

## SENATE BYLAWS

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The University of the Fraser Valley is located on the traditional territory of the Halq'eméylem-speaking Stó:lō peoples. We express our gratitude and respect for the honour of living and working in S'olh Temexw (Our Land; Our World).

### **PURPOSE/PHILOSOPHY**

Pursuant to the *University Act*, the Senate of the University of the Fraser Valley (“UFV”) shall conduct its business according to this set of bylaws.

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### **I. Powers and duties of the Senate**

As stipulated in section 27.2 and 35.2 of the *University Act*, the Senate exercises the following power and duties:

#### **A. Advisory duties, with final authority given to the Board:**

1. The Board must seek, and the Senate must give, advice on the development of educational policy for the following matters:
  - 1.1. the mission statement and the educational goals, objectives, strategies, and priorities of UFV;
  - 1.2. the establishment, revision, or discontinuance of courses and programs at UFV;
  - 1.3. the preparation and presentation of reports after implementation by UFV without prior review by the Senate of new non-credit courses or programs offered under service contract;
  - 1.4. the priorities for implementation of new programs and courses leading to certificates, diplomas, or degrees;
  - 1.5. the establishment or discontinuance of faculties at UFV;
  - 1.6. the evaluation of programs and educational services;
  - 1.7. the library and resource centres;
  - 1.8. the setting of the academic schedule;
  - 1.9. the qualifications for faculty members;
  - 1.10. the adjudication procedure for appealable matters of student discipline;
  - 1.11. the terms for affiliation with other post-secondary bodies;
  - 1.12. the consultation with community and program advisory groups concerning UFV's educational programs; and

- 1.13. other matters specified by the Board.
  2. In addition, the Board must seek advice on the following matters:
    - 2.1. the maintenance and keeping in proper order and condition the real property of the university, the erection and maintenance of the buildings and structures on it that in the opinion of the board are necessary and advisable, and the rules respecting the management, government and control of the real property, buildings and structures;
    - 2.2. the conservation of the heritage sites of the university, including any heritage buildings, structures and land of the university;
    - 2.3. the establishment of faculties and departments with suitable teaching staff and courses of instruction;
    - 2.4. the chairs, institutes, fellowships, scholarships, exhibitions, bursaries and prizes the board and the senate consider advisable.
- B. Powers with final authority resting with the Senate:
1. regulate how its meetings and proceedings are conducted, including the quorum necessary to conduct business and how a vice chair, who is to chair meetings in the absence of the president, is elected;
  2. set criteria for awarding certificates, diplomas and degrees, including honorary degrees;
  3. set curriculum content for courses leading to certificates, diplomas and degrees;
  4. set qualifications for admission;
  5. set policies concerning examinations and evaluation of student performance;
  6. set residency requirements for awarding credentials for courses and programs;
  7. set policies concerning student withdrawal from courses, programs, or UFV;
  8. set criteria for academic standing, academic standards, and the grading system;
  9. set criteria for awards recognizing academic excellence;
  10. set policies and procedures for appeals by students on academic matters and establish a final appeal tribunal for these appeals; and
  11. set policies on curriculum evaluation for determining whether:
    - 11.1. courses or programs, or course credit from another university or body are equivalent to courses, programs, or course credit at UFV; and
    - 11.2. courses or programs, or course credit from one part of UFV are equivalent to courses or programs, or course credit in another part of UFV.

- C. Powers with final authority resting with the Senate and the Board:
  - 1. The establishment of procedures for the recommendation and selection of candidates for president, deans, librarians, registrar and other senior academic administrators as the board may designate;
  - 2. the establishment of faculties and departments the board considers necessary;
  - 3. the number of students that may in the opinion of the board, having regard to the resources available, be accommodated in the university or in any faculty of it, and to make rules considered advisable for limiting the admission or accommodation of students to the number so determined;
- D. Process for determining Senate's jurisdiction, see appendix A.
- E. Academic Freedom Appeal Process to the Senate, see appendix B.

