

CREATION OF FACULTY GOVERNANCE STRUCTURES

We Have a Senate—Now What?

The British Columbia Legislature passed the *University Amendment Act* in May 2008, and Kwantlen's academic governance shifted from the *College and Institute Act* to the *Amended University Act*, which took full force and effect in September 2008, and the immediate issue was the transition of Kwantlen's Education Council to a Senate model.

The transition continues with the election of faculty senators for the Faculties of Community and Health Studies, Humanities and Qualifying Studies (November 25, 2008 to November 27, 2008) to constitute a full-member Senate for January 2009. So far, the interim Senate has dealt with numerous transition issues, including voting rights, membership status, and committee structures.

A key issue for all faculty members is the creation of governance structures for individual faculties (administrative divisions). Ultimately, the governance process for each Faculty (e.g., Faculty of Social Sciences) will be critical to the effective organization and administration of the educational matters that concern and impact each of us.

What Is a Faculty, Anyway?

The University Act, Part 1 (b) defines a faculty as follows: "*in the case of a special purpose, teaching university, an educational administrative division of a university constituted by the board as a faculty under section 39, or the dean and faculty members of a faculty, as the context requires.*"

A "faculty member" is defined as follows under the Act: "*means a person employed by a university as an instructor, lecturer, assistant professor, associate professor, professor, or in an equivalent position designated by the senate.*"

Eight Faculties at Kwantlen

Currently, Kwantlen has 8 academic divisions, and each of these divisions have been formally approved as Faculties by the Board:

1. School of Business
2. Faculty of Social Science
3. Faculty of Science and Horticulture
4. Faculty of Design and Communication

5. Faculty of Community and Health Studies
6. Faculty of Trades and Technology
7. Faculty of Humanities
8. Faculty of Qualifying Studies

(Several key academic support areas which are comprised of faculty members but are not within the eight Faculties listed above are reviewing structural options to give them Senate representation. Ultimately, any changes to the Faculty structure require Senate and Board approval, as per Section 39(1) of the Act.)

What Is the Role of the Faculty?

The shared governance structure provided in the *Amended University Act* allows each Faculty the opportunity to engage in a collegial decision-making process "subject to this Act and to the approval of the senate, to make rules for the government, direction and management of the faculty and its affairs." [Section 40(c) of the Act.]

The specific **powers and duties** of each Faculty are prescribed in Section 40 of the *Act*. Typically, no recommendation on behalf of a Faculty will be made to the Senate without the prior approval of that Faculty through its own governance structures, such as the current divisional curriculum committees that review departmental revisions or additions to curriculum.

(See the Addendum on page 4 for Sections 39-42 of the Act, the sections relevant to the creation of Faculty governance structures.)

How Does a Faculty Implement Its Governance Structures?

In order to participate fully and meaningfully in the shared governance structures of the institution and to contribute collegially to Kwantlen's academic enterprise, each Faculty needs to formally meet to approve its own rules for academic operational governance as allowed for and required by the Act (Sections 40-42). These rules must be approved by the Senate before they are 'effective' or 'enforceable.'

Each Faculty (academic administrative division) may choose to create an academic oversight governance body of that Faculty to act as the



venue for collegial and consultative decision making within the division, and to serve as the final vetting body for the Faculty before academic decisions are transmitted to the Senate.

One model that is used is a **Faculty Council**, and one that is often used at other institutions to distinguish between the Senate and other councils or committees. Other names may be proposed by each Faculty, or stipulated by the Senate.

How Does A Faculty Initially Create a Governance Structure?

The first implementation of the Faculty governance structures requires each Faculty to approve their own governance structures for the purpose of ongoing and future governance, and to submit their governance structures for approval to the Senate. Once the Senate approves (as per Section 41 of the Act) each academic division's governance structures, the academic division (or Faculty) can begin operating with that governance structure.

