



BRITISH  
COLUMBIA

Ministry of  
Post-Secondary Education  
and Future Skills

**ORIENTATION FOR**

# **B.C. Public Post-Secondary Institution Board Members**

**April 2023**

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# BRITISH COLUMBIA PUBLIC POST-SECONDARY INSTITUTIONS BY LOCATION

## LEGEND

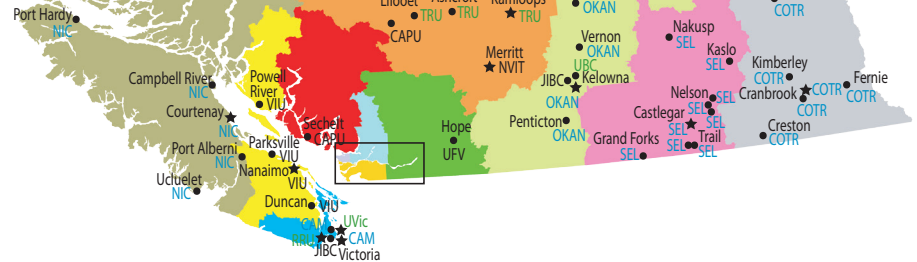
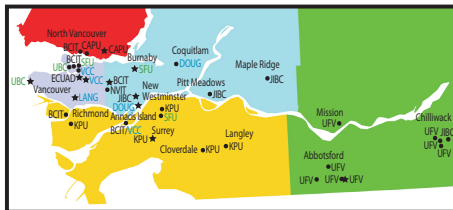
### Institutions:

- ★ Main Campus
- Regional Campus

Note: Colours represent geographic regions for institutions that have regional mandates.

Map Created by BCStats, June 2009  
Updated by PWS AEST October 2021

## LOWER MAINLAND CLOSE-UP



## INSTITUTIONS

 BCIT	British Columbia Institute of Technology	 KPU	Kwantlen Polytechnic University	 TRU	Thompson Rivers University
 CAM	Camosun College	 LANG	Langara College	 UBC	University of British Columbia
 CAPU	Capilano University	 NIC	North Island College	 UFV	University of the Fraser Valley
 CMTN	Coast Mountain College	 NLC	Northern Lights College	 UNBC	University of Northern British Columbia
 CNC	College of New Caledonia	 NVIT	Nicola Valley Institute of Technology	 UVic	University of Victoria
 COTR	College of the Rockies	 OKAN	Okanagan College	 VCC	Vancouver Community College
 DOUG	Douglas College	 RRU	Royal Roads University	 VIU	Vancouver Island University
 ECUAD	Emily Carr University of Art+Design	 SEL	Selkirk College		
 JIBC	Justice Institute of British Columbia	 SFU	Simon Fraser University		

# 1. Introduction

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The purpose of this document is to provide information and guidance to public post-secondary Boards of Governors (referred to as Boards) in the conduct of their responsibilities. These guidelines are intended to be supplementary to orientation materials provided by post-secondary institutions to their Board members. The information contained in this document has been made available solely for the purposes of convenience. Official statutes must be consulted for the purposes of interpreting and applying the law. For simplicity, these guidelines may use a single term or general terms where many terms may exist across different types of institutions. In this document “the Ministry” refers to the Ministry responsible for post-secondary education.

Public post-secondary institutions are public sector organizations, meaning they are established by the laws of the Province of British Columbia to perform a public function.

As public sector organizations that are responsible for the stewardship of public resources, there is an expectation of a high level of accountability and transparency in the governance of those resources. Legislation sets the legal framework in which post-secondary institutions must operate. These Acts of the Legislative Assembly of British Columbia establish post-secondary institution mandates and grant Boards the power to oversee the strategy, operations, finances and management, and establish the academic governance structures of institutions. Government then sets the regulatory standards and policy frameworks under that legislation.

Each public post-secondary institution in British Columbia (B.C.) is uniquely positioned to contribute to the successful education of British Columbians. As a public sector organization, the role of a Board in guiding its institution takes place within the broader context of serving the public interest and advancing public policy objectives.

## Crown Agencies and Board Resourcing Office

All Government appointments to public sector Boards are managed through [\*the Crown Agencies and Board Resourcing Office \(CABRO\)\*](#). The CABRO appointment process ensures the selection of the most qualified candidates with the highest personal and professional integrity to serve the province on public sector Boards, agencies, and commissions. The Ministry provides the administrative link between CABRO and the Boards of the institutions.

CABRO establishes guidelines for all provincial appointments to Boards, agencies and commissions and ensures all provincial appointments are made based on merit by following an open, transparent, and consistent appointment process. The composition of Boards differs across institutions. First Nations, Métis, and Inuit people, women, people of colour, persons with disabilities, and persons with diverse gender identities are encouraged to put their names forward for appointments. More information is available from CABRO on its [\*Appointment Process\*](#).

CABRO maintains appointment guidelines on board membership for consistency and transparency on all boards:

- Elected Officials - Unless the legislation provides otherwise, the elected officials are not normally appointed to the governing boards of public sector organizations. If a member of the Board seeks to run in a civic or provincial election, a leave of absence is recommended during the election period, however resignation is not required unless they are successful in the election.
- Public Servants - Typically provincial government employees are not normally appointed to the governing boards of public sector organizations. If a board member becomes a provincial government public servant during their time on the Board they are asked to resign.
- Residents of British Columbia – If a board member moves out of the province, a request will be made for the member to end their term at the Board's earliest convenience. This may mean the board member participates remotely for a few months to allow for recruitment to be completed. Members with Canadian citizenship and/or citizens with permanent resident status, and who are permanent residents of British Columbia are appointed to post-secondary institution Boards.
- Employee of another BC Public Institution – As a general rule, any board member who becomes an employee of a different BC public post-secondary institution would be asked to step down to prevent any perception of a perceived conflict of interest.

## 2. Roles

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### Role of the Board

Boards are comprised of Government appointed and elected members, along with the institution's President and Chair of the Education Council (for colleges and institutes) or Chancellor (for universities). Boards have been entrusted with the stewardship of their institution and are accountable for ensuring the institution fulfills its mandate. Boards oversee the conduct of the business affairs of institutions and provide direction for institution management. Management is responsible for the day-to-day operations of an institution and for implementing the policies and strategies set out by the Board.

The primary responsibilities of Boards include the following:

- Setting a strategic plan and monitoring its implementation
- Approving annual and long-term plans and establishing performance targets
- Overseeing management and evaluating performance
- Improving the effective stewardship of institutional resources
- Ensuring an effective process for identifying, monitoring and managing risk
- Ensuring a responsive system of internal controls
- Selecting and evaluating the President
- Ensuring appropriate succession and development plans for key leadership positions
- Approving a compensation philosophy and related plans or policies
- Ensuring transparent and reliable public reporting to the Government and other partners

Boards also operate in conjunction with the academic structures of a post-secondary institution. In general, they work with Senates for universities and Education Councils for colleges and institutes. Sections 14(1) and (2) of the *College and Institute Act* provides that the Board of the Justice Institute of British Columbia exercises the powers and duties of an Education Council. The Justice Institute of British Columbia Board has delegated many of these responsibilities to a Program Council. Royal Roads University operates with an Academic Council instead of a Senate.

Public post-secondary institutions must similarly serve their respective partners, including:

- Students, both domestic and international, and alumni
- Institution employees, faculty, and volunteers
- Regions and/or communities and their unique education and/or training needs
- Indigenous communities
- Industry and business

In addition, Boards also exist as a reminder that institutions have a public mandate, one that considers Government priorities, accountability to taxpayers, and uses a public policy lens of what is best for the citizens of British Columbia.

## Public Sector Labour Relations, Compensation and Presidential Hiring

Boards are responsible for ensuring that their institution complies with the [Public Sector Employers Act](#) and other statutory requirements, and for ratifying tentative collective agreements before they proceed to the Board of the respective employer's association for final ratification.

Under section 27(2)(g) of the *University Act* and section 36 of the *College and Institute Act*, the Board of Governors of a public post-secondary institution is responsible for appointing the president of an institution. As such, Boards are responsible for establishing and maintaining proper procedures for the recommendation and selection of candidates for President, which may include the establishment of board policy for a presidential search committee which allows for both diversity of representation on the search committee and ensures proper transparency of the search process. This responsibility also applies to all reappointment processes for current Presidents. Boards are also responsible for ensuring that proper onboarding processes are in place for new Presidents starting at the institution.

Boards, particularly the Board Chair, are also responsible for coordinating the review and approval of the contract for a newly hired President with the Public Sector Employer's Council Secretariat (PSEC). It is recommended that Board Chairs consult with PSEC Secretariat early in the presidential appointment process to ensure all necessary procedures are followed.

Boards are also responsible for setting and disclosing appropriate total compensation for Presidents and senior executives at the institution within the parameters of the compensation framework set by Government, and for assessing the performance of their Presidents. President performance reviews should be conducted annually by the board to ensure performance targets are being met.

Please review Section 11 of this manual for more information on Public Sector Labour Relations and Compensation.



## Role of the Board Chair

The Board Chair is a member of a Board that is elected from among the appointed Board members. The Board Chair is a key link between Government and the post-secondary institution. The Board Chair must have good communication with the Minister responsible for post-secondary education to advise them of any issues that may impact the operations of the post-secondary institution or the interests and accountabilities of the Minister.

The Board Chair provides leadership to ensure that their Board can effectively govern a public post-secondary institution. The Board Chair guides Board activities and works closely with the President to cultivate an effective relationship between the Board and institution management. The Board Chair should be a person who can:

- Set Board agendas
- Run meetings effectively
- Facilitate discussion appropriately
- Manage dissent and conflict
- Work toward consensus
- Meaningfully communicate with colleagues, institution management, the public and Government
- Establish a culture of active and constructive Board engagement and participation

The Board Chair should foster an environment of open, candid dialogue and encourage healthy, productive debate among Board members. The Board Chair should also help facilitate consensus and lead the Board in resolving critical issues.

## Role of Individual Board Members

Although the mechanisms for appointment to a Board may differ — Government appointment or election — once on a Board, members must maintain a common interest in the governance of the institution and its post-secondary community, rather than represent a specific constituency. Likewise, they have a fiduciary duty to act in the best interests of the institution. Individuals who have participated on the Board of a private or not-for-profit organization will recognize many similarities with the practices and responsibilities in their role with a public sector organization. The underlying principles of good governance are the same for all private, non-profit and public sector Boards. See Appendix 1 – Governance as Leadership: Questions Board Members Should Be Asking for good governance.

There are some aspects, however, that make B.C.'s public sector Boards unique. Generally:

- They are accountable to Government for the expenditure of public resources
- A majority of voting Board members are appointed by Government
- The role of a Board member is that of a steward of the organization
- Government is an active and engaged partner

Public post-secondary institutions are unique in that their legislation provides for student, academic and non-academic institutional representatives to be elected to a Board. These representatives have the same duties and responsibilities as all other Board members.

Board members must work together to execute Board responsibilities. In executing these responsibilities, consideration should be given to the following aspects:

### **i. Standards of Behaviour and Conduct**

Board membership requires members to act in a manner that promotes confidence in the reliability and trust of members, both individually and collectively. In carrying out their Board duties, members must always consider their:

- Fiduciary duty to act in the best interest of the organization
- Requirement to represent the interests of the institution as a whole, rather than the interests of individual constituents
- Commitment to maintaining high ethical standards and integrity in decision-making
- Commitment to respectful communication and interaction with other Board members, community members and institution management
- Compliance with the institution's Code of Conduct
- Commitment to effective governance

### **ii. Desired Attributes**

In addition to acting in accordance with the standards of behaviour and conduct, Board members should also embody:

- Independent thought and sound judgement
- Strategic orientation and vision
- Focus on sustainable improvement and continuous engagement
- Willingness to leverage expertise and experience for the benefit of the institution
- Commitment to be informed about the institution, its partners, and the environment in which it operates
- Commitment to orientation and ongoing Board education and learning

### iii. Meetings, Attendance and Preparation

Board members are expected to hold and attend meetings. In conducting Board business, members should:

- Be prepared for the meeting and discussion
- Ask probing questions that ensure a full understanding of the issues in question and the consequences of the actions proposed
- Be willing to articulate independent views and provide constructive feedback in an effective manner
- Be respectful of and remain open to the views of others
- Contribute broadly to Board discussions, even if beyond their own area of expertise

### iv. Public Statements

Board members must abide by individual Board policies about who will be the spokesperson for the Board. Boards should speak with one voice. Once debate is over and a decision is made, that decision stands as a united position of the Board. It is very important that Board members respect issues of confidentiality and not disclose any information they learn at Board meetings which has been imparted in confidence.

## Role of the Chancellor

*This section is specific to universities. Colleges and institutes do not have a similar role.*

The Chancellor is appointed by the Board, except in the case of Royal Roads University where the Board Chair is also the Chancellor of the university. The Chancellor is the ceremonial head of a university, presiding over convocation and conferring all degrees. The Chancellor is a voluntary position that represents the university in the broader community, is an ambassador for the university, and serves as a member of the Board and Senate.

## Role of the President

The President is the Chief Executive Officer of a public post-secondary institution. The President is a member of the Board and the Senate/Academic Council/Education Council and may sit on committees. For universities, the President is also Vice Chancellor. The *College and Institute Act* specifies that the President is an *ex officio*, non-voting member of the Board and Education Council. There are no provisions in the legislation governing universities that restrict the President from being a voting member of the Board.

While Boards have comprehensive oversight and governance roles in their institutions, the role of the President is to provide oversight and direction for the day-to-day operations of a post-secondary institution, in accordance with the strategic priorities and parameters set by its governing bodies. The President is therefore accountable to the Board.

