

To: ALL MEMBERS OF SENATE

S 241

From: H. M. Evans
Secretary of Senate
and Registrar

Subject: Legal Opinion - Election to the
Board of Governors

Date: June 17, 1969

Legal opinion has been obtained concerning membership on the Board of Governors with particular reference to Section 20(1)(d) of the Universities Act - "The following persons are not eligible to be members of the Board:- Other than the President, any appointee of the Board who receives remuneration from the University".

- 1) President's Research Grants (Graduate Student Awards): Discussion of the terms of the award has been held with the lawyer and under the present terms governing these awards, the holding of such an award, in his opinion, would not constitute grounds for disqualification as a member of the Board of Governors; the holding of the award would not within itself constitute "appointee of the Board who receives remuneration from the University".
- 2) The question of "Graduate Associates" has been discussed. Under the terms of the present policy, the individuals are appointed for three semesters, receive an annual stipend, and part of the stipend is recognized as remuneration, while another part is recognized as an award. Since the appointment is on an annual basis with annual salary being paid on a bi-monthly basis, and the appointment over three semesters, an individual in this category would indeed be receiving remuneration, and this would be over the annual period. The fact that the individual could devote one semester of the three solely to research and without teaching or other service would not, during that semester, remove the fact that his appointment included the period of such semester. Whilst under such appointment, he could not be considered for membership on the Board.
- 3) In the case of an individual who was seeking the position of Chancellor and who at the time was a T.A. receiving remuneration from the University, the question of eligibility was raised and legal opinion obtained. It was agreed that the individual could be nominated for the position on the understanding that, if elected, he could hold office only provided he ceased to be a T.A., i.e. ceased to be an appointee receiving remuneration. On those grounds he was requested to file with me a letter indicating that, if elected, he would indeed immediately terminate his appointment. If necessary, these same procedures could be applied to others who might wish to be considered for election to the Board of Governors. Although the procedures are not considered highly desirable, they would be legal.

It would seem essential that, under such circumstances, the individual concerned give, in writing, his assurance that if elected he would immediately cease to hold any appointment which would disqualify him as, if this were not done, the whole process of nomination and election would become null and void with unfortunate loss of time.