



Carleton
UNIVERSITY

Canada's Capital University

Policy Name:	Legal Advice and Charges Policy
Originating/Responsible Department:	General Counsel
Approval Authority:	Senior Management Committee
Date of Original Policy:	April 1999
Last Updated:	January 2021
Mandatory Revision Date:	January 2026
Contact:	General Counsel

Policy:

In general, Carleton University's legal affairs will be managed through the Office of the General Counsel.

Purpose:

The purpose of this policy is to ensure that legal services are sought where appropriate, to provide for a uniform budgetary treatment of legal expenses and to ensure the University receives the best value for the services provided.

Scope:

The policy applies to all legal services required by the University, including (without limitation) legal services required by Ancillary Units or the Pension Fund, or related to research grants or contracts administered by the University.

Procedure:

Except in the case of Emergency (as defined below), requests for legal services are made to the General Counsel. In the event that legal services are retained without the prior approval of the General Counsel, then any fees associated with such services shall be charged to the unit of the University retaining legal counsel, notwithstanding anything to the contrary contained in this Policy.

For general legal matters, the assigning of charges for legal services will be jointly agreed upon by the General Counsel, and the applicable Vice-President responsible for the unit for which the legal services are sought. For human resources legal matters, the assigning of charges for legal services will be jointly agreed upon by the General Counsel, the Assistant Vice-President, Human Resources (if the matter is administrative staff related) or the Deputy Provost Academic Operations and Planning (if the matter is academic staff related), and the applicable Vice President responsible for the unit for which the legal services are sought. The assigning of charges will be based on the following general guidelines:

- Legal fees from Ancillary operations will be charged to the Ancillary Unit.
- Legal fees associated with the Pension Fund will be charged to the Pension Fund.
- Legal fees associated with the establishment or maintenance of research contracts or other research agreements will be charged to the applicable research account where legally permissible, or, in other cases, assigned to the appropriate Faculty Dean or Vice-President (Research & International).
- Legal fees associated with philanthropic gifts will be charged to University Advancement.

Exceptions must be approved by General Counsel in consultation with the Chief Advancement Officer.

- Legal fees associated with a position redundancy, termination of employment, human rights complaints, copyright and trademark contracts, grievances, mediations, investigations and arbitrations will be charged to the appropriate Resource Planning Committee.
- Fees for legal services which are deemed discretionary by the General Counsel, and agreed to in advance by the responsible Vice-President, will be charged to that individual's Resource Planning Committee.
- Fees for legal services not otherwise provided for in this Policy and related to lawsuits, criminal matters, or other matters deemed by the General Counsel to be in the best interests of the University will continue to be charged to the central budget.
- Fees for legal services not otherwise provided for in this Policy and related to employment related matters deemed by the General Counsel to be in the best interests of the University will continue to be charged to the central budget.
- Fees for legal services associated with the administration of construction projects will be charged to the associated capital project.

For the purposes of this Policy, "Emergency" shall mean an unexpected circumstance requiring the advice of legal counsel under conditions of sufficient urgency as to make consultation with the General Counsel (or their designate) impracticable. In case of Emergency, approved legal counsel may be retained by the appropriate Vice-President on request from any unit of the University without the necessity of first consulting with the General Counsel, and any fees associated with legal counsel so retained will be charged in accordance with the general guidelines in that respect appearing in this Policy. The relationship with legal counsel emerging from an Emergency will continue to be managed by the General Counsel, as appropriate. For Human resources matters, the General Counsel, the Assistant Vice-President, Human Resources and the Deputy Provost Academic Operations and Planning will agree upon a list of pre-approved external counsel that can be consulted in the event of an emergency.

Roles and Responsibilities

The General Counsel is responsible for the administration of this Policy, ensuring that legal services are retained where appropriate, managing the relationship with external counsel and the assigning of legal charges with the appropriate Vice President. The Assistant Vice-President, Human Resources (for staff matters) and the Deputy Provost Academic Operations and Planning (for academic staff matters) are responsible jointly with the General Counsel for the assigning of charges for legal services retained for human resources matters.

Contacts:

General Counsel

Assistant Vice-President, Human Resources (for staff matters)

Deputy Provost Academic Operations and Planning (for academic staff matters)

