



SEPTEMBER 2020

RECALIBRATING UNIVERSITY GOVERNANCE

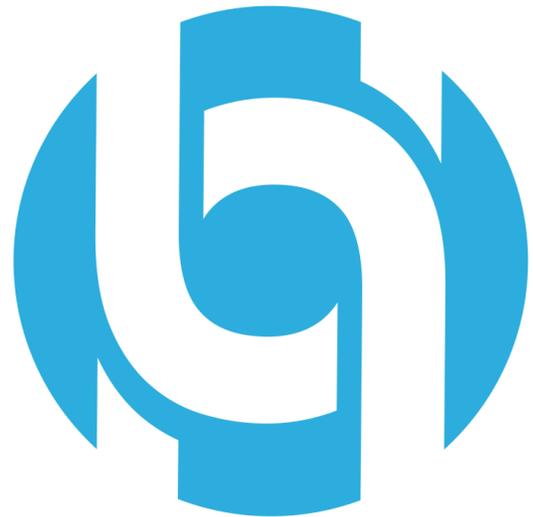
**RESTORING COLLEGIAL ENGAGEMENT
IN DECISION MAKING**

A White Paper by CUFA BC

Acknowledgements

CUFA BC would like to thank the following individuals who contributed to this publication: Members of the *ad hoc* committee on university governance Dr. Jacqueline Holler, Dr. Daniel Laitsch, Dr. Douglas Baer, Dr. Rick Kool, and Annabree Fairweather.

We would also like to thank CUFA BC's Executive Committee, Council members, and external experts who provided input on final recommendations.



Permissions

Copyright © 2020 CUFA BC, All rights reserved.

This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/).

Users may copy and redistribute the material in any medium or format under the following terms: You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

TABLE OF CONTENTS

Introduction.....	4
University Governance in Crisis.....	4
Main Objectives and Goals.....	5
Overview of BC University Governance.....	6
The Balance of Power: A Bicameral System of Governance.....	8
Board of Governors.....	8
Current Board of Governors Membership.....	9
Senate.....	10
Current Senate Membership.....	11
Current Issues with BC University Governance.....	12
Board Of Governors Issues.....	12
Senate Issues.....	16
Politicization of University Governance.....	17
Other Issues in Governance.....	18
Models of Good Governance.....	20
The Petch Procedure.....	22
University of Toronto.....	22
University of Waterloo.....	23
Bishop's University.....	23
Summary and Recommendations.....	24
General Recommendations to Strengthen University Governance.....	25
Specific Recommendations to Change the University & RRU Acts.....	26

INTRODUCTION

UNIVERSITY GOVERNANCE IN CRISIS

"We believe it is possible to restore university governance to a more democratic and collegial state, one that enshrines public accountability and transparency."

University governance is in crisis at British Columbia's institutions. It has been eroded by decades of chronic underfunding and corporate-oriented government policy. The balance of power has shifted over time, concentrating in the hands of a select few—senior administrators and boards of governors—and effectively marginalizing faculty involvement in university governance. This crisis, however, is emergent. We believe it is possible to restore university governance to a more democratic and collegial state, one that enshrines public accountability and transparency.

The Confederation of University Faculty Associations of British Columbia (CUFA BC) represents more than 5,500 professors, lecturers, instructors, and librarians through their unionized faculty associations at British Columbia's five research and doctoral universities: University of British Columbia, University of Northern British Columbia, University of Victoria, Royal Roads University, and Simon Fraser University.

CUFA BC promotes the value of post-secondary education, academic freedom, and research to the provincial government and wider public by representing the voice of faculty members in provincial decision-making. Faculty members bring a wealth of expertise to university governance; as their provincial voice, CUFA BC is committed to promoting an authentic model of collegial governance that ensures our members are able to contribute meaningfully to the important work of senates and boards of governors.

INTRODUCTION

MAIN OBJECTIVE AND GOALS

In writing this document, CUFA BC seeks to

- raise awareness of the importance of university governance in British Columbia;
- identify current vulnerabilities in university governance;
- eliminate or reduce institutional inconsistencies;
- inform best practices in university governance; and
- make recommendations for the improvement of university governance.



OVERVIEW OF BC UNIVERSITY GOVERNANCE



University governance in Canada is founded on a model of *bicameral governance* wherein senates and boards of governors share responsibility for decision-making. Under this system of governance, boards of governors make decisions over high-level, non-academic functions of an institution while senates preside over the central academic mission of universities. Within senates, it is the faculty who are given responsibility for regulating academic matters. Faculty decision-making over academic affairs occurs at the granular levels of the department, faculty, college or school, as well as at senate through what is known as *collegial governance*.

The provincial government is the formal body that legislates rules of governance for universities and has the mandate to place many of the members on boards of governors. Universities themselves, however, operate autonomously under provincial legislation.

Four of CUFA BC's five member institutions are governed by the *University Act*, with Royal Roads University governed by the *Royal Roads University Act (RRU Act)*.

A range of formal and informal structures work together to create a culture of university governance.

These are the

- **Legislative Framework**
the formal, external legal and regulatory structures established by government;
- **Policy Framework**
the formal, internal structure created by the institution; and
- **Informal Norms & Practices**
the informal, internal structures that emerge to create a lived experience of governance.

