

SIMON FRASER UNIVERSITY

MEMORANDUM

To: Senate

From: J.P. Blaney
Chair, Senate Committee on
Agenda and RulesSubject: Report of the Ad hoc Committee to Review
the Role of Senate regarding University
Policies

Date: August 27, 1998

In November 1997, Senate appointed an *ad hoc* Committee to review the role of Senate regarding University Policies (SCOU). The membership and terms of reference are attached. The committee reported to SCAR on 23 June, 1998. The report of the committee is attached.

The Senate Committee on Agenda and Rules accepted the report, and accepted the recommendation that the Terms of Reference for SCAR be amended to include the responsibilities as set out in the recommendations.

Motion

"That Senate approve the addition of section 3 to the ^{guidelines}~~terms of reference~~ of the Senate Committee on Agenda and Rules:

3. To receive, in a timely manner, all proposed new University Policies and all proposed revisions to existing policies (excluding those policies negotiated with employee groups), and to determine which policies should be forwarded to Senate. Senate consideration will take one of the following forms:

Approval For those proposed policies and policy revisions which SCAR determines to fall within Senate's jurisdiction as defined by the University Act.

Advice For those proposed policies and policy revisions which SCAR determines to be of direct interest to Senate and which should be discussed at Senate.

Information For those proposed policies and policy revisions which SCAR determines should be circulated to Senate for information."

Prior to new policies or policy revisions being approved or going forward to the Board of Governors for approval, the final version of the policy will be forwarded to the Senate Secretariat for consideration by SCAR. SCAR will determine whether or not the policy should be forwarded to Senate, and if so, whether it shall be forwarded for approval, for advice or for information.

SCAR agreed that Research Policies - R 20.01 Research Ethics, and R 60.01 Integrity in Research and Misconduct in Research be forward to Senate "for approval" when next amended or revised.

SCAR agreed that Research Policy - R 10.01 External Research Grants and Contracts be forwarded to Senate "for advice" when next amended or revised.

SCAR also agreed that the Policy Gazette recommendation should be adopted. This would be implemented in the following manner:

Policy Gazette

1. A Policy Gazette web site will be established on the University Administration Web page and maintained by the Senate Secretariat with the following major components as a minimum:

- Policies under development
- Policies recently approved

Policies under development will contain

- a list of policies which are currently under development or revision;
- a provisional timetable for consultation and completion of the policies/revisions; and
- the name of the person responsible for the policies, revisions and the development/revision process.

Policies recently approved will contain

- a monthly announcement of the approval of new and/or revised policies.
2. The President, Vice-Presidents and others responsible for policy development shall advise the Senate Secretariat of any new policies currently under preparation or any existing policies which are currently under revision.
 3. The Policy Gazette process should be established by October 1, 1998.

Attachments



For Information

Ad Hoc Committee to review the role of Senate regarding University Policies

At the meeting of SCAR held on November 18, 1997, it was agreed that SCAR should establish an *ad hoc* committee to review the role of Senate, consistent with the University Act, regarding university policies. The committee, with membership and terms of reference as set out below, will report to SCAR. After review at SCAR, a report will be forwarded, with recommendations, to Senate.

(SCAR Terms of Reference -

- #1. - To advise the Chair in determining the items for the Open and Closed Agendas of Senate, and
- #2. - To recommend to Senate rules and procedures for the conduct of its business, and
- #3. - To periodically review the structure and terms of reference of the various standing committees of Senate, and to make recommendations to Senate as appropriate.)

Membership:

2 Faculty Senators, selected by SCAR
1 Student Senator, selected by SCAR
1 Dean, selected by the Deans
1 Vice-President, selected by the Vice-Presidents
Director, Secretariat Services (non-voting)
Secretary of the Senate (Chair)

M. Bowman, M. Wortis
N. Parmar
R. Barrow
D. Gagan
A. Watt
W.R. Heath

Terms of Reference:

The University Act sets out the responsibilities of Senate relating to the academic governance of the University. The committee will review existing University policies and determine for each whether or not it should come forward to Senate and if it is agreed that it should come forward to Senate, whether it should come forward for direct approval or for informal discussion or advice.

The committee is to draft a proposal by March 31, 1998 and forward it to SCAR for consideration.