## **II. Composition of the Senate**

- A. The composition of the Senate, in accordance with the University Act, is as follows:
  - 1. the chancellor;
  - 2. the president, who is the chair;
  - 3. the academic vice president;
  - 4. the deans of faculties and colleges;
  - 5. the chief librarian;
  - 6. the registrar;
  - 7. two faculty members elected for each faculty by the faculty members of the faculty;
  - 8. four students elected by the students;
  - 9. one alumni member who is not a faculty member appointed by the president on nomination by the Alumni Association;
  - 10. two staff elected by the staff; and
  - 11. one non-voting member, if appointed by the board, to serve one year.
- B. The registrar is responsible for the keeping of records, conduct of elections, and the performance of duties that the Senate may require. These functions may be delegated to a person designated by the Senate.

## **III. Terms of Office**

- A. The term of office of a faculty, staff, and alumni member of the Senate is three years and after that until a successor is appointed or elected.

- B. The term of office of a student member elected under II (A) is a one-year term and after that until a successor is elected.
- C. Members who remain eligible may be elected to further terms.
- D. The term of office of an ex-officio member is on-going.

#### **IV. Elections**

- A. Election of members of the Senate will be conducted annually by the registrar.
- B. Elections of members to Senate shall be in accordance with the procedures set out in the attached Appendix C: Procedures for the Conduct of Elections to Senate.
- C. Every two years, at the June meeting, Senate will elect a vice-chair from among its elected faculty members in accordance with the procedures set out in the attached Appendix D: Process for electing the vice-chair of Senate. In the event that the chair is unable to chair a meeting, the vice-chair will serve as chair. Senate may consider a one-year term if the vice-chair member's term on Senate precludes the vice-chair from fulfilling the second year of the term.

#### **V. Attendance and responsibilities**

- A. Regular attendance is expected of all members of the Senate.
- B. An elected or appointed voting member who misses two consecutive regular meetings per year without permission from the chair shall receive written notice. An elected or appointed voting member who misses three consecutive regular meetings per year without prior arrangement with the chair and who has received written notice will be deemed to have resigned from the Senate. In the case where a faculty/staff/student Senator expects to have an extended absence and will miss three or more meetings (e.g. short-term or long-term disability; sabbatical; teaching/class conflict), that member may ask for an excused absence with the intent to return to the senator role when the reason for absence is done.
- C. Senate members are obligated to prepare adequately for meetings and to participate actively in the decision making at Senate meetings.
- D. All members of the Senate are expected to serve on a minimum of two standing committees of the Senate.
- E. Members of Senate, in their function as members of this body, do not act as delegates of the constituencies from which they were drawn; rather, as members, all must serve the interest of the University to the best of their ability.
- F. No member of Senate or Senate standing committee may appoint another person to attend and vote in their place at a Senate or Senate standing committee meeting.

- G. When an *ex officio* member of Senate or Senate standing committee expects to have an absence of 2 months or longer (e.g. short-term or long-term disability; sabbatical or administrative leave), the person appointed as interim to the *ex officio* position, is permitted to attend and vote at Senate or Senate standing committee meetings until the incumbent returns to work.
- H. All Senate members will comply with the conflict-of-interest guidelines and fulfil their roles and responsibilities to the highest standard of conduct, as set out in Appendix E: Conflict of Interest and Code of Conduct.

## **VI. Meeting schedule**

- A. The Senate will meet on a regular schedule normally once a month from September to June. The university will make every reasonable effort to ensure that members of the Senate are freed from their normal duties to attend Senate meetings.
- B. Extraordinary meetings may be called in the months of July and August with seven days' notice by the chair, upon unanimous determination by a committee comprised of the chair, the vice chair, and provost that an extraordinary meeting is required to deal with an emergency or extremely time sensitive matter(s).
- C. Meetings may be cancelled by the chair upon unanimous determination by a committee comprised of the chair, the vice chair, and provost.
- D. As a rule, agenda items will be submitted to the secretary no later than noon, ten days prior to the meeting.

## **VII. Procedure for meetings**

- A. Senate meetings will be conducted according to Robert's Rules of Order, except as otherwise stated in these bylaws.
- B. Senate holds meetings in person whenever possible. When Senate is unable to hold an in-person meeting due to circumstances such as, but not limited to, inclement weather, power outage, pandemic, etc., or when a short meeting is expected, it may hold meetings using available technological means (i.e. "virtual meetings"). The chair, vice-chair, and provost, upon unanimous determination, may call virtual meetings, and determine how to effectively utilize available technology to facilitate a smoothly run meeting. At a virtual meeting, the Chair or designate will call the names of all Senators to confirm attendance at the meeting.

