

SIMON FRASER UNIVERSITY

S.71-74

MEMORANDUM

To..... SENATE

From..... K. T. STRAND

PRESIDENT AND CHAIRMAN OF SENATE

Subject..... ELECTION TO THE BOARD OF GOVERNORS
FROM SENATE, S.71-74

Date..... MAY 20, 1971

MOTION: "That Senate recognizes its right to hold an election to the Board but waives that right in order that the person earlier elected continue in office on the Board to May 31, 1972."

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MEMORANDUM

To.....	SENATE	From.....	K. T. STRAND
Subject.....	ELECTION TO THE BOARD OF GOVERNORS FROM SENATE	Date.....	MAY 20, 1971

1. On January 18, 1971, Senate elected three members to the Board of Governors (G. D. Basham, F. D. Hodge, G. A. Sutherland) to replace M. Collins, A.F.C. Hean and J. K. Kenward for the balance of the terms of office, each to May 31, 1972.
2. At that time the term of office for G. D. Basham as Senator was due for expiry May 31, 1971. Election has been held for a replacement on Senate effective June 1, 1971, and G. D. Basham has been re-elected to Senate for the term June 1, 1971 to May 31, 1974.
3. Legal opinion has been sought as to whether an election to the Board is required because of expiry of one term of office as Senator and commencement of a new term. The legal opinion received includes the following:

"If in electing the individual to serve until May 31, 1972, Senate was unaware that the Senator's term would expire in the meanwhile, we believe that a new election should now be held. We do not have a copy of the minutes of the meeting, nor were we there. If, from your memory of the meeting, refreshed by such reference to the minutes as may be necessary, you believe that Senate consciously saw this point and waived its right to a second election then it would be unnecessary to have an election now. If you think the election was inadvertent, then in our opinion a new election should be held to elect a Board member from the Senate."

4. An examination of the minutes of the Senate meeting of January 18, 1971 gives no indication that statements were made concerning the Senate terms of office of any of the five Senator candidates for the three Board positions, and I am unable to state that Senate was conscious of an expiry date of any candidate prior to May 31, 1972.
5. Senate at this time could indicate that

it wishes to instruct the Nominating Committee to bring forward a nomination or nominations for election to be held at the next meeting of Senate

or

it could indicate that it recognizes its right to hold an election to the Board but waives that right in order that the person earlier elected continue in office on the Board to May 31, 1972.

I recommend the following motion to Senate:-

MOTION

"That Senate recognizes its right to hold an election to the Board but waives that right in order that the person earlier elected continue in office on the Board to May 31, 1972."