

Report of the Task Force on Collegial Governance

**University of Northern British Columbia
October 24, 2003**

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Introduction

Universities are unique institutions for many reasons, not least of which are the governance structures under which they operate. While the structures and mandates of universities are currently undergoing radical change, the governance and management of the traditional public university still typically operates with a bi-cameral Senate and Board of Governors and with a senior administrative team charged with managing the institution.

Because of both the nature of the vocation of the Professor and the established tradition of governance within universities, members of faculty are called upon to participate significantly in the governance of the institution in which they are employed.

In Donald Kennedy's book about universities and governance, he discusses the rights and duties that follow from the academic rights which faculty enjoy within a university context. Academic freedom and the rights associated with tenure bring with them duties and responsibilities to participate in responsible governance.

Collegial governance of universities is dependent upon mutual respect and upon responsible management by all parties - Senators, Governors and senior management. Collegial governance implies the opportunity to make informed decisions based on access to information, free exchange of ideas, reasoned debate and a recognized process for resolving questions about which opinions may differ.

When collegial governance issues arise within a university context, this may happen for a number of reasons. Boards of Governors may try to exceed the terms of reference under which they operate. Senators may do likewise. Managers may try to assume management rights with respect to Senate-mandated policy. Faculty may disrupt the management of the institution in ways that are unreasonable and dysfunctional for the organization.

The modern public Canadian university is provided with legislated terms of reference that set accountability structures in place through charters or acts. In British Columbia, the four traditional public universities operate in accordance with the University Act of British Columbia.

According to this Act, the powers of Senate (Appendix A), 37(1), as related to governance includes:

- (e) to establish a standing committee to meet with the president and assist the president in preparing the university budget;
- (f) to consider, approve and recommend to the board the revision of courses of study, instruction and education in all faculties and departments of the university
- (i) to recommend to the board the establishment or discontinuance of any faculty, department, course of instruction, chair, fellowship, scholarship, exhibition, bursary or prize;

- (k) to determine the members of the teaching and administrative staffs who are to be members of each faculty;
- (o) to make recommendations to the board considered advisable for promoting the interests of the university or for carrying out the objects and provisions of this Act;
- (p) to deal with all matters reported by the faculties, affecting their respective departments or divisions;
- (q) to establish a standing committee to consider and take action on behalf of the senate on all matters that may be referred to the senate by the board;
- (u) to set the terms of affiliation with other universities, colleges or other institutions of learning, and to modify or terminate the affiliation;
- (v) to establish a standing committee of final appeal for students in matters of academic discipline.

The powers of the Board of Governors (Appendix B), as related to governance, include:

27(1) The management, administration and control of the property, revenue, business and affairs of the university are vested in the board.

(2) Without limiting subsection (1) or the general powers conferred on the board by this Act, the board has the following powers [as related to collegial governance]:

- (d) in consultation with the senate, to maintain and keep in proper order and condition the real property of the university, to erect and maintain the buildings and structures on it that in the opinion of the board are necessary and advisable, and to make rules respecting the management, government and control of the real property, buildings and structures;
- (e) in consultation with the senate, to provide for conservation of the heritage sites of the university, including any heritage buildings, structures, and land of the university;
- (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;
- (g) subject to section 28, to appoint the president of the university, deans of all faculties, the librarian, the registrar, the bursar, the professors, associate professors, assistant professors, lecturers, instructors and other members of the teaching staff of the university, and the officers and employees the board considers necessary for the purpose of the university, and to set their salaries or remuneration, and to define their duties and their tenure of office or employment;
- (h) if the president is absent or unable to act, or if there is a vacancy in that office, to appoint an acting president;
- (i) to consider recommendations from the senate for the establishment of faculties and departments with suitable teaching staff and courses of instruction;
- (j) subject to section 29 and with the approval of the senate, to provide for the establishment of faculties and departments the board considers necessary;

- (k) to provide for chairs, institutes, fellowships, scholarships, exhibitions, bursaries and prizes the board and he senate consider advisable;
 - (l) to receive from the president and analyze and adopt with or without modifications the budgets for operating and capital expenditure for the university;
 - (o) to administer funds, grants, fees, endowments and other assets;
 - (r) with the approval of the senate, to determine 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;
 - (s) to enter into agreements on behalf of the university;
 - (u) to acquire and deal with
 - i. an invention or any interest in it, or a license to make, use or sell the product of any invention, and
 - ii. a patent, copyright, trade mark, trade name or other proprietary right or any interest in it;
 - (v) to require, as a term of employment or assistance, that a person assign to the board an interest in an invention or an interest in a patent, copyright, trade mark, trade name or other proprietary right resulting from an invention
 - i. made by that person using the facilities, equipment or financial aid provided by the board, or
 - ii. made by that person while acting within the scope of the person's duties or employment, or resulting from or in connection with the person's duties or employment as an officer or employee of the university;
 - (x) to make rules consistent with the powers conferred on the board by this Act;
 - (y) to do and perform all other matters and things that may be necessary or advisable for carrying out and advancing the purposes of the university and the performance of any duty by the board or its officers prescribed by this Act.
- (2) A person appointed under subsection (2) (h) has, during the period for which he or she is appointed, all the powers, rights and privileges of the president.