OVERVIEW OF BC UNIVERSITY GOVERNANCE

University governance is implemented and managed by each institution's board of governors, senate, senior academic administrators, faculty, students, alumni, and community members, as well as the provincial government. These actors create the balance of power in what is ideally a self-correcting system of shared governance and collegial decision-making. The balance of power, however, has shifted over years of inadequate funding, institutional corporatization, and overt attempts at political influence. This shifting power base is subject to both longer-term trends, such as changing demographics, and immediate-term trends such as COVID-19, which all affect the management needs of universities and thus the balance of power.

For the growing ranks of university administrators, management is their full-time job. For faculty members engaging in shared and collegial governance, that work is something they do as a service to the institution as they continue to perform their primary tasks of teaching and research. As a result of this asymmetry, the balance of power has largely come to rest in the hands of senior administrators and boards of governors, weakening faculty involvement in critical institutional oversight and decision-making.



Useful Resources

Royal Roads University Act: http://www.bclaws.ca/civix/document/id/complete/statreg/96409_01

University Act of BC: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96468_01

Kool, R (Ed.) (2012). *Academic Governance 3.0. What could it be? How can we get there?* Vancouver, BC: Confederation of University Faculty Associations of British Columbia.

THE BALANCE OF POWER: A BICAMERAL SYSTEM OF GOVERNANCE

Board of Governors

The board of governors is vested with the responsibility for management, administration, and control of property as well as revenue, business, and affairs of the university, and any other business arising not otherwise specified by legislation (Section 27 of the *University Act* and Section 10 of the *RRU Act*). Members of the board of governors are *fiduciaries*, duty-bound to “act in the best interests of the university” (Section 19.1 of the *University Act* and Section 2.1 of the *RRU Act*). The *RRU Act* is a notable exception, giving the board academic powers otherwise protected in the *University Act*:



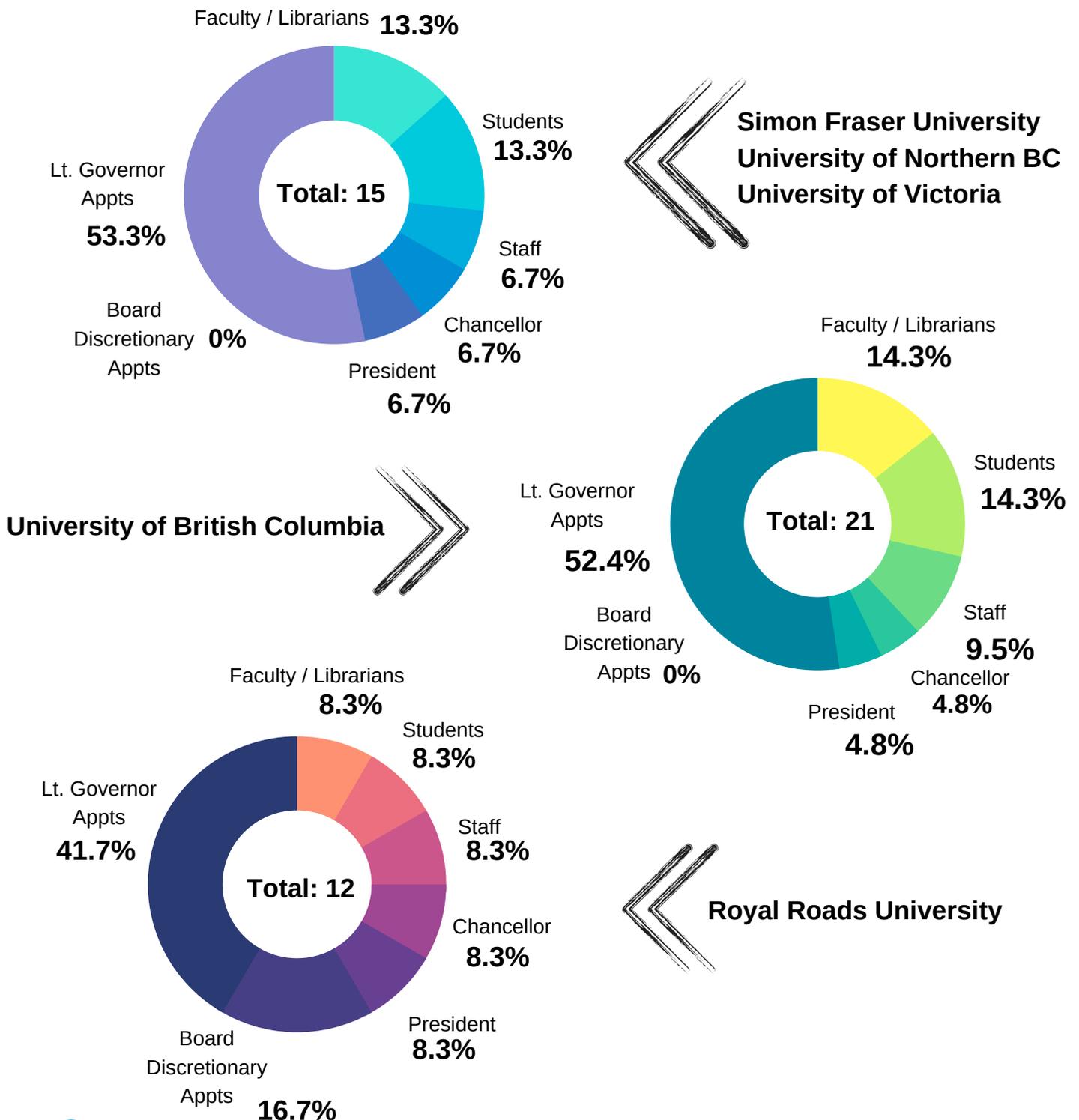
The board has the duties and may exercise the powers of the board of governors or senate of a university under the University Act except those powers and duties given to the president by this Act. [Section 10, emphasis added]

