

Sharing in Governance

A Discussion Paper

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Introduction

Any university, by its very nature, is afforded opportunities and obligations. Being the only university in Newfoundland and Labrador, means that Memorial University of Newfoundland (“Memorial University”)¹ has special opportunities and special obligations. Numerous other entities or stakeholders share in these.

Memorial University’s governance structure is bicameral. Collaboration is inherent. Memorial University is governed in the public trust and therefore is accountable to the government of Newfoundland and Labrador (“the Government”) as representatives of the people of this province. This fact implies the nature of the relationship between the university and Government. *An Act Respecting the Memorial University of Newfoundland (“The Act”)* defines the framework for the relationship, by laying out the authority and power of the Lieutenant-Governor in Council (“LGC”), the Board of Regents (“the Board”), and the Senate in the governance of the University.

In 2008, in response to events surrounding the appointment of Memorial University’s tenth President, the Board, on recommendation of the Senate, established an *ad hoc* Committee with Senate representation whose mandate was:

- a) to draft for the consideration of the Board, in consultation with the Senate, amendments to *The Act* to secure and preserve autonomy for the University and to bring clarity to the role of government in the appointment of the President; and,
- b) to present a report to the Board on December 11, 2008.

That *ad hoc* Committee’s report: *Balancing Autonomy and Accountability: Report of the ad hoc Committee of the Board of Regents at Memorial University of Newfoundland (“The 2008 Report”)* was finalized and submitted to the Board on November 25, 2008, reviewed by the Board at its meeting on February 5, 2009, submitted to the Senate for consultation on February 10, 2009 and transmitted to and discussed with the Minister of Education at the Board meeting of March 23, 2009.

Rather than drafting amendments to *The Act*, the *ad hoc* Committee considered four factors relating to autonomy:

- appointment of the President,
- appointment of Board members/composition of membership,
- appointment of the Board Chair,
- removal of Board members.

The 2008 Report concluded by acknowledging that both the Government and Memorial University have profound interests in preserving and protecting the autonomy of this province’s university, while ensuring it remains accountable. The analysis conducted at that time demonstrated that compared with universities across Canada and the guidelines of the Association of Universities and Colleges in Canada (“AUCC”), Memorial falls on the high end of accountability. The Report stressed that in keeping with modernizing the University, the balance of autonomy and accountability should shift and that dialogue should be opened between the University and the provincial government on amending sections of *The Act* that relate to the four factors considered. This conclusion resulted in the establishment of a Joint Government/University Advisory Committee on University Autonomy, with a co-chairing arrangement.

¹ A list of all abbreviations used in this paper is available in Appendix A.

While autonomy of universities has been a point for respect, understanding, discussion and debate for more than 700 years, Memorial University and the Government have been members of this evolving discussion for a relatively short time. Over its more than sixty year history, Memorial University's balance between autonomy and accountability has shifted. Amendments to *The Act* have been a source of shifts, as well as interpretations of sections of *The Act*. A shift in balance is natural for any university, yet it may introduce tensions, tied to conflicting values of the various stakeholders - the Government, the Board, the Senate and the administration. As noted in The 2008 Report, these tensions are natural and expected. Determining how to work with these is important.

Institutions that seem to be most creative and successful – as measured by academic achievements, reputation, and resources – have found imaginative and constructive ways to live with the conflicting values. They have discovered that creating and communicating knowledge requires large doses of academic freedom and professional autonomy. They also have found the wisdom and courage to know that rigorous judgment and careful discrimination are necessary to establish priorities. To rush impatiently to one or the other side of the values equation yields no solutions; balancing autonomy with authority creates workable possibilities. (Morrill, 2003)

This Discussion Paper considers those “workable possibilities” put forth by Morrill. It expands on the work conducted by the Board and the Senate in 2008. It considers an expanded set of governance matters which contribute to accountability, quality, autonomy, and it poses questions and seeks answers to whether the balance is appropriate for this time in Memorial University's history.