Communications between Boards and institutional employees, other than the President, should be managed through the Board Chair and the President. Generally, communication between an individual Board member and the President and/or institution management, relating to Board or institutional business, is not encouraged. Appropriate communication channels are through Board meetings or regular discussions between the Board Chair and President.

Regular meetings are expected between the President and the Deputy Minister that focus on performance relating to the Accountability Framework. The President must have clear communication with the Deputy Minister responsible for post-secondary education, and advise the Board of issues that impact the operations of the institution or the interests and accountabilities of the Minister.

## Role of the Minister

The Minister responsible for post-secondary education is ultimately accountable to the Legislative Assembly of British Columbia for the operation and performance of the post-secondary system and for ensuring that public post-secondary institutions are fulfilling their mandates and meeting the needs of British Columbians in an efficient and effective manner. The Minister also has statutory authority to approve new degree programs at all post-secondary institutions, including private and out-of-province institutions operating in B.C.

## 3. Board Operation Best Practices

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Establishing clear processes and procedures through Board bylaws or policies is fundamental for effective Board operations. This section includes best practices that Boards should be implementing to support effective governance at their institution.

### Member Orientation

All new Board members should receive a comprehensive orientation that helps them to become effective as soon as possible. This includes general information about Board governance, as well as specific information about the post-secondary institution. Members must be well informed of their roles and responsibilities to ensure effectual functioning and responsible decision making in their new role.

A new Board member should be provided with an overview of the institution's history and its administration, including but not limited to, organization structure, strategic plan and priorities, policies, programs, and budget. A new member may also be offered facility tours and introduced to senior members of the administration.

After orientation, it is highly recommended that Board members devote time to learning their roles through reading, discussions with other Board members, and participating in campus events. Continuous learning to develop competencies, after orientation, is expected for members to be effective in their positions.

### Orientation Checklist

This checklist is a general outline to guide the orientation of new Board members:

#### Board History & Governance Processes

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- Introduction to Board members and staff
- Written material about the Board, including Board bylaws, past meeting minutes and material on recent key decisions
- Roles and responsibilities of members, including codes of conduct & conflict of interest policies
- Common practices, including relevant institution policies and terms of reference for committees
- Board evaluation processes
- Schedule of Board meetings
  - » Type of meeting: online, hybrid, or in-person
  - » Tech requirements for online or hybrid meetings – platform and software requirements
  - » Tech support and troubleshooting guide for online meetings

## Mandate and Strategic Priorities

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- Institution's operational strategic plan, Indigenous/Reconciliation strategic plan, and any other relevant material on the institution's planned strategic direction
- Most recent institutional mandate letter
- Current mandate letter for the Minister responsible for post-secondary education

## Institution Organization, Structure and Operations

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- Tour of institution facilities
- Attend presentation by key Board members or staff on topics within boards areas of responsibility
- Organizational chart
- Relevant institutional policies on key operations, including, but not limited to, human resources/labour relations policies; confidentiality and privacy policies; human rights and equity, diversity, and inclusion policies (as applicable to a specific institution)

## Finances

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- Guide on reading and understanding financial statements
- Most recent institution budget letter
- Institution's budget and financial plan, recent annual financial statements and financial information reports, and any other relevant materials on the institution's finances
- Relevant institutional policies on financial management, including, but not limited to, tuition and fee policies; endowment management policies; and budget consultation policies (as applicable to a specific institution)

## Sample Board of Governors New Member Orientation Meeting Agenda

### Board of Governors New Member Orientation

[Date] [Time]

#### 1. Welcome Letter and Introductions

- History of the institution
- List of facilities
- Glossary of abbreviations and acronyms

## **2. Context**

- B.C. Post-Secondary System Overview and Governance
- Legislation
- Institution Overview and Governance
- Mandate and Budget Letters
- Accountability Framework

## **3. Board of Governors**

- Bylaws and Policies
- Terms of Reference
- Board Governance
- Board Committees
- Conflicts of Interest

## **4. Board Operations**

- Roles and Responsibilities
- Processes and Procedures
- Meeting Frequency, Formats, Annual Cycle, Decisions

## **5. Performance Monitoring**

- Institution Plans
- Institution Reports
- Evaluation process

## **6. Other**

- Question Session
- Tour of Facilities

## Communication

### Meeting Frequency

The required frequency of board meetings is set out in the relevant legislation and must be held at least four times a year. Beyond these minimum requirements, Boards may meet as often as is necessary. Regular communication is necessary for successful operations and informed decision making. Some Boards have policies and practices in place to establish communication tools between meetings, such as monthly reports to the Board from the President.

### Rules of Order

The Board is responsible for setting its own meeting protocols. Boards may adopt whatever discussion and decision-making processes work best for them; be it consensus building or a more structured approach such as the use of Robert's Rules of Order or Bourinot's Rules of Order.

Rules of Order are procedures by which meetings can be conducted in an orderly fashion, issues debated, and motions passed according to the majority but with due regard to the rights of the minority. For the most part, Rules of Order are based on common sense and the need to move through an agenda efficiently. Key elements include; Duties of the Chair or Speaker, Agendas and Minutes, Motions, Amendments, Quorum, Conflicts of Interest, and other guidelines to support running a successful meeting.

There may be times when Board decisions are not unanimous. Negative votes and/or abstentions can be recorded at the request of the person voting thusly. However, once a majority decision is made, individual members should respect the collective decision of the Board. At the conclusion of every meeting the Board speaks with one united voice through the Chair or a delegate.

### Meeting Minutes

All proceedings at Board meetings shall be recorded. The minutes should be concise but clearly record decisions and matters carried forward. A process should be in place to ensure that Board minutes are made publicly available in a timely manner. This includes a process for review of the minutes before they are shared more broadly.

### Open, Closed and In-Camera Sessions

Board meetings should be open to the public where full and frank discussion, openness, transparency, and accountability are encouraged. Boards must strive to conduct as much of their business as possible in the open session portion of their meetings. This allows the public to witness the operations and decision-making processes of the Board while fostering institutional transparency and public accountability. Some examples of how open sessions can be made accessible to the public include allowing a limited number of members of the public to register to attend the open meeting session and/or live-streaming open meetings of the Board.



A closed session is where the public is excused, and the Board and institution management discuss those items that are more confidential in nature or not appropriate for the open session. Although as much business as possible should be addressed in the open session, there are certain topics that are more appropriately covered in a closed session.

The in-camera session is where institution management is excused, and the Board has an opportunity for a roundtable discussion on meeting topics and content. For transparency, in-camera sessions should occur along with regular Board meetings rather than occurring irregularly on an ad hoc basis and should be reflected on the Board meeting agenda.

Not all matters that individual Board members wish to raise are appropriate for discussion in a closed or in-camera session. In-camera and closed sessions are purposefully designed to address specific and sensitive matters and should remain confidential. Confidential minutes of decisions made during in-camera sessions should be recorded and roles and responsibilities should be established. In-camera written material and minutes should not be available for inspection by the public unless it has been released at a public session of a Board meeting.

Without limiting the full scope of topics, some examples of topics that are appropriate for a closed or in-camera session include:

- To discuss particularly sensitive matters within the responsibility of the Board, such as litigation, awarding a contract, conflict of interest, labour relations, or management performance and compensation
- To discuss sensitive internal Board governance matters
- To seek advice on the appropriate way to raise issues of concern in cases where a Board member may be reluctant to speak during the open portion of a meeting

Board members should ensure their institution has an online webpage dedicated to the Board of Governors, for the transparency of decision-making and accessibility of information for students, faculty, staff, and the general public. The webpage should be updated regularly with timely information, including meeting agendas and minutes, to ensure the public is informed.

## Other Meeting Considerations

There may be other processes and procedures that a Board may wish to formalize, including, but not limited to:

- The required amount of notice to the Board for the inclusion of an unscheduled matter on the agenda
- The use of consent agendas to increase meeting efficiency
- The requirement for the consent of the Board Chair for the electronic recording of a meeting

## Committees

Most Boards will create committees of Board to support their effective functioning and all Board members should be encouraged to sit on at least one committee and/or attend some of their meetings. As with the appointment of Board members, committee appointments should be made with consideration to including members with the knowledge and expertise necessary for the role of the committee. Strong committee structures enhance Board effectiveness by enabling more thorough review and discussion of issues at the committee level. The four most common core committees of any governing board operate in the following areas:

- **Finance:** monitors financial performance and provides input on budget development processes
- **Governance:** reviews Board bylaws and policies on a continuous basis in alignment with best practices.
- **Human resources and compensation:** reviews and recommends approval of all relevant labour relations matters before the board and recommends compensation arrangements to the board for senior executives.
- **Audit:** reviews and recommends approval of the annual audited financial statements (may be combined with finance committee at some institutions)

The use of committees helps governors gain a more comprehensive understanding on matters requiring specialized decision-making or approval, thus boards can create additional committees, both permanent or temporary, or even advisory committees based on the specific needs of the board. Additional committees that a board may choose to create include, but are not limited to:

- **Executive:** often composed of the Chair, Vice-Chair, and perhaps another member, may meet monthly with the President to discuss upcoming Board agendas and may be empowered to make emergency decisions.
- **President's Annual Performance Review:** often composed of the Chair, Vice-Chair and another appointed member, may meet annually to review the performance of the President over the last year and set performance targets for the next year (may be stand alone or part of another committee's regular responsibilities).
- **Presidential Search Committee:** chaired by the Chair of the Board and often composed of appointed board members and non-board member representatives from across the institution. Is tasked with overseeing the search for a new President and serves as an advisory committee to board, with board responsible for the final decision based on the committee's recommendation.

- **Board advisory committees:** boards can constitute advisory committees on any topic for which they may require specific expertise and/or advice. Such committees could include a combination of both board members and other non-board members depending on the specific purposes of the committee.

New board members should take time to familiarize themselves with the committees (and corresponding terms of reference) that have been constituted by the Board of Governors at their institution.

## Components of a Successful Committee

To function successfully and in alignment with best practices, a committee of board should have the following components in place:

- **Specific terms of reference:** This is a definitive statement that clearly describes the purpose of the committee, time frame, membership composition (the kinds of people the board wants on the committee), authority and major areas of responsibility.
- **An effective Chair:** The Chair is key to an effective committee. They set the tone, pace and strategies. They must be thoroughly acquainted with the mandate of the organization and the part the committee plays in the achievement of those goals. They delegate tasks, coordinate activities and provide an atmosphere in which thoughtful deliberation is possible.
- **Committee members thoughtfully appointed:** Members need an understanding of the goals of the committee and some skills that would assist the committee in achieving them.
- **Reports:** Reports are either prepared regularly for the board, providing updates of accomplishments and challenges and providing recommendations, or may be a final report at the completion of the committee's tasks, including their findings and recommendations. All Board meeting agendas should contain an allocation of time for each committee to report on their progress even if there might not be a report at every meeting.
- **Regular evaluation/review:** This process would involve determining that the terms of reference had been followed and deciding if they need to be revised, evaluating the effectiveness of the committee and determining who the members of the committee will be for the next term. This should ideally be conducted annually.

# Board Appointments

## Appointment Terms

### *FOR UNIVERSITIES:*

- Government appointees to university Boards are appointed for an initial term that is typically one to three years. Board members are eligible for reappointment but must not hold office for more than six consecutive years.
- The term expiry is set out in the appointee's Order in Council.
- Elected members, other than students, may hold office for three years and after that until a successor is elected. The elected members of a Board are eligible for re-election, but those members must not hold office for more than six consecutive years.
- Student members may hold office for one year and after that until a successor is elected. The student members of a Board are eligible for re-election, but those members must not hold office for more than six years.

### *FOR COLLEGES AND INSTITUTES:*

- Government appointees to college and institute Boards are appointed for an initial term that is typically one to three years. While members generally do not hold office for more than six consecutive years, in some situations it may be appropriate that members serve for more than six years.
- The term expiry is set out in the appointee's Order in Council and Government policy.
- Elected members, other than students, serve a three-year term and may be elected to further terms.
- Student members serve a one-year term and may be elected to further terms.

For all public post-secondary institutions, Government appointee terms are decided in a manner that ensures optimal succession planning and the staggering of appointments.

## Ministry Policy on Indigenous Representation

In 2012, the Ministry responsible for post-secondary education identified several desired outcomes related to Indigenous representation, including increasing the number of appointments of Indigenous people to public post-secondary institution Boards by 2013; by 2016, 11 institutions had Indigenous representation on their Boards of Governors. To further achieve this outcome, the Ministry established a policy requiring that at least one appointed member of every public post-secondary Board of Governors be Indigenous. By 2018, all 25 public post-secondary Board of Governors had at least one Government appointed Indigenous Board member. The Ministry continues to work with CABRO to ensure ongoing implementation of this policy.

## Appointment/Reappointment Processes

Individuals who are interested in serving on a public post-secondary Board of Governors are invited to complete an [online profile](#) or apply to a specific public post-secondary institution. All currently available positions for public sector boards are listed on the [CABRO website](#).

The Government invites people with applicable skills from all regions of British Columbia to contribute by serving on a Board. Women, people of colour, Indigenous Peoples, persons with disabilities, persons of diverse sexual orientation, gender identity or expression (2SLGBTQQA+), and others are encouraged to put their names forward for appointments. Consideration will be given to individuals with a broad range of backgrounds in community, labour and business environments. The selection process will recognize lived experience and volunteer roles as well as paid employment and academic achievements.

If your Board is planning for reappointments and/or to fill current or upcoming vacancies, the Ministry Board Appointment Coordinator will invite you to complete the following steps, at least six months prior to the position vacancy or expiry.