Also, relevant to this discussion are the powers of faculty (Appendix C), 40, (understood at UNBC to be constituted as Colleges), as related to collegial governance. These include:

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

The University Act, with its specification of the roles and responsibilities of Senate and Board provides the legislated framework within which university governance must operate. There are, however, other structures and understandings that play a role in governance. In this respect, the committee acknowledges and confirms that the University, which under the Faculty Agreement, is understood to be "...the Board of Governors...or any officers authorized to act on [its] behalf", has the right and the duty to organize and manage its operations and to organize and manage its faculty employees, except where those rights have been limited by agreement. Any and all rights and duties related to and arising from the University's operations which have not been so limited are reserved exclusively to the University. Also, College (Faculty) Councils and Programs, constituted in Program Meetings, play a role in governance by providing fora for debate and democratic decision making at earlier levels.

Under the University Act, College (Faculty) Council and Senate provide the statutory and recognized fora for registering the informed opinion of colleagues in matters relating to teaching and research programs, intellectual climate and service. Members of the committee were unanimous in their beliefs that the democratic authority of these bodies must be respected. The proper resolution of issues arising in these fora is ultimately a vote.

Collegial governance by democratic principles implies the rights to have one's voice heard and to play a role in the decision-making process. It also implies the obligation to participate in collegial governance in good faith, especially when one has expertise in the issues at hand. Participating in the process implies a commitment to attend meetings at which issues are discussed, to offer one's viewpoint and to consider the viewpoints of others.

Current Context

In fall 2003, as an outcome of a mediated dispute between the University of Northern British Columbia and the UNBC Faculty Association, both parties signed a document that contained the following:

We jointly affirm the core value of collegial governance at UNBC. This Memorandum of Agreement is made without prejudice to the position of either party about the issues of the appropriate role of academic units and the Senate in the approval of academic structures, the duties and responsibilities of Chairs in academic leadership and administration, and the feasibility of establishing a distinction between academic and administrative units such as programs. To provide a forum for discussing and debating these topics, a University-wide taskforce on collegial governance will be established by the President on or before March 1, 2003. There will be five members of the committee including the Vice-President Academic who will function as the Chair of the committee.

The President of the University will appoint two members of the committee. The President of the Faculty Association will appoint two members of the committee. The taskforce will report jointly to the President of the University and the President of the Faculty Association on or before October 30, 2003. The terms of reference of the task force will be established by the President after consultation with the President of the Faculty Association.

Terms of Reference

Within the context of the University Act of British Columbia and the 2001-04 Agreement between the University of Northern British Columbia and the UNBC Faculty Association, and acknowledging the desire for enhanced collegiality within the friendly and informal environment of a small university, the Task Force on Collegial Governance will:

- Identify current problems and issues relating to collegial governance at UNBC as perceived by UNBC faculty.
- Review collegial processes at a selection of other universities to determine the overall comparability of collegial processes at UNBC.
- Recommend on the appropriate roles of Programs, Program Chairs, College Councils, and members of the senior academic administration in the development, review and approval of proposed changes to academic programs, structures, and procedures at the College level.
- Examine the scope for collegial processes outside of formalized Program and College Council committees and consultative structures, and make recommendations as deemed appropriate.
- Review the role of Senate in relationship to proposed changes to academic programs, structures and procedures initiated within the Colleges or by the senior academic administration and make recommendations as deemed appropriate.
- Review the role of the Board of Governors in relationship to proposed changes to academic programs, structures and procedures initiated within the Colleges or by the senior academic administration and make recommendations as deemed appropriate.
- Provide general recommendations for enhancing collegial governance at UNBC.

Process

Since Spring, 2003 the members of the taskforce have met a number of times to discuss collegial governance, the issues leading to the establishment of the task force, and to determine the process that the task force would use to consult with members of the UNBC faculty as well external academics and administrators.

It was decided that the task force would prepare an email based questionnaire that would be sent to all faculty members via the two college distribution lists cashs@unbc.ca and csam@unbc.ca

Faculty members were asked to provide task force members with their views of collegial governance at UNBC by answering the following three questions:

1. What is working well?
2. What is not working well?
3. What suggestions do you have for improving the current process?

The request for feedback was sent to faculty members on three separate occasions, June 13, September 3 and again on September 18, 2003. Combined, these distribution lists reach 258 recipients of which, 28 responded to the task force. The responses were then reviewed and a content analysis was done (Appendix D).

The task force also sought input from a number of other academic institutes to compare the collegial processes they have in place to those at UNBC. The following institutes and academic administrators provided feedback: Dr. Neil Guppy - Associate VP, Academic Programs (UBC); Dr. William Krane - Associate Vice-President, Academics (SFU); Cecilia Freeman Ward - University Secretary (UVIC); Dr. Fred Wilson - Professor and Chair of Philosophy Department (UofT), former president of CAUT and; Robert Clift - Executive Director (CUFA BC).

Prior to submitting a final report to both the President and Vice-Chancellor of UNBC, Dr. Charles Jago, and to the President of the Faculty Association, Dr. Chris Hawkins, the committee both circulated their report for review (October 24, 2003) and hosted a public forum. The forum took place on Monday, October 27, 2003. All faculty members were invited to attend. The committee then reflected on the discussion that took place during the forum and incorporated any changes they felt necessary into the final draft of their report.

Collegial Relations

The initial definition of collegial governance, "*the act of governing characterized by collaboration among colleagues*", developed by the committee for the purposes of soliciting input from colleagues proved to be an effective starting point. Another was the following statement, taken from Northern Kentucky University: "...a collegial system of university governance, based on a concept of authority and responsibility shared among colleagues, some who have primary duties as faculty and some who have primary duties as administrators. A collegial system has, as its fundamental principle, the concept of good faith consultation among these colleagues prior to decision making..."