Institutional governance is prescribed in section 19(1)(c) of the *University Act* for SFU, UNBC, and UVic, and permits two of the fifteen board of governors members to be faculty members. UBC governance is covered in section 19(2)(c)-(d) and permits three faculty members on the twenty-one-member board of governors. Governance at RRU under section 5(b) of the *RRU Act* permits one professor on the twelve-member board of governors. At all institutions, faculty members are elected from and by the faculty. The ratio of faculty to non-faculty members on the boards of CUFA BC member institutions thus ranges from 1/7 (14%) at UBC or 1/7.5 (13%) at SFU, UNBC, and UVic to 1/12 (8%) at RRU.

At each institution, positions are reserved on the board of governors for appointments made by the provincial Lieutenant Governor in Council. These political positions comprise a majority of members on most institutions' boards, with eight of fifteen board positions at SFU, UNBC, and UVic (53%), twelve of twenty-one positions at UBC (57%), and six of twelve positions at RRU (50%).

THE BALANCE OF POWER: A BICAMERAL SYSTEM OF GOVERNANCE

Current Board of Governors Membership



THE BALANCE OF POWER: A BICAMERAL SYSTEM OF GOVERNANCE

Senate

The senate, through its collegial governance model, is normally the primary body that presides over decisions on university academic matters, including preparing and publishing the university calendar, determining the members of the teaching and administrative staff of each faculty, dealing with all matters reported by the faculties, establishing terms for affiliation with other institutions of learning, grade appeals, academic conduct, and administering examinations for admissions to societies (see [section 37\(1\)](#)). While the board is privileged with expansive responsibilities, including emergent issues otherwise not specified, the senate has finite, defined parameters of responsibility.

Senates at SFU, UNBC, and UVic are chaired by the university president and formally comprise senior academic administrators (academic vice-presidents, deans, chief librarians, directors of continuing education), two faculty members and one student for each administrator, and representatives from non-faculty constituencies, affiliated colleges, and additional members as determined by senate (see [section 35\(2\)](#)). UBC has two senates, one for each of its Vancouver and Okanagan campuses, which are constructed similarly to the senates at SFU, UNBC, and UVic ([section 35.1\(2\) and \(3\)](#)).

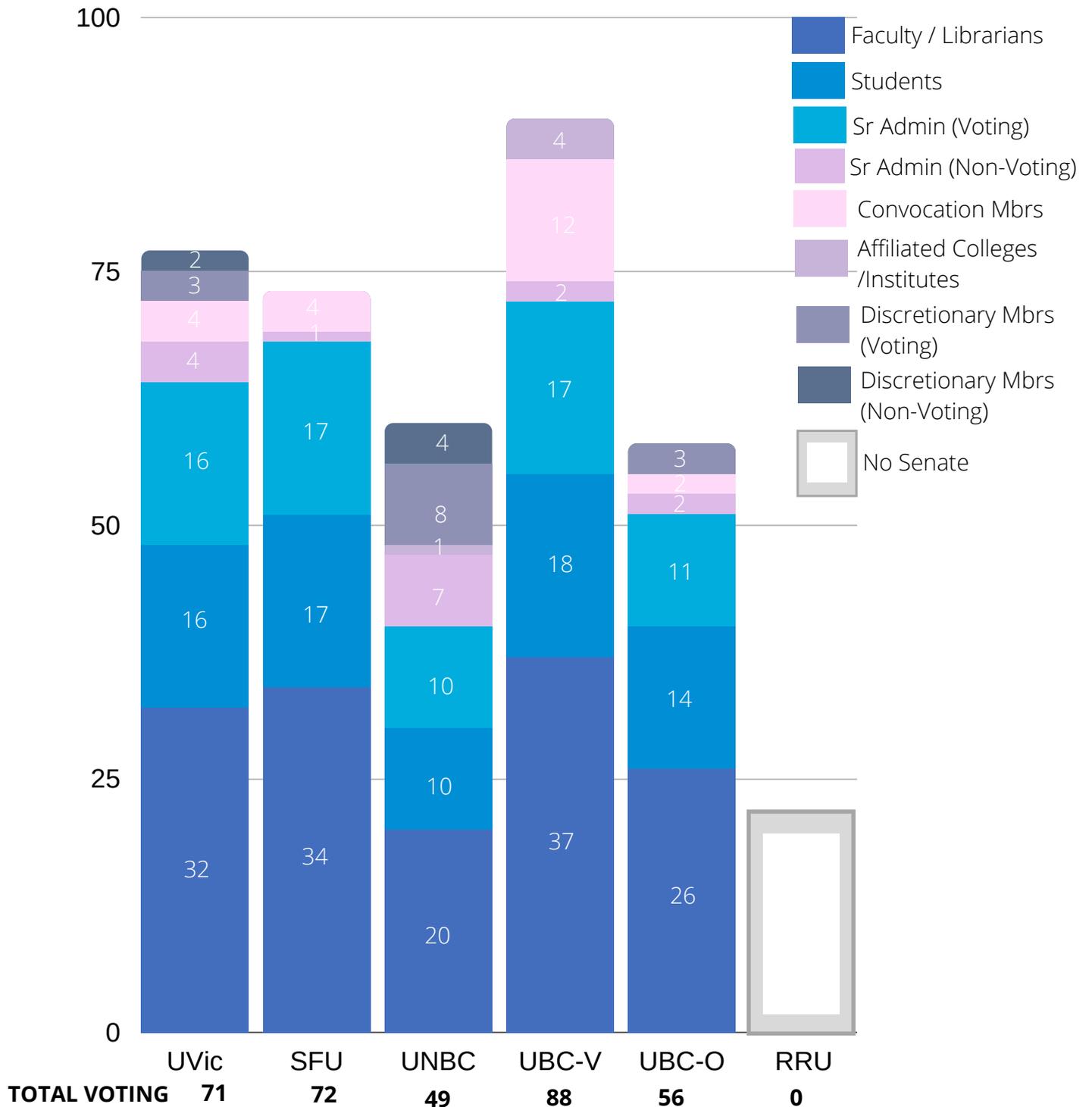
RRU is unicameral, has no legislative requirement for a senate, and has instead an Academic Council whose duties, under the *RRU Act*, are: “... to consult, as described in [section 12](#), with the president and to exercise [only those] powers delegated to the academic council [by the president] under [section 12\(4\)](#).”