1. Complete a [Request for Appointment](#) form for all current and upcoming expiries and vacancies.
2. Complete a [Performance Appraisal Form](#) for all members eligible for and seeking reappointment.
3. Read the [Competency Matrix Guide](#) and complete the Ministry's Board Matrix Form.
4. Complete a [Notice of Position Form](#) for any anticipated vacancies.

Any questions about the appointment/reappointment process should be directed to the Ministry Board Appointment Coordinator.

## Board Evaluation

The [request for appointment \(RFA\) process](#) is an annual review that gives the Board Chair and Executive Committee an opportunity to evaluate members that have terms expiring, Board competencies and succession planning. Regular evaluation is an important part of governance and ensures members are continuously improving and that the Board has the skills and expertise necessary to effectively advance the institution's mandate.

## Ministry Notification Requirements

**Resignation of an OIC appointed Board Member:** Should a Board member end their term early; the Ministry requires notification of resignation with the effective date noted as soon as possible after the board is advised of the resignation. The email can be addressed to the Chair and forward to the Ministry Board Appointment Coordinator.

**Election of New Board Chair:** Upon election of a new Chair, the Ministry requires the following information to be sent to the Ministry Board Appointment Coordinator:

1. Chair's preferred contact information – phone number and email
2. Effective date in new role
3. Photo (if possible)

**Changes to Board Member Contact Information:** Should an appointed Board member change their name, home address, contact information, or employment during their time on the Board, please notify the Ministry Board Appointment Coordinator. CABRO posts appointed member biographies on the [website](#). Should details in the biographies be inaccurate please work with the Ministry Board Appointment Coordinator to coordinate with CABRO to update the information. An updated [Candidate Profile and Declaration \(CPD\)](#) form may be required.

## Remuneration and Board Expenses

Board Chairs oversee any remuneration, benefits, and expenses paid to Board members within the limitations provided by Government such as the Treasury Board Directives and Orders in Council.

Treasury Board Directive 2/20, [Remuneration Guidelines for Appointees to Ministry and Crown Agency Boards](#), establishes remuneration and out of pocket expense guidelines for all public sector entities. Expense and disclosure guidelines from this directive apply to all public post-secondary institutions, but remuneration requirements differ for different types of institutions. For all public sector Board members, there is an underlying recognition that service on a Board of a public sector organization entails an element of voluntary public service to their communities.

For institutions under the *University Act* (all universities), appointed board members do not currently receive any remuneration for their role, they are reimbursed for out-of-pocket expenses. Positions on Boards are voluntary with reimbursement of expenses only to cover costs (such as travel and accommodation) incurred by board members in their role.

For institutions under the *College and Institute Act* (all colleges and institutes), appointed board members and student board members, are remunerated at rates that are prescribed in the following Orders in Council:

- [Order in Council 180/95](#) (Applies to all colleges and institutes except BCIT)
- [Order in Council 509/95](#) (Applies only to BCIT)

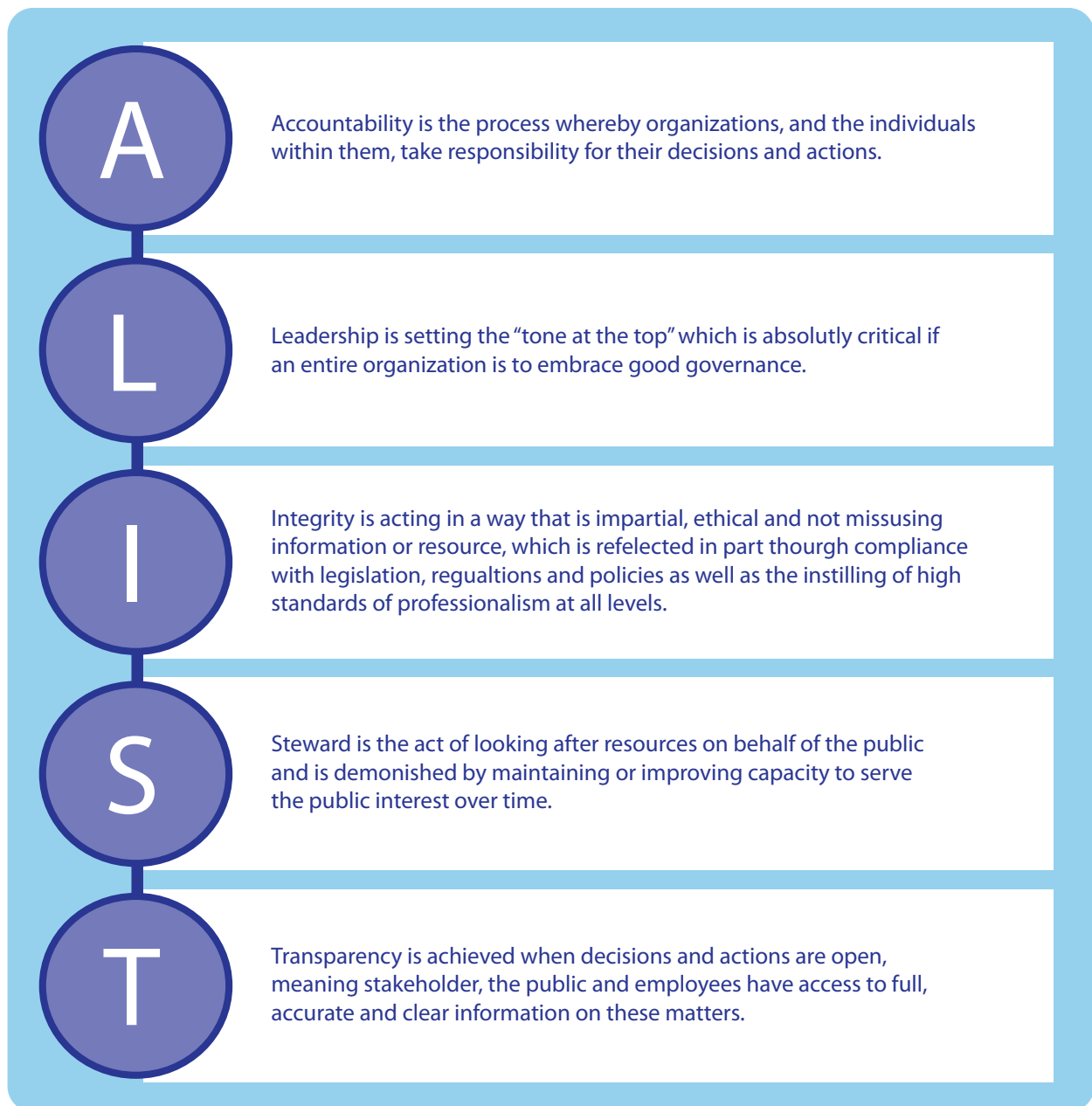
All public post-secondary institutions are required to publicly disclose all remuneration and all out of pocket expenses reimbursed to board members as part of their annual financial reporting, as required by the Treasury Board Directive. Boards are responsible for ensuring that this information is disclosed annually as required.

## 4. Governance

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### Governance Best Practices

Governance is the structures, policies, and processes that direct, control, and hold an organization to account. Proper governance provides the means to help an organization achieve its goals and objectives. The achievement of good governance is important for every public sector organization, including public post-secondary institutions. As outlined by the [\*Office of the Auditor General of British Columbia Guide to Governance Good Practices\*](#), good governance is underpinned by five core principles:



**Source:** *Office of the Auditor General of British Columbia*

An organization that uses good governance is one that always, in word and action, demonstrates: accountability; leadership; integrity; stewardship; and transparency (the A.L.I.S.T.). Good, citizen-centered, governance is achieved when an organization's board:

- Puts the interests of citizens at the centre of decision making;
- Behaves with integrity, demonstrates strong commitment to ethical values and respects the rule of law;
- Ensures openness and respectful engagement with all citizens;
- Strives for outcomes that support healthy communities in British Columbia, including social, economic and environmental well-being; and
- Implements actions to achieve the organization's mandate

Knowledgeable and competent individuals with a clear understanding of their role and a strong commitment to carrying out their responsibilities help make the structures and policies of an organization effective.

#### **TO LEARN MORE ABOUT GOOD GOVERNANCE PRACTICES IN THE PUBLIC SECTOR:**

- Review the [PSO Board Good Governance Checklist](#) from CABRO.
- Read the [Governing in the Public Interest Guide for BC Public Sector Appointees](#)
- Read the [Public Sector Governance: A Guide to the Principles of Good Practice](#) from the Office of the Auditor General of British Columbia.
- Take the [Governing in the Public Interest Certificate](#) course online from CABRO.

## Role of Government in Effective Board Governance

Effective corporate governance requires active participation by all parties. This includes Government actively participating with public post-secondary institutions by:

- Providing clear and transparent mandate directions (see Mandate Letters and Service Plans in Section 5 for more details)
- Establishing clear expectations for oversight and accountability
- Promoting and participating in healthy two-way communication



It also includes encouraging and supporting Boards that:

- Provide accountable stewardship for the effective delivery of public programs and services
- Have a strong ethical code of conduct
- Utilize informed approaches to policy and strategic planning, risk management, financial oversight, leadership development and succession, and responsible compensation management
- Undertake regular reviews for the purposes of continually learning and improving Board practices
- Equitably and inclusively serve all their partners

This helps to ensure that public sector organizations are robust, well-run organizations that achieve peak performance and are accountable to the public they serve.

## Code of Conduct and Ethics

The Candidate Profile and Declaration form includes a conflict-of-interest disclosure statement section where every potential appointee must disclose any obligation, commitment, relationship or interest that might conflict or might be perceived to conflict with their duty or interest to the organization.

Integrity is a core value of the B.C. public sector. It is a fundamental principle that all public sector entities are accountable for their actions, demonstrate integrity in their behaviour and general conduct of business, and act in an honest and ethical manner at all times. In making decisions, Board members of public sector entities should consider the priorities and values of Government, public post-secondary institutions, and their respective partners.

The Crown Agencies and Board Resourcing Office provides guidance on [\*General Conduct Principles for Public Appointees\*](#), which include the expected standards of conduct for all Board members appointed by the Government to public sector organizations. Board members are expected to meet high standards of conduct which enhance and maintain public confidence in the operation of B.C.'s public boards, including at post-secondary institutions. Board members must always act to instill public confidence in their actions and decisions.

Board members must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of their board or the institution. There must not be perception of bias, based on what a reasonable person might perceive.

Board members who are in any doubt must disclose their circumstances and consult with their board chair, or where the board chair is the member with a real or perceived conflict, with the entire board.

While serving in their role, board members are expected to:

- Demonstrate integrity by acting in good faith with honesty and due diligence
- Attend all meetings and be adequately prepared for the duties executed at meetings
- Behave in a manner that abides with B.C.'s Human Rights Code and reflects the social standards of courtesy, respect and dignity.
- Respect the confidentiality of information received while executing their duties as board members
- Abide by the public comment protocols established by the board
- Manage conflicts of interest and avoid receiving any personal or private financial or other substantive gain from their role
- Inform the board chair (or in the case of the chair, the vice-chair) of any circumstance that may have a negative or harmful effect on their ability to perform their duties as a member.

Board members are responsible for ensuring that their Board's bylaws include a robust member code of conduct and conflict of interest policy that aligns with provincial guidance. Similarly, boards should ensure that their institution has in place a code of ethics/standards of conduct that applies to all employees at the organization, aligns closely with the standards expected of board members, and is implemented into the day-to-day operations and activities of the institution.

# 5. Post-Secondary Education

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## System Overview

British Columbia offers a wide range of post-secondary options so students can have the best possible education. There are 25 public post-secondary institutions in B.C., with different mandates and governed by different statutes:

- 11 universities, including research and special purpose, teaching universities
- 11 colleges, serving rural and metropolitan communities
- 3 institutes, with provincial mandates and offering a variety of specialized programs

There are also:

- 20 private and out-of-province public degree-granting institutions
- 14 seminaries and theological colleges
- 42 Indigenous-governed adult and post-secondary institutes
- 25 private language schools with Education Quality Assurance
- More than 300 private career training institutions

While public colleges and institutes are designated agents of the Crown, public universities in B.C. are established as independent corporations with the powers of a natural person.

## Statutory Framework

The Ministry is responsible for oversight of the statutes under which the post-secondary education system and several self-regulated professions and occupations operate.

### Public Post-Secondary Institutions

B.C. public post-secondary institutions are governed by the following legislation:

*University Act*: governs the University of British Columbia, Simon Fraser University, the University of Victoria, the University of Northern British Columbia and institutions designated as special purpose, teaching universities. The special purpose teaching universities are Capilano University, Emily Carr University of Art and Design, Kwantlen Polytechnic University, Vancouver Island University, and University of the Fraser Valley.

*Royal Roads University Act*: constitutes Royal Roads University, a university specializing in applied and professional fields, and maintaining teaching excellence and research activities that support the programs at the university in response to the labour market needs of British Columbia.

*Thompson Rivers University Act*: constitutes Thompson River University whose purposes are to offer baccalaureate and master's degree programs, to offer adult basic education and training, to undertake and maintain research and scholarly activities for these purposes and to provide an open learning educational credit bank for students. The university serves a defined region and has a provincial mandate for open learning.

*College and Institute Act*: governs public colleges and institutes. The statutory objectives of a college are to provide comprehensive courses of study at the first- and second-year levels of a baccalaureate degree program, applied baccalaureate degree programs, adult basic education, training, and continuing education. Provincial institutes provide instruction and perform functions designated by the Minister, including offering technological and vocational instruction, as well as baccalaureate and applied master's degree programs.