These definitions, along with feedback received from the various informants who made submissions to the committee, emphasizes that, with respect to the making of decisions that affect the teaching and research programs, intellectual climate, and service of members of faculty, collegial governance is fundamentally a democratic process. It is a process characterized by open exchange of information pertinent to decision-making, open debate without fear of repercussion for views that may run counter to the prevailing viewpoint or the stated positions of individuals or groups, and both the right and the duty to contribute in a meaningful way to decision making.

The committee was of the opinion that the effective resolution of the majority of issues brought to its attention in the consultative phase depends ultimately on recognition of the fundamentally democratic nature of collegial governance. Equally important here is the shared responsibility of

all relevant parties participating in meetings held for the purpose of exercising those democratic rights within a context of collegial governance.

Relation of collegial governance to management rights

The committee recognizes that, in a complex organization, decisions sometimes have to be made around which there cannot be universal consensus. The interests of some groups or individuals will necessarily conflict with those of others. Sometimes this divergence of interests is between members of the academic staff, and sometimes it is with management.

The committee considered the concept of management rights as it pertains to collegial governance. Management rights are recognized under the framework agreement between the University and the Faculty Association where their definition and boundaries are vague. The committee recognized the principle that university administrators will and should have the authority to exercise rights that allow them to exercise their obligation to manage the overall direction of the institution effectively. However, university management in a collegial governance structure operates best through a style of consultation and transparent decision-making where the roles of Colleges (Faculties) and Boards are respected and the mechanisms of those structures are allowed to operate in accordance with statute.

The committee concluded that the distinction between decisions that fall within the authority of properly constituted bodies of faculty (e.g., Colleges, Programs, Senate) and those that fall within the authority of management can be difficult to make. Disagreement about decisions at this intersection of interests and responsibilities is one of the key contextual issues that led to the formation of the committee.

In considering this issue, the committee agreed that it is not always evident what decisions fall under management rights and what fall under collegial governance. Nevertheless, it was felt that where there is any legitimate question whether a decision is a management right or whether it affects the teaching, research programs, intellectual climate or service of members of faculty, the principles of open exchange of information and debate and the right and responsibility to have one's voice heard in a duly-constituted democratic forum should prevail.

Role of Programs, Program Chairs, College Councils and Academic Administrators in College changes

The fundamental principles of collegial governance are the right and the duty to contribute to debate and decision-making in a democratic process. Just as College Councils and Senate are formally recognized bodies that provide for governance, UNBC recognizes academic Programs, given academic and administrative leadership by Program Chairs. The principles of collegial governance apply equally to academic Programs. The implication of this is that democratic decision-making concerning the teaching, research programs, intellectual climate or service of members of faculty extends to Programs and Program members¹. Academic programs play a major role in the structuring and delivery of programs of study and research within their field.

¹ Research programs is not intended to imply any act that could be considered a violation of academic freedom.

Because members of a Program have a stake in how they are structured within the College, they have the right and duty to participate in decisions that affect their function, including the right to register their views by vote on formal motions. They also have the duty to participate in less formal exercises involving the review and development of changes to structures and procedures under which they operate.

Similarly, as colleagues who have primary duties as administrators, senior academic administrators have the responsibility to participate in informal and formal exercises that may affect changes to academic programs, structures and procedures at the College level. Senior administrators' roles include broad leadership, consultation, information provision and facilitation of effective debate and democratic decision-making.

Because the University Act vests in the Senate, "the authority to recommend to the board the establishment or discontinuance of any faculty, department, course of instruction, chair..." ultimate authority to make decisions concerning the teaching, research programs, intellectual climate or service of members of faculty resides within the mandate of the Senate. This reinforces the crucial role of the Senate as arbiter of academic matters.

Formal and informal aspects of collegial governance

The committee recognized that the concept of collegial governance includes both formal and informal aspects. Formal aspects include the issues addressed thus far, such as the existence of College Councils and Senate and the processes under which they operate. Informal aspects refer to structures and procedures put in place to facilitate "...good faith consultation among...colleagues prior to decision-making." Informal aspects also refer to the facilitation of a culture that promotes good-faith consultation and collegial relations.

The business of a university requires continuous assessment, planning and adjustment which affect how it structures itself and operates. The results of such activities affect the functioning of the whole, of recognizable units within the whole and of individuals, all of whom can be considered stakeholders. The concept of collegial governance implies that a considerable amount of activity will ordinarily take place prior to formal decision-making. These activities can be considered informal to varying degrees. They include open and timely sharing of information about issues affecting the institution, regular opportunities for sharing information such as at College Councils, Program meetings, newsletters or e-mail and planning exercises outside of the recognized structures of the institution such as "brainstorming" sessions or retreats. These activities can be every bit as crucial to making wise decisions as more formal procedures and are certainly a property of collegial governance.

The concepts of good faith and responsibility apply importantly in these contexts. To the extent that they have a stake in the outcomes of the units of which they are members, individuals have a responsibility to contribute to the informal aspects of institutional adjustment by attending meetings, making their views known and contributing to debate.