Collegial governance finds its origins in scholars’ guilds, much as the foundation of trades and regulatory colleges are guild-like in origin. *Collegial* and *college* share word origins for good reason; the experts among the craft historically self-governed, ultimately deciding who is adequately qualified to be admitted to the group, establishing rules around quality control and professional conduct, and determining who has the power to remove members when they violate the rules of the group. In the case of collegial governance, it is faculty who are most appropriate to make these decisions within the senate.

Unfortunately, the current structure of university senates in BC, and the lack of any senate at all at RRU, undermines the tenets of collegial governance. While faculty may form the largest individual group on senate, they make up less than half of the voting body and are chaired by a non-faculty representative.

THE BALANCE OF POWER: A BICAMERAL SYSTEM OF GOVERNANCE

Current Senate Membership



CURRENT ISSUES WITH BC UNIVERSITY GOVERNANCE

University governance is influenced by many forces, whether formal (e.g., legislated structures) or informal (e.g., institutional practices and cultures), and challenges to good governance can emerge at any level. The system itself needs to be robust and should incorporate checks and balances to moderate shifting powers. Existing checks and balances, however, have failed to correct the growing power imbalance. The inadequate representation of faculty in university governance threatens the academic integrity of our programs, reduces transparency in decision-making, and limits public accountability. We believe that university governance in BC needs a strategic recalibration that will distribute power among the collegium more equitably, transparently, and accountably.

Board of Governors Issues

- **Lack of transparency in institutional decision-making** - Boards of governors increasingly hold closed meetings in which deliberations are removed from public purview, and debate and decisions are kept confidential. Boards now more than ever conduct closed searches for senior administrative positions, with minimal opportunities for input from faculty, staff, students, and the broader public. Closed searches and meetings result in uneven practices across institutions, with little opportunity for faculty to participate in the selection of their own Deans, Vice-Presidents, and Presidents. Transparency is further clouded by the lack of policies governing presidential appointment procedures. Without documented guidance (either internal to the institution or externally directed from legislation), procedures for appointing a university president become ad hoc, inconsistent over time, and opaque to public scrutiny. As these positions have great authority in setting the course for the university, the process for selecting candidates needs to be inclusive and transparent. Only UVic, with its "Petch Procedure" (see below), broadly engages faculty in the selection of senior administrators and managers.



CURRENT ISSUES WITH BC UNIVERSITY GOVERNANCE

Board of Governors Issues

- **Broad conflict of interest practice precludes faculty input** - Board decisions are further compromised by their practice of adopting overly broad, non-specific conflict of interest restrictions that preclude input from faculty representatives on the board, even when they have a necessary perspective. For example, faculty representatives are not permitted to participate in discussions on the university budget because of claims of conflicts of interest, nor are they able to participate in discussions of collective bargaining even when they are not directly involved in collective bargaining matters. Faculty on boards are bound by the same fiduciary responsibilities as all board members to uphold the full suite of responsibilities bestowed under the governing legislation and "act in the best interests of the university." Restricting faculty input in key institutional decisions means they are unable to fully or meaningfully contribute in critical moments of governance. Where conflict of interest is not invoked, often loyalty clauses bind individuals from speaking openly to the public regarding contested discussions, which may conflict with the public's interest and faculty's right to academic freedom. When faculty challenge this frustration of their fiduciary responsibilities, the board should provide independent legal counsel to the board member to ensure the best interests of the institution are actually being protected.
- **Diminution of faculty voice on board of governors** - Faculty members are integral to bicameral governance. Faculty bring a necessary perspective on the internal machinations of a public university and are often the ones with their fingers on the pulse of emergent issues on campus, in the classroom, and in the broader academy. Faculty should have strong representation within the institution's board of governors, bringing important insight into the day-to-day goings-on of the institution, yet faculty on the board are often marginalized as a kind of special interest group with niche expertise. Faculty are often excluded from breakout committees that increasingly deal with complex issues that inform decisions made at the board level. Faculty voices on boards of governors are silenced as they are systematically precluded from participating in discussions and voting on significant institutional decisions by systems of formal policy and informal local cultures. Faculty members on boards of governors have even been deterred from consulting with other faculty, the very constituency they represent, which further weakens the ability to exercise their legislated responsibilities.