## Private Post-Secondary Institutions

Private post-secondary institutions are governed by legislation specific to the type of institution and the level of programming offered. Private institutions do not receive any operating or capital funding from the Government, but their students may be eligible for student aid. Private degree-granting institutions are governed by the *Degree Authorization Act*. The *Degree Authorization Act* prescribes the process whereby private institutions and public institutions from out-of-province may obtain the authority to offer degree programs and grant degrees in B.C. The granting of degrees and use of the word "university" without authorization of the Minister are restricted.

Of the 20 private and out-of-province public institutions, three are constituted under the authority of private Acts of the Legislative Assembly. Quest University is authorized by the *Sea to Sky University Act*. Trinity Western University operates under authority of the *Trinity Western University Act*. The Pacific Coast University for Workplace Health Sciences is authorized by the *Pacific Coast University for Workplace Health Sciences Act*. These institutions are governed by the *Degree Authorization Act* with respect to degree level programming.

Private career training institutions do not grant degrees and are therefore governed by the *Private Training Act*. The *Private Training Act* establishes the Private Training Institution Branch (PTIB) and the standards for the registration and accreditation of private career training institutions and provides consumer protection for students enrolled in private career training institutions.

## Theological Institutions

There are 14 seminaries and theological colleges operating in B.C. These are private institutions affiliated with various religious groups that have the power to grant degrees in theology, with the *Degree Authorization Act* specifically excluding theological degrees from its scope. As such, these theological institutions are constituted under private Acts of the Legislative Assembly.

## Other Legislation Administered by the Ministry

The Ministry administers the [\*University Foundations Act\*](#), which sets out the legal framework under which research university foundations operate. Although other institutions may have foundations, their operations are not governed by this Act or by separate legislation for which the Ministry has oversight. The Ministry also administers the [\*Sexual Violence and Misconduct Policy Act\*](#), which requires all public post-secondary institutions in B.C. to have a sexualized violence policy (see Section 8 for more information).

## Professional and Occupational Legislation

Besides legislation governing post-secondary education, the Ministry also administers several Acts governing self-regulated professions, professional occupations, skills training, and labour mobility in British Columbia:

- [\*Architects\*](#)
- [\*Architects \(Landscape\)\*](#)
- [\*Chartered Professional Accountants\*](#)
- [\*Music Teachers \(Registered\)\*](#)
- [\*Professional Governance\*](#)
- [\*Skilled Trades BC\*](#)
- [\*Labour Mobility Act\*](#)

The Ministry is the primary point of contact within Government for these professional and occupational associations.

## Mandate Letters and Service Plans

### Minister Mandate Letters

Each Minister receives a mandate letter from the Premier that outlines Ministry-specific priorities. Some priorities carry over from the previous letter and new priorities may be added. The mandate letter for the Minister responsible for post-secondary education and for the Minister of State responsible for workforce development can be found on the [\*Ministry Website\*](#).

B.C. public post-secondary institutions are also issued a mandate letter that outlines statutory obligations and government priorities for the public post-secondary system. Interim minister letters may be issued to institutions during the government's term, to build on or clarify priorities and expectations in the original mandate letter. Institutional mandate letters are signed by the board chair upon resolution of all board members. The final letters are posted on both [\*Ministry\*](#) and institution websites.

Board members should familiarize themselves with both the ministerial and institutional mandate letters to ensure they are familiar with the priorities that their post-secondary institution is expected to deliver on. The Board of Governors of a public post-secondary institution is accountable for the institution's implementation of mandate commitments in alignment with government priorities (see Section 9 on Accountability for more information).

## Service Plans & Reports

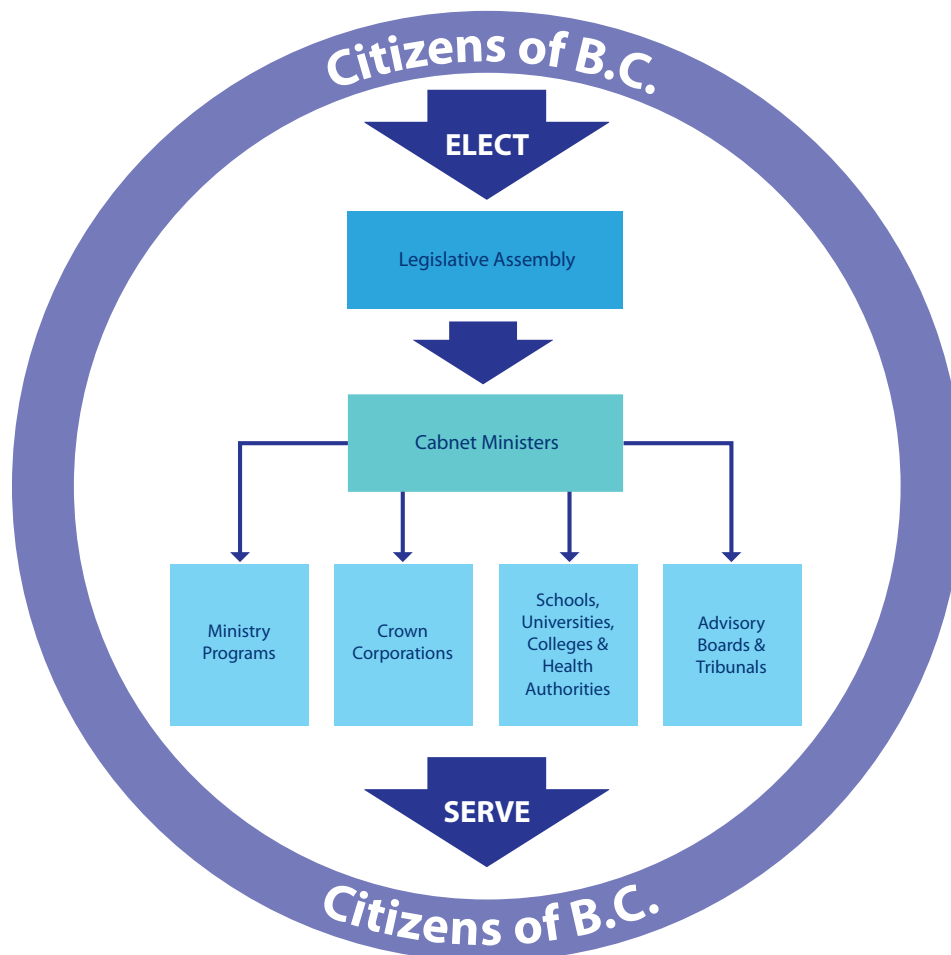
Released with the budget each February, Service Plans provide an overview of each Ministry and their associated entities, including how they intend to achieve their service goals and how they support the direction laid out in the Government Strategic Plan. The current Service Plan for the Ministry responsible for post-secondary education can be found on the [Ministry website](#).

Released with Public Accounts in late June, Annual Service Plan Reports, report the Ministry's actual results against the previous years' Service Plan. The most recent Annual Service Plan Report for the Ministry responsible for post-secondary education can be found on the [Ministry website](#).

## 6. Provincial Government

### Overview

Governments are elected to make laws, set policies, and establish programs in the public interest. This authority is given by the people of B.C. to the Legislative Assembly of British Columbia. Our system of Government is divided into three branches: legislative, executive, and judicial. Each branch has separate and independent areas of power and responsibility. In its simplest form, the legislative branch creates the law, the executive branch implements and enforces the law, and the judicial branch interprets and applies the law in individual cases. The focus of this section is on the executive and legislative branches of Government since they are the most relevant to public post-secondary institutions.



**Figure 1:** The diagram above illustrates the general decision-making processes and accountabilities of the various parties involved with the Government of British Columbia's public sector organizations, including public post-secondary institutions, school districts, and health organizations.

# Structure Of Government

## Lieutenant Governor

The *Lieutenant Governor* of British Columbia represents the Crown at the provincial level and is the legal head of state in B.C., which means they are the chief public representative and have the highest-ranking position in the Government of British Columbia. The Lieutenant Governor is appointed by the *Governor General of Canada* on the advice of the *Prime Minister of Canada*. In practice, the Lieutenant Governor usually acts on the advice of Cabinet. The Lieutenant Governor is normally appointed for terms of five years.

## Premier

The Premier acts as the head of the Government of B.C.; in other words, they are the first minister and chief officer of the executive branch (Cabinet).

## Legislative Assembly

The Legislative Assembly of British Columbia is composed of the Lieutenant Governor and 87 elected Members of the Legislative Assembly (MLAs), including members of the governing party, members of opposition parties and independent members. There are two ways that a government can form:

1. *Majority governments* are formed when MLAs of one party hold more than half the total of seats in the legislative assembly.
2. *Minority governments* are formed when no party has a majority of the seats, but one of the parties manages to obtain the support of a majority of the MLAs for certain types of votes (sometimes called “confidence questions” or “confidence votes”). This is called having the “confidence of the house”. If a minority government loses a confidence vote it is customary for the Lieutenant governor to dissolve government and begin a new election cycle – making minority governments inherently less stable.

MLAs represent the interests of their constituents (British Columbians that reside in the electoral area for that MLA), review proposed laws and approve proposed spending and tax changes during sessions of the Legislative Assembly. MLAs can also be a member of a Parliamentary Committee, Cabinet Committee and/or be appointed to a ministerial role in the Executive Council. The three functions of the Legislative Assembly are to:

- Make laws
- Approve finances
- Scrutinize government

## Independent Offices of the Legislature

B.C. has nine non-partisan statutory offices that support the work of MLAs by carrying out important functions, from the monitoring of Government programs and their



performance to ensuring compliance with provincial laws. They are headed by independent officers who are appointed by a parliamentary committee and report to the Legislative Assembly as a whole.

The nine statutory officers of British Columbia are the:

- [Auditor General](#)
- [Chief Electoral Officer](#)
- [Conflict of Interest Commissioner](#)
- [Human Rights Commissioner](#)
- [Information and Privacy Commissioner](#)
- [Merit Commissioner](#)
- [Ombudsperson](#)
- [Police Complaint Commissioner](#)
- [Representative for Children and Youth](#)

## Parliamentary Committees

A [parliamentary committee](#) consists of MLAs. They derive their powers from, and must report their findings back to, the Legislative Assembly. There are two types of committees:

1. *Select Standing Committees* examine policies and other provincial issues in a level of detail that is not traditionally possible for the whole Legislative Assembly.
2. *Special Committees* examine or investigate a single narrow issue and are disbanded once their report is submitted to the Legislative Assembly.

The Select Standing Committee on Finance and Government Services is generally the most well-known of the parliamentary committees. It holds province-wide public consultations on the next provincial budget pursuant to section 2 of the *Budget Transparency and Accountability Act*.

## Cabinet/Executive Council

The Executive Council of British Columbia, otherwise known as the Cabinet, is headed by the Lieutenant Governor (as the Lieutenant Governor in Council) and consists of the Premier (as its President) and Ministers. Ministers are MLAs selected by the Premier and appointed by the Lieutenant Governor to lead a Ministry and sit on the Executive Council. The Cabinet is the primary decision-making body of the executive branch of Government and is responsible for determining priorities, proposing spending, taxation, borrowing of public funds, and proposing new legislation or changes to existing legislation. Cabinet committees are often formed with the purpose of exploring each of these aspects and providing feedback and guidance to the rest of Cabinet.

Most matters are considered first by one or more Cabinet committees before they are considered by Cabinet. Cabinet committees consist of a select group of Cabinet Ministers and Government MLAs and focus on priority areas for Government. They provide a forum for detailed consideration and discussion of issues before they are presented to the Cabinet as a whole. The Treasury Board is the Cabinet committee responsible for budget and financial management matters, and new or proposed legislation goes to the Legislative Review Committee.

## Ministers and Ministries

The Premier establishes different Ministries that are responsible for a specific area of public policy, Government function or service delivery. The Premier also designates specific Cabinet Ministers with responsibility for particular Ministries, agencies and legislation. Each Minister has a Deputy Minister who is responsible for the day-to-day operations of the Ministry. The Ministries are staffed by members of the public service. Members of the public service are politically impartial Government employees who are responsible for carrying out the day-to-day activities of Government and for delivering public services to British Columbians.

## Central Government Agencies

In addition to Ministries there are several central Government agencies that play a significant role in the effective governance of the public sector. These agencies generally fall under a Ministry's responsibility but have a cross-Government function. These functions include:

- Human resource management and labour relations (BC Public Service Agency, Public Sector Employers Council Secretariat)
- Cross-sector economic and fiscal policy (Treasury Board Staff)
- Management and oversight of Government Board appointments (CABRO)
- Oversight of the corporate governance framework and policies, public sector organization mandates, and organizational effectiveness reviews (CABRO and the Office of the Comptroller General)

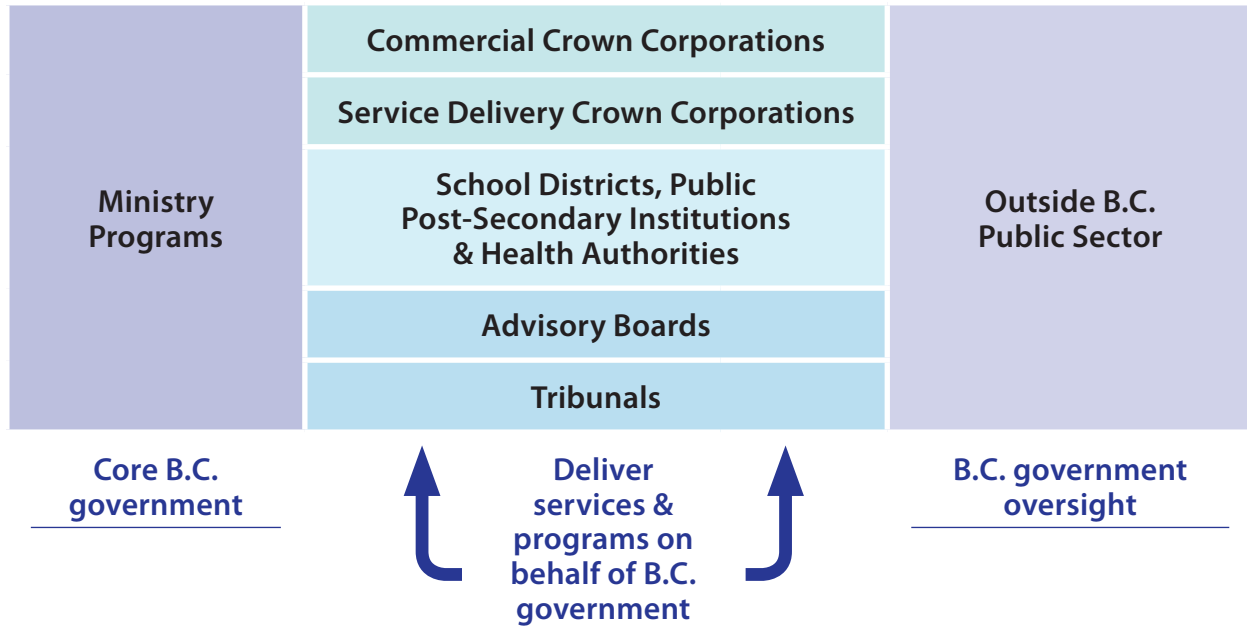
You can find a full list of Central Government Agencies and additional information about each on the [Government website](#).

