

SM 7/10/68

Faculty Council

SIMON FRASER UNIVERSITY

S-158

MEMORANDUM

To Senate

From K. Strand

Acting President

Subject Report on Faculty Council Procedures - Paper S. 158

Date October 4, 1968

14733-PC

1. Terms of Office and Present Membership

"There shall be a Faculty Council of each University, which shall consist of the President, who shall be Chairman, the Deans, the Librarian, the Registrar, who shall be Secretary, and at least five or such greater number of the members of the Faculties as the Faculties in joint meeting may determine and to be elected by the Faculties either in joint meeting or in such manner as the Faculties in joint meeting may by regulation determine." (Universities Act #25)

Acting President, K. Strand
Dean of Education, Dr. A. R. MacKinnon
Dean of Science, Dr. B. L. Funt
Dean of Arts
Librarian, Mr. D. Baird
Registrar, Mr. H. Evans

Faculty of Arts representatives: A. Grants, Philosophy
M. E. Eliot-Hurst, Geography

Faculty of Education representatives: W. L. Davies, Athletics
T. J. Mallinson, Communications

Faculty of Science representatives: J. F. Cochran, Physics
F. J. F. Fisher, Biology

(The term of office of the Arts, Education and Science representatives ends on 30 September, 1968 - term of office of elected members of Faculty Council is 3 years)

Comment: Elections are required; staggered terms might be desirable.

2. Procedures - Regarding procedures, the following information seems most relevant.

(a) On 11 September, 1967 Senate made the following resolutions:

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(1) that Senate ask Faculty Council to make a careful study and definition of its powers and duties for the better ordering of its procedures in the future.

(2) that Senate invite Faculty Council to inform Senate of its procedure with the understanding that "inform" means "to keep informed".

(b) Paper FC-15 which stemmed from a meeting of Faculty Council held February 16, 1968, resulted in the Dean of Arts being instructed to draft a paper concerning procedures. This paper is attached.

(c) A Faculty Council Meeting held April 22, 1968 passed the following resolution:

' "Resolutions from Senate" - It was agreed that the Registrar would check with the University Solicitor the points raised in Paper FC-15, and then forward the paper to Senate with a report that Faculty Council with the approval of Senate has established a Student Society; that it has under consideration the formation of a separate Graduate Student Association; that it has not yet found a way of establishing a viable Student Court and feels that this is unlikely to be in the manner practised at UBC as UBC is highly dependent on senior law students.'

(d) Comments on FC-15 by University's lawyers (attached)

Comment: The reply by the lawyers has not been discussed by Faculty Council as there has been no formal meeting of that body in recent months.

CONCLUSION

My Intentions are:

- (i) To have elections conducted
- (ii) After elections are completed, to hold a joint meeting of incoming and outgoing members at which time FC-13, FC-15, and the Lawyers' reply can be discussed.
- (iii) To hold a meeting of the "new" Faculty Council to discuss procedures.

Att'd.

K. Strand

SIMON FRASER UNIVERSITY

Paper FC-15

MEMORANDUM

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Chairman	From..... John Matthews, Dean
Faculty Council	Faculty of Arts
Subject..... Report on the wording of the Universities Act.	Date..... February 16, 1968

At the meeting of Faculty Council on 30th November, 1967, it was agreed that I should study the wording of the Act and report to Faculty Council. I have done this and I report as follows:

Section 25. Constitution. It is clear that Joint Faculty is given the power to provide for its own members a voting majority over ex officio members of the Council.

Section 61 (1.b). All rules and regulations i.e. legislative decisions with respect to student discipline must be approved by Senate.

Disciplinary action i.e. judicial and executive decisions with respect to students is subject to an appeal to Senate; also (Section 58 (2)) to the President's summary powers in 'any matter of student discipline'. The President has to report any such action to Faculty Council and state his reasons for the action.

Section 61(1.c). Faculty Council has absolute power to delegate and to withdraw disciplinary powers from a Students' Court. The organization of the Court is left open. The Council's power is in (a) permitting a court to be organized, subject to the approval of Senate and (b) deciding which of its own powers to delegate.