CURRENT ISSUES WITH BC UNIVERSITY GOVERNANCE

Board of Governors Issues

- **Powers concentrated with the board of governors** - As currently constituted, university boards offer minimal opportunities for faculty input on significant governance matters and restrict information sharing between the bicameral governance bodies. Boards are often heavily populated with people who have little to no academic experience or understanding of collegial governance, and who may be subject to undue influence of powerful authorities (such as the board chair, university president, or other people in positions of authority). Significant governance matters, such as finance and academic planning, for example, are inextricably linked. Budgets within an institution transcend the bicameral division of power, and yet senates are precluded from participating in the construction of budgets, even in the governance areas that they are mandated to oversee.
- **Delegating authority and decision tracking** - Delegation and sub-delegation of authority by boards of governors also limits decision-making oversight and accountability. While delegation is a necessary way for boards to function, we must also ensure decision-making accountability. Tasks that are delegated must come back to the original authority for reporting and ratification. Currently, tasks that are delegated to committees, subcommittees, senior administrators, *etc.*, are not always concluded with a report to and affirmation by the board and so information about key decisions comes to be missing from the official record. It is exceptionally challenging, then, to track when and why decisions were made or their vote outcomes. This reliance on smaller subcommittees to work on topical issues before full board deliberations are commonplace. While breakout work like this can be beneficial for working through large tasks, it can fail to incorporate input from faculty members and constituents on the board who are not also members of the committee. In these circumstances, committees become insulated from the broader representation of the board, and oftentimes reflect the political influence of senior administrators who disproportionately sit in on such committees. Add to this issue concern that delegated tasks may not return to the board for reporting and adopting, and there is further missed opportunity for faculty to contribute their voice in important moments of decision-making.

CURRENT ISSUES WITH BC UNIVERSITY GOVERNANCE

Senate Issues

- **Diminution of faculty voice within senate** – Faculty members are integral to collegial governance of academic matters, often serving the frontline of the institution by interacting with students, non-academic staff, administrators, colleagues, and the broader campus community. Faculty have depth and breadth of expertise and experience within the institution (and, often, other institutions) and academic domains. Senates are charged with academic oversight—as a result, faculty should hold a majority of seats due to this specialized practical, academic, and curricular knowledge; research and scholarly expertise; understanding of academic freedom and free inquiry; and active engagement in teaching. Current legislation speaks to the participation of chancellor, president (as chair), deans, and some vice-presidents. Increasingly, however, associate and assistant deans and vice-presidents are taking on faculty voting positions or are being granted voting privileges within senate, diluting faculty representation. Even in cases where they do not have voting privileges, the presence of these senior administrators (and their associates) results in the undue influence of senior administration in academic decisions. Having the president serve as senate chair further shifts the balance of power away from faculty and into the hands of senior administration.
- **Powers concentrated away from senate** – With greater power in the hands of the board of governors and the increased participation of senior administrators within all levels of decision-making, academic or otherwise, faculty have less voice in significant decisions affecting the institution, including fulfilling their rights and obligations through legislative powers on matters of institutional budget and academic programming.



Within senates, it is the faculty who are given responsibility for regulating academic matters. Faculty decision-making over academic affairs occurs at the granular levels of the department, faculty, college or school, as well as at senate through what is known as collegial governance.

P. 6

CURRENT ISSUES WITH BC UNIVERSITY GOVERNANCE

Politicization of University Governance

- **Lt. Governor Appointments**

As noted earlier, government appointments represent a majority of positions on boards of governors at most BC institutions. These appointments are often political in nature, disproportionately represent the corporate interests of for-profit industries, disregard the complement of skills needed to run a complex public institution, fail to respect local or remote campus communities, and corrupt the autonomous nature of universities. The provincial government already holds multiple avenues for university oversight, including through establishing student seat numbers, funding levels, governing legislation, and bargaining mandates. Having a majority of seats on boards unnecessarily constrains the agility and autonomy of universities in responding to the academic and research needs in the best interest of the university.

- **Public Sector Employers' Council (PSEC)**

Boards are further affected by government constraints via the Public Sector Employers' Council (PSEC) as it directs boards on matters of monetary and, more recently, non-monetary terms and conditions during collective bargaining. Increasingly, PSEC's public-sector bargaining mandates have crept beyond the traditional focus on money to an overly-restrictive regulation of all management rights. In taking this approach, PSEC and its political bureaucracy have acted as a severe limiter on institutional autonomy, board and senate governance, and free collective bargaining.