Methods

Research and analysis for this Discussion Paper included a number of approaches:

- review of literature on sound governance,
- review of literature on shared governance,
- revisiting of the work of The 2008 Report,
- review of Memorial University's Board and Senate communications and operations between 1950 and 1975,
- review of the Senate's reform exercise of 2003-2004,
- historical review of *The Act* and its amendments relative to the governance matters chosen for this discussion paper,
- legislative compliance review by Memorial University's internal auditor in 2010,
- comparison of Memorial University's *Act* with that of thirty-three other Canadian universities,
- review of the post-secondary legislative frameworks for the provinces of Ontario, Alberta, British Columbia and Newfoundland and Labrador, as well as the Maritime Provinces, collectively,
- personal interviews with colleagues at other Canadian universities.

The acts of the thirty-four universities chosen for review (see full list in Appendix B) were compared on the governance features: Board composition; Naming of the board chair, vice-chair and chancellor; Convocation; and Appointment of the president. This set of universities was chosen to ensure:

- inclusion of at least one institution from each province, noting that two provinces have omnibus legislation for universities (Alberta and British Columbia)

- a mix of older universities (Acadia University, Queen’s University, University of New Brunswick) and newer universities (University of Ontario Institute of Technology , OCAD University)
- a mix of larger and smaller universities.

Some universities were specifically excluded as follows:

- Dalhousie because its Act includes a number of consolidations with other institutions making some of the comparisons challenging
- Université du Québec because it is a collection of universities versus a multi-campus university
- Concordia because it is in the process of changing many governance features.

Governance Factors and Controls

The 2008 Report considered four factors relating to autonomy: appointment of the President, appointment of Board members/composition of membership, appointment of the Board Chair, removal of Board members. Through listserv questionnaires and reviews of various university acts, it compared those four factors, one-on-one, between Memorial University and other universities in Canada. It did not, however, consider those factors, and other factors, in the larger context of the postsecondary sector, nor did it consider the differences that exist across provinces with single universities versus multiple universities, where competition and collaboration are expectedly different from province to province. This Discussion Paper revisits the 2008 autonomy factors and considers an expanded set of governance matters, taking a broader system² perspective into consideration. These are:

- A. Legislative context
- B. Legislated structures
- C. Mission / mandate
- D. Budget models / Funding formulae
- E. Program offerings
- F. Enrolment offerings
- G. Quality control / assessment
- H. Accountability / Reporting requirements
- I. Composition of the Board (expanded from The 2008 Report)
- J. Appointment of the Chair, the Vice-chair and the Chancellor (expanded from The 2008 Report)
- K. Appointment of the President (expanded from The 2008 Report)
- L. Removal of members of the Board (expanded from The 2008 Report)

A. Legislative context

Memorial University is subject to at least twenty pieces of legislation at the federal level, thirty-three at the provincial level and five at the municipal level. At the federal level, these include: *Employment Equity Act*, *Income Tax Act*, *Canadian Environmental Protection Act*, etc. All other Canadian universities would be subject to these (and others) as well. And likewise, universities would be subject to municipal legislation for the jurisdictions in which they operate.

Comparing provincial legislation to which Canadian universities are subject, we see that there are many similarities in areas of human rights, public tendering, privacy and access to information, workplace health

² In this context, “system” refers to the postsecondary sector or the collection of universities within the provinces, versus a university system with a hierarchy of governance boards.

and safety, etc. However, a very different picture is painted when considering provincial postsecondary legislation.

For Memorial University, as the only university in the province, there are essentially only two acts directly relevant to its governance: *The Act* and the *Council on Higher Education Act*. *The Act* sets out the legal framework and establishes the general and specific powers of the Board and the Senate under Memorial University's bicameral governance system. The *Council on Higher Education Act* establishes a Council on Higher Education ("CHE") whose mandate is to make recommendations to the College of the North Atlantic ("the College"), Memorial University and the Minister on such things as the priorities of, strategic directions for, and sharing within the postsecondary sector.