In order for a Faculty Council and its committee(s) and subcommittee(s) to be implemented, the Faculty needs to propose the terms of reference for those academic governance structures to a formally constituted meeting of that Faculty (e.g., all of the faculty members of the division would be invited), to discuss, debate and decide by vote on the various aspects of the proposed structures.

Ongoing Governance

Once the package has been ratified by the faculty-as-a-whole (i.e., all members of the faculty constituted at the initial meeting), the package would be sent to the Senate for approval as per Section 41 of the Act. The subsequent and ongoing academic and educational governance issues would be delegated to ongoing Faculty council(s), committee(s) and subcommittee(s).

How is the Initial Governance Package Prepared?

The Deans of each academic division have been asked to begin considering the formation of Faculty governance structures, and it is anticipated that there will be a variety of approaches to the development of each division's governance package.

The Dean of each Faculty is also the Chair of

the Faculty as per Section 39 (2) of the Act. It is expected that the dean will chair the "development committee" which originally develops the academic governance structure for the division. The dean may also chair the academic governance structures that are ultimately approved by each committee, such as a Faculty Council.

Some deans may work through the governance structures already in place, such as the chairs or curriculum committees, which are already representative of the entire division, while others may ask for each department within their division to nominate representatives to work on the initial governance package as a special, one-time committee.

The intent of collegial decision-making and shared governance is the belief that collective intelligence of **faculty members** enables the **Faculty** to make better and more informed decisions about its own affairs, and that the results of those discussions and debates will better inform academic decision-making at the Senate level.

Regardless of which approach each academic division takes, it is important that the process be transparent and democratic, and that representation of the Faculty at all levels of academic governance will be carried out by faculty members who have been elected directly by their faculty peers or selected by a committee which has been elected and mandated by their faculty peers.

Who Makes Up the Faculty?

According to the Part 1, section 1 (b) of the *Act*, Faculty of a special purpose, teaching university, means "*an educational administrative division of a university constituted by the board as a faculty under section 39, or the dean and faculty members of a faculty, as the context requires;*"

The legislation prescribes that each Faculty is constituted by its dean and its faculty members. Any additional membership must be approved by the Faculty membership and the Senate, or prescribed by the Senate.

Section 40 (b) of the Act requires Faculties to "*provide for student representation in the meetings and proceedings of the faculty;*" Although students are not members of the faculty, the legislation allows them to be voting members of its committee structures.

What Are Key Issues to Consider When Developing Faculty Governance Structures?

Chairs and Vice-Chairs

If a Faculty elects to constitute a Faculty Council as a governance oversight committee, the Dean of the Faculty would be the Chair of that Council.

Chairs and vice-chairs for all other committees and subcommittees would be elected by the Faculty from among those members who have voting rights, and according to the rules and bylaws developed by the Faculty and approved by the Senate, or stipulated by the Senate.

Meeting Membership, Frequency, and Quorum

Faculty members need to determine how faculty members and students are selected to serve on each of the academic governance committees (nomination, election, etc.), how often each committee meets, whether there are a minimum number of meetings per year, and what stipulated percentage of a committee's membership constitutes quorum.

Meeting Agenda, Resolution Majority, and Procedures

Faculty members need to determine how agenda items are set and distributed, what stipulated percentage of votes in favour of a resolution are required for the resolution to pass, and whether provisions are required for stipulating different majority percentages for extraordinary motions, such as amendments to bylaws.

Role of the Senate

All rules and bylaws of Faculty governance structures must be approved by the Senate, as per Section 41 of the *Act*, which states “A general rule made by a faculty is not effective or enforceable until a copy has been sent to the senate and the senate has given its approval.” It should be noted that the Senate may issue timelines, templates or prescriptions for Faculty governance structures.

Advice to president

Section 42 of the *Act* allows the Faculties to “advise the president in any matter affecting the interests of the university, whether academic or disciplinary, but that advice does not limit the powers and authority of the president.”

It is recommended that each Faculty develop procedures for advising the President.