The inadequate representation of faculty in university governance threatens the academic integrity of our programs, reduces transparency in decision-making, and limits public accountability.

P. 12

CURRENT ISSUES WITH BC UNIVERSITY GOVERNANCE

Other Issues In Governance

- **Institutional inconsistencies emerge from legislation**

Institutions differentiate themselves in myriad ways through mandates, program objectives, student objectives, and collective agreements. Legislative inconsistencies, however, introduce problems that affect competitiveness within and beyond provincial borders. Royal Roads University, for example, is disproportionately affected by its existence under separate legislation. Its unicameral governance structure affects the faculty member's ability to serve on the board and otherwise meaningfully participate in shared governance at the institution. In particular, lack of oversight over academic matters disadvantages the institution as potential faculty, funding bodies, and students attempt to understand how academic freedom, intellectual transparency, and scholarly accountability are maintained.

- **Governance lacks broad representation**

Boards and senates lack representation from equity-seeking groups and local community. They are not required to have such representation, though they may use their general right to appoint people as needed at their discretion, which in practice leads to inconsistent and ad hoc appointments (*University Act* sections [19\(1\)\(f\)](#), [35\(1\)\(k\)](#), [35.1\(2\)\(k\)](#), *RRU Act* [section 5\(f\)](#)). This haphazard approach to equity means that institutions often are missing the diverse voices of their community and thus systemically fail to represent their faculty and students, and the Indigenous nations on whose territorial lands they operate.

- **Senior academic administrators**

Senior administrators on bicameral bodies traditionally comprise the chancellor, president, and one or two vice-presidents and, in the case of senates, deans. Senior administrators serve an important function within the institution, but increasingly associate and assistant ranks within senior administration are usurping faculty voting rights. The growth of administration within governing bodies occurs in large part because legislation does not prevent senior administrators who also hold faculty positions within the institution from serving in roles reserved for active faculty. Institutional conflict of interest policies are

CURRENT ISSUES WITH BC UNIVERSITY GOVERNANCE

Other Issues In Governance

currently unidirectional, preventing faculty from participating beyond predetermined limits while in the presence of senior administrators but permissive of senior administrators wearing multiple hats and acting as rank-and-file faculty. The result is that administrators displace faculty within senates and committees, centralizing power in the administration who increasingly control the agenda for senates, boards, and committees. The expanded presence of these administrators is inefficient for the functioning of boards and senates and results in duplicative work. While many administrators do valuable work, the growth of these positions in senate and on senate committees weakens faculty oversight of the core teaching and research mandates of the institution and distracts administrators from their core management responsibilities.

- **Faculty participation a symptom of poor governance**

There is a belief in some circles that faculty participation could be improved if faculty members individually were more interested and engaged in governance. We believe this is mistaken and that faculty are demonstrably engaged in governance, from their program areas up to and including on senate and boards of governors. That said, there are structural issues at play that make broad faculty participation challenging. The problems with governance highlighted in this paper are not only harmful in themselves, but also act as a deterrent to faculty from taking up their right and obligation to participate in collegial governance. Additionally, heavy (and growing) service loads for faculty, increasing demands of teaching in a complex and digitized world, and expanding research mandates within a competitive environment create extreme demands on faculty capacity, and challenges full, rotating, and comprehensive participation in university governance. We believe that a democratically active governing system of contested faculty positions and a renewing and broadly representative group of candidates will best represent the academic needs of faculty constituencies and the institutions in which they serve. This ideal is only achievable if faculty feel that their participation will be meaningful and constructive, and if they are provided the capacity to engage in governance with integrity and respect.

MODELS OF GOOD GOVERNANCE

Good governance is critical to the health and functioning of universities and to the mission of contributing to the public good of advanced education. Shared governance is a collective undertaking, one that blends together the legislative and policy frameworks with informal norms and practices of institutions, transforming them into a sustainable and self-correcting system that adapts to novel situations. Good governance promotes trust in the organization and its

people, improves decision-making and the quality of these decisions, and contributes to the overall health and resilience of the institution in times of harmony and through crises.

While generally important, organizational structures and processes also have symbolic importance to community members. According to Tierney and Minor (2004),

The composition of senates and committees, the absence or presence of the president at a meeting, the participation or absence of the provost in promotion and tenure meetings all send messages to the community about governance (p. 90).

Faculty are an important part of shared governance, embodying the principles of integrity, quality of research, academic freedom and free inquiry, and quality of teaching. Faculty further participate in their own professional self-regulation in a system that transcends institutional and geopolitical boundaries.

As part of the history and evolution of shared governance, faculty and students first started to join boards of Governors in the 1960s following a report by Duff and Berdahl (1966).^{*} The *Duff-Berdahl Report*, as it became known, was a landmark report commissioned in part as a response to complaints about boards' lack of transparency and inadequate faculty and student input into policies affecting academic matters.

^{*} Duff, Sir James, & Berdahl, Robert O. (1966). *University Government in Canada. Report of a commission sponsored by the Canadian Association of University Teachers and the Association of Universities and Colleges of Canada*. Toronto, ON: University of Toronto Press.

Good governance promotes trust in the organization and its people, improves decision-making and the quality of these decisions, and contributes to the overall health and resilience of the institution in times of harmony and through crises.