In turn, individuals have the right to expect that their views held and offered in good faith will not have a negative impact on their ability to perform their jobs, career progress or comfort

within the workplace. In order to enjoy the benefits of working in an environment where decisions are made via collegial governance, it is necessary for individuals to accept the decisions reached this way without unduly disrupting operation of the institution or seeking to circumvent the decision by bypassing collegial governance procedures, even though they may not personally agree with the decisions.

In considering the input received through its consultation process, the committee was aware that many of the views expressed did not deal directly with the issue of collegial governance. This was natural, given the questions used to frame the discussion, such as "What is working well?" and "What is not working well?" In consequence, some of the input received could not be addressed directly since, in the committee's view, it fell outside the mandate given in the mediation decision. A persistent theme, which ran through much of the input, however, was collegiality itself. The committee made a distinction between collegiality, which it took to refer to professional and supportive behaviour between colleagues, and collegial governance as it has been described above. Nevertheless, it was clear that the facilitation of collegial relations is a central feature in establishing a culture that supports effective collegial governance.

Recommendations

The committee's discussions about what to recommend with respect to these issues were far ranging. Some of the issues addressed were:

- communication can be impeded by structural factors in the institution, such as the absence of places to gather informally to discuss issues
- collegial relations, on which collegial governance depends to at least some extent, are difficult to maintain when people are frustrated or demoralized
- conversely, collegial relations and collegial governance are promoted when academics work in an atmosphere they find intellectually stimulating, and which they can see the value of their activities

The committee agreed that addressing these and related issues are important aspects of establishing a culture that is supportive of collegial governance. Some specific recommendations arise from these considerations. That;

- we affirm and abide by the structures and processes outlined in the University Act
- both management and faculty have a right and duty to be active participants in the process
- decisions made via collegial governance, which may not necessarily be agreed upon by all, need to be accepted without disrupting the ongoing functioning of the institution by bypassing collegial governance procedures
- the university increase the informal mechanisms for communication at all levels of the institution
- at the program level, all processes including budget must be open and transparent, and accountability structures must be understood
- college councils review and consider the implications of this report and table it during a college council meeting

- college councils review their constitutions
- the university should address how it can configure space in such a manner as to promote greater informal interaction among colleagues, this includes configuration of office space, and provision of space for informal meeting among faculty and administration (e.g. faculty lounge)
- given its regional mandate, the university should work towards both increasing opportunities for informal interactions among all colleagues and focus on providing an increased opportunity for regional faculty members to participate in formal and informal forms of collegial governance that affect the institution as a whole
- a sense of intellectual excitement and collective purpose also promote collegiality and a culture supportive of collegial governance. Investment in structures and processes that promote these, such as visiting speakers, networking opportunities, etc., would contribute to the development of a culture of collegiality.

Summary of conclusions and recommendations

Collegial governance is fundamentally a process in which faculty and administrators make decisions concerning academic matters in an open, responsible and democratic process. Further, collegial governance involves the rights and duties of faculty to contribute to open debate and decision-making and the obligation to participate in governance processes.

Also, collegial governance processes are recognized and vested in University bodies under the University Act. In particular, University Senate is given broad authority to regulate all academic matters. Decisions affecting the teaching, research programs, intellectual climate or service of members of faculty may ultimately be debated and resolved at Senate.

The system of collegial governance has associated benefits, rights and duties. Decisions reached in this way benefit individuals, groups and the institution as collegial governance means that the knowledge and opinions of those affected by the decisions are voiced and considered in good faith in making the decision. Participants in collegial governance have both the right and duty to take part in the process by being informed of issues and voicing their opinions and knowledge, thereby contributing to the decision-making. Participants can expect to do so without fear of repercussion for views that may run counter to the prevailing viewpoint or the stated positions of individuals or groups. The freedom to voice opinions without repercussion, carries with it responsibilities. To enjoy the benefits of working in an environment where decisions are made via collegial governance, individuals need to accept the decisions reached this way without disrupting the institution or attempting to circumvent the decision by bypassing collegial governance procedures, even though they may not personally agree with the decisions. Similarly, when there are serious disagreements about the outcome of a deliberation, adherence to proper procedure is the best assurance that all voices have been heard.

The principles of collegial governance apply at the levels of Colleges and Programs. Collegial governance involves formal and informal aspects. The informal aspects involve structural features of the institution that facilitate open exchange of information, informed debate, an atmosphere of intellectual excitement, good morale and a broader sense of collegiality. The

university must consider ways in which informal aspects of collegial governance may be enhanced. As a result of the work of the task force, some specific recommendations have been offered as identified above.

The members of the task force would like to thank those faculty members and staff who took the time to respond to the collegial governance questionnaire. As well, thank you to Dr. Leslie King for her contributions and the many external contributors who provided us with their insight and expertise regarding many of the issues that surround collegial governance.

