policy framework.

The institution may maintain a policy portal through which it publishes approved policies, provides notifications about draft policies and consultation periods, and provides information about the policy framework.

Endnotes

1 By contrast with *public* policy (for example, as enacted in provincial legislation), this document concerns *institutional* policy. Institutional policies may be mandated or constrained by public policy as well as by collective agreements.

2 Senate or similar body charged with academic policy responsibility in a post-secondary setting.

3 See the [Policy Statement on Collegiality](#) for more.

4 The routine use of private-sector consulting firms and the influence they exert over critical decisions are inseparable from the corporatization of higher education and the erosion of meaningful academic staff participation in governance. They also divert resources from the institution's academic mission. For these reasons, the use of consultants should be avoided. However, if the governance body decides to engage a consulting firm after a thorough deliberation that considers the disadvantages and costs, the rationale and selection criteria should be decided by the body prior to a firm being selected. The only role of the consulting firm should be to support the relevant committee at the committee's direction.