December 15, 1997



Simon Fraser University

Dean of Student Services & Registrar
tel 291-4176; fax 291-5732; email heath@sfu.ca

Memorandum

To: SCAR

From: Ron Heath 
Dean of Student Services & Registrar

Subject: Report from SCoup

Date: June 12, 1998

I am pleased to forward to SCAR the final report from SCoup. This final version of the report has the support of all members of the Committee.

If SCAR chooses to accept the recommendations in the report, I would suggest that SCAR recommend to Senate that the Terms of Reference for SCAR be amended to include the responsibilities as set out in the Recommendations. It would be my understanding that the 'policy gazette' referred to in Recommendation 5 would, under current organization, be the responsibility of the Senate Secretariat which would, therefore, maintain a close relationship and responsibility to SCAR.



Simon Fraser University

Dean of Student Services & Registrar
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Memorandum

To:	Senate Committee on Agenda and Rules	From:	Ron Heath Dean of Student Services & Registrar
Subject:	<i>Ad Hoc Committee to Review the Role of Senate regarding University Policies</i>	Date:	June 1, 1998

Background

The ad hoc Senate Committee on University Policies (hereinafter referred to as SCoup) was established by SCAR/Senate with the following Terms of Reference:

The University Act sets out the responsibilities of Senate relating to the academic governance of the University. The committee will review existing University policies and determine for each whether or not it should come forward to Senate and if it is agreed that it should come forward to Senate, whether it should come forward for direct approval or for informal discussion or advice.

The Committee has met on several occasions since being established and as set out in the Terms of Reference, has reviewed all of the existing policies. The Committee also reviewed the University Act to determine what specific powers are granted to Senate. [See attached Appendix A - Powers of Senate - 37.1.(f)] It is worth noting that one also must consider those powers granted to the Board of Governors since in some specific cases the Board is given power to act "with the approval of Senate" or "in consultation with the Senate". [See attached Appendix B - Powers of Board - 27.1.(f)]

Powers of Senate

The University Act grants to Senate the power to approve, sometimes in concert with the Board, business that is directly associated with the academic governance of the University.

The Act, in Section 37.(o) raises some particular procedural questions as to appropriate process and responsibility in relation to those areas not specifically identified.

Section 37. reads:

The academic governance of the university is vested in the senate and it has the following powers:

(o) to make recommendations to the board considered advisable for promoting the interests of the university or for carrying out the objects and provisions of this Act.

In this case, Senate has 'the power to recommend' as compared to other instances in the Act where it is clear that Senate has 'the power to establish' or 'the power to make rules' or 'the power to determine'. Consequently, our discussion focused on how best to ensure that Senate is apprised of and given the opportunity to comment on policy proposals, consistent with its role.

Any Senator can ask SCAR to consider a Notice of Motion on any policy or policy change coming under the provisions of Section 37.(o), whether or not such policy has traditionally been referred to Senate for information, advice or approval. SCAR must then decide on the appropriateness of the matter for consideration by Senate.

At the same time, the Committee noted that one of the principles in the report of the Committee on Planning Priorities that has been accepted by Senate:

"All areas, including Senate, will review their rules and procedures with the goal of streamlining administrative processes. In particular, we need to place limits on the number of approvals needed before action can be taken on an issue, and the length of time to final approval."

Kinds of Policies

Generally speaking, all University policies fall under one of the following major headings:

- Academic (A Policies)
- Research (R Policies)
- Teaching and Instruction (T Policies)
- General Policies (GP Policies)
- Administrative Policies (AD Policies)
- Information (I Policies)

The Academic (A) Policies for the most part address policies relating to the terms and conditions of employment of faculty. These policies are developed through negotiation between the University and the SFU Faculty Association. Some other policies (particularly the AD policies) relate to the terms and conditions of employment of other employee groups. Those policies that are the subject of negotiated agreements with employee groups have the force of labor contracts. While senators may have an interest in these policies, such interests normally will be expressed through their respective association or union in the negotiation process. For this reason, these policies are not included in the lists of policies which have come or ordinarily should come to Senate for approval or advice.

Recommendations:

Senate has delegated to SCAR the responsibility to 'advise the Chair in determining the items for the Open and Closed Agendas of the Senate' (SCAR, Terms of Reference).