## Agencies, Boards and Commissions

There are also independent agencies, boards, and commissions, as well as tribunals, established by Government to perform arbitration, regulation, advising or similar functions. This group includes the Boards of public post-secondary institutions. Most of these public sector organizations are supported by CABRO to ensure that they are effectively meeting their responsibilities and/or mandates.

## Crown Corporations

Crown corporations are public sector organizations within the Government Reporting Entity. They generally report through a designated Minister and are similarly supported by CABRO.



**Figure 2:** The diagram above depicts the general organizational division of responsibilities between the Government and public sector organizations.

There are two types of crown corporations: Commercial Crowns, which deliver goods and services on a commercial basis, and Service Delivery Crowns, which deliver goods and services based on government policies and provide social and economic benefits to citizens. Service Delivery Crowns receive funding from the Government and may be partially self-funded. The Ministry has two associated Service Delivery Crowns corporations that operate in the post-secondary sector:

- [SkilledTradesBC](#)
- [The BC Council for International Education](#)

### SkilledTradesBC (formerly the Industry Training Authority)

The [Skilled Trades BC Act](#) establishes SkilledTradesBC to support the provincial industry training and apprenticeship system in relation to the labour market. SkilledTradesBC leads and coordinates British Columbia's skilled trades system. SkilledTradesBC works with employers, apprentices, industry, labour, training providers and government to issue credentials, supports apprenticeships, fund programs, set program standards and increase opportunities in the trades.

## BC Council for International Education (BCCIE)

The BC Council for International Education supports the internationalization efforts of BC's public and independent K-12 schools, public and private institutions, and language schools. It promotes BC's international education in and for BC, to enhance BC's international reputation for quality education, and to support the international education activities of the provincial government. BCCIE works collaboratively with the Ministry responsible for post-secondary education, partner ministries including the Ministry of Education and Child Care and the Ministry of Jobs, Economic Development and Innovation, and with schools, districts, and institutions.

## Budget and Decision-Making Processes

Each new legislative session is formally opened with the Lieutenant Governor reading the speech from the throne. The speech sets out the broad goals, priorities and directions of Government and the initiatives it will undertake to accomplish these goals. It is delivered on the second Tuesday in February.

One of the key responsibilities of the Government is to prepare and present the annual budget. The budget preparation process is governed by legislation under the [\*Budget Transparency and Accountability Act\*](#), the [\*Financial Administration Act\*](#), and the [\*Balanced Budget and Ministerial Accountability Act\*](#). The budget is made public on or before the fourth Tuesday of February every year. The Minister of Finance presents the budget to the Legislative Assembly, which is a three-year fiscal plan for the province. Following the introduction of the Government budget, the Legislative Assembly enters the Committee of Supply, where the budget of each Ministry is debated and passed through the Estimates process.

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Budget	Ministry spending estimates debated		Budget instructions issues			Budget decision analysis by Finance		Assessment of Fiscal Situation	Budget Decisions by Treasury Board		Budget introduced Ministry spending estimates debated	
				Public Accounts (Fourth Quarter)		First quarterly financial report		Second quarterly financial report			Third quarterly financial report	
Policy & Legislation	Legislation introduced & debated		Requests for Legislation prepared, reviewed, approved			Legislative drafting & review				Legislation introduced & debated		
Strategic Priorities									Strategic Plan developed & reviewed	Speech from the Throne & Strategic Plan Released		
Ministry/ Crown Service Plans								Service Plan Guidelines issued	Draft & review	Finalize	Published Budget Day	
Ministry/ Crown Annual Service Plan Reports	Annual Report guidelines issued		Published with public accounts									
Public Post-Secondary Institution Mandate Letters	Publish							Guidelines issued	Draft and Review	Finalize	To Boards for signatures	
Public Post-Secondary Institution Accountability Plans and Reports				Institutions submit	Review & post			Acknowledgement letters sent				

**Figure 3:** The Government has several major planning cycles. As seen in the above diagram, Boards need to consider these cycles in relation to their own post-secondary processes to ensure effective and timely decision making.

Prior to introduction of the budget, pre-budget consultations take place throughout the province. The Ministry of Finance prepares a budget consultation paper that outlines the fiscal forecast and budget issues of the province, which is presented to the Select Standing Committee on Finance and Government Services. This Committee is responsible for consulting with the public and prepares a unanimous report based on public input that is then tabled (presented) in the Legislative Assembly prior to release of the budget.

### Public Accounts

The budget is an estimate of how much the Government expects to spend in a fiscal year (April 1 – March 31). The Public Accounts are released by the Ministry of Finance on or before August 31. The Public Accounts present details of the Government’s actual financial results at the end of the fiscal year and are compared to the budget plan set out at the beginning of the fiscal year. The Public Accounts include the financial balances and results of operations of public universities, colleges and institutes. The preparation of the Public Accounts is governed by the *Financial Administration Act* and the *Budget Transparency and Accountability Act*.



**Figure 4:** *The diagram above depicts the public sector budget cycle in British Columbia.*

## 7. Reconciliation and the Declaration Act

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The B.C. Government has made a public mandate commitment to lasting and meaningful reconciliation. Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. The B.C. government – and the entire public sector – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.

### Declaration on the Rights of Indigenous Peoples Act

In 2019, British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) making it the first province to bring the internationally recognized standards of the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* into law. The legislation creates a framework for reconciliation in B.C., in accordance with the *Calls to Action of the Truth and Reconciliation Commission*.

The Declaration Act aims to create a path forward that respects the human rights of Indigenous Peoples while introducing better transparency and predictability in the work we do together.

There are four key areas of the *legislation*:

- Section 3 mandates the government to bring provincial *laws into alignment* with the UN Declaration,
- Section 4 requires the Province to develop and implement an *action plan*, in consultation and cooperation with Indigenous Peoples, to meet the objectives of the UN Declaration,
- Section 5 requires regular reporting to the legislature to monitor progress on the alignment of laws and implementation of the action plan, including tabling *annual reports* by June 30 of each year, and
- Sections 6 and 7 allow for flexibility for the Province to enter into agreements with a broader range of Indigenous governments and to exercise statutory *decision-making* authority together.

To support the implementation of Section 3, the Province has created the *Declaration Act Secretariat*, led by Associate Deputy Minister Jessica Wood/Si Sityaawks. Announced in Budget 2022, the Secretariat is a dedicated body created to coordinate and assist all ministries as they work to align provincial laws with the UN Declaration.

[The Declaration Act Action Plan](#), released on March 30, 2022, includes collectively identified goals and outcomes that form the long-term vision for implementing the UN Declaration in B.C. It also has 89 priority actions - tangible steps that will advance this work in key areas over the next five years.

Board members are encouraged to read the UN Declaration and to [access additional resources](#) to understand the Province's and the Ministry's commitments to reconciliation and ongoing work with First Nations, Métis and Inuit peoples. Board members should also familiarize themselves with the Declaration Act Action Plan. The purpose of this Action Plan is to provide a province-wide, whole-of-government approach to achieve the objectives of the UN Declaration over time, including the four actions that the Ministry has committed to in support of reconciliation in the post-secondary sector.

## Declaration Act Action Plan Commitments

The Ministry responsible for post-secondary education and skills training has several commitments in the Action plan related to post-secondary education and skills training:

### *Action 1.8*

Recognize the integral role of Indigenous-led post-secondary institutes as a key pillar of B.C.'s post-secondary system through the provision of core funding, capacity funding and the development of legislation. This includes institutes mandated by First Nations, as well as a Métis post-secondary institute being developed by Métis Nation BC.

### *Action 1.9*

Work with the Nicola Valley Institute of Technology, and the Urban Native Youth Association to co-develop an urban Indigenous centre that supports the childcare, housing and post-secondary needs of Indigenous learners, and strengthen the capacity of the Native Education College to provide culturally relevant post-secondary opportunities for urban Indigenous learners.

### *Action 4.5*

Co-develop a policy framework for Indigenous post-secondary education and skills training that includes:

- supporting post-secondary institutions to be more culturally relevant and responsive to the needs of First Nations, Métis and Inuit learners and communities;
- expanding the Aboriginal Service Plan program to all 25 public post-secondary institutions;
- ensuring that Indigenous learners have access to student housing that is safe, inclusive, and enables them to thrive personally, academically, and culturally;
- developing mechanisms for First Nations, Métis and Inuit learners and communities to play an integral role in public post-secondary institutions' decision-making; and
- identifying legislative amendments needed to ensure all public post-secondary institution boards include at least one Indigenous person.



#### *Action 4.41*

Work with First Nations, Métis chartered communities and urban Indigenous organizations to provide funding for self-determined, community-led programs for Indigenous Peoples to upgrade skills, obtain credentials, secure employment, and develop and support community economies.

The Ministry also has some shared actions with other ministries, addressing areas such as Indigenous teachers, Indigenous languages, youth in care and self-determined, community-led programming. These are all important areas of focus in government's work towards true and lasting reconciliation.

Government is required to report annually on progress made to implement the action plan, which ensures the government's work is transparent and accountable. The progress will be reflected in the Declaration Act's annual reports, which are publicly available by June 30th of each year. Past annual reports are available [here](#).

#### **TO LEARN MORE ABOUT RECONCILIATION:**

- [\*Familiarize yourself with Reconciliation Agreements pertaining to your institutions' region\*](#)
- [\*Review the Indigenization Guide for Leaders and Administrators from BC Campus\*](#)
- Consider taking the [\*San'yas Indigenous Cultural Safety Training Program\*](#) as a Board to strengthen your knowledge, awareness, and skills for working with and providing service to Indigenous people and communities

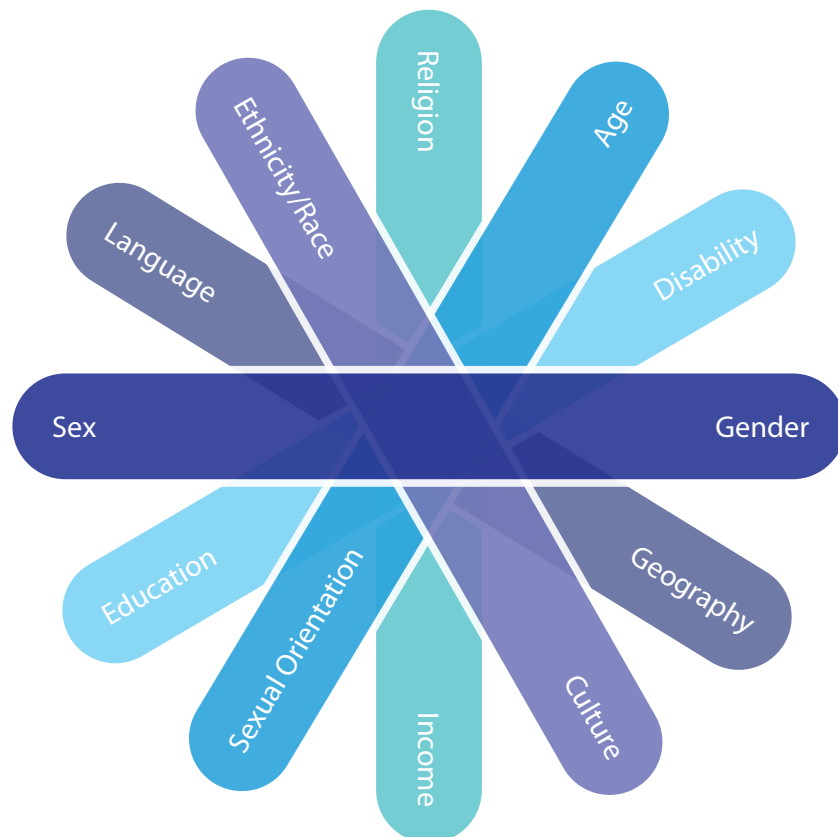
## 8. Equity and Anti-Racism

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The BC Government has made a public mandate commitment to address issues of equity and racism, recognizing that racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government, and their lives. The BC Government has an ethical responsibility to tackle systemic discrimination in all its forms, requiring a commitment by the entire public sector. For this reason, equity and anti-racism are also government commitments for all public sector organizations, including public post-secondary institutions.