In Ontario, by contrast, the ministry responsible for postsecondary education oversees numerous pieces of legislation directly related to university governance (beyond specific university acts), including the *Post-secondary Education Choice and Excellence Act*, which sets out the authority to establish universities and grant degrees, establishes the Post-Secondary Quality Assessment Board, provides for government inspectors within the sector, prescribes administrative penalties for contravention of certain aspects of the Act, etc. The *Higher Education Quality Council Act* establishes the Ontario Higher Education Quality Control Council which, among other things, makes recommendations on targets and performance measures in the postsecondary sector, evaluates postsecondary education and conducts research on the postsecondary sector. Other postsecondary acts within Ontario include: *Ministry of Training, Colleges and Universities Act*, the *University Expropriation Powers Act*, and the *University Foundations Act*. (Government of Ontario, 2013a).

A similarly extensive legislative context exists in the province of British Columbia. The omnibus *University Act*, constitutes four universities and sets out their authority to grant degrees. In 2008, that Act was amended to establish five special-purpose, teaching universities. The amendment designates the mandates for each of these new universities as well as the types of programs they offer and the regions they serve. Besides the nine universities provided for in the *University Act*, there are separate acts for Royal Roads University and Thompson Rivers University. As well, there is the *Degree Authorization Act* which prescribes the processes that private institutions and public institutions from other jurisdictions use to obtain authority to offer degree programs and grant degrees in that province. Private degree-granting institutions create an additional layer and dimension of competition, collaboration and complexity in the postsecondary sector. (Government of British Columbia, 2013a).

The Ministry also administers the *Public Education Flexibility and Choice Act* which gives institutions the right to establish class size, the number of students who may enroll in a class, and the total number of students who may be assigned to a faculty member in a given period, as well as the *University Foundations Act* which sets out the legal framework under which university foundations operate. Other postsecondary acts within British Columbia include the *College and Institutes Act* and the *Private Career Training Institutes Act*.

With more extensive legislation, universities in provinces such as Ontario and British Columbia have multiple levels of administration and oversight and are subject to more regulation, more reporting requirements, more complex approval routes, and more restrictive budget models as is demonstrated in the following sections.

B. Legislated structures

Because education is provincially mandated in Canada, there is little federal legislation driving university governance (there is federal legislation relating to student financial assistance) and therefore there are few, if any, federally legislated governing bodies (there is a Council of Ministers of Education). Within provinces, however, there are governing bodies, beyond the internal university boards, councils and senates. These bodies have been established for various purposes such as quality control, program evaluation, enrollment reporting and monitoring, etc.

In Newfoundland and Labrador, CHE as defined by The *Council on Higher Education Act*. It comprises the Minister of Education (chair), the Deputy Minister, the Board Chair and President of each of Memorial University and the College, one student from each of Memorial University and the College, and up to 3 other members. The CHE is fairly limited in its mandate which is to promote a shared approach to program planning and delivery between Memorial University and the College, and to promote collaboration on economic development. The *Council on Higher Education Act* also requires three of the members of the Board to be members of the College Board of Governors. (Hollett, 2009) It is noteworthy that while the CHE's structure and mandate is defined in the *Council on Higher Education Act*, including a requirement to meet twice annually, the CHE appears not to have met since that Act was proclaimed on January 26, 2007.

Universities in the Maritime Provinces are members of the Maritimes Provinces Council on Higher Education as mandated by the *Maritime Provinces Higher Education Commission Act*. That Act provides the Council more specific control over the Maritime Provinces universities, with duties and powers that include: reviewing of institutional program and practices for assuring improvement in quality of academic programs and teaching; establishing data systems and standards and ensuring data is collected, maintained and made available for public accountability; conducting research studies related to postsecondary education; etc. (Maritime Provinces Higher Education Commission, 2013). These requirements would be in addition to the specific structures within each of the three provinces.