Senate already approves, or has in the past approved, certain existing policies. These policies are:

A 10.04	Hiring Policy
A 12.11	Professors Emeriti/ae
A 13.02	Appointment of Department Chairs/Directors of Schools
A 13.05	Search Committees for Deans
A 13.06	Responsibilities of Deans of Faculties
A 13.07	Terms of Appointments of Deans of Faculties
A 30.01	Code of Faculty Ethics and Responsibilities*
R 40.01	Centres and Institutes
T 10.01	Code of Student Conduct
T 10.02	Code of Academic Honesty
T 10.03	University Board on Student Discipline
T 10.04	Senate Committee on Disciplinary Appeals
T 20.01	Grading Practices and Grade Appeals
T 20.02	Final Examinations
GP 23	University Policy on International Activities
GP 26	Accessibility Policy for Students with Disabilities

* In the event that A30.01 becomes the subject of negotiation between SFUFA and the University, it would not be included in this list for further approval at Senate.

Recommendation 1:

It is the opinion of SCoup that these policies are the appropriate business of Senate as defined by the University Act and that proposed changes to these policies should come forward to Senate for approval.

Recommendation 2:

SCAR shall be advised, in a timely manner, of all proposed new University policies and all proposed revisions to existing policies, (excluding those policies negotiated with employee groups) and SCAR shall determine which policies should be forwarded to Senate. For those policies which are forwarded to Senate, consideration at Senate will take one of the following forms:

Approval

For those proposed policies and policy revisions which SCAR determines to fall within Senate's jurisdiction as defined by the University Act.

(Subsequent or prior approval by some other appropriate body may also be required.)

Advice

For those proposed policies and policy revisions which SCAR determines to be of direct interest to Senate and which should be discussed at Senate.

(Motions or recommendations passed by Senate relating to these items as a result of this discussion would not be binding but would be forwarded for advice to the committee/individual/authority responsible for the policy. In some cases, the policy may be constrained by legislation or an external agency.)

Information

For those proposed policies and policy revisions which SCAR determines should be circulated to Senate for information.

(Motions or recommendations passed by Senate relating to these items as a result of this discussion would not be binding but would be forwarded for advice to the committee/individual/authority responsible for the policy. In some cases, the policy may be constrained by legislation or an external agency.)

Recommendation 3:

SCOUP specifically recommends that the following research policies be forwarded to SCAR with the advice that they should be forwarded to Senate "for approval":

R 20.01 Research Ethics

R 60.01 Integrity in Research and Misconduct in Research

Recommendation 4:

SCOUP specifically recommends that the following research policy be forwarded to SCAR with the advice that it be forwarded to Senate "for advice".

R 10.01 External Research Grants and Contracts

Communication with the Campus Community

A further issue that was discussed at SCOUP relates to the communication of new and revised policies. The complete policies are maintained on the University's Website. While the recommendations proposed above will serve to improve the awareness of Senators relative to new and amended policies, some attention should be given to advise the general campus community about policy changes. This could be accomplished through the creation of a 'policy gazette' on the University's website. The site would contain timely information about all new and revised policies. It might also include notice of policies that are under active review which have general community interest - for instance, the recent Harassment Policy review.

Recommendation 5:

A 'policy gazette' website should be established to provide information to the campus community regarding new and revised policies and to seek input on policies of general interest to the campus.

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appointed or elected, the secretary of the board must enter a declaration of the vacancy in the minutes of the board.

- (2) A declaration under subsection (1) is conclusive evidence of the vacancy.

Method of filling vacancies and effect of vacancy

- 25 (1) If a vacancy exists in respect of an appointed member, the Lieutenant Governor in Council must appoint a person to fill the vacancy.
- (2) If a vacancy exists in respect of an elected member, the appropriate body must elect a replacement.
- (3) A person appointed under subsection (1) or elected under subsection (2) holds office for the remainder of the term for which the person's predecessor was appointed or elected.
- (4) A vacancy on the board does not impair the authority of the remaining members of the board to act.

Meetings of board

- 26 (1) The board must meet as often as is necessary to transact the business of the board, and in any event at least once every 3 months.
- (2) Eight members of the board constitute a quorum for the transaction of business.
- (3) The chair has the same right to vote as the other members of the board, and, in the case of a tie vote on a motion, the motion is defeated, and the chair must so declare.

