

SIMON FRASER UNIVERSITY

McTaggart

Paper S-131(a)

MEMORANDUM

SM 9/9/68

To Senate

From P. D. McTaggart-Cowan, Chairman

Senate

Subject Comments on the Report of the Senate Committee on Terms of Appointment and Tenure

Date April 29, 1968

14733-PC

I have read the report of Dr. Vidaver's Committee dated the 23rd of April. I suggest Senate should consider the following concerns.

I suggest first it will be necessary to make clear whether the statements contained in the report constitute recommendations for changing the present Universities Act, or recommendations regarding procedures that might be adopted forthwith involving operations within the Act.

Assuming it is the latter, I suggest we can also assume that the drafting of the present Act was such as to avoid, as far as possible, overlapping or conflicting areas of responsibility between the Board and the Senate. Therefore, I suggest we must take Article 46 (d) as definitive, i. e. that the appointment, the fixing of salaries, and the definition of duties and tenure of office are the responsibility of the Board of Governors. On the other hand, it is quite clear that Senate, through its approval of the establishment or discontinuance of any faculty, department, course of instruction, chair, etc., can clearly influence the academic development and the balance among the faculties. Similarly in Article 54 (k), Senate can make such recommendations to the Board as may be deemed proper for promoting the interests of the University, etc. It would seem therefore that a Senate Committee would be in good form making recommendations to the Board on policy regarding the procedural aspects of appointment, renewal, promotion, tenure, etc. in order to create "an agreeable professional climate". The Act, however, does not envisage that Senate would be either directly or indirectly involved in the day to day operation of such procedures, and that therefore having the University Tenure Committee a Committee of Senate would be going outside the apparent intent of the present Act.

There are a number of other specific concerns.

There is no requirement that the three academic members elected by Senate be themselves tenured.

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There is no requirement that they be from different faculties. It would be easy to envisage that the three academic members elected by Senate might be all from one faculty which would mean that out of the seven man committee one would be the Academic Vice-President, four from one faculty, and one each from the other two. It might be argued that the chance of this happening is remote, but as long as the procedure permits it, it will be a continuing concern. The recommendation put forward by the University Committee on Salaries and Promotions avoided this problem by specifying "two members elected by each of the faculties of Arts, Science and Education from among their tenured members".

The suggestion that the recommendations on appointments, etc. would be conveyed through the President "as Chairman of Senate" to the Board of Governors is, I suggest, in conflict with Articles 56, 57 and 58 of the Act, inasmuch as the President is charged with certain responsibilities under those sections directly, and not in his capacity as Chairman of Senate.

The entry of Senate into the procedures as a consultative body would, to some extent, set it up as a third line of appeal. The proposed right of Senate to request a report from the Tenure Committee, and thereby in effect take the matter out of the Tenure Committee's hands, would I suggest be running the risk of developing procedures at least as cumbersome as those which we now wish to eliminate.

I suggest the basic intent of Dr. Vidaver's Committee could be achieved over a period of years by recognizing Senate's interest in the development of policy and procedures. I suggest the implementation of their recommendation as presented would introduce some undesirable complexities and would require amendment of the Universities Act.


P. D. McTaggart-Cowan

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