In Ontario, additional legislated postsecondary structures include the Post-Secondary Quality Assessment Board, and the Ontario Higher Education Quality Control Council. Both of these are independent agencies funded by the postsecondary ministry. The former is an advisory agency of the ministry constituted under the *Post-Secondary Education Choice and Excellence Act* with the mandate to review and evaluate applications to offer all or part of a degree program in the province of Ontario. (Postsecondary Quality Assessment Board) The latter is constituted under the *Higher Education Quality Control Act* and evaluates the postsecondary sector in that province, bringing forward recommendations to the ministry to offer continued improvement in the system. (Higher Education Quality Control Council, 2013)

Recently, the government of Alberta announced plans to have a more unified post-secondary system within that province. (Wood, 2013) The announced plans stop short of suggesting the formation of merged boards or an additional board layer. A hierarchy of boards exists in the United States, where education is both federally and state-regulated, and where even more layers of governance structures exist than in Canada. Only a few states (Michigan, New Jersey, for example) do not have university systems comprising multiple universities each with administration, a senate and a university board overseen by a system-wide president, administration and system-wide Board. In some cases, these system boards are thought to have too much control over administration and programming. At least one university system sought to change that recently, to "liberalize" itself.

In 2011, the President of the University of Wisconsin (UW) System, established an Advisory Committee on the Roles of the University of Wisconsin System Administration. This group's final report, *A New Model*

for Change within the University of Wisconsin System, concluded that this new model required “a substantial delegation of authority, responsibility, and accountability to the UW institutions within the System” (1) and it sought to find “the right balance between centralization and a distributive model of authority and responsibility” (14). It opted for greater decentralization, a recommendation accepted by the heads of all member universities. (UW System, 2011) The requirement to work within these multiple layers and to find balances across the layers is clearly more complex than the balances sought in Newfoundland and Labrador, and indeed in multi-university provinces of Canada, as well.

C. Mission/Mandate

Memorial University’s mandate is defined within its mission statement, established in 1993 as part of its first strategic plan. Minor revisions were made to it in 2000 and 2007 as subsequent strategic plans were developed and adopted. More recently, through development of the three frameworks (teaching and learning, research strategy, and public engagement), further revisions have been considered. At every stage of development and revision over the twenty years, a highly consultative process led to the final wording, which is ultimately approved by the Board of Regents.

By contrast, the government of Alberta’s recently announced plans to have a more unified post-secondary system included the idea that government would issue mandate letters, defining the roles of each of the 26 publicly-funded universities and colleges across that province, with an aim of greater co-operation among the post-secondary institutions and less duplication in specialized academic programs for students. (Wood, 2013) Universities in that province are required to follow “Campus Alberta” a principles and policy framework for postsecondary learning. It sets out, for the sector, the following learning principles: Learner-centred, Collaborative, Accessible, Innovative, and Responsive. (Government of Alberta, 2002a) Not unexpectedly, these are similar to the ones which Memorial University developed through the establishment of its Teaching and Learning framework, the difference being that Memorial University developed these independently of the Government.

The legislative context in British Columbia is organized by the type of universities – research versus special-purpose teaching universities, which implies that the government, through legislation, defines the mandates and potentially the missions of the institutions there. (Government of British Columbia, 2013a).

In Newfoundland and Labrador, the Government did not define or approve the original mission statement of 1993, nor any of the subsequent versions of it, suggesting that Memorial University has comparatively more autonomy in this area.

D. Budget models

Through the Government’s annual budgeting process, Memorial University receives an operating grant. Part of the grant subsidizes tuition, a provincial initiative begun in 2001. Undergraduate tuition fees are charged per credit hour. The credit hour fee of \$110, approved by the Board in 1998, has not changed since then. Starting in 2001, however, the Government introduced a three-year phased approach to subsidizing tuition beginning with \$11 per credit hour, then \$21 and finally \$25 per credit hour. The amount provided to subsidize this tuition rollback for undergraduate students was included in the annual base operating grant which Memorial University continues to receive annually, in effect, freezing tuition. While this Government-imposed tuition freeze continued, Memorial University did not receive additional base budget adjustments for tuition until 2005-06 when recommendations from the Government’s *White Paper on Public Post-Secondary Education* were implemented. At that time, the Government introduced a grant in aid of the tuition freeze. This grant was added to the ongoing incremental components of the

budget model, such that today the operating grant, independent of that which is received by the Faculty of Medicine, contains:

