

SIMON FRASER UNIVERSITY

S.78-18

MEMORANDUM

To: SENATE

From: SENATE COMMITTEE ON AGENDA AND RULES

Subject

PROPOSED AD HOC SENATE
COMMITTEE ON STUDENT REPRESENTATION
(SCSR)

Date: JANUARY 23, 1978

MOTION: "That Senate establish the Senate Committee on Student Representation (SCSR), ad hoc, Reporting Category "C".

The terms of reference shall be:

1. To develop and recommend to Senate a set of guidelines for student representation in University governance in
 - a. the Faculties and their committees, and
 - b. the academic Departments and Programs and their committees.
2. These guidelines shall be used to assist Senate in consideration of all rules submitted to Senate by the faculties concerning student representation in 1a. and 1b. above.
3. These guidelines shall also assist the individual faculties in establishing rules and regulations regarding student representation in Faculties, academic Departments and Programs.
4. This committee shall invite submissions from all of the Faculty Deans, chairpersons of academic Departments and Programs, departmental student unions and other interested parties.
5. The meetings and proceedings of this committee shall be open to all interested members of the University community.
6. This committee shall make its recommendations to Senate not later than October 31, 1978.

The composition of this committee shall be as follows:

- two faculty members elected by and from the members of Senate, and
- two students appointed by the SFSS Student Forum, and
- one person elected by Senate from among the lay members of Senate.

The chairperson shall be elected by and from the members of the committee."

**ASSOCIATION des ÉTUDIANTS | SIMON FRASER
de SIMON FRASER | STUDENT SOCIETY**

MEMORANDUM

To..... Dr. Pauline Jewett

From..... Brad Palmer

Subject..... Student Representation

Date..... January 20, 1978

The draft I have enclosed incorporates the points we agreed to in our discussion this morning regarding the nature and terms of reference of the proposed Senate committee on student representation. I have also incorporated a few additional suggestions regarding terms of reference and composition. If you think that further discussion would be useful before the Tuesday meeting of S.C.A.R. please leave word with the SFSS Secretary at Local 3181.

Hank Benoit is in the process of preparing a somewhat lengthy rationale for our proposal which he will forward to you at the beginning of next week.

RATIONALE

The proposal to establish a Senate committee on student representation should be seen as part of a continuing process of defining an appropriate role for students in the governance of the University. In the early spring of 1976 the Committee on Student Rights for Participation in University Governance was established in the Faculty of Arts. This committee was chaired by the former dean of the Faculty, W.A.S. Smith, and it was created at the request of President Jewett as a way of initiating what was hoped to become a university-wide review of the issue of student representation.

The Smith Committee saw as its terms of reference to collect information and then make recommendations for ways to improve the involvement of students in the governance activities of the University.

The Committee collected copies of departmental constitutions and policies and procedures regarding student representation. Unfortunately, for several reasons it was unable to complete its plans for a set of meetings (or interviews) with department chairpersons, faculty members and members of student unions. The Committee was also unsuccessful in soliciting written submissions from these and other interested parties.

In his final report Dean Smith cited the following as among the reasons for the Committee's inability to complete its work:

1. a problem in maintaining a constant and complete membership in part as a result difficulties caused by the summer semester,
2. the lack of well established student unions in most of the departments of the Faculty.

In this same report Dean Smith made the following recommendations:

"...it seems to me essential that the focus move from the Faculty to the University level if real progress beyond the descriptive or data collecting phase is to occur. Thus I think it is important that your (President Jewett's) office, possibly through the appointment or delegation of responsibility for chairing the activities, assume responsibility for the Committee."

It is important to note that since the writing of this report (Sept. 30, 1976) there have been a number of significant developments within the student community that serve to focus attention on the question of student involvement in university governance. Perhaps the most significant of these developments has been in the formation of departmental student organizations or student unions.

In August of 1976 the Simon Fraser Student Society created the position of Student Union Fieldworker as a full-time staff position to assist and counsel students in the formation and development of student unions. In September the members of the SFSS Executive Council established a standing committee to administer a system of semesterly operating grants and other funds required to finance the operations of the unions. To legitimize this new level of student involvement major revisions

in the Student Society's constitution were approved by the membership at their annual general meeting. A new by-law was incorporated which clearly states the conditions that must be satisfied for a student union to be recognized by the Society as the legitimate medium of student representation within a university department or academic program. Finally the primary policy-making body of the Student Society was altered to provide the members of each student union with a voting representative on the new Student Forum.

Since the time when Dean Smith presented his final report to President Jewett there has been a dramatic increase in the number of established and recognized departmental student unions. At present there are no less than eighteen student unions out of a potential total of twenty-five if one includes General Studies and the five area studies programs of the Faculty of I.D.S. The students, working through their departmental student unions are now in an excellent position to respond to a request for submissions from the proposed Senate committee on student representation.

In addition to these structural or organizational changes there have been a number of events in recent months which point to the need for a clear set of guidelines to clarify the rights of students to participate in the governance of the University in the Faculty and Departmental levels.

There continues to exist a number of academic departments which operate without voting student representatives on any departmental committees. Among those departments which make some provision for student representation there continues to exist a significant variation. Many Faculties and departments provide for student representation only on their standing committees and not within their "general meetings" which usually retains the authority for making "final" decisions on most questions of direct concern to students.

During the previous semester the members of several student unions have made attempts to obtain representation on departmental committees and general meeting. These attempts have largely been unsuccessful in part as a result of the lack of a clear set of guidelines or policy within their particular Faculties.

