

MEMO

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ATTENTION	SFU Senate
FROM	Joy Johnson, Chair – Senate Committee on Agenda and Rules
RE	SCAR Guideline Amendment
DATE	January 25, 2022

MOTION:

“That Senate adopt the Principles on University Policies and the Involvement of Senate and approve the revised Section 3 of the guidelines of the Senate Committee on Agenda and Rules”

BACKGROUND

In March 2020, SFU’s Board of Governors approved a new policy on University Policies (B10.00) which formalizes the process for development, review, and approval of University Policies.

During the development of B10.00, the SCAR Guidelines (see below at page 5 of this memo) came to the attention of former SFU President Petter. It was noted that the process outlined in the SCAR Guidelines with respect to university policies had not been followed for at least a decade and is, in any event, inconsistent with the jurisdictional division of powers between the Senate and the Board as set out in the *University Act*.

The SCAR Guidelines also raise a practical procedural issue. If a policy is obviously unrelated to Senate’s academic jurisdiction and is unlikely to be of interest to Senate (for example, the University’s Petty Cash Policy AD-3.1), providing it to SCAR to determine whether and when it should be sent to Senate adds an extra layer of process which creates uncertainty and potentially results in unnecessary delay in bringing the policy forward to the Board of Governors for approval in a timely manner. The Board does not meet every month. Deadlines for Board submissions do not align with SCAR submission deadlines or meetings, Senate meetings, and so on. Just as SCAR’s objective is to ensure that “*items falling under the business of Senate, as determined by the University Act ... reach the agenda in a timely and appropriate manner*” the objective of SFU’s Executive and the Board’s Governance and Nominating Committee is to ensure efficient, timely, and effective Board processes – and that items falling under the business of the Board, as

determined by the *University Act*, reach the BOG’s agenda in an efficient and timely manner.

In the fall of 2021, the University Secretariat undertook the creation of a spreadsheet listing the University Policies currently posted on SFU’s Policy Gazette [[Policy Gazette - Policies and Procedures - Simon Fraser University \(sfu.ca\)](#)] (“the Spreadsheet”). The Spreadsheet records whether and when those policies were previously brought to Senate, and for what purpose. The Spreadsheet was created by reviewing the Agendas, Minutes, and supporting documents archived on the Senate Documents site [[Senate documents - Senate - Simon Fraser University \(sfu.ca\)](#)].

Applying the Principles outlined below, the University Secretariat organized the policies on the Spreadsheet under the following seven headings, referencing specific sections of the *University Act* with the corresponding “Going Forward” actions:

Heading	Going Forward action
Senate academic governance, s.37(1)	Academic governance of Senate, to approve revisions
Board, with the approval of Senate, s.27(2)(f)	Senate to approve revisions and to recommend the revised policy to the Board of Governors
That Board and Senate consider advisable, s.27(2)(k) and s.37(1)(i)	Senate to approve revisions and to recommend the revised policy to the Board of Governors
Senate to approve and recommend to the Board	Senate to approve revisions and to recommend the revised policy to the Board of Governors
Senate for advice	To Senate for advice
Senate for information	To Senate for information
Exclusive Jurisdiction of the Board	Exclusive jurisdiction of the Board

PRINCIPLES on UNIVERSITY POLICIES and the INVOLVEMENT of SENATE

As noted above, the action stated in the Going Forward column on the Spreadsheet is based on the following Principles:

Under s.37 of the *University Act*, the academic governance of the university is vested in the Senate. Policies within the academic governance jurisdiction of Senate either originate through a Senate committee or through an administrative unit of the university, and come forward to Senate for approval.

Under s.27 of the *University Act*, the management, administration and control of the property, revenue, business, and affairs of the university are vested in the Board of Governors. Unless a policy falls within one of the categories in section 3 below, or falls under the authority delegated by the Board to its Human Resources Committee, the policy will be approved by the Board after community consultation.

In some subject areas, the *University Act* requires the Board to seek the approval of Senate, or to consult with Senate, or to consider recommendations from Senate. Specifically:

Board, with the approval of Senate

- a. Under s.27(2)(f) of the Act, the Board is empowered to establish procedures for the recommendation and selection of candidates for specified positions, but the Board is required to obtain Senate's **approval** of those procedures. These are provided to Senate for **approval and recommendation** to the Board of Governors.
- b. Under s.27(2)(k) of the Act, the Board is empowered to provide for chairs, institutes, fellowships, scholarships, exhibitions, bursaries and prizes that the Board and the Senate **consider advisable**; and under s.37 of the Act, Senate recommends to the Board the establishment or discontinuance of chairs, fellowships, prizes, etc. These policies are provided to Senate for **approval and recommendation** to the Board of Governors.
- c. Under s.27(2) (i) and (j) of the Act, the Board considers recommendations from Senate and, with the **approval** of Senate (and subject to s.29) provides for the establishment of the faculties and departments the Board considers necessary. These policies originate with Senate or are provided to Senate for **approval and recommendation** to the Board of Governors.
- d. Under s.27(2) (r) of the Act, the Board determines, **with the approval of Senate**, the number of students that may be accommodated in the university or in any faculty and makes rules considered advisable for limiting the admission or accommodation of students to the numbers so determined. These policies originate with or are provided to Senate for **approval and recommendation** to the Board of Governors.