- a. Base operating grant from the prior year
- b. Incremental salary increases
- c. Incremental grant in aid of tuition freeze
- d. Incremental directed funding for specific strategic initiatives
- e. General grant adjustments (+/-)

By contrast, in multi-institution provinces, universities are subject to funding formulae for budget allocations. In Ontario, for example, the funding formulae are directly related to programs, number of students, changes in enrollment, etc. and are quite complex, described in a 152-page (!) document entitled “The Ontario Operating Funds Distribution Manual: *A Manual Governing the Distribution of Ontario Government Operating Grants to Ontario Universities and University-Related Institutions (Formula Manual)*.” See Appendix C for an excerpt of the Funding Formula Overview.

Essentially, the largest component of the Ontario operating grant is the basic grants envelope or the basic operating grant (“BOG”). The BOG is an enrolment-based, non-targeted, block grant to the institutions. The BOG envelope is distributed on the basis of Basic Operating Income (“BOI”) for all universities. BOI is the amount of operating grant provided by the government plus eligible fees, also known as Standard Fees, which are set by the Minister. A particular institution’s Basic Operating Grant is the difference between its BOI and its Standard Fees. Each institution receives a fixed share of BOI based on historical weighted enrolment levels referred to as Basic Income Units (“BIU”s). Each institution’s BIUs are calculated by multiplying full-time equivalent enrolment by a weighting factor. The weighting factor varies by program and level of study. Program weights were established in 1966-67 and only slight modifications have been made to them since.

In addition to the basic grants envelope, there are numerous additional grants, i.e., budget envelopes, related to: enrolment growth, enrolment expansion, specific academic programs (nursing, medicine, education), bilingualism, learning disabilities, northern geographic areas, graduate program, partnership programs, etc. There are upwards of thirty or more of these compared with Memorial University’s five. The government exercises control over the budget, and thereby enrollment, because adjustments to these envelopes can be directed to specific programs and felt immediately. Eventually, sometimes after as many as twelve or more years, these separate envelopes may become part of the basic operating grant because the calculation of the basic income units is based on historical weighted enrolment levels. Overlaid on this multi-envelope and longitudinal complexity, is the ministry’s authority to place controls on tuition. The Ontario government may place percentage caps on tuition increases, whereas, *the Act*, permits only the Board at Memorial University to set tuition.

E. Program offerings

In February 2013, Memorial University’s Senate adopted two new doctoral programs in Marine Biology and Philosophy. Beyond final approval by the Board, the programs require no further approval and the programs may begin accepting applicants, immediately. While the Government has had influence on specific programs, in the past, for example, with regard to collaboration for delivery of provincial nursing programs and by merging the Fisheries and Marine Institute with Memorial University, in general, it is not involved in approval of new academic programs. Uniquely, *The Act* defines the Senate composition to include the *ex-officio* position of the Deputy Minister of Education or a representative of the deputy

minister. Through this position and attendance at Senate meetings, the provincial ministry would be knowledgeable about new degree programs, but would hold no authority in their approval.

The situation is quite different in British Columbia, where in 2010 the provincial government introduced a temporary moratorium on approval of new degree programs. It established an Advisory Panel which was tasked with reviewing and making recommendations to government on the degree-approval process, to have it better serve the needs of students, institutions, government employers and the public. The resulting recommendations included that the ministry adopt a set of principles and objectives for degree program approval, as well as recommendations on expedited degree program approval within institutions. Interestingly, the ultimate objective of the recommendations was to “strengthen the balance between institutional autonomy and public accountability” (Government of British Columbia, 2011 pg. 3)

As well, in the province of Ontario, and similarly in Alberta, after a university’s hierarchy of governing bodies approves a new degree program, the program is then subject to review by external governing bodies, with ultimate approval resting with the Minister responsible for post-secondary education. In 2011, even more layers of review were introduced in Ontario when the government, amended the *Post-Secondary Education Choice and Excellence Act* to have the minister seek advice in making the decision from the Quality Council established by the Council of Ontario Universities sub-committee of Academic Vice-Presidents.

