

Present

| | | |
|------------------------------|----------------------|-------------------------------|
| Adamoski, Robert | Freeman, Tru | Robertson, Carolyn |
| Androsiuk, Mary (Vice Chair) | Fung, Maggie | Robertson, Derek |
| Ash, Kristan | Girodat, Christopher | Royal, Wendy |
| Atkinson, David (Chair) | Guirguis, Mazen | Scanlan, Lori |
| Cserepes, Dana (Vice Chair) | Hensley, Robert | Stadnyk, Pamela |
| Cunnin, Betty | Hughes, Kenneth | Szendrei, Sarah |
| Daniels, Caroline | Kozak, Romy | Tebb, Wayne |
| Davis, Bob | MacDonald, Cathy | Velasco, Mae |
| Davison, Ann Marie | McKendry, John | Wade, Tally |
| Deisman, Wade | Petrillo, Larissa | Wiens, David (Associate Dean) |
| Duggan, Barbara | Rankin, Graham | Wood, Robert |

University Secretariat

Klassen, Sandi
Thompson, Kerry

Regrets:

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|------------------|-------------------|
| Bubber, Arvinder | Dean, Geoff |
| Coren, Art | Dhaliwal, Harj |
| Crowe, Christine | Sandhu, Jaswinder |

1. Meeting was called to order at 4:08 pm.

2. Confirmation of Agenda

Moved by Derek Robertson, seconded by Tru Freeman THAT the agenda be approved with the following additions:

Addition of Item 4.1 – Dean, Faculty of Design Search Committee Membership

Move original Item 4.1 – Board Presidential Search to Item 4.2

MOTION CARRIED

3. Approval of Minutes (March 28, 2011)

Item 13 – Senate Standing Committee on Program Review – strike ‘No Report’

Moved by Mary Androsiuk, seconded by Kenneth Hughes THAT the minutes from the March 28, 2011 meeting be approved with minor revision.

MOTION CARRIED

4. Chair's Report

The draft 2011/2012 Budget presented to Senate on February 28, 2011 has been approved by the Board of Governors.

Motions made from the floor are to be written down and submitted to the University Secretary at the meeting.

4.1 Dean, Faculty of Design Search Committee Membership

Moved by Barbara Duggan, seconded by Cathy MacDonald THAT Shirley Calla replace S Lee on the Dean, Faculty Design search committee.

MOTION CARRIED

4.2 Board Presidential Search Process

The draft Board Presidential Search Process has been agreed to by the Board and incorporates revisions suggested at the March 28, 2011 Senate meeting other than the suggestion "The definitive criteria will be forwarded to Senate for *approval*." The statement was instead changed to "The definitive criteria will be forwarded to Senate for *advice*."

Further, the Board has determined that Senate advice is critical to the search process and in response has suggested a two-tiered process. The first stage is to create a task force to establish the President selection criteria comprised of the chairs of the major Senate Committees, the Board HR Committee and representation from Administration and Faculty Deans. This will form the initial process of consultation. In the second stage, the Board will seek broader advice from Senate as a whole. Senate's advice will then be incorporated into the selection criteria as appropriate.

Moved by Barbara Duggan, seconded by Robert Adamoski THAT Senate approve the Presidential Search Process with the understanding that consultation occur with Senate as outlined in the draft attachment.

Amendment moved by Ann Marie Davison, seconded by Wendy Royal THAT the criteria process be added to the attachment and that the process be approved for this particular year and this particular search only.

AMENDMENT CARRIED

Amendment moved by Wade Deisman, seconded by Romy Kozak THAT the Board of Governors and Senate agree to the selection criteria for the appointment of the President.

AMENDMENT CARRIED

AMENDED MOTION CARRIED

5. Senate Standing Committee on the University Budget (No Report)

6. Senate Executive Committee

6.1 Senate Committees and No Reports

It was noted at the March 28, 2011 Senate meeting, that there appeared to be a lack of committee reports. In response to this, an explanation was offered that some committees did not meet because of items not addressed at the February 2011 Senate meeting, as well as a lack of other agenda items.

7. Senate Governance Committee

7.1 Faculty Qualifications

At the March 28, 2011 Senate meeting, Senate forwarded as advice the revised policy G7: Qualifications for Faculty Members, to the Board of Governors. The Board has not yet had the opportunity to review the advice.

Concern was expressed regarding formalizing a process when it hasn't been fully approved by the Board of Governors.

Moved by Dana Cserepes, seconded by Derek Robertson THAT Senate approve the addition to faculty qualifications in the Mathematics Department as follows: *Master's in Mathematics or Statistic, PH.D. preferred, subject matter specialization may be required.*

Moved by Bob Davis, seconded by Ann Marie Davison THAT Senate defer the item to the June 28, 2011 Senate meeting, after the Board of Governors decision.

MOTION CARRIED

Senate to consider which Senate committees should consider requests under this policy.