Board, in consultation with Senate

- e. Under s.27(2)(d) of the Act, the Board, **in consultation** with Senate, is empowered to maintain and keep in proper order and condition the real property of the university, to erect and maintain buildings and structures that the Board considers necessary, and to make rules respecting the management, government and control of the real property, buildings, and structures. These policies are provided to Senate **for consultation**.
- f. Under s.27 (2)(e) of the Act, the Board, **in consultation** with Senate, is empowered to provide for conservation of heritage sites of the university. These policies are provided to Senate **for consultation**.

In some instances, although the *University Act* does not explicitly require Senate involvement, the Policy Authority may wish to seek input and advice from Senate before taking a policy forward to the Board for approval. At the discretion of the Policy Authority, such a policy may be provided to SCAR, with a request that it be taken forward to Senate for input and advice. It is up to SCAR to determine whether such a policy will go forward to Senate, and if so, whether for advice or simply for information.

In some instances, although the *University Act* does not explicitly require Senate involvement, a Board policy has university-wide application and impact and as such is of interest to the university community as a whole (for example, GP16 Control of Smoking and Other Tobacco and Cannabis Use on Campus) or may be of particular interest to members of Senate (such as GP04 Unscheduled Cancellation of Classes). In such cases the policy should be provided to SCAR. It is up to SCAR to determine whether such a policy will be circulated to Senate for information.

SCAR initially discussed a draft spreadsheet on November 22, 2021. At its meeting on December 14, 2021, SCAR considered and discussed the revised Spreadsheet as well as the recommended actions in the Go Forward column and the Principles upon which those recommended actions are based.

At its meeting on January 25, 2022:

SCAR passed a motion approving the Principles on University Policies and the Involvement of Senate. SCAR also decided to make the Spreadsheet available to Senate, for Senate's information.

SCAR discussed and approved revisions to Section 3 of the SCAR Guidelines (those revisions are set out below)

Pursuant to the Motion on page 1 of this memo, SCAR now seeks approval from Senate to revise section 3 of SCAR's Guidelines. The revised wording of the Guidelines:

preserves SCAR's role in providing advice to the Chair of Senate in relation to those proposed new University Policies and proposed revisions to existing University Policies that are required to be forwarded to Senate pursuant to the *University Act* **and** with respect to those additional policies that are referred to Senate by the Policy Authority. It does not limit SCAR's general mandate to determine the matters that go to Senate. The preamble to SCAR's Guidelines (to which no changes are proposed) stipulates that, "*SCAR determined that its objective should be to ensure that items falling under the business of Senate, as determined by the University Act and the Rules of Senate, reach the agenda in a timely and appropriate manner.*"

SCAR's GUIDELINES (REVISED)

3. SCAR shall, in a timely manner, receive and review all proposed new University Policies and proposed revisions to existing University Policies that are, pursuant to the Principles on University Policies and the Involvement of Senate, required to be forwarded to Senate in accordance with the *University Act* and any other University Policy that is referred to Senate by the Policy Authority.

When a University Policy is provided to SCAR:

- a. for the approval of Senate and recommendation to the Board of Governors, SCAR shall determine when to forward the policy to Senate.**
- b. for consultation with Senate, SCAR shall determine when to forward the policy to Senate.**

c. for input and advice from Senate, SCAR shall determine whether and when to forward the policy to Senate, and whether it will be forwarded for advice or information.

d. for the information of Senate, SCAR shall determine whether and when to forward the policy to Senate. “

SCAR’s CURRENT GUIDELINES

For the information of Senators, SCAR’s current Guidelines [[SCAR - Senate - Simon Fraser University \(sfu.ca\)](#)] state:

SCAR determined that its objective should be to ensure that items falling under the business of Senate, as determined by the University Act and the Rules of Senate, reach the agenda in a timely and appropriate manner. The following guidelines will be followed by SCAR in its consideration of potential agenda items:

1. The agenda for each meeting of Senate shall include a statement as to the deadline for receipt of potential agenda items for the next meeting of Senate. ...
2. SCAR will receive and consider the disposition of all such requests.

If it is the decision of SCAR that the items falls under the jurisdiction of Senate as defined by the University Act, ...

...

If it is the decision of SCAR that the item does not fall under the business of Senate as defined by the University Act, the committee or individual proposing the item will be so informed. ...

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.