### GBA+

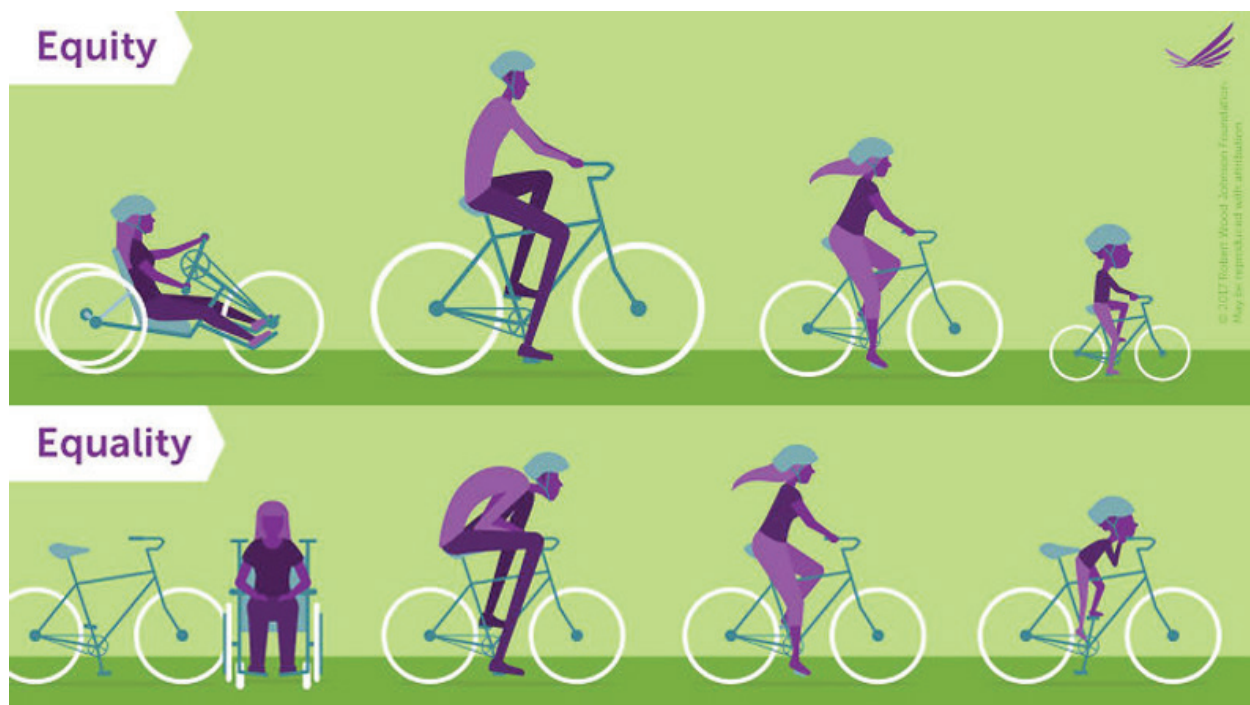
*Gender-Based Analysis Plus (GBA+)* is an analytical process that identifies inequities and systemic barriers in order to assess how diverse people experience policies, programs and services differently. This process brings attention to intersectionality and the structural forces that produce discriminatory policies and practices which lead to marginalization of certain populations and identities. Understanding the realities of complex and different identities such as sex, gender identity and expression, race, ethnicity, and age help us to recognize and remove systemic barriers.



**Figure 5:** Visual representation of different intersecting identities that can be experienced by an individual.

Grounded in intersectionality, GBA+ recognizes that people's lives are multi-dimensional and complex. Through the application of GBA+, Government and public organizations can meet the needs of diverse populations.

Implementing GBA+ aims to reflect equity in budgets, policies, programs, and initiatives to ensure that we are creating greater equity in our processes and outcomes. Fiscal and socially responsible governance requires equitable outcomes. An equity approach acknowledges different people need different supports for participation in society. The implementation of equitable policies/programs/initiatives supports the achievement of those equitable outcomes. Figure 6 provides a visual depiction of the importance of ensuring equitable outcomes.



**Figure 6:** Visual representation of difference between equity and equality and the impact of non-equitable approaches on individuals with different lived experiences.

- Using an equal access approach (i.e., the same approach for everyone) means not everyone can participate.
- This approach creates unintended barriers to participation.
- For diverse populations with diverse needs, a one size fits all approach does not work.

## Government's Commitment to GBA+

In 2018, the Government appointed a Parliamentary Secretary for Gender Equity and established a [Gender Equity Office \(GEO\)](#). GEO supports Government's commitment to implement GBA+ across all Ministries. Today, GBA+ is an ongoing Government commitment. Government also has mandate and corporate commitments that reinforce GBA+ implementation. These commitments enhance our understanding and application of intersectionality. These mutually reinforcing commitments are:

- [Lasting and Meaningful Reconciliation](#)
- [Anti-Racism](#)
- [Accessibility](#)
- [Diversity & Inclusion](#)

The BC Government is committed to intersectionality and equity and encourages all public organizations to ensure this commitment is reflected in budgets, policies, and programs to advance services and opportunities that are inclusive and treat all people equitably. Public organizations must establish safe, equitable, and inclusive learning environments for all members of their community.

### TO LEARN MORE ABOUT GBA+:

- Take the free online [GBA+ course](#) offered by Women and Gender Equality Canada.
  - » This course provides a basic introduction to key GBA+ concepts and identifies how GBA+ can enhance initiatives.
- [Watch Kimberlé Crenshaw's presentation on the urgency of intersectionality.](#)
- Review Women and Gender Equality Canada's [GBA+ Research Guide](#).

## Human Rights

[The BC Human Rights Code](#) (the **Code**) is a provincial law that prohibits discrimination in certain areas of activity (employment, housing, services, membership in unions and associations, and publications) based on the protected characteristics of an individual's identity (age, family status, marital status, physical disability, mental disability, race, colour, place of origin, ancestry, Indigenous identity, sex, gender identity/expression, sexual orientation, religion, criminal conviction, political belief, and source of income). The purpose of the Code is to:

- Foster a society in B.C. where there are no impediments to full and free participation in the economic, social, political and cultural life of B.C.
- Promote a climate of understanding and mutual respect where all are equal in dignity and rights.
- Prevent discrimination prohibited by the Code.

- Identify and eliminate persistent patterns of inequality associated with discrimination prohibited by the Code.
- Provide a means of redress for those persons who are discriminated against contrary to the Code.

The Code also creates the [BC Human Rights Tribunal](#), which is responsible for dealing with human rights complaints made under the Code, and [BC's Office of the Human Rights Commissioner](#), which is an independent office of the Legislature responsible for promoting and protecting human rights in British Columbia.

Board members are encouraged to reflect on how they can uphold the purposes of the BC Human Rights Code as part of how they execute the duties and responsibilities of their role.

#### TO LEARN MORE ABOUT HUMAN RIGHTS:

[Watch the Office of the Human Rights Commissioner introductory videos on human rights and the human rights system in BC](#)

[Learn more about the areas of activity and protected characteristics for which people are protected under the Code](#)

## Anti-Racism

### Anti-Racism Data Act

In Spring 2022, the BC Government passed the [Anti-Racism Data Act](#), which is aimed at:

- Breaking down barriers for people to access programs;
- Ensuring racialized people aren't disproportionately targeted;
- Improving programs and services so more people feel safe getting the help they need.

This legislation was developed in response to recommendations from the Office of the BC Human Rights Commissioner's report: [Disaggregated demographic data collection in British Columbia: The grandmother perspective](#) which called on Government to collect race-based and other disaggregated data to illuminate systemic inequities and injustices. The implementation of the Act will help identify and address systemic racism and inequities in Provincial Government programs and services. This law also helps advance Indigenous data sovereignty and self-governance, including a process for Government to seek consent from Indigenous communities to use their data – all key commitments under the [Declaration on the Rights of Indigenous Peoples Act](#) Action Plan.

Having access to intersectional disaggregated demographic data is essential - only with data that makes visible the systemic inequities that disproportionately impact Indigenous, Black and people of colour in the Province can we begin to address and eliminate systemic inequities in society.

## Anti-Racism and Anti-Hate Resources for Post-Secondary Institutions

In response to sector need, the Ministry, in partnership with [BCcampus](#), has created a collection of anti-racism and anti-hate resources to support institutions with addressing, responding to, and preventing racism within the post-secondary sector.

[The available resources](#) include an environmental scan of currently available resources that institutions can use to develop their own action plans; a Calls to Action Workbook developed by the BCcampus Anti-Racism Anti-Hate Working Group to see how these issues affect racialized and Indigenous people in the post-secondary sector in BC; and a webinar series aimed at inspiring and building mental bridges between participants in an effort to work toward an inclusive, accessible, and decolonized future for higher education in BC.

The Ministry also partnered with Tidal Equality to offer their Equity Sequence training to post-secondary partners. The Equity Sequence training is an evidence-backed practice designed to help people create more equality and inclusion where they live, work and play. The course includes a primer on bias and inequality, an introduction to the Equity Sequence questions, and then the opportunity to practice the questions on real-world, relevant case studies, before applying Equity Sequence to something participants are working on. Through BCcampus, the Ministry is offering free access to the Equity Sequence training to 235 people within the BC post-secondary sector. You can register for this training through [the BCcampus website](#).

### TO LEARN MORE ABOUT ANTI-RACISM AND ANTI-HATE:

- [Visit the Anti-Racism Data Act website](#)
- [Review the Office of the Human Rights Commissioner's Q&A's on Hate Speech](#)

## Sexualized Violence

Enacted in 2016, the [Sexual Violence and Misconduct Policy Act](#) requires that all public post-secondary institutions in BC have a sexualized violence policy. The policy must set out procedures for making and responding to disclosures and reports of sexualized violence and requires the policy to be publicly available. Under the Act, institutions are also required to review their policies every 3 years; to consult students during the review process; and to report annually to the Board of Governors on the implementation of their policy.

## Awareness and Prevention Resources for Post-Secondary Institutions

In response to sector demand, the Ministry, in partnership with [BCcampus](#), developed a suite of synchronous and asynchronous training resources in 2021 to help improve how institutions respond to and prevent sexualized violence in the post-secondary sector.

[This suite of resources](#) includes four synchronous training modules and facilitator guides on: consent and sexual violence; supporting survivors; accountability and repairing relationships; and active bystander intervention; and an asynchronous module called [Safer Campuses for Everyone](#) that can be embedded directly into institution learning management systems. All these resources are under creative commons licenses so institutions can implement them and adapt them to their needs.

#### TO LEARN MORE ABOUT SEXUALIZED VIOLENCE:

- [Visit the Safe Campuses BC website](#)

## Accessibility

In 2021, BC passed the [Accessible British Columbia Act](#) to create the path to a more accessible and inclusive province for people with disabilities and their support networks. This Act allows Government to establish accessibility standards and regulations in a range of areas, to help ensure people with disabilities can fully participate in their communities. Under the Act, Government is also required to:

- Build a tool to provide feedback to government.
- Develop government's accessibility plan.
- Establish the [Provincial Accessibility Committee](#).
- Develop initial regulations prescribing organizations.

The [Accessibility Directorate](#), located within the Ministry of Social Development and Poverty Reduction, works across Government and with the disability and business communities to implement [BC's Accessibility Plan](#). The [2021/22 Annual Report](#) on the implementation of the plan provides updates on Government's actions to date.

Starting September 1, 2023, the [Accessible British Columbia Act](#) will apply to all public post-secondary institutions, as prescribed by the [Accessible BC Regulation](#). When this requirement comes into effect, institutions will be required to:

- Establish an Accessibility Committee:
- Develop an Accessibility Plan; and
- Establish a mechanism to receive public feedback on accessibility.

SkilledTradesBC will also be required to meet the requirements under the Act starting in September 2024.

## TO LEARN MORE ABOUT ACCESSIBILITY:

- [Review the frequently asked questions about the Accessible BC requirements for organizations](#)
- [Utilize the BC Government's Accessibility and Inclusion Toolkit](#)
- [Visit the BC Accessibility Hub to find more resources](#)



# 9. Accountability

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## Mandate Letter Accountability

The mandate letter for public post-secondary institutions communicates Government's key priorities and provides specific policy direction. The mandate letters are signed by the board chairs upon resolution of all board members to confirm their commitment to act on the strategic priorities of the Government. Signing the mandate letter also reinforces the commitment of public post-secondary institutions to serving the public. Boards are accountable for ensuring that their institutions' mandate commitments are being implemented in alignment with government priorities. Institutions are required to report annually to the Ministry on their progress in achieving mandate letter priorities.

## Financial Accountability

All public post-secondary institutions are included within the Government Reporting Entity (GRE), which are the components and organizations who are included within the Public Accounts of the Government of British Columbia. Institutions submit quarterly financial reports to the Ministry as required by the *Budget Transparency and Accountability Act*. These include both operating and capital reports on actual, year-to-date results, and four-year projections. These financial reports inform the preparation of key Government financial reports such as the provincial Budget and Fiscal Plan, and the Public Accounts.

The Ministry provides institutions with an [annual budget letter](#) that outlines the student enrolment targets and operating budget allocations to support targeted programs and priority issues for the upcoming fiscal year. See Section 10 for more information on Post-Secondary Institution Funding.

The Ministry also works with institutions to ensure that post-secondary facilities, capital planning and capital development complies with the overall [Government Capital Asset Management Framework](#), and [the capital policies and procedures of the Ministry](#) (including requirements related to educational capital planning, and any relevant legislation and regulations).