8. Senate Nominating Committee

8.1 Approval of Membership of the Senate Standing Committees

Moved by Mary Androsiuk, seconded by Betty Cunnin THAT Senate approve the addition of the following as members of the Senate committees listed below:

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|---|------------------------------------|
| Greg Harris (Faculty of Science & Horticulture) | SSC Curriculum |
| Amandah Hoogbruin (Faculty of Community & Health Studies) | SSC Library |
| Helen Mendes (Faculty of Academic & Career Advancement) | SSC Library |
| Diane Naugler (Faculty of Social Sciences) | SSC Library |
| Comfort Oluwatofunmi (Student) | SSC Program Review |
| Graham Rankin (Faculty of Science & Horticulture) | SSC Curriculum |
| Paul Richard (Faculty of Science & Horticulture) | SSC Library |
| Sarah Szendrei (Student) | Senate Executive Committee |
| Mae Velasco (Student) | SSC Academic Planning & Priorities |

MOTION CARRIED

Note that Senators who are interested in changing committees should contact Mary Androsiuk.

9. Senate Standing Committee on Academic Planning & Priorities

The April APP meeting has been rescheduled to May 20th, 2011.

Wade Deisman read into the record the attached document which summarizes the meetings held between Senators and the lawyer members of Senate procured with regard to interpretation of the University Act.

The Board of Governor's recently released legal opinion and the attached document will be considered together at a future Senate meeting.

10. Senate Standing Committee on Curriculum

10.1 Program Revision: CADD Technologies Diploma Math Entrance Requirement

Moved by Dana Cserepes, seconded by Wayne Tebb THAT Senate approve the revision to the CADD Technologies Diploma Math entrance requirement.

MOTION CARRIED

10.2 Program Revision: DRAF/CADD Credit Conversion

Moved by Dana Cserepes, seconded by Wayne Tebb THAT Senate approve the DRAF/CADD credit conversion proposal.

MOTION CARRIED

10.3 Program Revision: Health Care Assistant Program HCAP 1240 Numbering Change

Moved by Dana Cserepes, seconded by Carolyn Robertson THAT Senate approve the proposed change to the HCAP 1240 course number.

MOTION CARRIED

10.4 Program Revision: Bachelor of Science in Nursing Progression Guidelines

Moved by Dana Cserepes, seconded by Carolyn Robertson THAT Senate approve the proposed change to the Bachelor of Science in Nursing Progression Guidelines.

MOTION CARRIED

10.5 Program Revision: Bachelor of Science in Nursing NRSB 1122 Name Change

Moved by Dana Cserepes, seconded by Tru Freeman THAT Senate approve the course name change for NRSB 1122.

MOTION CARRIED

10.6 Program Revision: Business Administration Diploma Program

Moved by Dana Cserepes, seconded by David Wiens THAT Senate approve the revision to the Business Administration Program curriculum.

MOTION CARRIED

10.7 Program Revision: Bachelor of Applied Arts in Psychology Electives

Moved by Dana Cserepes, seconded by Rob Adamoski THAT Senate approve the revision to the Bachelor of Applied Arts in Psychology electives.

MOTION CARRIED

10.8 Program Revision: Bachelor of Arts Minor in Sociology Program

Moved by Dana Cserepes, seconded by Rob Adamoski THAT Senate approve the revision to the Bachelor of Arts Minor in Sociology program.

MOTION CARRIED

10.9 Approval of the Chair of the Standing Committee on Curriculum

Moved by Tally Wade, seconded by Derek Robertson THAT Senate approve Dana Cserepes as Chair of the Senate Standing Committee on Curriculum from September 1, 2011 through to August 31, 2012.

MOTION CARRIED

11. Senate Standing Committee on the Library (No Report)

12. Senate Standing Committee on Policy Articulation

The committee is meeting on May 12, 2011 to review the proposed revision to the Policy Protocol for Policy Development and Amendment, as per Senate direction at the March 14, 2011 Senate meeting. Policies that have been sent to sponsors for revision are not returning to the committee in a timely manner. It was noted that the revision could help to make the process more effective and that items could then be handled more efficiently.

13. Senate Standing Committee on Program Review (No Report)

14. Senate Standing Committee on Tributes

Due to lack of promotion, the Distinguished Teaching and Service Awards for spring convocation have been deferred to Fall for 2011 only. Senators are encouraged to identify commendable candidates for nomination for the awards.

15. Approval of Graduates

Moved by Mary Androsiuk, seconded by Derek Robertson THAT Senate approve the graduates to May 2, 2011.

MOTION CARRIED

16. Election of Senate First and Second Vice Chairs

The Registrar conducted the election of the First and Second Vice Chairs of Senate.

First Chair

Nomination for First Vice Chair – Dana Cserepes

Nominations ceased.

Dana Cserepes elected First Vice Chair, by acclamation

Second Chair

Nomination for Second Vice Chair - Wade Deisman

Nomination for Second Vice Chair - Mary Androsiuk

Moved by Wayne Tebb, seconded by Kenneth Hughes THAT nominations cease.

