THE UNIVERSITY OF BRITISH COLUMBIA

AD HOC COMMITTEE REPORT

To: Council of Senates June 1, 2006

From: Ad hoc Committee to Consider Council Membership

Re: **Composition of the Council of Senates**

Background and Context

In March 2005, the Interim Academic Governing Body for UBC Okanagan and the Vancouver Senate each established ad hoc committees to consider issues related to the establishment of the Council of Senates as a new governing body of the University operating under the *University Act*, RSBC 1996, c. 468. The two campus-based ad hoc committees met both separately and together and ultimately filed a joint report to the two Senates in November 2005, the Joint Senates Report (JSR). The report made recommendations on the role of the Council, its rules and procedures, its membership, and member terms of office.

The recommendations in the JSR were accepted by the Vancouver Senate, but rejected by the Okanagan Senate. The difference of opinion between the Senates was directly related to issue of equal vs. unequal representation for each campus on the Council. The JSR recommended that, of the "up to 10 chairs of the standing committees" of each senate permitted by Sections 38.1(1)(h) and (i) of the *University Act*, eight chairs be elected from among the chairs Vancouver Committees and six chairs be elected from among the chairs of Okanagan Committees. Members of the Okanagan Senate expressed the opinion that representation should be equal.

At its inaugural meeting on March 17, 2006, the Council of Senates created the present ad hoc committee to consider Council Membership (CCCM), and it was charged to make recommendations to Council on the allotment of Senate committee chair seats, and on general membership issues. The CCCM met once in Vancouver on May 10, 2006 and is pleased to provide its report to Council.

Recommendations

General Caveat on Recommendations

The Committee is acutely aware that in most cases the power to effect the changes contained in the following recommendations does not rest solely with the Council of Senates. In some cases, the Council of Senates has no authority other than the ability to make a recommendation to a person or body. Decision maker(s) associated with each recommendation are noted.

Senate Committee Chairs

The CCCM recommends:

1. **That the chairs of four standing committees of each Senate be elected to serve on the Council of Senates** (Decision makers: Council to recommend to President, President to recommend to provincial government, provincial government to amend the *University Act)*.

2. **That the chairs of standing committees serving on the Council of Senates be specified ex-officio as the chairs of those committees charged with considering matters of admissions, curriculum, and academic policy at each campus, plus one other committee of each Senate recommended by each Senate** (Decision makers: Council of Senates, Vancouver Senate, Okanagan Senate to amend their respective Rules and Procedures; at the Council of Senates, this would form a recommendation to the sub-set of Councillors that elect committee chairs to the Council.).

Discussion

These recommendations result in an overall reduction of the number of committee chairs from a possible total of 20 under the current iteration of the *University Act* to a specified total of eight. A reduction in number of chairs would not strictly require a legislative change to Sections 38.1(1)(g) and (h) because the current language is "up to 10 chairs," but the Committee would prefer a legislative change over an amendment to Council rules and procedures.

The three specified Committees represent the fundamental concerns of the University that fall within the jurisdiction of Senates: the admission and instruction of students.

The decision to recommend equality of representation was the majority opinion among Committee members. Those in favour of equal representation on the Council expressed the opinion that, even though Councillors will undoubtedly endeavour to represent the UBC system as a whole, it remains important to avoid assigning a de facto veto to one campus or the other. The minority opinion was that the Vancouver campus should be afforded a larger number of seats on the Council to reflect, in some small measure, its larger size and longer history of operation as a research institution. The counter argument is that the Okanagan campus requires decision-making equality to fully realize its autonomy and distinctiveness within the UBC system. All members expressed a willingness to ultimately support equality as a recommendation of the Committee.

Members of the Senates Elected to Serve on the Council of Senates

The CCCM recommends:

3. **That the number of Senators elected by each Senate to serve on the Council of Senates be increased from four to nine** (Decision makers: Council to recommend to President, President to recommend to provincial government, provincial government to amend the *University Act).*

4. **That the above-mentioned nine elected seats from each Senate be allocated as follows** (Decision makers: *Council to recommend to each Senate, each Senate to amend its Rules and Procedures.).*

   (a) One dean, elected by each Senate with consideration given to the recommendation of that Senate's deans;

   (b) Four faculty members holding elected positions on each Senate, elected by each Senate with consideration given to the recommendations of faculty members holding elected positions on that Senate;

   (c) Three Student Senators, one of whom must be a graduate student, elected by each Senate, with consideration to recommendations made by the respective student members of each Senate.