When a Senator is unable to attend an in-person meeting, they may participate by other electronic means, if available, and by providing advance notice of their intent to participate in a manner other than in person. When 15 or more senators give advance notice of the intent to attend a meeting virtually, the meeting reverts to fully virtual in format.

- C. Members will receive the agenda, the materials for discussion, and reports in advance of the meeting. Any member of the Senate or constituency of the University may bring an agenda item in writing to the Chair for consideration. Items not received in advance will be placed on the agenda only by a majority vote of all voting members present and voting.
- D. All Senate in camera agendas, including all attachments, minutes, and subsequent discussions will remain confidential unless Senate resolves otherwise.
- E. Senate encourages the bringing of a territorial acknowledgment to begin meetings. This is a personalized act intended to honour the original inhabitants of the land, and model one way of seeking improved relationships and understanding.
- F. For ordinary meetings, a quorum is defined as fifty percent (50%) of the voting members of the Senate present at the time of the adoption of the agenda. Normally the chair of any given meeting does not vote and is not counted towards quorum except in the case where the chair's participation is required to meet quorum. Leaves of absence will reduce quorum requirements accordingly. Once quorum is declared it continues. However, the meeting agenda cannot be amended after the start of the meeting unless fifty percent (50%) of the voting members are still present. In the absence of quorum, a fixed date and time to which to adjourn the meeting shall be determined by the chair. Any business conducted at a meeting where there is no quorum present will be considered as unofficial and subject to ratification at the next meeting held where a quorum is present.

For extraordinary meetings, quorum requirements will be nine at all times, with a minimum of five elected members.

- G. Meetings are open to members of the university community, though only members of the Senate will be entitled to vote. The Senate will, when appropriate, invite guests and resource persons to meetings. The chairs of the standing committees of Senate may speak on items presented at Senate from standing committees. Non-voting members of Senate may introduce motions but will not be entitled to vote.
- H. For in-person and hybrid meetings, voting will normally take place with a show of hands. However, upon request of a member of the Senate, a vote will be taken by secret ballot. In a virtual meeting, a secret ballot method is facilitated by the Secretariat. For fully virtual meetings, Senate employs a "reverse voting" procedure. This procedure first makes a call for those voting "no" on the motion, then abstentions, with the balance of senators to have voted in favour of the motion. In the case where a senator votes "no" on a motion, the list of voting senator's names will be called and each asked individually to state their vote.
- I. On votes on formal motions, all voting Senate members are required to vote either in favour or opposed, or abstain from voting. All formal motions shall be adopted by a majority vote of all voting members present, unless required otherwise. In tallying the votes, abstentions do not count towards the in-favour votes. If a vote fails as a result of abstentions, then the

discussion will reopen and the vote will be called again on the majority of those present and voting (this time excluding abstentions).

Members should abstain when they have a direct personal interest in the matter that amounts to a real or perceived conflict of interest.

- J. As a rule, all proceedings of the Senate will be open; however, the chair shall have the right to declare a meeting or portion of a meeting “in camera” and close the meeting to the public.
- K. In the event that either the chair or vice-chair of Senate is absent, the Provost shall act as vice-chair of that meeting. In the event of the absence of both the chair and vice-chair of Senate or in the absence of either the chair or vice-chair and the Provost, the vice-chair of the Senate Governance Committee shall act as the vice-chair of that meeting.
- L. Meetings of Senate and its standing committees may be subject to audio recording but only if in compliance with the following provisions:
  - 1. Anyone creating an audio recording of a meeting must identify his or her intentions to do so at the start of the meeting to the chair of the meeting.
  - 2. In-camera portions of the meeting may not be recorded.
  - 3. The meeting may resolve by a majority vote to prohibit recording of an agenda item.
  - 4. Only approved minutes of such meeting shall constitute the official record of such proceedings.
- M. Meetings of Senate and its standing committees may not be video recorded unless specifically approved by a majority resolution at the meeting.
- N. The minutes shall be the official record of Senate. Minutes of public and in-camera meetings shall be a record of decisions made and actions authorized by Senate. Minutes shall generally exclude discussion summaries and verbatim minutes should be avoided.
- O. The name of the movers and seconders shall be recorded in the minutes. The names of those voting for or against any motions shall not be recorded in the minutes. Members who vote against or abstain from any motion may request to have their names recorded in the minutes.
- P. In-camera meetings assume that all members are bound by a duty of confidentiality and all information presented or discussed will be treated with confidentiality and care, except when information is clearly within the public domain.