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Appendices

**Appendix A
Powers of Senate**

Powers of senate

37 (1) The academic governance of the university is vested in the senate and it has the following powers:

- (a) to regulate the conduct of its meetings and proceedings, including the determination of the quorum necessary for the transaction of its business, and the election of a vice chair at least annually, who is to chair meetings in the absence of the president;**
- (b) to establish committees it considers necessary and, by 2/3 vote of its members present, to delegate to one or more committees those of its powers as it may determine;**
- (c) to determine all questions relating to the academic and other qualifications required of applicants for admission as students to the university or to any faculty, and to determine in which faculty the students pursuing a course of study must register;**
- (d) to determine the conditions under which candidates must be received for examination, to appoint examiners and to determine the conduct and results of all examinations;**
- (e) to establish a standing committee to meet with the president and assist the president in preparing the university budget;**
- (f) to consider, approve and recommend to the board the revision of courses of study, instruction and education in all faculties and departments of the university;**
- (g) to provide for courses of study in any place in British Columbia and to encourage and develop extension and correspondence programs;**
- (h) to provide for and to grant degrees, including honorary degrees, diplomas and certificates of proficiency, except in theology;**
- (i) to recommend to the board the establishment or discontinuance of any faculty, department, course of instruction, chair, fellowship, scholarship, exhibition, bursary or prize;**
- (j) to award fellowships, scholarships, exhibitions, bursaries and prizes;**
- (k) to determine the members of the teaching and administrative staffs who are to be members of each faculty;**
- (l) to make rules for the management and conduct of the library;**

- (m) to establish policies regarding the conservation of heritage objects and collections that are owned by or in the possession of the university or any of its faculties, divisions, departments or other agencies;
- (n) to provide for the preparation and publication of a university calendar;
- (o) to make recommendations to the board considered advisable for promoting the interests of the university or for carrying out the objects and provisions of this Act;
- (p) to deal with all matters reported by the faculties, affecting their respective departments or divisions;
- (q) to establish a standing committee to consider and take action on behalf of the senate on all matters that may be referred to the senate by the board;
- (r) subject to the approval of the board, to enter into agreements with any corporation or society in British Columbia entitled under any Act to establish examinations for admission to the corporation or society, for the purpose of conducting examinations and reporting results, and those corporations or societies have power to enter into the agreements;
- (s) to make rules respecting the conduct and financing of examinations referred to in paragraph (r) and other examinations conducted by the senate under any other Act;
- (t) to make rules respecting the reporting of results of examinations referred to in paragraphs (r) and (s);
- (u) to set the terms of affiliation with other universities, colleges or other institutions of learning, and to modify or terminate the affiliation;
- (v) to establish a standing committee of final appeal for students in matters of academic discipline;
- (w) to establish a standing committee on relations with other post secondary institutions in British Columbia;
- (x) to require any faculty to establish an advisory committee consisting of students of the faculty and members of the community at large.
- (2) A vice chair elected under subsection (1) (a) must not serve more than 2 consecutive terms.
- (3) No part of the cost of examinations referred to in subsection (1) (r) or (s) may be a charge on or be paid out of university funds.

**Appendix B
Powers of the Board**

Powers of board

27 (1) The management, administration and control of the property, revenue, business and affairs of the university are vested in the board.

(2) Without limiting subsection (1) or the general powers conferred on the board by this Act, the board has the following powers:

- (a) to make rules for the meetings of the board and its transactions;**
- (b) to elect from among its members a chair, and, when necessary, an acting chair;**
- (c) to appoint a secretary and committees it considers necessary to carry out the board's functions, including joint committees with the senate, and to confer on the committees power and authority to act for the board;**
- (d) in consultation with the senate, to maintain and keep in proper order and condition the real property of the university, to erect and maintain the buildings and structures on it that in the opinion of the board are necessary and advisable, and to make rules respecting the management, government and control of the real property, buildings and structures;**
- (e) in consultation with the senate, to provide for conservation of the heritage sites of the university, including any heritage buildings, structures and land of the university;**
- (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;**
- (g) subject to section 28, to appoint the president of the university, deans of all faculties, the librarian, the registrar, the bursar, the professors, associate professors, assistant professors, lecturers, instructors and other members of the teaching staff of the university, and the officers and employees the board considers necessary for the purpose of the university, and to set their salaries or remuneration, and to define their duties and their tenure of office or employment;**
- (h) if the president is absent or unable to act, or if there is a vacancy in that office, to appoint an acting president;**
- (i) to consider recommendations from the senate for the establishment of faculties and departments with suitable teaching staff and courses of instruction;**

- (j) subject to section 29 and with the approval of the senate, to provide for the establishment of faculties and departments the board considers necessary;**
- (k) to provide for chairs, institutes, fellowships, scholarships, exhibitions, bursaries and prizes the board and the senate consider advisable;**
- (l) to receive from the president and analyse and adopt with or without modifications the budgets for operating and capital expenditure for the university;**
- (m) to set, determine and collect the fees**
 - (i) to be paid for instruction, research and all other activities in the university,**
 - (ii) for extramural instruction,**
 - (iii) for public lecturing, library fees, and laboratory fees,**
 - (iv) for examinations, degrees and certificates,**
 - (v) for the use of any student or alumni organization in charge of student or alumni activities, and**
 - (vi) for the building and operation of a gymnasium or other athletic facilities;**
- (n) to pay over**
 - (i) the fees collected for a student or alumni organization that the organization may request, and**
 - (ii) in accordance with section 27.1, the fees collected for a student society or a provincial or national student organization;**
- (o) to administer funds, grants, fees, endowments and other assets;**
- (p) to select a seal and arms for the university and have sole custody and use of the seal;**
- (q) to provide for student loans;**
- (r) with the approval of the senate, to determine 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;**
- (s) to enter into agreements on behalf of the university;**