   (d) One Convocation Senator, elected by each Senate, with consideration to a recommendation made by the respective convocation members of each Senate.

Discussion

This change would result in an increase of Senators serving on the Council of Senates from eight to 18. Together with the proposed reduction of 12 Councillors in Recommendation 1, the total impact on Council membership would be a net decrease of two Councillors. The two changes taken together would result in an increase in elected representation, with consideration given to the wishes of constituent groups of Senators, and a decrease in ex-officio representation. This recommendation would require a legislative change to Sections 38.1(1)(e) and (f) of the *University Act*.

Presidential Appointees to the Council

The Committee discussed in some detail Section 38.1(1)(g) of the *University Act*, which specifies that the President may appoint one or two representatives to the Council. The Committee is aware that this section could be used to appoint the Deputy Vice-Chancellor from UBC Okanagan, should that position be separated from that of Vice-President, Academic at some point in the future. Some members of the Committee felt that this section should be deleted altogether. Other options include specifying one appointed representative from each Senate, thereby eliminating the possibility of one appointee (which would make representation unequal). The Committee observes that

the current language in Section 38.1(1)(g), “designated for the Okanagan Senate” and “designated for the Vancouver Senate” appears to be unclear and expressed a preference for the word “from” to replace “for” in each case. **The Committee is not prepared to recommend a specific course of action on the matter of presidential appointees at this time, but would support additional discussion by the Council as a whole.**

Chair and Vice-Chair of the Council of Senates

Although the Committee recognizes that the issue of Chair and Vice-Chair of the Council of Senates was not included in our charge, these matters arose in the course of our discussion. The CCCM did not feel that its report would be complete without the addition of a recommendation on this issue.

5. **That the Chair and Vice-Chair of the Council of Senates be elected by the Council of Senates to serve terms of one year or until replaced** (Decision makers: Council to recommend to President, President to recommend to provincial government, provincial government to amend the *University Act).*

Discussion

This recommendation aligns with the recommendation of the recent review of the Vancouver Senate (March 2005) as well as with the general position of the Committee that elected representation on the Council**, including its Chair and Vice-Chair, is preferred over appointed or ex-officio service. The Committee wishes to be absolutely clear that this recommendation is in no way related to the performance or anticipated performance of our current or incoming Presidents, but is offered on the basis of principle.**

Implementation of Recommendations

The Committee is aware that changing the University Act is not a trivial matter, that other possible changes are under consideration by the Senates, and that it would be preferable to send all suggestions for legislative amendment to the provincial government at the same time. At the same time, should the Council accept the recommendations of the CCCM, a status report filed six months later would be of value to the Council of Senate’s record. It is suggested that the Council of Senates might wish to make a recommendation, as follows.

6. That the President report to Council of Senates by December 2006 with respect to the status of recommendations made in the report of the CCCM.

Respectfully submitted by Committee Members:

Principal John Gilbert (Vancouver) (Chair)
Dean Bernard Bauer (Okanagan)
Dr. Paul Harrison (Vancouver)
Mr. Matt Koovisk (Okanagan)
Dr. David McLean (Vancouver)
Mr. Philip Orchard (Vancouver)
Dr. Daniel Salhani (Okanagan)
Mr. Brian Silzer (Secretary)
Dr. Maurice Williams (Okanagan)

By invitation: Ms. Lisa Collins and Mr. Christopher Eaton

Appendix A: Recommended Changes to Rules and Procedures

Okanagan & Vancouver Senates

NB: These changes will require the consent of each Senate.

NEW: Part 6 – Council of Senates Members

37) Election of Representatives

A) Senate shall elect nine (9) representatives to the Council of Senates, to serve terms of no more than three (3) years. Those representatives shall be apportioned as follows:

i) One (1) dean, elected by Senate with consideration given to the recommendation of the deans on Senate.

ii) Four (4) faculty members from those elected to Senate, elected by Senate with consideration given the recommendation of the elected faculty members on Senate

iii) Three (3) student from those elected to Senate – one of whom must be a graduate student – elected by Senate with consideration given to the recommendation of the student members on Senate

iv) One (1) convocation member from those elected to Senate, elected by Senate with consideration given to the recommendation of the convocation members on Senate.

B) The recommendations required under Section 37 (A) (i-iv) shall be requested by the Secretary of Senate upon declaration of a vacancy on the Council of Senate.

C) To be valid, a recommendation must be sent to the Secretary to Senate in writing and signed by a simple majority of the deans, or faculty, student, or convocation members on Senate eligible for the position in question.

