

1.0 ASSOCIATED POLICY

- Legal Resources

2.0 DEFINITIONS

Accountable Unit

The University area or department involved in a labour relations matter or legal dispute.

External Legal Counsel

Law firm or member of a law firm that has been approved by the General Counsel to provide legal services to the University.

Fees

Any monetary amount payable by the University in the course of addressing and concluding an actual or potential labour relations matter or uninsured legal matter, including arbitrator or mediator fees.

Settlements

Any monetary amount payable by the University to a third party for the purpose of concluding an actual or potential labour relations matter or uninsured legal matter.

3.0 PROCEDURE ELEMENTS

3.1 Purpose

- 3.1.1 To set out the authority and process for the handling and settlement of, and payment of Fees and/or Settlements relating to, labour relations matters and uninsured legal matters, such as Human Rights Complaints, involving MacEwan University and the Grant MacEwan University Foundation (collectively referred to as the “University”).

3.2 Matter Management

- 3.2.1 Labour matters and other uninsured legal disputes will generally be managed by the Accountable Unit and the Office of General Counsel. If required, External Legal Counsel will be retained in the manner described in the Legal Resources Policy and Management of External Legal Counsel Procedure.
- 3.2.2 If retained, the General Counsel shall oversee External Legal Counsel’s representation of the University in accordance with the Management of External Legal Counsel Procedure and Legal Resources Policy and shall ensure that External Legal Counsel provides advice and recommendations to the Accountable Unit and the General Counsel throughout the legal management of the matter.

3.3 Consultation and Decision Making Authority

- 3.3.1 The Office of General Counsel shall advise and consult with the Accountable Unit early on, and at every step of such labour relations matter or uninsured legal matter. The Office of General Counsel shall continue to provide legal advice and work with the Accountable Unit to ensure the interests of the University as a whole are considered and protected in any such

matter. The Accountable Unit and the General Counsel shall have the joint authority to make settlement decisions in relation to such matters.

- 3.3.2 In the event the Accountable Unit and the General Counsel do not agree on how to proceed with a matter, the matter will be referred to the Executive Officer responsible for the Accountable Unit for review. In the event of a disagreement between the Executive Officer responsible for the Accountable Unit and the General Counsel with respect to a proposed settlement, the President shall have the final authority over whether a matter is to proceed to settlement or adjudication.
- 3.3.3 The General Counsel must approve the form and content of all settlements prior to any settlement arrangements being finalized.

3.4 Payment of Fees and Settlements

- 3.4.1 As per the Legal Resources Policy and the Management of External Legal Counsel Procedure, the Office of General Counsel shall be responsible for verifying, processing and paying all External Legal Counsel accounts relating to any labour relations matters and/or uninsured legal matters. However, the financial responsibility of the Office of General Counsel relating to such matters does not extend to the payment of Fees and/or Settlements.
- 3.4.2 The Accountable Unit whose employee (or employee's association) initiates a labour or dispute shall be responsible for payment of any Fees and/or Settlements if the dispute in question has arisen as a result of the Accountable Unit's performance management (human resources) actions.
- 3.4.3 The University shall be responsible for payment (through centralized funding) of any Fees if the dispute in question has arisen out of an institutionally-related matter, such as collective bargaining.
- 3.4.4 Any disagreement in relation to what area of the University is responsible for the payment of Fees and/or Settlements shall be resolved by Executive Council.

3.5 Confidentiality

- 3.5.1 All persons involved in any manner with respect to settlement discussions, proposals or implementation of actual settlements of labour matters or legal disputes must maintain confidentiality over all information and documents related to or arising out of such deliberations, proposals and agreements. Any inquiries with respect to a settlement or proposed settlement must be directed to the Executive Officer responsible for the Accountable Unit or the General Counsel.

4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS

- Management of External Legal Counsel Procedure

5.0 ACCOUNTABILITY

Responsible Office

Office of General Counsel

6.0 HISTORY

Relevant Dates

Approved: **22.11.08**

Effective: **22.11.23**

Next Review: **2027.11**

Modification History

14.03.18: New Procedure approved by President and Vice-Presidents Group.

21.10.27: Minor revision to update position title. Approved by Policy Sponsor.

22.11.08: Comprehensive revisions approved by President's Policy Committee effective November 23, 2022 upon approval of revised Legal Resources Policy.