MODELS OF GOOD GOVERNANCE

Duff and Berdahl recognized existing tensions in Canadian university governance but argued that not all tension is bad:

A university totally free from tensions would be totally lifeless. In a few universities, however, tensions seemed dangerously severe. But the main cause of them does not lie in personalities but in the defective structure of university government [p. 4].

They argued for strengthening faculty presence on senates and boards of governors, noting that “...*the ineffectiveness of Senates is the major cause of the tension and disharmony that exist today...*” [p. 23]. They saw strengthening faculty representation as a core part of the governance solution. In discussing the role of faculty on boards of governors, they stated:

It helps the non-academic [board] members to understand the point of view of the academics. This is genuinely difficult for them. Academics are a peculiar race, maybe too fond of argument, maybe too anxious for mathematical certainty on questions that do not admit of a neat solution. Yet they and their students **are the university. The better the [board] knows them and their point of view, the better will its own decisions be. And the [board] does in fact work as a united body, lay and academic together [p. 22, original emphasis].**

The Duff-Berdahl Report was jointly sponsored by the Canadian Association of University Teachers (CAUT) and Universities Canada (formerly the Association of Universities and Colleges of Canada) and became a cornerstone for the bicameral governance model that we see in Canada today. Below we highlight Canadian exemplars of collegial governance.



The Duff-Berdahl Report [...] became a cornerstone for the bicameral governance model that we see in Canada today.

MODELS OF GOOD GOVERNANCE

The Petch Procedure – At the University of Victoria, faculty members ratify the appointments of senior administrators. They have had this right since the late 1970s when then President Howard Petch introduced this influential democratic procedure in response to criticisms over the increasing corporatization of the institution and its administrators.* President Petch sought means to guarantee that academic administrators had the demonstrable support of their constituents. This process applies to Chairs, Directors, Deans, Associate Deans, the Academic Vice President, the Vice-President Research, and some Associate Vice Presidents. Ratification is done by the faculty/faculties, and a candidate must receive a minimum approval of sixty percent of the votes cast before an appointment committee can recommend a senior administrator. Additionally, a non-binding ballot of the university community is held for an incumbent president seeking

reappointment. The significance of a process like this has a ripple effect throughout the institution. Knowing that senior administrators have the expressed support (through ratification) of the academic community boosts confidence in the system of collegial governance throughout the faculty and the university community.

Decisions made in an institution's interest should not need to be made in secret or hidden from public purview.

University of Toronto – Though unicameral, the university has a strong commitment to faculty participation in its governance structure. There are twelve faculty members on the Governing Council (a body akin to the board of the university). Faculty retain their full rights and privileges of academic freedom on the Governing Council while also serving in their fiduciary

duties in the interests of the university. The culture of inclusion for academics is a valuable signal that the full Governing Council will listen to faculty perspectives when making decisions about the institution. Governing Council meetings are also predominantly open, a policy that speaks to transparency in decision-making and is itself a meaningful commitment to a culture of shared and informed governance. Decisions made in an institution's interest should not need to be made in secret or hidden from public purview. While we categorically reject a unicameral approach to governance, having strong faculty representation on Boards of Governors, protecting academic freedom and participation, and the emphasis on open meetings are important aspects of good collegial governance.

* University of Victoria Faculty Association. (2019). Howard Petch & the Petch procedures. F.A. Relay, 3(1), pp. 1-4. Retrieved from <https://www.uvicfa.ca/wp-content/uploads/2019/01/Howard-Petch-and-Petch-Procedures-FINAL.pdf>.

MODELS OF GOOD GOVERNANCE



University of Waterloo – There are seven faculty members on the board of governors, with explicit mention that faculty members are not in a conflict of interest simply by being employees of the university. There is no differential treatment of board members, which ensures that the full spectrum of opinions and input is well represented in any decision. Board meetings are open as are committee meetings. Representative board members are expressly permitted to participate in discussions that affect their constituencies. They must also do their part to stay informed on the matters of relevance to their community through constituency consultation to better inform board decisions.

Bishop's University – Instead of broad, categorical exemptions on the voting privileges of board members at Bishop's University, there are specific exemptions for faculty representatives while participating in discussions that affect their constituents. They broadly enjoy the full suite of rights as members of the board except under very specific circumstances. The board is subject to mandatory public disclosure requirements for certain documents, such as audit fees, ministry compliance, etc., which ensures that decisions on matters that are relevant to the public are not made in secret. Decision-makers have the opportunity to inform the academic community on what may be controversial subjects that profoundly affect the community. Academic freedom is specifically mentioned to include the right to criticize the university, again protecting the rights and privileges of faculty members when they serve on the board of governors.

SUMMARY AND RECOMMENDATIONS

The following recommendations flow from CUFA BC's commitment to a strong and well governed public university system. We look forward to working with government, universities, and other stakeholders to ensure a robust system that embraces shared and collegial governance, supports public accountability, and fosters transparent decision-making.

Throughout this document, we have

- described the importance of university governance in British Columbia and the role that faculty play within it;
- provided insight into the history of university governance and its evolution;
- highlighted current vulnerabilities and institutional inconsistencies that challenge good governance; and
- Identified gaps and conflicts within legislation that weaken collegial governance, public oversight, and transparent decision-making.