D) Notwithstanding Section 37, Senate reserves the right to appoint representatives to the Council of Senates without a recommendation to consider should a vacancy exist on the Council of Senates for more than six (6) months without a recommendation being made to fill the vacancy in question. In doing so, Senate shall respect the apportionment of seats set out in Section 37.

38) Standing Committee Chairs

(Vancouver Language)

A) The chairs of the Curriculum, Admissions and Academic Policy Committee shall be recommended to the members of the Council of Senates who elect Committee chairs as those chairs to be elected. Additionally, the Nominating Committee shall recommend to Senate a fourth standing Committee, the chair of which shall also be recommend to said members for election.

B) The Nominating Committee shall review the recommendation of the fourth chair specified above during its triennial review of committee terms of reference.

(Okanagan Language)

A) The chairs of the Curriculum, Admission & Awards, & Policy and Procedures Committees shall be recommended to the members of the Council of Senates who elect Committee chairs as those chairs to be elected.. Additionally, the Nominating Committee shall recommend to Senate a fourth standing Committee, the chair of which shall also be recommend to said members for election.

B) The Nominating Committee shall review the recommendation of the fourth chair specified above during its triennial review of committee terms of reference.

Appendix B: Proposed Changes to the *University Act*

For clarity, the Committee sets out the current state of the relevant sections of the *Act* on the left, and how the Committee proposes they be drafted on the right. The Committee is under no false impression that the Government will not exercise its right to draft legislation in whatever ways it find most effective – assuming it agrees to the proposals generally – but sets this out purely for the convenience of readers in determining the Committee's exact intent. The Committee further notes that is unrelated text in these sections of the Act that the University is already in the process of requesting amendments to by the Legislature

Current *Act* Language:
Council of senates of the University of British Columbia

38.1 (1) A council of senates of the University of British Columbia is established for the University of British Columbia and is composed of the following:

(a) the chancellor;
(b) the president, who is the chair;
(c) the academic vice president or equivalent, for the parts specified under section 3.1;
(d) the academic vice president or equivalent, for the parts of the university not specified under section 3.1;
(e) 4 persons, who are not referred to in paragraphs (a), (b), (c) or (d), elected by the Vancouver senate from among its members;
(f) 4 persons, who are not referred to in paragraphs (a), (b), (c) or (d), elected by the Okanagan senate from among its members;
(g) one or 2 persons designated by the president and, if 2 are designated, one must be designated for the Okanagan Senate and one must be designated for the Vancouver Senate;
(h) up to 10 chairs of the standing committees of the Vancouver senate elected by the persons referred to in paragraphs (a) to (g);
(i) up to 10 chairs of the standing committees of the Okanagan senate elected by the persons referred to in paragraph (a) to (g).

(2) The vice chair of the council is the member of the council specified by the president and serves as chair in the absence of the president.

(3) The term of office on the council of an person referred to in subsection (1) (e) or (f) is 3 years from the date of their election and they may continue in office after that date until another person is elected to the position.

(4) The fact that persons referred to in subsection (1) (e) or (f) cease to be members of the Vancouver senate or the Okanagan senate does not disqualify them from completing their term of office on the council of senates of the University of British Columbia.

Proposed *Act* Language:
Council of senates of the University of British Columbia

38.1 (1) A council of senates of the University of British Columbia is established for the University of British Columbia and is composed of the following:

(a) the chancellor;
(b) the president;
(c) the academic vice president or equivalent, for the parts specified under section 3.1;
(d) the academic vice president or equivalent, for the parts of the university not specified under section 3.1;
(e) 9 persons, who are not referred to in paragraphs (a), (b), (c) or (d), elected by the Vancouver senate from among its members;
(f) 9 persons, who are not referred to in paragraphs (a), (b), (c) or (d), elected by the Okanagan senate from among its members;
(g) one or 2 persons designated by the president and, if 2 are designated, one must be designated for the Okanagan Senate and one must be designated for the Vancouver Senate;
(h) up to 4 chairs of the standing committees of the Vancouver senate elected by the persons referred to in paragraphs (a) to (g);
(i) up to 4 chairs of the standing committees of the Okanagan senate elected by the persons referred to in paragraph (a) to (g).

(2) The chair and vice chair of the council are to be elected at least annual by the Council,

(3) The term of office on the council of an person referred to in subsection (1) (e) or (f) is 3 years from the date of their election and they may continue in office after that date until another person is elected to the position.

(4) The fact that persons referred to in subsection (1) (e) or (f) cease to be members of the Vancouver senate or the Okanagan senate does not disqualify them from completing their term of office on the council of senates of the University of British Columbia.