## **VIII. Consultation with constituents**

- A. Members of the Senate will make regular reports to constituents on Senate matters.

- B. The registrar will publish the minutes of Senate meetings in a public place.

**IX. Standing committees**

- A. Standing committees will operate under terms of reference and in adherence to policies and procedures set by Senate. Other standing committees will be formed as necessary.
- B. The Senate will strike ad hoc committees as necessary. All such committees will include at least one Senate member.
- C. The Senate Governance Committee will recommend to Senate rules for the conduct of business for the other committees of Senate.

**X. Amendments to the bylaws**

These bylaws may be amended at any regular meeting of Senate by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting.

## Appendix A: Process for determining Senate’s jurisdiction

### Definitions:

**“authority”**: refers to British Columbia’s University Act’s granting of power to either consult or approve decisions regarding university matters.

**“consult/consultation”**: a process whereby Senate or an appropriate standing committee gives feedback about an issue for another approving body or administrator.

**“approve/approval”**: refers to Senate’s, Board of Governors, or Administration’s responsibility and authority to make final decisions regarding university matters.

1. When questions arise as to whether Senate has authority over a university matter, the issue shall be forwarded to the University Secretary to bring the matter to the Senate Governance Committee (the “SGC”) for review.
2. Senate may have authority, and the matter will be referred to the Joint Board/Senate Governance Committee for discussion and recommendation to the Board and Senate
  - a. The Senate Governance Committee will make one of the following determinations, and inform the Board:
  - b. Senate has authority over the matter.
  - c. Senate has no authority over the matter.
3. In the event the Board of Governors disagrees with the SGC’s determination pursuant to point 2a or 2b above, then the matter shall be referred to the Joint Board/Senate Governance Committee for discussion and recommendation to the Board and Senate.

## **Appendix B: Academic Freedom Appeal Process to the Senate**

### **Principle:**

Any issue that comes forward under the framework of an appeal of violation of Academic Freedom may be related to a matter covered by the collective agreement, or a matter that falls outside of the collective agreement. In either case, Senate will employ one process and one opportunity for appeal regardless of the jurisdiction for the issue.

### **Process:**

Where academic freedom is invoked in defense of a particular practice, the matter shall be forwarded to the University Secretary to bring the matter to the Senate Governance Committee (SGC) for review.

1. The initial review by SGC will normally have one of the following outcomes:
  - a. No prima facie case (therefore do not proceed);
  - b. Wait until a review under the Collective Agreement, or some other body hearing the case is completed; or,
  - c. Refer to a six-member Board of Appeal appointed by the University of the Fraser Valley Senate. One appointee shall consist of the UFV President, or his or her designate. The balance of the appointees shall consist of faculty.
2. The six-member panel shall consist of at least three faculty members of SGC.

Senate has approved procedures for an academic freedom appeal (Nov. 20, 2020), and these are available from the University Secretariat upon request.

## **Appendix C: Procedures for the Conduct of Elections to the Senate**

These procedures have been developed to meet the requirements for elections as set forth in the University Act of the Legislative Assembly of British Columbia.

### **1. DEFINITIONS**

The following definitions have been drawn from the Act and applied to the University of the Fraser Valley (UFV).

1. "Faculty member" means an employee of UFV who works as an instructor, lecturer, assistant professor, associate professor, professor, or in an equivalent position designated by the Senate.
2. "staff member" means an employee of UFV who is not (a) an officer of the university, or (b) a faculty member.
3. "Student" means a person who is presently enrolled at UFV in a credit course or who is designated by resolution of the Senate as a student.
4. "Officer of the University" is the president, a vice-president, an associate vice-president, a dean, an associate dean, an executive director, an associate director, a director (excluding directors of schools within a faculty who are voting faculty members), university secretary, chief information officer, legal counsel, university librarian, and the registrar.
5. "Employee of UFV" refers to a person who has a permanent or continuing employment contract with UFV.