The real power of Faculty Council over the Court, once permission has been granted, rests in its right to refuse powers to the Court should the Council disapprove of the organization or of the Court's proceedings subsequently.

Falling any other customary definition of a students' court the title suggests that it should consist of students or at least that the students should decide upon its organization, subject in practice, because of the sanction mentioned above, to approval by Faculty Council.

Section 61(1.d). Faculty Council has a duty, with Senate's consent, to arrange for students to elect a representative body, mainly for the purpose of communicating with Faculty Council and the Senate on behalf of the students through the President; and to decide what powers of government shall be given to such body with respect to the conduct of students.

The distinction between this and the Students' Court is not only between a power and a duty but that this representative body would be given legislative powers, and the Student Court judicial and executive powers.

Section 61(1.e). Faculty Council may be assigned specific tasks by Board, Senate, President, or Faculties. This does not include additional powers or duties.

Section 61(2). Faculty Council cannot grant away any powers beyond those set

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out under 61(1.b) and cannot restrict the rights of the individual student.

Section 62. The appeal allowed against any decision of Faculty Council would apply to rules and regulations under Section 61 (1.b) should such aggrieve any person.

On the original question of reporting procedures to Senate it would seem that this action would arise (a) in getting approval of legislation and (b) in reporting to Senate in the hearing of any appeal.

John Matthews

JM:els

OSMOON D. SHRUM
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SHRUM, LIDDLE & HEBENTON

Faculty Council

BARRISTERS AND SOLICITORS, 1614 BARRARD BUILDING, 1030 WEST GEORGIA ST. VANCOUVER 6, B.C.

RECEIVED
MAY 22 1968

May 21, 1968

REURSA'S OFFICE

Office of the Registrar
Simon Fraser University
Burnaby 2, B. C.

Attention: Mr. D.A. Meyers, Acting Registrar

Dear Sirs:

You have asked for my comments and interpretation on the paper prepared by Dean Matthews relating to the powers and duties of the Faculty Council. I agree with Dean Matthews and have nothing to add to his comments on sections 25, 61 (1) (b), 61 (1) (e) and 62 of the Universities Act. However, some further elaboration might be helpful with respect to his comments on other sections.

Dean Matthews' comments on section 61 (1) (c), as far as they go, are unassailable. Nevertheless, he might have added that all the powers referred to in that section are subject to the approval of Senate. Though Dean Matthews does not specifically deny the Senate's authority his reference to it only in conjunction with the organization of the Students' Court might lead one to infer that the Faculty Council's freedom of action in the other areas is unfettered.

Secondly, in his comment on section 61 (1) (d) Dean Matthews refers to the "duty" of the Faculty Council to arrange for a representative body of students. Possibly he reached this conclusion by comparing the different wording ("to make provisions") contained in this section with the wording ("to permit") contained in the preceding section. The controlling language more likely is contained in the principal part of section 61 which states "Faculty Council has the power". In my opinion Faculty Council does not have a duty to arrange for students to appoint or elect such a representative committee; I think such a step remains optional.

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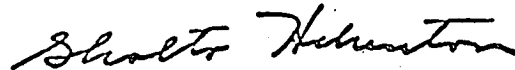
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With respect to section 61 (2), it would perhaps be clearer to say that the Faculty Council may not grant away the powers and rights of the other named constituent parts of the University and cannot impair the right of a student to complain through the President about a matter in which the student himself is aggrieved.

Finally, of the other sections in the Universities Act mentioning the Faculty Council, two have some minor relevance. Section 64 repeats the provision of section 61 (1) (b) that rules and regulations of the Faculty Council must be approved by the Senate. And Section 65 entitles the Faculty Council to advise the President on any academic or disciplinary matter affecting the interests of the University.

Yours truly,

SHRUM, LIDDLE & HEBENTON



Sholto Heberton

SH/ib

c.c. Donald H.M. Ross, Esq., Bursar