It is our hope that governments and universities will restore the power imbalance that exists by strengthening the role of faculty on senates and boards of governors.

We make the following recommendations on how we can achieve good governance at BC's universities.



GENERAL RECOMMENDATIONS TO STRENGTHEN UNIVERSITY GOVERNANCE

CUFA BC recommends the following actions to strengthen governance in BC's universities:

Affirm the bicameral governance structure of institutions.

Affirm the collegial governance structure of senate.

Ensure faculty maintain responsibility for academic oversight. Re-calibrate senate policies to ensure faculty represent a majority on senate and senate committees.

Strengthen the role of senate on matters of academic decisions, including budgets.

Re-calibrate the composition of boards of governors to increase faculty representation and support for faculty input.

Level the playing field: eliminate/reduce institutional inconsistencies and harmonize legislation with due consideration to institutional mandates, program objectives, student objectives, and collective agreements. Unify models for board of governors and senate structures.

SPECIFIC RECOMMENDATIONS TO CHANGE THE *UNIVERSITY ACT*

1. Repeal the *RRU Act* and place RRU into the *University Act* as a special purpose university.

SPECIFIC RECOMMENDATIONS TO CHANGE THE *UNIVERSITY ACT*

2. Clarify Part 6 Article 19 to ensure that Vice-Presidents and Associate Vice-Presidents, Deans and Associate/Assistant Deans, and University Librarians cannot count as faculty or staff representatives on boards of governors, or their committees, while they also occupy these administrative positions.
3. Clarify the Part 7 Articles 35, 35.1, 35.2 to ensure Vice-Presidents and Associate Vice-Presidents, Deans and Associate/Assistant Deans, and University Librarians cannot count as faculty or staff representatives on senates, or their committees, while they also occupy these administrative positions.
4. Strengthen Part 7 Articles 37(1)(e) and Part 6 27(2)(l) to ensure a more transparent budgeting process that includes a substantial role for senate.
5. Amend Part 7 Articles 35(2)(b), 35.1(2)(b), 35.1(3)(b), 35.2(2)(b) to allow senate to elect their own chairpersons.
6. Amend the Part 7 Articles 35(2)(g) and 35.1(2)(g) to increase faculty representation to a minimum of fifty per cent (50%) non-administrative faculty.
7. Add to Part 7 Article 37(1) the power to call senior administrators to testify before senate.
8. Amend Part 7 Article 37(1) to require that all delegated tasks be reported back to delegating authority and, where appropriate, final decisions accepted on record.
9. Amend Part 6 Articles 27(2)(f)-(g) to allow ratification of appointments by the faculty for the president, vice-president research and vice-president academic, and deans of all Faculties as well as the university librarian.



SPECIFIC RECOMMENDATIONS TO CHANGE THE *UNIVERSITY ACT*

10. Amend Part 6 Articles 19(1) and 19(2) as provided below with the intention of de-politicizing university governance by increasing faculty representation, decreasing lieutenant governor appointments, and including a First Nation(s) representative(s) on all boards of governors. The recognition of the First Nations within university governance incorporates the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Calls to Action of the Truth and Reconciliation Commission, and ensures representation from Indigenous members of the territorial lands on which institutions are situated.
 - a. Amend Part 6 Article 19(1)(c) to increase faculty representation to three.
 - b. Amend Part 6 Article 19(1)(d) to reduce lieutenant governor appointments in council to three.
 - c. Amend Part 6 Article 19(1) to add (g) one member from a First Nation(s) representing the nation(s) in whose traditional territory the institution is situated.
 - d. Amend Part 6 Article 19(2)(e) to reduce lieutenant governor appointments in council to five.
 - e. Amend Part 6 Article 19(2) to add (j) one member from a First Nation(s) representing the nation(s) in whose traditional territory the institution is situated.
11. Amend Part 6 Art. 27, to add a skills-based criteria matrix for board of governors appointments that takes into account the power conferred on the board as in 27(2), and including sectoral knowledge, regional context, and specialized skills/competencies necessary to inform the public interests of the institution.
12. Amend Part 6 Art. 26 to include the requirement of open and transparent board of governors meetings, unless under exceptional and specific circumstances.
13. Amend Part 6 Art. 19.1 to incorporate a specific definition for what constitutes a conflict of interest for members of the board of governors who are faculty members, which allows them to maximize their rights to fully serve in their fiduciary capacities of governance decision-making.

Useful Resources

- Canadian Association of University Teachers. (2019). Policy Statement on Governance. Retrieved from <https://www.caut.ca/about-us/caut-policy/lists/caut-policy-statements/policy-statement-on-governance>.
- Canadian Association of University Teachers. (2018). Report on Board of Governors Structures at Thirty-One Canadian Universities. Retrieved from https://www.caut.ca/sites/default/files/caut-report-board-of-governors-structures-at-thirty-one-canadian-universities_2018-05v2.pdf.



RECALIBRATING UNIVERSITY GOVERNANCE

RESTORING COLLEGIAL ENGAGEMENT IN DECISION MAKING

Confederation of University Faculty Associations of BC

www.cufa.bc.ca | info@cufa.bc.ca | 604-646-4677 | 315 - 207 W Hastings St, Vancouver, BC V6B 1H7