## Financial Management

A primary Board responsibility is to oversee the management, administration and control of the expenditures, revenue, property and business affairs of an institution. Each Board establishes and regularly reviews policies and procedures which guide their institution's operations. These may include policies related to:

- Entering into agreements on behalf of the institution
- Budgeting for operating and capital expenditures
- Tuition, academic and other fees, and the collection of fines
- Long-term financial planning

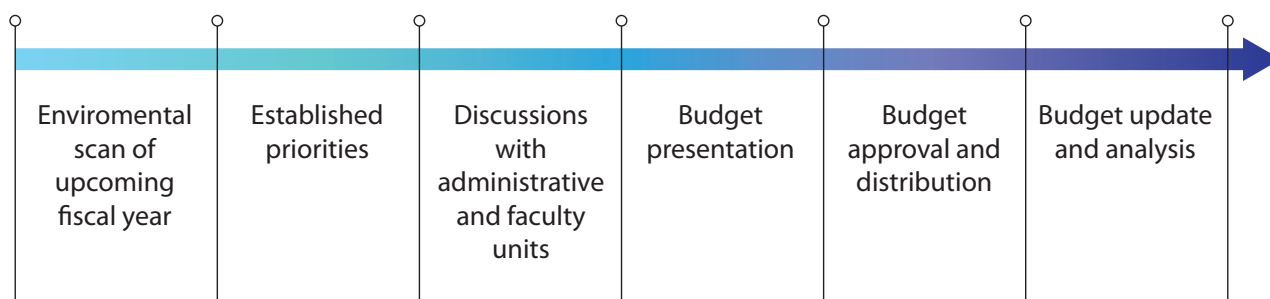
- Investment of institutional funds and trusts
- Institutional borrowing
- Maintenance of property
- Acquiring or disposing of land
- Student loans, scholarships, and bursaries
- Delegation of authority

All these policies have financial implications for an institution. Financial management activities and policies should embody budget letters sent by the Ministry that contain information about operating grant and student full-time equivalent (FTE) targets for the fiscal year.

## Budget Process

The budget represents the organization's priorities and financial plan. Budget planning requires listing goals and objectives, estimating costs, and forecasting expected revenues and expenses.

An example timeline for developing a budget is as follows but specific dates and processes will differ across institutions:



## Risk Management

Boards may work with institution management to identify risks to the organization and ensure that effective systems to manage those risks are in place. These responsibilities may include:

- Ensuring the sound financial performance of the institution
- Ensuring that the internal controls at the institution have integrity and will lead to the production of accurate financial statements and performance reports
- Ensuring that the institution has appropriate systems in place to identify, monitor and manage risks
- Preventing financial mismanagement

Mitigating the risks posed by climate change is an objective that post-secondary institutions must consider in their risk management strategies. Under the [\*Climate Change Accountability Act\*](#), all public sector organizations must strive to be carbon neutral and work towards B.C.'s legislated targets for reducing greenhouse gas emissions by at least 40 per cent below 2007 levels by 2030, 60 per cent by 2040, and 80 per cent by 2050.

More information on climate change and public sector organizations can be found on the [\*Government of British Columbia website\*](#).

Risks may impact not only financial aspects of operations, but also human resources, governance, cybersecurity, and quality. Institutions should have an integrated risk management system which has broad accountabilities to the Board.

## Accountability Framework

Essential in the mandate of a public post-secondary institution is its accountability to British Columbians (through the Government and Legislative Assembly) that public resources are used effectively and appropriately. The Ministry, in consultation with public post-secondary institutions, has developed a results-based accountability framework for the public post-secondary education system.

Under the [\*Accountability Framework\*](#), public post-secondary institutions annually produce an Institutional Accountability Plan and Report that describes the goals, objectives, performance measures, targets and the outcomes achieved over the previous year. The Accountability Framework has two purposes:

- To ensure all students receive quality education and educational opportunities relevant to their needs and the needs of the provincial labour market
- To ensure the ongoing contribution of the public post-secondary system to social and economic development

In addition to the Institutional Accountability Plan and Report, there are other areas of accountability such as financial reporting, enrolment reporting, outcome surveys and other requirements as defined by the Ministry and/or legislation. Similar to the Service Plans and Annual Service Plan Reports published by Ministries and Crown agencies, these documents must be posted publicly and are subject to the same standards of transparency and accountability.

# 10. Post-Secondary Institution Funding

## Operating Grants and Targeted Funding

Public post-secondary institutions receive a portion of their annual total revenue from the Government in the form of annual operating grants from the Ministry. The balance they generate from student tuition, ancillary services, user fees, federal grants, donations, endowments, investments, and research revenue. The amount of funding an institution receives each year is primarily determined by what it received the previous fiscal year. Additional targeted incremental base funding may also be provided for programs, such as those training health professionals, that align with Government priorities. One-time funding is also allocated for short duration (less than one year) programs to address areas of high labour market demands. The one-time nature of the funding allows for flexibility in program delivery to address changing regional requirements throughout the province.

Other provincial Ministries and [SkilledTradesBC](#) may also fund programs or projects undertaken by institutions. However, this type of funding is a relatively small proportion of the overall budget for most institutions. Two exceptions to this are the Justice Institute of British Columbia, which receives significant annual contributions from other Ministries for training related to corrections, policing, and firefighting, and the University of British Columbia, which receives annual funding from the Ministry of Health for postgraduate medical education.

In addition, SkilledTradesBC works to continually explore and develop new and innovative ways to make trades training more reflective of provincial labour market needs by building stronger partnerships with industry, labour organizations and training providers.

## Post-Secondary Funding Formula Review

In March 2022, the B.C. government announced a sector-wide review of how it funds operations at British Columbia's 25 public post-secondary institutions to ensure they have the resources they need to support economic recovery and student success. The current funding model has not been updated in more than 20 years and has created constraints and inequities for some public post-secondary institutions.

The review will help government develop an updated, modern funding model for British Columbia's public post-secondary system. It will aim to:

- Establish a funding model that fairly and impartially distributes provincial financial resources across the public post-secondary sector.
- Align provincial funding with the education and skills training needs of British Columbians and the communities served by the 25 public post-secondary institutions.
- Support student success by ensuring access to affordable, high-quality post-secondary education and expanding key student supports.

For more information on this ongoing project, visit the [Post-Secondary Funding Formula Review website](#).

## Program and Tuition Fees

Public post-secondary institutions are expected to ensure programs and courses are affordable and accessible. In accordance with applicable legislation, Boards are responsible for setting, determining, and collecting tuition and mandatory fees in alignment with the [Provincial Tuition Limit Policy](#).

Government introduced the tuition limit policy in 2005. In 2007, the policy was extended to include institutional and program mandatory fees. Domestic tuition and fee increases are limited to two percent annually. The policy applies to existing programs and services, in that tuition and fees for existing programs and services must not increase more than two percent per year. For new programs, Boards establish the initial tuition and mandatory fee amount for the first year, and the two percent limit applies thereafter. The policy does not include international student fees and tuition or student society fees (collected on behalf of student associations).

Post-secondary institutions are expected to keep programs current. Updates to existing programs are considered part of this ongoing process and are expected to be achieved within the tuition limit policy, but it is recognized that, at times, substantial changes may be necessary.

An existing program that is substantially revised may be submitted to the Ministry for determination as to whether the program is new for the purposes of the tuition limit policy. Prior to introducing a new level of tuition, institutions must submit a written request to the Ministry for review, outlining the revisions that led to new or changed objectives, goals, learning competencies and outcomes for the program and students. In addition to the Ministry review, such submissions will now also be subject to an independent third-party review.

New mandatory fees may be introduced for new services only if there is a clear benefit to students. Proactive consultation and engagement with students should be undertaken prior to the Board's review and approval of any new fees. Institutions should also consult with the Ministry early in the process when new fees are being considered. Additionally, institutions need to measure and track the benefits to students of the new fees and submit this information to the Ministry as part of the annual tuition and fees reporting process. Boards are responsible for ensuring these requirements have been met before approving new tuition or mandatory fee amounts.

## Capital and Research Infrastructure Funding

Annual operating grants do not include funding for research or capital infrastructure. The Ministry provides capital funding to institutions for new capital projects and for routine capital maintenance of physical infrastructure, including deferred maintenance. Routine

capital maintenance funding is also used toward projects which address campus safety and security, improve accessibility, and reduce greenhouse gas emissions. Institutions also receive private donations and use own-source funds, like trusts or endowments, to finance capital projects.

The major research infrastructure funding program in B.C. is the [\*British Columbia Knowledge Development Fund \(BCKDF\)\*](#). The BCKDF provides funding for public post-secondary institutions, research hospitals and affiliated non-profit agencies. With state-of-the-art equipment and infrastructure, B.C. institutions can generate favourable conditions for innovation and are well positioned to create successful collaborations with relevant industries and professions.

## Central Deposit Program

The Central Deposit Program allows post-secondary institutions and other public sector organizations to earn a competitive interest rate on funds deposited with Government instead of with banks or credit unions. This allows the Government to use the deposited cash to meet operational needs rather than borrow new cash from the market. It also makes more efficient use of public funds by reducing the borrowing costs for B.C. taxpayers all while keeping post-secondary institution funding available for their use as required. Institutions are encouraged to consider the program when making short-term deposits.

# 11. Public Sector Labour Relations and Compensation

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## Human Resources Governance

In B.C., Government sets strategic directions in human resource management and labour relations for the general public sector and participates in public sector pension plan management under the authority of the [\*Public Sector Employers Act\*](#) and the [\*Public Sector Pension Plans Act\*](#)

The *Public Sector Employers Act* applies to employers who meet the definition of the Act, including: Government; organizations that have a Board with at least 50 percent Government appointees; Boards of education/Boards of school trustees; universities; colleges and institutes; hospitals; and employers designated in the regulations as social services employers.

The *Public Sector Employers Act* establishes the [\*Public Sector Employers' Council Secretariat \(PSEC Secretariat\)\*](#) and employers' associations in seven areas of the broad public sector: health; social services; K–12 public education; Crown corporations; colleges, institutes and special purpose, teaching universities; research universities; as well as the public service. Collective bargaining is delegated to employers' associations or individual employers depending on the sector.

The [\*Post-Secondary Employers' Association \(PSEA\)\*](#) is the accredited bargaining agent for the 19 colleges, institutes and special purpose, teaching universities. As the accredited bargaining agent, PSEA negotiates collective agreements on behalf of most of its members or may delegate bargaining to an individual employer.

- PSEA's Board of Directors is responsible for ratifying all PSEA-sector collective agreements as part of the bargaining process, regardless of whether PSEA has directly assisted at the bargaining table.

The [\*University Public Sector Employers' Association \(UPSEA\)\*](#) serves as a coordinating body for the six universities, and supports negotiations, but does not participate directly in bargaining. Collective bargaining in this sector is coordinated by the PSEC Secretariat and each university conducts its bargaining directly with their respective unions.

- Although not an accredited bargaining agent, UPSEA reviews and approves tentative agreements for member institutions as part of the collective agreement ratification process.

### **ROLE OF BOARDS/ BOARD MEMBERS:**

Boards are responsible for ensuring that their institutions comply with the statutory requirements of public sector human resources legislation. This legislation includes:

- The *Public Sector Employers Act*, including the [Employment Termination Standards](#) and the [Senior Employee Base Salary Regulation](#)
- The *Public Sector Pensions Plans Act*
- The [Labour Relations Code](#)

## Collective Bargaining With Unionized Employees

Public sector employers and employers' associations bargain with their unionized employee groups under the compensation mandate established by Government and implemented through the PSEC Secretariat.

Prior to bargaining, the PSEC Secretariat coordinates with the employer bargaining agents, PSEA and UPSEA, and the Ministry to develop bargaining plans for their sectors. Employer bargaining agents must submit bargaining plans to the PSEC Secretariat for approval prior to the start of bargaining on substantive issues. Employer bargaining agents may not specifically discuss monetary items until a finalized bargaining plan has been approved. Bargaining plans may be sectoral, and include all unions at a single employer, or may be prepared for each individual union.

The Minister responsible for the *Public Sector Employers Act*, as well as the Minister responsible for the public post-secondary institutions, must approve the bargaining plans. Once the bargaining plans have been approved, the employer bargaining agent can seek a negotiated settlement in line with the approved bargaining plan. Bargaining plan approval will be confirmed by a written bargaining direction letter from the President and CEO of the PSEC Secretariat to the employer association/employer.

The PSEC Secretariat coordinates the review and approval of all collective agreement proposals during bargaining. It may seek assistance from the Ministry responsible for post-secondary education to review and approve specific proposals related to public policy requirements, service delivery objectives or any other contextual matters. The PSEC Secretariat will make every effort to facilitate consideration and approval in a timely manner that does not interfere with bargaining.

### **ROLE OF BOARDS/ BOARD MEMBERS:**

- Be aware of bargaining plans, including management rights, legislation, and other regulations.
- Consider and approve bargaining strategies on issues affecting management rights and significant changes to cost structure beyond compensation prior to the start of bargaining.
- Ratify (approve) tentative collective agreements before they proceed to the Board of the employers' association.



# Statutory Requirements Concerning Excluded and Executive Employees

Public sector excluded and executive employees who are not covered by a collective agreement are covered by specific provisions of the *Public Sector Employers Act* that establish requirements for compensation plans, severance or salary continuance, vacation and sick leave, retirement allowances, CEO employment contracts, and annual disclosures of executive compensation.

## Compensation Plans

The [\*Guide to B.C. Public Sector Compensation and Expense Policies\*](#) contains principles and policies to assist public sector employers in establishing compensation plans for excluded and executive employees. Compensation plans must be within the framework established by the Government and be approved by the Minister responsible for the PSEC Secretariat.