- (t) to control vehicle and pedestrian traffic on the university campus;**
- (u) to acquire and deal with**
 - (i) an invention or any interest in it, or a licence to make, use or sell the product of an invention, and**
 - (ii) a patent, copyright, trade mark, trade name or other proprietary right or any interest in it;**
- (v) to require, as a term of employment or assistance, that a person assign to the board an interest in an invention or an interest in a patent, copyright, trade mark, trade name or other proprietary right resulting from an invention**
 - (i) made by that person using the facilities, equipment or financial aid provided by the board, or**
 - (ii) made by that person while acting within the scope of the person's duties or employment, or resulting from or in connection with the person's duties or employment as an officer or employee of the university;**
- (w) to pay to a municipality incorporated by or under an Act a grant in a year not exceeding the lesser of**
 - (i) the amount that would be payable as general municipal taxes in the year on property of the university within the municipality if the property were not exempt from these taxes, and**
 - (ii) the amount specified by the minister or calculated in the manner specified by the minister;**
- (x) to make rules consistent with the powers conferred on the board by this Act;**
- (y) to do and perform all other matters and things that may be necessary or advisable for carrying out and advancing the purposes of the university and the performance of any duty by the board or its officers prescribed by this Act.**
- (3) A person appointed under subsection (2) (h) has, during the period for which he or she is appointed, all the powers, rights and privileges of the president.**
- (4) The board may require a student to provide the university with**
 - (a) the personal information that relates directly to and is necessary for an operating program or activity of the university, and**

(b) the personal information necessary to obtain a personal education number for the student.

(5) The board must submit the personal information collected under subsection (4) (b) to the minister responsible for the administration of the *School Act* to obtain a personal education number for the student.

(6) The board may use the personal education number obtained under subsection (5) for the following purposes:

(a) carrying out its responsibilities in respect of an operating program or activity of the university;

(b) research and statistical analysis of personal information in the possession of the board;

(c) facilitating the provision of personal information under section 49.

(7) In subsections (4), (5) and (6):

"personal education number" means a unique identification number for a student obtained under section 170.2 of the *School Act*;

"student" includes a person applying to enroll in a credit course at a university.

**Appendix C
Powers of Faculty**

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.**

Appendix D Content Analysis

What is Working Well:

1. The People

- . Our Faculty members are very hardworking and committed. Faculty members are working very hard and exceptionally committed to build and sustain an excellent university and positive working environment. They provide outstanding service to the university, their profession and the outside community.
- . Our members of Staff all work very hard to try to provide the support needed to make UNBC a functioning university. This includes secretarial support staff at all levels and the facilities staff.
- . Particular units are very cooperative and efficient.
- . Faculty/student ratio and degree of interaction is still very good when compared to other institutions.
- . Collegiality at the program level is mostly working well. With a few exceptions, the faculty and students in the various programs get along well and share a common commitment to UNBC. Since most of what goes on at a university goes on at this level, this collegiality is very important.
- . Opportunities abound to participate in running the university and exercise some influence on decision making.

2. Accessibility of Administration

- . UNBC remains relatively small and it is usually possible to speak directly with senior administrators when there is a problem or concern. This ease of accessibility is a good in terms of governance and collaboration.

3. Governing Structures

- . The Senate appears to function as it should.
- . The basic academic structure, and therefore the infrastructure for collegial governance is technically already in place, i.e. College Management Committee in CSAM, Chair's Council in CASH, College Councils, Senate Committees, etc.
- . Although the governance of Graduate Studies in CSAM needs reform, it seems to be working well nonetheless. It seems everyone involved in the process is interested in making whatever changes are necessary for improvement in a collegial and co-operative manner.

- . Overall leadership within the university is sound. Our administrators and academic leaders have developed strategic plans, policies, and procedures that meet the needs of many members of the UNBC community.

4. Other

- . There is ample opportunity for faculty and staff to participate and to exercise some influence on decision making in the running of the university. Most employees are aware of this and make an extra effort to ensure everything works well and show the university in the best possible light.
- . CASHS Council process works well. Debate is conducted in a respectful and professional manner. Enough people attend that business gets completed. There appears to be a free flow of information in both directions.
- . The changes in CSAM appear to be working well for some Programs.
- . Activities promoting positive interactions (i.e. act as antidotes to professional disputes) amongst faculty, e.g. Poetry nights, Rec org events, CSAM Speaker series.
- . Some support units are working well.

What isn't working well:

Faculty who responded to our request for feedback identified four main problem areas within the University's governance. The first involves the perception that the processes by which decisions are made and then implemented are unfair, capricious and subject to hidden agendas. The second pertains to an overall lack of effective communication. The third entails the nature of our structures themselves and the extent to which they lead to or encourage micro-management, delayed and top-down decision-making as well as unclear roles for some administrators, particularly chairs. The fourth includes issues of isolation or segregation between and among colleagues.

A key feature of the perceived dysfunction at this University is the belief that decision-making bodies are dominated by senior administrators or by special interest groups. Some faculty reported that they felt intimidated by some senior administrators and that the bodies chaired by these individuals were weakened. Others noted a tendency for senior administrators to 'bulldoze' over opposition dismissed as 'complainers' or to be vindictive with those who oppose their views. This was reported at all levels of governance – people felt penalized by their chair at annual report time, by their Dean at tenure and promotion and by the President in Senate or at Public Forum.

Other faculty, however, were aggrieved by the attention that some special interest groups within the University community seemed to receive. Some faculty believed that struggling programs receive an unfair proportion of University resources, while successful programs are 'punished' by received relatively less support. More common though, was the frustration voiced by Faculty with those who go around approved structures and processes. People believed that some of their colleagues received special favors from administrators because they were 'squeaky wheels.' As one colleague reminded us:

"Collegial governance isn't license for those who disagree with a decision to try to obstruct it... Collegial governance isn't license to try to block a decision by refusing to participate... Collegial governance isn't license to circumvent the legitimate authority of a faculty body to make a decision."

