

Policy Name:	External Legal Advice and Charges Policy
Originating/Responsible Department:	Office of University Legal Services
Approval Authority:	Senior Management Committee
Date of Original Policy:	April 1999
Last Updated:	May 2026
Mandatory Revision Date:	May 2031
Contact:	General Counsel

Policy:

Carleton University's external legal affairs will be managed through the Office of University Legal Services.

Purpose:

The purpose of this policy is to ensure that external legal services are sought only 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 external 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. For the purposes of this Policy, "legal services" does not include third-party investigation services.

Procedure:

a. Exclusive Authority

Only the Office of University Legal Services has authority to retain external legal counsel on behalf of the University. No individual or unit, including any faculty member, staff member, Faculty, department or academic unit may independently retain or communicate with external legal counsel in respect of University matters without the prior approval of the Office of University Legal Services.

b. Emergency Exception

In emergency circumstances requiring immediate legal action where consultation with the Office of University Legal Services is not reasonably possible, external counsel may be contacted on a temporary basis, and the Office of University Legal Services must be notified as soon as practicable, and in any event no later than the next business day. The Office of University Legal Services retains the discretion to confirm, modify, or terminate such engagements.

c. Selection and Management of External Counsel

In consultation with the President or the applicable Vice-President responsible for the Unit for which the legal services are sought, the Office of University Legal Services is responsible for:

- the selection of appropriate external legal counsel;
- defining the scope of work;
- managing instructions, performance, and legal risk; and
- approving fee arrangements and billing practices.

d. Responsibility for Legal Costs

External legal costs shall be allocated in a manner that is transparent, equitable, and aligned with the source and nature of the legal matter.

The assigning of charges will be based on the following general guidelines:

- Legal costs will normally be funded centrally where the matter:
 - involves University-wide risk or governance;
 - arises from institutional policy, regulatory compliance, or systemic exposure; or
 - relates to litigation or proceedings affecting the University as a whole.
- Legal costs will normally be charged to a specific unit where the matter:
 - arises primarily from the operations or decisions of that unit; and
 - does not present material institutional risk beyond that unit.
- Legal costs arising from ancillary, commercial, or revenue-generating activities will normally be charged to the responsible unit or activity.
- Fees for legal services associated with the administration of construction projects will normally be charged to the associated capital project.
- Legal fees associated with the Pension Fund will normally be charged to the Pension Fund.
- Legal fees associated with the establishment or maintenance of research contracts or other research agreements will normally 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).
- 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.

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 in consultation with the appropriate senior executive.

Contacts:

General Counsel