### ROLE OF BOARDS/ BOARD MEMBERS:

- Determine and set compensation plans for Presidents and senior executives within the parameters of the Government compensation framework.
- Ensure that the succession and development of senior leadership team is strategically planned.
- Recruit and assess the performance of the President.
- Obtain approval of the terms of the President's employment contract from the Minister responsible for the PSEC Secretariat.
- Consult with respective employers' association on compensation plans for CEOs and Presidents before they proceed to submitting the plan for approval by the Minister responsible for the PSEC Secretariat.
- Manage excluded employee compensation plans.

## Disclosure

Public post-secondary institutions must meet statutory obligations under the *Public Sector Employers Act* by [\*disclosing the total compensation paid\*](#) to their CEOs (or Presidents) and the next four highest paid/ranked executives earning more than \$125,000 in base salary. Disclosure includes total base salary, employer-paid pension contributions, benefits, holdbacks, bonuses or incentives, severance, vacation payouts and all other compensation including retirement allowances and administrative leave.

## **ROLE OF BOARDS/ BOARD MEMBERS:**

- Sign attestations to verify that the annual compensation provided to employees was within approved compensation plans and complies with same, including an emphasis on the statutory requirement to disclose pre- or post-employment contracts and to disclose employee remuneration through foundations, subsidiaries or other organizations

The [\*Public Sector Executive Compensation Disclosure Guidelines\*](#) provided by the PSEC Secretariat should be reviewed by the Board. Any questions about executive compensation disclosure processes can be directed to the PSEC Secretariat for support.

## **Common Public Sector Compensation Philosophy for Executive and Excluded Management:**

Provincial public sector organizations in B.C. are moving towards a comprehensive approach to setting compensation through a common philosophy. One of the guiding principles of the common philosophy is a performance-based culture where compensation decisions are based on merit rather than entitlement to an annual increase. The overall goal is to bring greater consistency to the broader public sector to ensure decisions are based on shared principles and similar benchmarking tools that increase rigor and ultimately reduce competition between employers when making hiring and staffing decisions.

## **ROLE OF BOARDS/ BOARD MEMBERS:**

- Approve the compensation philosophy before it can proceed to the employer associations, and subsequently to the Minister responsible for the PSEC Secretariat for approval.
- Determine what the overall approach to their compensation philosophy will be in the broader context of the organization and ensure it is consistent with the guidelines provided.
- Consult with their respective employers' association, as they coordinate the sectoral compensation philosophy and facilitate the process that ensures no large-scale contradictions exist among public post-secondary institutions.

# Appendix 1. Governance as Leadership – Questions Board Members Should be Asking

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This governance as leadership model suggests three modes in which a board should operate. The most effective Boards govern regularly using all three.

**THE FIDUCIARY LENS** – To think and act like stewards of tangible assets

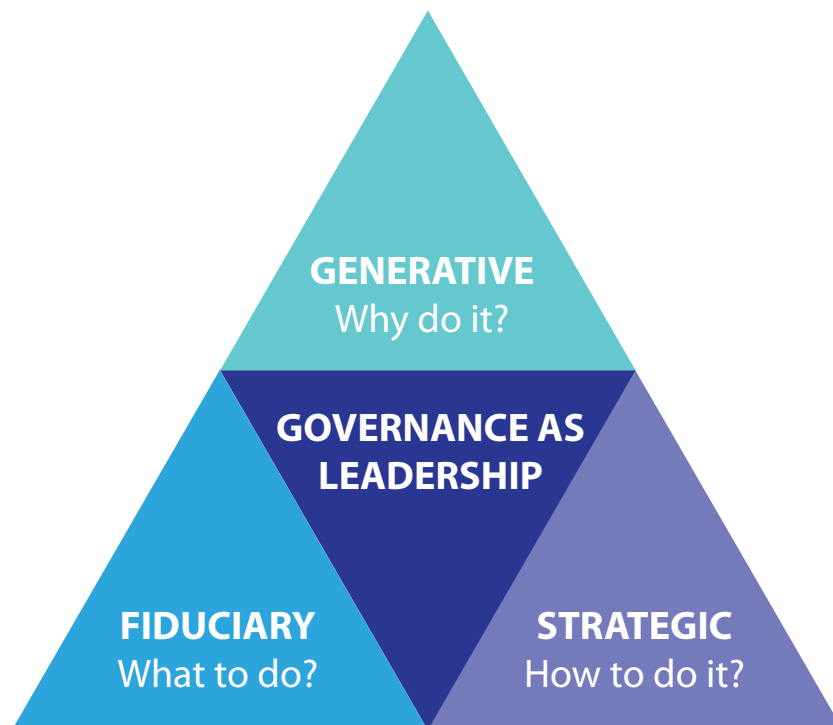
- Represents duties of loyalty and care
- Results in key questions:
  - » Are actions in line with mission?
  - » Are we getting tangible results?
  - » Is something wrong?
  - » Are we following policies and procedures?
  - » Are we compliant with external regulations and legal expectations (e.g., government)?

**THE STRATEGIC LENS** – To align internal strengths and weakness with external opportunities and threats to create a strategic partnership with management

- Represents concerns with performance
- Results in key questions:
  - » Do we have adequate resources for plans? Are our plans well connected? Has the Board given sufficient input?
  - » Are plans reasonable (e.g., timeframe, market, attainability, funding, ability to adjust mid-course in response to internal and external factor)?
  - » Do we have appropriate ways to measure performance? What if we achieve plans early or they appear headed to miss targets?
  - » Are we following policies and procedures?

**THE GENERATIVE LENS** – To generate organizational understanding, create identity, and generate thinking to inform actions

- Represents concerns with performance
- Results in key questions:
  - » Do we understand the issue? Have we factored in what matters most to us?
  - » Have we framed the questions appropriately?
  - » What more do we need to know? Are there values or traditions we need to challenge here?



Here are samples questions board members can ask

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### Questions from a FIDUCIARY mindset

#### Risk

- How does the risk on this issue fit within our broader risk framework?
- Have we adequately accounted for risk on this matter?
- What are the risks if we take the recommended action? If we do not?
- How can the Board better support risk mitigation?

## Finance

- Are we using financial resources appropriately?
- Is this an expenditure we can afford to make? Afford not to make?
- What are our greatest financial challenges?
- What are the biggest concerns or opportunities based on the quarterly report or forecast?
- Are we missing anything significant in this budget?
- Does this budget align well with our vision, mission, values, and strategic plan?

## Other

- Are we appropriately following the institutions policies? Which one? What are we missing here based on the existing policy? Do we have a policy gap?
- Have we met all government expectations on the issue? What are the challenges with meeting government requirements in this situation?
- What is the impact of this issue on the students? Employees? The institutional community we serve?
- What do we understand about the cause of the current challenge, and what have we learned going forward?
- Are we adequately accounting for our core values in the matter?

## Questions from a STRATEGIC mindset

- How well do our planned actions align with our mission?
- Are our plans too complex, based on correct assumptions, and adequately accounting for the market?
- How well are we achieving the key performance indicators of our strategic plan?
- Have we identified the correct performance indicators to assess how we're doing?
- What's next for the institution in the cycle of creating, amending, or adjusting our existing plans?
- How can the Board help the institution achieve its highest goals?
- Do we need to discuss shifting resources to different initiatives?
- Are our plans for expenditures on the appropriate or most important things? Where are we not spending money that maybe we should be?

- Are we activating our biggest strengths? Minimizing our challenges?
- Are we missing a potentially significant opportunity? Are we doing something we should consider stopping?

### Questions from a GENERATIVE mindset

- What does this budget say about who we are and where we are trying to go?
- What are the most important issues we hope the next year's budget might address?
- How important is this issue to the short-term and long-term viability of the institution?
- What are the implications if we get the decision wrong?
- Have we appropriately understood this issue? Have we adequately explained it?
- Has everyone had a chance to offer their perspective?
- Have we discussed the matter adequately?
- Are we asking the right questions? What have we not asked that we should ask?
- Are we open, as a Board and as an institution, to the possibilities in front of us?
- Are we clear what matters the Board should be making decisions on versus delegating to management?
- Are we giving sufficient time to thinking about where we are heading as an institution and what we need to know as we consider our future?
- What are the most important things the Board can be doing?

**Appendix 1 is primarily from the two books:** *Governance as Leadership* by R. Chait, W. Ryan and B. Taylor; and *The Practitioner's Guide to Governance and Leadership* by C. Trower. Information summarized and provided by The University of the Fraser Valley.

## Appendix 2: Glossary of Terms

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### **Aboriginal Peoples**

Section 35 of the *Constitution Act, 1982*, recognizes and affirms the rights of Aboriginal Peoples of Canada, while all Indigenous Peoples have human rights that are expressed in the UN Declaration. While Aboriginal is the legal definition, for the purposes of this document we use Indigenous and Aboriginal interchangeably, with the same meaning.

### **Accountability**

The obligation to report and explain actions and decisions in accordance with assigned responsibility.

### **Audit**

An examination of financial accounts and ensuring accuracy of transactions.

### **Candidate Profile and Declaration (CPD)**

The Candidate Profile and Declaration form is a tool used by CABRO that board members and potential board members complete in order to be considered for a public appointed position. The form includes a disclosure statement on conflict of interest, a charter of expectations and an accountability assessment. An updated form is required every 6 years or as the member has a significant career change.

### **Crown Agencies and Board Resourcing Office (CABRO)**

Government agency that oversees the recruitment and recommendation of candidates for appointments to Crown corporations, agencies, boards and commissions, and provides public sector governance advice and training.

### **Discrimination**

The unjust or prejudicial treatment of different categories of people or things, for example on the grounds of race, age, or sex.

### **Distinctions-Based Approach**

The Province is committed to a distinctions-based approach. This requires that the Province's dealings with First Nations, Métis and Inuit Peoples be conducted in a manner that acknowledges the specific rights, interests, priorities and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws, and governments. Section 35 of the *Constitution Act, 1982*, recognizes and affirms the rights of Aboriginal Peoples of Canada, while all Indigenous Peoples have human rights that are expressed in the UN Declaration. However, not all rights are uniform or the same among or between all Indigenous Peoples. In many cases, a distinctions-based approach may require that the Province's relationship and engagement with First Nations, Métis and Inuit Peoples include different approaches or actions and result in different outcomes.

## **Equity**

Equity is the condition that would be achieved if one's identity no longer predicated, in a statistical sense, how one fares. Equity work includes work to address root causes of inequities, not just their manifestation. This includes elimination of policies, practices, attitudes and cultural messages that reinforce differential outcomes or fail to eliminate them.

## **Gender-Based Analysis Plus (GBA+)**

An analytical process that provides a method of assessment for systemic inequities and how diverse groups experience policies and initiatives. The "plus" acknowledges the multiple characteristics beyond biological and socio-cultural factors and considers how the intersection of complex identity factors can influence personal experiences.

## **Human Rights**

Simply by existing in the world, you are entitled to certain basic rights; your human rights. Everyone is born with the right to a life of equality, dignity and respect, free from discrimination. These rights are protected in law but not always realized.

## **Indigeneity and Indigenous**

Indigeneity is tied to land and place. The term 'Indigenous' recognizes this connection of being from and belonging to the land.

## **Inequity**

Refers to a lack of justice or fairness. Statistics can be used to measure inequities in social outcomes, such as differences in access to education between different racial groups or genders.

## **Intersectionality**

Intersectionality is a concept first developed by lawyer, activist and scholar Kimberlé Crenshaw in relationship to Black women and the law in the United States. Crenshaw noticed that the legal system failed Black women because it did not acknowledge, or address, systemic inequities linked to the intersections of racism and sexism. Since that time the concept has been more broadly adopted in health care, education, and other areas. According to an intersectionality perspective, inequities are never the result of single, distinct factors. Rather, they are the outcome of intersections of different social locations, power relations and experiences.

## **Notice of Position (NOP)**

A Notice of Position is a form used by CABRO for recruitment. This document summarizes the Board and Institution's structure, business, and strategic direction as well as a list of competencies, skills and/or knowledge that the board is currently interested in.

## **Order in Council (OIC)**

Subordinate legislation made under the authority of a statute, made by the Lieutenant Governor in Council.



### **Performance Appraisal (PA)**

A Performance Appraisal is a short assessment of the member's contribution to the Board over the course of the appointment. This form is completed by the Chair or Vice Chair for members eligible for and wishing to be reappointed as their term comes to an end.

### **Racism**

Racism is the belief that one group, as defined by the colour of their skin or their perceived common ancestry, is inherently superior to others. It can be openly displayed in jokes, slurs or hate speech, or can be more hidden in unconscious biases. Racism is deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these beliefs have become deeply embedded in systems and institutions that have evolved over time. Racism operates at a number of levels, in particular, individual and systemic.

### **Request for Appointment (RFA)**

A Request for Appointment is an annual review of board membership, upcoming expiries, vacancies, and evaluation of additional competencies required for future board members.

### **Sexism**

Sexism is an ideology and system of oppression in society that holds that one sex or gender is more valuable, more worthy of respect and consideration and more able to contribute and participate than people of other sexes or genders. Sexism can be conscious or unconscious and is embedded in institutions, systems and the broader culture of a society.

### **Sexualized Violence**

*Sexual violence is any act of a sexual nature that occurs without your consent.* It includes any sexual act or act that targets your sexuality, your gender identity or gender expression. Sexualized violence can range from unwanted sexual comments to assault.

- Sexual violence can be physical or psychological.
- It can be threatened, attempted, or committed.
- It can be an ongoing situation or a one-time event.
- It can be something that happens in-person or online.
- It can happen between strangers, between students or co-workers, or between people in a relationship.

### **Systemic Racism**

Systemic racism consists of patterns of behaviour, policies or practices that create and maintain the power of certain racial groups over others or reinforce the disadvantage of certain racial groups.

### **Statute**

Also called an Act, is a law or decree made by a sovereign or legislative authority.



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