Of course, the two issues are intertwined. Faculty will ignore or circumvent processes they perceive to be unreliable. If their concerns are heard and responded to, those who participated in the approved process will feel that they, now, are being ignored. Some will refuse to participate further in University governance thus contributing to the view that such work is futile and demoralizing. Disturbingly, some faculty felt that the work of the Taskforce on Collegial Governance was an example of this vicious circle at play again. Faculty pointed out leadership had been lacking in the implementation of the various strategic planning exercises. They wonder why they should have any more faith in the current process.

A key element of this lack of faith, moreover, is the perceived inability of senior administrators and others to communicate effectively. A number of faculty described their surprise when policy changes were implemented that they had no recollection of ever deciding upon. Others were shocked when courses were assigned without their knowledge or consent. Many of our

respondents felt decidedly 'out of the loop.' Not only did they feel like they had insufficient access to information but more than that, some felt afraid to raise questions. Apropos the perceived vindictiveness of some administrators, some faculty members said that they felt silenced and dis-empowered. Others believed consultative processes were empty whereby faculty were asked for their ideas and then ignored. Others noted that their chairs did not call program meetings and so they did not even have access to the most basic level of administrative decision-making at this University. Not feeling heard, believing themselves to be denied important information about their own programs, faculty reported that they withdrew from University governance. As their access to information diminished, they stopped believing in the processes and the individuals who govern this University.

Certain faculty believed the structures of this University themselves to be flawed. Some faculty were extremely critical of the CSAM restructuring while some agreed that it was working for some. Many noted that the restructuring that came from the Strategic Plan of 1995-6 had proven unsuccessful in reducing the number of administrators and had resulted in a bizarre and Byzantine structure. Others were unimpressed by the 'corporate model' embraced in CSAM and believed this to be inappropriate at a University. Others were concerned that the whole notion of 'management teams' was un-academic and un-necessarily slavish to a private sector, business mentality.

Most often, however, respondent faculty complained that administration was too heavy at this university both in terms of the number of committees required (some called for the abolition of SCAPP, others for the dismantling of the UPTC and UPTAC) while others noted that the decision-making style of administration was top-down and that Deans were expected to represent the decisions of senior administration to their faculty without a corresponding representative function up the hierarchy. Moreover, since the role of chairs appeared to most to be ill-defined, faculty felt that those immediately above them were unable to adequately represent their views and support their perspectives. In effect, faculty believed that there was little in the way of 'responsible government' at this university both at the decanal and at the chairs level.

Moreover, a number of faculty believed that senior administration from the decanal level to the President engaged in far too much micro-management. As one faculty member put it: "Most university senior administrators such as presidents do not pretend to be involved in day-to-day matters at their institutions, and are not; at UNBC they may pretend not to be involved but in fact are..." Decision-making processes were found too often to wind up in the Presidential suite and, given the busy schedules of many senior administrators, to languish there. New appointments at the decanal and Vice-President level will only exacerbate the situation, some believe.

Aggravating the sense of top-down micro-management is the practice at UNBC of using Deans as Acting Chairs at the program level. This drastically slows decision-making in the affected programs and creates feelings of alienation among the faculty.

Finally, some faculty commented on their feelings of isolation both within the University and from their colleagues outside the institution. Most cited the most recent restructuring and faculty office moves as contributing to a deterioration of faculty communication and camaraderie not to mention to diminishing research and teaching interdisciplinarity. Moreover, the absence of

social space and now the limitations placed on informal interactions (the decline of the interdisciplinary forum was cited by more than one respondent), contributed to a fraying of an esprit de corps among faculty and a growing sense of 'us and them' between the colleges.

Regional faculty felt particularly disadvantaged both in terms of their input into university governing structures and procedures and in terms of their ability to connect with other faculty on common research or teaching issues.

Finally, many faculty felt that they were feeling increasingly isolated within their own professions due to the location of UNBC. Some felt that the support of the University in this area was much needed.

What suggestions do you have for improving Collegial Governance at UNBC?

The Task Force received many suggestions. In providing this summary we have categorized the responses as relating to aspects of "Formal" or "Informal" Collegial Governance, or relating to "Behavior" of individuals or groups. Recommendations not relating to Collegial Governance are not listed.

1. Suggestions to Improve Formal Collegial Governance Procedures

1.1 Clarify Existing Policy and Procedures

- Clarify the interpretation of the University Act of structures such as "department", "chair", and "faculty"
- Clarify the procedures and chain of command for decision making so that everyone understands the "playing field"
- Interpretation of University Act that two faculty members elected to the board does not mean that one must come from each college
- Clarify the terms of reference for Administrators, Chairs, multi-program Chairs, Committees, and faculty. Especially the roles of multi-program chairs that are not specified in the Faculty Agreement
- Collegial processes should be the default process – exceptions to this are specified by Senate decisions or in the Faculty Agreement
- In academic management, it is impossible to separate "academic" from "management". While senior administrators have powers, faculty members need input via formal Collegial Governance procedures on matters they find to be of academic interest.
- University Act spells out what powers belong to President, Senate, etc., but does not say that faculty ought to stick to academic matters. University Act ascribes powers, not to Deans, but to "Faculties", stating that a Dean is the Chair of his/her Faculty.
- In cases where there is no clear procedural guidance on the correct procedure for decision-making, suggest the following as a guideline: Decisions that primarily affect individuals are generally management decisions, while decisions affecting groups or dealing with academic matters generally are appropriately dealt with using collegial processes