Powers of board

- 27 (1) The management, administration and control of the property, revenue, business and affairs of the university are vested in the board.
- (2) Without limiting subsection (1) or the general powers conferred on the board by this Act, the board has the following powers:
- (a) to make rules for the meetings of the board and its transactions;
 - (b) to elect from among its members a chair, and, when necessary, an acting chair;
 - (c) to appoint a secretary and committees it considers necessary to carry out the board's functions, including joint committees with the senate, and to confer on the committees power and authority to act for the board;
 - (d) in consultation with the senate, to maintain and keep in proper order and condition the real property of the university, to erect and maintain the buildings and structures on it that in the opinion of the board are necessary and advisable, and to make rules respecting the management, government and control of the real property, buildings and structures;

- (e) in consultation with the senate, to provide for conservation of the heritage sites of the university, including any heritage buildings, structures and land of the university;
- (f) with the approval of the senate, to establish procedures for the recommendation and selection of candidates for president, deans, librarians, registrar and other senior academic administrators as the board may designate;
- (g) subject to section 28, to appoint the president of the university, deans of all faculties, the librarian, the registrar, the bursar, the professors, associate professors, assistant professors, lecturers, instructors and other members of the teaching staff of the university, and the officers and employees the board considers necessary for the purpose of the university, and to set their salaries or remuneration, and to define their duties and their tenure of office or employment;
- (h) if the president is absent or unable to act, or if there is a vacancy in that office, to appoint an acting president;
- (i) to consider recommendations from the senate for the establishment of faculties and departments with suitable teaching staff and courses of instruction;
- (j) subject to section 29 and with the approval of the senate, to provide for the establishment of faculties and departments the board considers necessary;
- (k) to provide for chairs, institutes, fellowships, scholarships, exhibitions, bursaries and prizes the board and the senate consider advisable;
- (l) to receive from the president and analyse and adopt with or without modifications the budgets for operating and capital expenditure for the university;
- (m) to set, determine and collect the fees
 - (i) to be paid for instruction, research and all other activities in the university,
 - (ii) for extramural instruction,
 - (iii) for public lecturing, library fees, and laboratory fees,
 - (iv) for examinations, degrees and certificates,
 - (v) for the use of any student or alumni organization in charge of student or alumni activities, and
 - (vi) for the building and operation of a gymnasium or other athletic facilities;
- (n) to pay over the fees that may be collected for a student or alumni organization that the organization may request;
- (o) to administer funds, grants, fees, endowments and other assets;
- (p) to select a seal and arms for the university and have sole custody and use of the seal;
- (q) to provide for student loans;

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- (r) with the approval of the senate, to determine the number of students that may in the opinion of the board, having regard to the resources available, be accommodated in the university or in any faculty of it, and to make rules considered advisable for limiting the admission or accommodation of students to the number so determined;
 - (s) to enter into agreements on behalf of the university;
 - (t) to control vehicle and pedestrian traffic on the university campus;
 - (u) to acquire and deal with
 - (i) an invention or any interest in it, or a licence to make, use or sell the product of an invention, and
 - (ii) a patent, copyright, trade mark, trade name or other proprietary right or any interest in it;
 - (v) to require, as a term of employment or assistance, that a person assign to the board an interest in an invention or an interest in a patent, copyright, trade mark, trade name or other proprietary right resulting from an invention
 - (i) made by that person using the facilities, equipment or financial aid provided by the board, or
 - (ii) made by that person while acting within the scope of the person's duties or employment, or resulting from or in connection with the person's duties or employment as an officer or employee of the university;
 - (w) to pay to a municipality incorporated by or under an Act a grant in a year not exceeding the lesser of
 - (i) the amount that would be payable as general municipal taxes in the year on property of the university within the municipality if the property were not exempt from these taxes, and
 - (ii) the amount specified by the minister or calculated in the manner specified by the minister;
 - (x) to make rules consistent with the powers conferred on the board by this Act;
 - (y) to do and perform all other matters and things that may be necessary or advisable for carrying out and advancing the purposes of the university and the performance of any duty by the board or its officers prescribed by this Act.
- (3) A person appointed under subsection (2) (h) has, during the period for which he or she is appointed, all the powers, rights and privileges of the president.