MOTION CARRIED

The candidates spoke to their reasons for letting their name stand and then left the room. A vote by secret ballot was called. Robert Hensley and Sandi Klassen acted as tellers for the election. Ballots will be destroyed following the election.

Wade Deisman elected Second Vice Chair

17. Proposed University Rebranding

Jeff Norris, Ron Maggiore and Barry Anderson (Creative Intelligence) presented an overview of the new logo and branding images, colours and visual marketing tools.

18. Items for Discussion

18.1 Humanities Motion

The following two motions were passed at the April 8, 2011 Humanities Faculty Council meeting:

1. Whereas the procedures followed in the proposed appointment of an Acting President violate the requirement for “collegial, transparent, and collaborative decision-making processes” stipulated in the Commitment to Institutional Participation within Kwantlen’s *Vision and Commitments*, the Humanities Faculty Council supports the University Senate in the position that it has taken to date with respect to senior administrative appointments.

2. Whereas the *University Act* envisages a bicameral approach to governance, the Humanities Faculty Council supports the Senate in its assertion of its authority under the Act.

18.2 Announcements

Senators are invited to attend Kwantlen's Engaged Learning Symposium, to be held on May 18, 2011

On Friday May 6, 2011 the 1st Annual Sociology Undergraduate Student Conference takes place. Students will be presenting their own research.

19. Next Meeting: Monday, May 30 2011, 4:00pm -7:00pm, Surrey, Cedar 2110

20. Meeting adjourned at 6:06 pm.

Report from Wade Deisman,
Chair, Academic Planning and Priorities
Kwantlen Polytechnic University Senate
May 2, 2011

An open meeting between members of Senate and the lawyer we have procured was held last Wednesday. I have prepared this synopsis:

- 1) the lawyer's opinion is that the Board was not in compliance with the Act in appointing the Acting President the way it did
- 2) the lawyer indicates that the basis for his opinion is both existing jurisprudence and recent case law that have established that neither the Board nor the Senate can delegate away powers that are vested jointly in both or in either bodies by law
- 3) in this case, his judgment is that Section 27.f. (f) 'with the approval of the senate, to establish procedures for the recommendation and selection of candidates for president, deans, librarians, registrar and other senior academic administrators as the board may designate' is applicable in all of these cases, including 'acting' appointments' is applicable to the case at hand and thus Senate's powers cannot have been assumed by the Board and they cannot have been delegated by Senate
- 4) consequently, the lawyer holds that, were we to bring the matter to judicial review, the appointments would likely be quashed.
- 5) the lawyer further contends that any previous appointments that have been made using a process whereby hiring decisions are delegated to the President and not handled by the Board through a Senate approved process would be similarly quashed by judicial review because they were contrary to the Act (this would mean the appointments of the Acting Vice-President Academic, the Registrar, the AVP Enrollment Management, the Associate Vice-President Human Resource Services, the Dean of Community and Health Studies, and the Dean of Academic and Career Advancement)
- 6) The lawyer noted that there are serious liability issues - on all sides - here. The Board's failure to follow legal requirements means the appointments are at risk - and also means the Board would possibly be liable to damages from the individuals currently occupying these positions. The problem with the appointments needs to be remedied.
- 7) His further opinion that the improprieties associated with these appointments cannot be corrected by the Board alone passing a kind of 'retro-active' approval of the appointments because - and this is key - these appointment procedures were to have been approved by Senate and there was not such approval.
- 8) the lawyer has further emphasized that were Senate to seek legal redress in this case it would likely be successful, but it would also be an arduous, time consuming process and anyway a decision (even were an expedited review granted) would not likely be issued before the appointee is in office.
- 9) the lawyer emphasized that the key theme through the issues he examined was policy and that Senate needs to get on top of the policy issues and be proactive (where it is authorized to do so) in developing policy to deal with the issues.
- 10) regarding the question of Senate getting a legal opinion and the decision of the Board of Governors to reserve the right to make a judgment in that regard, the lawyer noted that the University is the only legally existing entity and that the bicameral structure that binds Senate and the Board together makes working together requisite. He saw no basis upon which the Senate might be deprived by the Board of the resources necessary to better understand its own powers and responsibilities under the University Act.
- 11) I will conclude by saying that the lawyer was of the hope that some sort of opportunity for a rapprochement between the 2 bodies might be engineered and that he indicated that he would be reaching out to the Board's lawyer in this case to see if they could get agreement regarding the basic issues. And note that we are waiting to hear back from him in this regard.

I am not sure whether we want to do anything else in this regard at this meeting. Like others I am interested in constructive ways forward. However, after hearing the opinion of the lawyer I believe we must not waver in insisting that the law be followed, that the powers allotted to the Senate be respected, and that the Board bring its policies into compliance with the law. I do think we should do one thing - and that is establish a policy that, in cases where Senate determines it needs to avail itself of legal advice regarding some aspect of its legislative responsibilities, it is not required to ask for the permission of the Board or the University Administration to obtain such advice. I'd be interested to hear what others think in this regard.

Best,

Wade Deisman