1.2 Implementation of Policy and Procedures

- Follow prescribed procedures (University Act/Faculty Agreement/University Policies) for all decision-making
- Do not allow "end runs" or governance by the "squeaky wheel" method (i.e. follow structures for decision making)
- Senate approval required for structural changes to academic units
- Do not appoint inexperienced faculty as Chairs, or have programs lead by acting Chairs for extended periods
- Provide mechanisms for voting that ensure confidentiality where appropriate (secret ballots) and publicity where appropriate (e.g. in Senate)

- Faculty association should avoid getting involved in frivolous issues, perhaps using principles of natural justice in deciding which issues not to champion
- Encourage faculty who show leadership and voice opinions to become more involved in collegial governance processes
- Delegate decision-making responsibilities when administrators are away to speed up processes
- Tighten time-frames around certain types of decision making so that processes can move forward – important to discuss controversial issues but not indefinitely
- Needs to be more transparency in budgets and allocation of resources
- Analyze resource needs objectively and fairly. Distribute resources (money, faculty, support staff) in an equitable manner
- Improve communication of university policy and strategic directions to university community
- Conflicts between management and faculty must be resolved through scrupulous adherence to previously agreed-upon rules stemming from University Act.

1.3 Revise Existing or Create new Policy and Procedures

- SCOR should not have the sole right to make nominations – these can be proposed by SCOR and approved by Senate
- Establish guidelines / rules for making organizational changes. Could consist of a Constitutional Review committee with FA representation. Rules should respect democratic processes where unit can decide its own fate.
- Revise College Constitutions to reflect current practice and structure. Vote on revisions in College Councils. Ratify Constitutions in Senate.
- Establish a “watch-dog” comprised of faculty only acting independent of university and administration functioning as an ombudsman particularly regarding violations of rules and regulations
- Create policy to respond to “bullying” (of faculty by leaders?)
- Create a long-term plan for the university (more than a 5-year plan)
- Have more decision deadlines built into annual cycle so that we are not forced to react at late notice to a request
- November deadline for teaching assignments is too early and needlessly limits flexibility
- Reward those who behave collegially through merit or Tenure & Promotion process (i.e. give recognition and credit for collegial behavior)

1.4 Reassess Division of Power

- There are too many committees making decisions above the program level -- decentralize much decision-making to the Chair and Program level – give Chairs the right to make decisions and hold them responsible for the decisions they make
- Define a mechanism for dealing with disputes between Chairs and Deans
- Develop a mechanism by which faculty evaluate Deans on an annual basis, elect Deans?
- We are over-solicited for feedback and input via the committee structure – give more leeway to administration to set policy to be reviewed by Senate. Everybody does not need to express an opinion on everything.

1.5 Organizational Structure

- University should work towards larger administrative units to improve efficiency, foster interactions, improve communications, and reduce inequities between many small units that are based on small academic Programs
- CSAM should be restructured into 3 faculties: Business, Science, and NRES; with a Chair for each faculty and a Dean responsible for all three.
- Return structure of CSAM to previous model
- Programs who want them should be able to retain disciplinary-based Chairs
- Propose new Senate Committee for review of Calendar Entries (new and existing)

2. Suggestions to Improve Informal Collegial Governance Procedures

- Improve opportunities for regional faculty to participate in collegial processes on the main campus and for PG-based faculty to work in regions
- Create common rooms and other mechanisms to foster faculty interaction within and across disciplines
- Desegregate office spaces and make sure they are near traffic flow to foster spontaneous interactions amongst faculty and across disciplines
- Hold some senate / committee meetings in regions
- Increase the number of public lectures on campus to foster academic and intellectual exchanges
- Provide venues either as part of college council meetings, joint college council meetings or elsewhere to discuss pedagogical, organizational, research and other issues on a more regular and inter-Program basis.
- Offices of the senior administration should host colloquia, workshops etc that would aim to break down barriers within the university community
- Review priorities of event services so that profit-making activities do not unduly interfere with collegial activities (e.g. cafeteria availability in the summer).

3 Behavioral Aspects Related to Collegial Governance

Many of the responses received relate to the behavior of faculty and academic leaders, sometimes the same comment was applied to both groups (often in multiple responses). In an attempt to summarize the responses received, they are presented as the table below.

Behavioral Attribute	Applies to Faculty	Applies to Leaders
Respect diverse and conflicting viewpoints. Be polite.	X	X
Be accessible to those you supervise		X
Do not act in self-interest or perception of self-interest	X	X
Consult, listen, respect abilities of others to do their job	X	X
No repercussions to those who voice their opinion in formal and informal collegial processes		X
Eliminate favoritism in appointments		X
Accept and do not sabotage the results of decisions made collegially, even though you may not personally agree with them	X	X
Respect the responsibilities and roles of both administrators at all levels in the university and faculty for their importance in the smooth running of the institution	X	X
Participate in formal and informal opportunities for collegial decision making -- do not boycott or sabotage	X	
Faculty should focus on teaching and research and curb politically motivated service activities	X	
Administration should not tolerate insubordination.		X