- (h) a number of full time students, equal to the number provided in paragraphs (a) to (f), elected from the student association in a manner that ensures that at least one student from each faculty is elected;
- (i) 4 persons who are not faculty members, elected by and from the convocation;
- (j) 4 persons appointed by the Lieutenant Governor in Council;
- (k) one member to be elected by the governing body of each affiliated college of the university;
- (l) additional members the senate may determine without altering the ratio set out in paragraphs (g) and (h).

Term of office

- 36 (1) The term of office of a member of the senate, other than one elected under section 35 (2) (h), is 3 years and after that until a successor is appointed or elected.
- (2) The term of office of a member of the senate elected under section 35 (2) (h) is one year and after that until a successor is elected.
- (3) Members of a senate who remain eligible under section 35 may be reappointed or re-elected in the manner provided under section 35 for further terms.
- (4) If a vacancy arises on the senate, the vacancy must be filled,
- (a) in the case of an appointed member, by the body possessing the power of appointment, or
 - (b) in the case of an elected member, in the manner specified by the senate.
- (5) A person appointed or elected to fill a vacancy holds office for the remainder of the term for which the person's predecessor was appointed or elected.
- (6) The secretary of the senate must enter a declaration of the vacancy in the minutes of the senate.
- (7) A declaration under subsection (6) is conclusive evidence of the vacancy.

Powers of senate

- 37 (1) The academic governance of the university is vested in the senate and it has the following powers:
- (a) to regulate the conduct of its meetings and proceedings, including the determination of the quorum necessary for the transaction of its business, and the election of a vice chair at least annually, who is to chair meetings in the absence of the president;
 - (b) to establish committees it considers necessary and, by 2/3 vote of its members present, to delegate to one or more committees those of its powers as it may determine;

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- (c) to determine all questions relating to the academic and other qualifications required of applicants for admission as students to the university or to any faculty, and to determine in which faculty the students pursuing a course of study must register;
- (d) to determine the conditions under which candidates must be received for examination, to appoint examiners and to determine the conduct and results of all examinations;
- (e) to establish a standing committee to meet with the president and assist the president in preparing the university budget;
- (f) to consider, approve and recommend to the board the revision of courses of study, instruction and education in all faculties and departments of the university;
- (g) to provide for courses of study in any place in British Columbia and to encourage and develop extension and correspondence programs;
- (h) to provide for and to grant degrees, including honorary degrees, diplomas and certificates of proficiency, except in theology;
- (i) to recommend to the board the establishment or discontinuance of any faculty, department, course of instruction, chair, fellowship, scholarship, exhibition, bursary or prize;
- (j) to award fellowships, scholarships, exhibitions, bursaries and prizes;
- (k) to determine the members of the teaching and administrative staffs who are to be members of each faculty;
- (l) to make rules for the management and conduct of the library;
- (m) to establish policies regarding the conservation of heritage objects and collections that are owned by or in the possession of the university or any of its faculties, divisions, departments or other agencies;
- (n) to provide for the preparation and publication of a university calendar;
- (o) to make recommendations to the board considered advisable for promoting the interests of the university or for carrying out the objects and provisions of this Act;
- (p) to deal with all matters reported by the faculties, affecting their respective departments or divisions;
- (q) to establish a standing committee to consider and take action on behalf of the senate on all matters that may be referred to the senate by the board;
- (r) subject to the approval of the board, to enter into agreements with any corporation or society in British Columbia entitled under any Act to establish examinations for admission to the corporation or society, for the purpose of conducting examinations and reporting results, and those corporations or societies have power to enter into the agreements;

- (s) to make rules respecting the conduct and financing of examinations referred to in paragraph (r) and other examinations conducted by the senate under any other Act;
 - (t) to make rules respecting the reporting of results of examinations referred to in paragraphs (r) and (s);
 - (u) to set the terms of affiliation with other universities, colleges or other institutions of learning, and to modify or terminate the affiliation;
 - (v) to establish a standing committee of final appeal for students in matters of academic discipline;
 - (w) to establish a standing committee on relations with other post secondary institutions in British Columbia;
 - (x) to require any faculty to establish an advisory committee consisting of students of the faculty and members of the community at large.
- (2) A vice chair elected under subsection (1) (a) must not serve more than 2 consecutive terms.
- (3) No part of the cost of examinations referred to in subsection (1) (r) or (s) may be a charge on or be paid out of university funds.