

**Policy Title:** Legal Services Policy  
Policy Approver: Board of Governors  
Policy Holder: University Secretariat  
Executive Lead: University Secretary and General Counsel  
Category: Board Policy  
Original Date: June 2023  
Last Revised: n/a  
Next Review: June 2024

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### **Policy Statement**

Yukon University seeks to manage its legal risk by ensuring quality, efficient and reliable Legal Services in support of the University's activities and objectives.

### **Approval Statement**

With the approval of the Board of Governors, this policy is hereby deemed in effect the 9<sup>th</sup> day of June, 2023.



June 9, 2023

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David Morrison  
Chair, Board of Governors  
Yukon University

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Date

## 1. Purpose of Policy

The purpose of this Policy is to define the role and responsibilities for the provision of Legal Services (as defined in section 2 of this Policy) to the Yukon University (“University”).

## 2. Definitions

In this Policy, the following words or expressions have the corresponding meaning:

“Court Document” encompasses any written document that involves the University or an employee acting on behalf of the University as a party to a court case, to an arbitration, a tribunal, administrative body, or any other legal proceeding which the University or a University employee acting on behalf of the University is a party.

“External Counsel” means a lawyer or law firm which has been approved by the University Secretary and General Counsel to provide legal services on a matter for the University.

“Legal Services” means the provision of legal advice or legal opinion to the University including but not limited to reviews of contracts, interpretation of legislation and caselaw, Legal Services also includes legal representation of the University in a legal proceeding involving the University, with respect to University affairs.

“University” means Yukon University and all subsidiaries or affiliates controlled by Yukon University.

## 3. Responsibility of The University Secretary And General Counsel

The University Secretary and General Counsel is responsible for general oversight of legal matters at the University including the provision of Legal Services, retention and instruction of External Counsel and management of legal budgets.

Legal Services provided by the University Secretary and General Counsel cover a variety of fields including but not limited to employment and labour relations, student matters, human rights, contracts, procurement, construction, real property transactions and leases, corporate matters, business transactions, intellectual property, privacy, and adherence to legislation.

The Legal Services of the University Secretary and General Counsel may not be necessary in all issues involving the above topics but must be sought if the matter involves:

- A legal proceeding or threat of a legal proceeding against the University;
- A legal issue having strategic importance or University-wide implications;
- Significant legal risk, financial exposure, or adverse impact to the University; and/or,
- A contract between the University and a third party that presents a potentially significant and uncertain legal liability for the University.

In the event of uncertainty on any of the above, University employees are encouraged to seek Legal Services.

#### 4. Internal Requests for Legal Services

Legal Services from the University Secretary and General Counsel may only be engaged on matters related directly to the business, activities, and obligations of the University.

Legal Services may be requested by any individual approved to provide instructions to and seek advice from the University Secretary and General Counsel as set out in Appendix A of this Policy. If a University employee is not listed on Appendix A and requires Legal Services, they are required to work through their supervisory structure to ensure the instructions are coming from or endorsed by an individual listed on Appendix A.

A request for Legal Services must be commenced by completing a *Request for Legal Advice form* and emailing it to [legal@yukonu.ca](mailto:legal@yukonu.ca). The University Secretariat and General Counsel may, at their discretion, waive the requirement for a Request for Legal Advice form on a case-by-case basis in extenuating circumstances.

Requests for Legal Services related to the review of a Contract must be commenced by completing a *Request for Contract Review form* and coordinated through the Contract and Procurement Office.

Employees requesting Legal Services are responsible for contacting and coordinating with any other units that may need to advise on the matter although the University Secretary and General Counsel may suggest others who should be involved.

All relevant supporting documents and background information must be provided upon the submission of a request for Legal Services.

Legal Services will be provided in writing, over the phone or in person depending on the circumstances.

## **5. External Counsel**

Subject to the exemptions set out below, the retention of External Counsel must be done by the University Secretary and General Counsel.

In determining whether External Counsel is warranted, the University Secretary and General Counsel shall consider the following factors:

- Availability of local counsel to provide the service.
- Capacity to provide Legal Services internally.
- Cost.
- Timelines for provision of the Legal Services.
- Urgency.
- Knowledge and expertise required.
- Conflict of interest.
- Any other factor that the University Secretary and General Counsel deems relevant to the matter at issue.

If the University Secretary and General Counsel determines that External Counsel is required, they shall retain the External Counsel directly. Units or departments impacted by a matter involving External Counsel will be involved in decision making as appropriate, but the University Secretary and General Counsel shall remain the primary contact for External Counsel on the matter.

The Board Chair, President, Provost, or Vice-President Finance may retain External Counsel directly in emergent circumstances. In such cases the University Secretary and General Counsel shall be notified of the retainer as soon as possible unless such notice constitutes a conflict of interest.

The University Secretary and General Counsel may grant to a unit or department the authority to make direct contact with External Counsel and authorize an individual in that unit or department to be the primary contact for External Counsel. Such authority will be reviewed on an annual basis.

## **6. Court Documents**

No member of the University staff is authorized to accept formal service of any Court Document on behalf of the University except the University Secretary and General Counsel or External Counsel retained by the University in accordance with this Policy and duly authorized to accept formal service on behalf of the University.

Any Court Document sent to the University or received by University staff must be sent without delay to the University Secretary and General Counsel for review in order to avoid prejudice to the University's legal rights to respond. Failure to send Court Documents promptly may result in disciplinary action against any staff member who failed to send such documents.

## **7. Reporting**

The University Secretary and General Counsel shall provide an annual report on the provision of Legal Services to the Board of Governors.

## **8. Policy Review**

This policy will be reviewed one year after its passage and as determined thereafter.

## APPENDIX A

Board Chair

The Board of Governors by motion

The Senate by motion

Any member of the President's Executive Council

Registrar

Manager of Security Services

Manager of Procurement and Contracts