### **2. TERMS OF OFFICE**

#### **2.1. Positions**

2.1.1. The following positions are elected to the Senate:

- a. two faculty members for each faculty elected by faculty members of the faculty;
- b. four students elected by students; and
- c. two staff members elected by the staff.

#### **2.2. Terms of Office**

The terms of office are three years for faculty and staff and one year for students, and after that until a successor is elected. Terms begin August first.

#### **2.3. Persons Not Eligible**

The following persons are not eligible to be or to remain members of Senate:

- A person who holds full-time positions at more than one university and is a member of the Board or Senate at one university, cannot serve on Senate at another.

- A member of Senate who ceases to be eligible during his or her term of office immediately ceases to be a member of Senate.

#### **2.4. Vacancies**

The Secretary of Senate must enter a declaration of the vacancy in the minutes of Senate as appropriate. This is conclusive evidence of the vacancy. (Attendance requirements for the Senate are specified in the Senate Bylaws.)

The registrar will conduct by-elections in a timely manner. If three or fewer months are remaining in the term of office, the position will remain vacant until the regular annual elections take place.

A person elected to fill a vacancy holds office for the remainder of the term for which the person's predecessor was elected.

### **3. ELECTION PROCEDURES**

The elections will be conducted by the registrar.

#### **3.1. Nominations**

1. A notice of the regular annual election and call for nominations shall be made at a Senate meeting in January. When a vacancy is identified the notice of the by-election and call for nominations shall be made at the same Senate meeting if appropriate.  
Nominations will be open for three weeks.

If no candidates are nominated during the nomination period, the call will remain indefinitely extended until a nomination is filed.

2. Candidates must be nominated to a position by five persons entitled to vote in the election. These nominators must be members of the group associated with the position. Candidates may not accept a nomination for more than one position.

Candidates must be members of the group which elects them. They must sign the nomination indicating a willingness to stand for the position and agreement to serve the term.

3. The registrar will request that each candidate provide the following information:
  - a. the candidate's degrees and the dates of them;
  - b. the candidate's occupation;
  - c. offices held by the candidate at a university or in any other organization;
  - d. the candidate's other professional or business interests; and
  - e. the candidate's publications.

Each candidate may also provide a statement of up to 200 words on the candidate's views on matters rightfully falling under the jurisdiction of the Senate, including how their participation would support the equity, diversity, and inclusion priorities of UFV.

This information and the statement will be posted online with the list of candidates and voting instructions. These will be posted no later than the week following nominations.

If only as many candidates are nominated for Senate as are required to be elected, the candidates are declared to have been elected.

### **3.2. Election Registers or Voters' Lists**

#### **1. Faculty and Staff**

The registrar will, upon a call for nominations, prepare an election register or voters' list, which is an alphabetical list of the names and UFV addresses of the faculty and staff who are entitled to vote at an election.

The election register will be open for inspection at all reasonable hours by all members entitled to vote.

#### **2. Students**

The registrar will also keep an alphabetical list of the names of all students, including those who are members of the Student Union Society. This list will be brought up to date at the call for nominations and just before voting begins.

#### **3. Voters for a representative of an area must be members of that area.**

#### **4. Only those persons whose names appear in the election registers are entitled to vote at an election.**

### **3.3. Voting**

#### **1. The voting will be held at least four weeks after the close of nominations.**

#### **2. Candidates may conduct an election campaign until the voting begins. The candidates are responsible for removing all physical and online posters and campaign material prior to the start of voting.**

#### **3. Balloting will take place over at least a three day, but preferably a four-day, period. The registrar will determine an appropriate method for voting that maintains the confidentiality of the process but allows a maximum amount of voter participation.**

### **3.4. Results**

1. The registrar must report the results of the election to Senate at the first meeting following the election.
2. The candidate with the highest number of votes will be declared the winner.
3. If there is a tie vote between two or more candidates for an office, the Senate must cast the deciding vote.
4. If an elected candidate withdraws from serving prior to the term beginning, the position will be offered to the candidate with the next highest number of votes. If there are no other candidates, or the term of service has started, a call announcing the vacancy will be made following the usual procedures for vacant positions.