Issues to Consider in Drafting Governance Structures for the Faculty

Membership and Voting Considerations

- Associate deans, operations managers, and staff are not members of the Faculty as per the legislation. Faculty need to determine whether any of these other personnel are allowed to attend, speak or vote at Faculty meetings, and if so, under what conditions?
- Faculty need to determine a method to select and approve student representation in meetings and proceedings of the faculty. How many students are required? How are students elected? Which committee structures require student participation? Is there a minimum or maximum number of students required or allowed on any particular governance committee?
- What is the length of service or term of office for members on each committee, and how often should elections be held?
- What is the length of service or term of office for chairs and vice-chairs of each committee, and how often should elections be held?
- Can terms of office be extended? How?
- Are there any *ex officio* members? Which office(s)?

Academic Governance Oversight Considerations

- What are the current committees, their mandates and their roles?
- Are there any changes or revisions required to these committees?
- Are any new committees required for the faculty to conduct its business?
- What is the reporting relationship (if any) between Faculty committees? For example, currently a **departmental** curriculum subcommittee needs to approve a new course outline or program proposal before it is brought forward to a **divisional** curriculum committee.
- Is there a need for a governance oversight committee (e.g., a Faculty Council) which acts the interface between the Faculty and the Senate? (In other words, do all Faculty decisions, proposals, rules etc. need to be vetted by an oversight governance

committee, or can standing committees such as divisional Curriculum Committees send their approved packages directly to the appropriate sub-or-standing committee of the Senate?

Communication Transparency Considerations

- How can individual faculty members bring agenda items forward? Does this require departmental approval?
- Who is allowed to attend meetings? Are meetings open to observers, i.e., other members of the Faculty?
- How will minutes be recorded and distributed to the Faculty? Should minutes

be distributed or available to the University?

- How much (i.e., number of working days) notice must be given to faculty members for notice of a meeting, as well as for agenda distribution?

Meeting Procedures Considerations

- Is proxy voting allowed?
- Are there conditions (e.g., lack of attendance) under which a member of a committee can be forced to resign?
- Under which conditions (if any) can/must elections be held by secret ballot?

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Addendum—Powers and Duties of the Faculties

Faculty can review the *Amended University Act* at the following Kwantlen link:
http://www.kwantlen.ca/shared/assets/University_Act_20089949.pdf

Sections 39, 40, 41 and 42 of the *Amended University Act* are the sections most relevant to the creation of Faculty governance structures—they are appended below:

Part 8 — Faculties

Faculties

39 (1) The faculties of each university may be constituted by the board, on the recommendation of the senate.

(2) A dean of a faculty is the chair of the faculty of which he or she is the dean.

Powers and duties of faculty

40 A faculty has the following powers and duties:

(a) to make rules governing its proceedings, including the determining of the quorum necessary for the transaction of business;

(b) to provide for student representation in the meetings and proceedings of the faculty;

(c) subject to this Act and to the approval of the senate, to make rules for the government, direction and management of the faculty and its affairs and business;

(d) to determine, subject to the approval of the senate, the courses of instruction in the faculty;

(e) subject to an order of the president to the contrary, to prohibit lecturing and teaching in the faculty by persons other than appointed members of the

teaching staff of the faculty and persons authorized by the faculty, and to prevent lecturing or teaching so prohibited;

(f) subject to the approval of the senate, to appoint for the examinations in each faculty examiners, who, subject to an appeal to the senate, must conduct examinations and determine the results;

(g) to deal with and, subject to an appeal to the senate, to decide on all applications and memorials by students and others in connection with their respective faculties;

(h) generally, to deal with all matters assigned to it by the board or the senate.

Approval of rules

41 A general rule made by a faculty is not effective or enforceable until a copy has been sent to the senate and the senate has given its approval.

Advice to president

42 Any of the faculties may advise the president in any matter affecting the interests of the university, whether academic or disciplinary, but that advice does not limit the powers and authority of the president.