The recent experience of several student unions with the S.C.U.S. grading proposals has also served to illustrate the need for the establishment of a clear and consistent set of minimum standards for student representation. These student unions found that they were not able to fully participate through elected representatives in their Department's consideration of the grading proposals.

The issue of student representation was also a topic of considerable discussion at the Common Coals Workshop held in Sechelt in November of last year. Among the students, faculty members and administrators who attended the conference there was general agreement as follows:

"The Senate should strike a Senate Committee on University Governance. The Committee should work toward more student representation, especially at the Departmental level, and toward University-wide standards."

from the minutes of the
Conference as recorded by
Bill Stewart, Director,
Student Services

As a final point it is interesting to note that since the passage of the new Universities' Act the only Faculty, to our knowledge, that has proposed rules and regulations concerning student representation has been the Faculty of Arts. At the request of representatives of the Simon Fraser Student Society, Dean Munro has agreed to postpone bringing the proposed regulation before Senate until Senate has had an opportunity to develop policy to ensure the consistent treatment of proposed rules and regulations of a similar nature which should be forthcoming from the other Faculties of the University.

In conclusion, there is a pressing need for Senate to establish a clear set of guidelines concerning student representation. The members of the student community see this issue as a high priority, and, working through their departmental student unions, they are prepared to co-operate in every possible way with a Senate committee formed for this purpose.

SIMON FRASER UNIVERSITY

S.78-18

MEMORANDUM

SENATE

From SENATE COMMITTEE ON AGENDA AND RULES

STUDENT REPRESENTATION

Date JANUARY 24, 1978

Subject

Attached is a draft regarding the nature and terms of reference of a proposed ad hoc Senate Committee on Student Representation, submitted by Senator Brad Palmer.

Upon the recommendation of the Senate Committee on Agenda and Rules and with the concurrence of Senator Palmer, the proposal with accompanying rationale is now presented to Senate for information and informal discussion at its February 6, 1978 meeting.

It is intended that after determining the general desires of Senate, the Senate Committee on Agenda and Rules in cooperation with the proposer of the original request will undertake to present a proposal for formal consideration by Senate at its meeting on March 6, 1978.

It is intended that discussion at the February meeting not exceed thirty minutes.

To SENATE - For INFORMATION

APPENDIX 1

to
S 78-18

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SHRUM, LIDDLE & HEBBENTON

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February 1, 1978

Simon Fraser University
Burnaby, B.C. V5A 1S6

Attention: Mr. H.M. Evans,
Registrar

Dear Sirs:

Re: Relations between Constituent
Parts of the University

You have asked us two questions with respect to the relations between constituent parts of the University. Your first question relates to the meaning of the expression "with the approval of" or "subject to the approval of" which is found in section 28(e) and 37(q) of the Universities Act (the "Act"). In section 28(e), the expression is used in a provision stating that the board has the power to establish procedures for the recommendation and selection of candidates for president, dean, etc., with the approval of the senate. In section 37(q), the Act states that the senate has the power to enter into agreements with certain corporations and societies to prescribe and conduct examinations, subject to the approval of the Board.

In our opinion, these provisions establish what we describe as a "twin-veto" procedure. That is, each of the bodies must concur in the decision before it becomes effective. By concur, we mean that each body must reach the same decision. If there is some dispute as to the language in which the decision is expressed, then there is no decision. It is not open for one or the other bodies to re-phrase the decision of the other in a situation where the language used has any different meaning. Differences of mere form may be disregarded but the substantive meaning of each decision must be the same. For example, while it would be open for a body using traditional dating such as "January 25th, 1978" to substitute this expression if another part of the University has used "metric" dating (1978:1:25), it would not be permissible for one body to substitute the word "significant" where the other body has used the word "important".

We appreciate that the result of our opinion is that

February 1st, 1978

when one body determines something "significant" which another body determines as "important" an impasse remains and no decision applies until such time as the two bodies can negotiate wording acceptable to each of them. We suggest that to avoid such a difficulty the approving body adopt the proposal by specific reference to the resolution or other decision of the other body, and perhaps attach the proposal as an appendix.

Your second question is more difficult. You have asked whether the senate can set guidelines for student participation and impose those guidelines on faculties. Section 40(b) of the Act provides that a faculty has the power and duty to provide for student representation in the meetings and proceedings of the faculty. Section 40(c) provides that a faculty has the power and duty to make rules and regulations for the government, direction and management of the faculty and its affairs and business, subject to the approval of the senate. Section 41 states that a general rule or regulation is not effective or enforceable until a copy of such rule or regulation has been sent to the senate and received senate approval. These statutory provisions appear to conflict with each other. When such conflict arises, the rule of statutory construction is that one must attempt to find room for each provision to operate.

In our opinion, the overriding intent of the Act is that the main authority of academic government is the senate. We reach this conclusion in reliance on the principal part of section 37, on the plain language of section 41 and on the fact that of the eight subsections of section 40, no fewer than five of them refer to the controlling power of the senate. We conclude therefore that if the senate has made rules relating to student representation in faculties, then those rules must be followed by every faculty. If however, the rules developed by the senate for student representation are merely permissive, then it is up to each faculty to decide the manner in which students participate in its government. Hence, in answer to your query our answer would be in the affirmative, that the senate can set guidelines for student participation and can impose those guidelines on faculties.

Yours very truly,

SHRUM, LIDDLE & HEBENTON


Ted Zacks