### **4. APPEALS**

1. Any appeal of the contents or classifications in the voters' lists should be made to the registrar at least two weeks before voting begins.
2. Any appeal of the conduct of the election shall first be made to the registrar. If the matter is not resolved, then it may be referred to the Senate Elections Appeal Committee.
3. The Senate Elections Appeal Committee shall consist of four members of the Senate who shall consider any appeals of the conduct of elections. The decision of this committee will be final.

### **5. CHANGES TO THE PROCEDURES**

The registrar will review the procedures after each election and make recommendations for changes to the Senate.

## **Appendix D: Process for electing the vice-chair of Senate**

As per the Senate bylaws, every two years, at the June meeting, Senate will elect a vice-chair from among its elected faculty members.

The process for electing the vice-chair of Senate is as follows:

1. Call for expressions of interest will be made to all continuing Senate faculty members at Senate's April meeting.
2. The call will outline the role and expectations of the vice-chair, including an estimated time commitment.
3. Continuing Senate faculty members will be required to submit an expression of interest outlining the following:
  - a. A statement of interest, outlining reasons for wanting to serve as vice-chair and what interests them about the role.
  - b. Past chair experience and committee experience.
  - c. Candidate's agreement to the time commitment.
4. Expressions of interest received will go to the Senate Governance Committee at its May meeting. The expressions of interest will then go to Senate's June in-camera meeting, and a secret ballot will be held to elect the next vice-chair.

## **Appendix E: Conflict of Interest and Code of Conduct**

### **A. Conflict of Interest**

Conflict of interest may include but is not limited to the following situations:

- the member stands to benefit or be harmed financially
- the member has family or close friends who stand to benefit or be harmed
- the career or reputation of the member could be advanced or retarded

A member is not in conflict of interest merely by virtue of prior knowledge of the issue or the person about whom a decision is being made or because of common professional or social relations with a person affected by the decision.

In general, voting on matters which affect a broad group by a member of that group is not considered a conflict of interest. For example, student members may vote on issues such as grade appeals policies and faculty members may vote on issues such as programs offered by their particular divisions.

### **B. Code of Conduct**

The effective governance of the University is contingent on Senate members fulfilling their roles and responsibilities to the highest standards of conduct and commitment to the following:

1. A Duty of Integrity – to act honestly and in good faith.
2. A Duty of Loyalty – to give his or her loyalty to the university when acting on behalf of the Senate.
3. A Duty of Care – to act in a prudent and diligent manner, keeping himself or herself informed as to the policies, business, and affairs of the university.
4. A Duty of Confidentiality – notwithstanding the need of members to make an informed decision on an issue before the Senate by obtaining input from internal and external communities, members are to ensure that information which is normally considered confidential remains so.
5. A Duty of Skill – to use one’s level of knowledge and one’s expertise effectively in dealing with the affairs of the university.

Revision to VII (B): approved at Senate 2022 11 18

Senate Bylaws: approved at Senate 2021 03 19

Senate Bylaws: approved at Senate 2012 08 22

Revisions to IV. D. and IX.: approved at Senate 2013 06 21

Addition of vice-chair positions in VII.: approved at Senate 2014 12 05

Addition of audio recording guidelines in VII. I. and J.: approved at Senate 2015 12 11

Revisions to IV. and addition of Appendix B.: approved at Senate 2016 02 12

Revisions to IV (vice-chair of Senate be a faculty member) and addition of V. E.: approved at Senate 2016 03 11

Revisions to Purpose, II, IV, V, VII, and Appendix C: approved at Senate 2017 02 10

Revisions to VII. D and G: approved at Senate 2017 05 05

Revisions to I and addition of Appendix A Process for determining Senate's jurisdiction: approved at Senate 2017 06 09

Revisions to I, added I (A) (2) and I (C): approved at Senate 2017 09 22

Revisions to III, V (B), added V(F) & (G), and Appendix B section 1 (4): approved at Senate 2018 03 09

Revisions to I added (E), IV C, V H, Appendix B added 2, and Appendix D added