F. Enrolment offerings

Under the specific powers of the Board in *the Act*, the Board holds the authority “to determine the number of students that may in the opinion of the board, having regard to the resources available, be accommodated with safety and efficiency in the university or in the faculties of the university” (Section 34.(1) (m)). Normally, Memorial University’s overall enrollment targets are set through its strategic planning processes while the number of seats available for specific-program admissions and course registrations is set through the planning and budgeting process of the various academic units.

In Ontario, by contrast, the ministry sets the number of seats for new or expansion of existing programs. This occurs through “Big P” policies of the government, such as offering more than 20,000 additional graduate spaces between 2003 and 2015 (Government of Ontario, 2011) or, in an effort to increase university participation rates, allocating 100,000 additional undergraduate spaces over a similar timeframe. The new spaces were offered across all universities within the province and were tied to applicable funding, for which the universities would then compete.

G. Quality control / assessment

The Higher Education Quality Control Council of Ontario was described earlier. In the Maritime Provinces, the Maritime Provinces Higher Education Commission (MPHEC) is responsible for quality assurance of all publicly-funded universities. It conducts quality assessments of those institutions offering degrees in the Maritimes, as authorized under provincial degree-granting legislation. The purpose of various assessment and monitoring processes is to provide “assurances to government, students, employers and the public at large that programs designed by publicly funded institutions in the Maritimes meet established standards of quality prior to implementation” and “assurances that Maritime institutions have effective quality assurance policies and procedures in place to ensure that programs, once implemented, are reviewed internally and externally to provide continuous quality improvements.” (Maritime Provinces Higher Education Commission, 2013b).

The government of British Columbia is currently engaged in the development of a quality assurance framework for the postsecondary education sector in that province. (Government of British Columbia,

2013b). It is considering adding a new governance body to administer the framework. The framework will see institutions reviewed against government's established standards along with reviews of specific programs. A user-pay system is being considered, encouraging institutions to voluntarily establish their own quality assessment processes to save on these external monitoring costs.

Similar to other universities, Memorial University has an academic program review process which involves both an internal and external review and is required at least every seven years for every academic unit. However, the closest comparison in Newfoundland and Labrador to the quality control and assessment agencies described above might be the CHE.

H. Accountability / Reporting requirements

The provincial *Transparency and Accountability Act* applies to all public bodies in Newfoundland and Labrador. It requires public bodies to prepare strategic plans, business plans, and activity plans every three years. These must reflect the strategic direction of Government, and are approved by the responsible Minister. This Act also requires public bodies to prepare annual reports which must be submitted to the Minister and tabled in the House of Assembly.

The *Transparency and Accountability Act* excludes Memorial University from certain provisions, including the requirements to include government's strategic direction in the strategic, business, and activity plans, and the requirement for the minister to approve each of these plans. Memorial University also is excluded from the provision that where the minister feels the entity is not meeting the objectives in its plan, and the minister has accordingly given recommendations to the entity which the entity has not acted upon, the minister may report to cabinet on that matter and cabinet may direct the entity to carry out certain recommendations. (Hollett, 2009) these exclusions suggest more autonomy for Memorial University than other entities covered by the *Transparency and Accountability Act*.

Memorial University includes detailed enrolment figures within its annual Factbook and its annual report. There is a fair degree of flexibility with the format and content for these and the final product represents the province's university enrolment results.

In multi-university provinces, similar "accountability reports" are required. In Alberta, for example, each university must provide business plans, annual reports and audited financial statements, which are then made available on the ministry's website.³

However, provincial university enrolment reports are generated by the governments, as compilations of all institutions' enrolment data, which means the individual institutions must comply with additional layers of reporting. In Ontario, reporting requirements are, not surprisingly, very extensive. The Ontario Operating Funds Distribution Manual (see excerpt in Appendix C) devotes 17 pages to describing the details of the required reporting, involving a series of enrollment reports. Each university must report all students who are registered in courses or programs normally credited to a degree, diploma, or certificate of that university, whether or not those students are eligible to be considered in the determination of the government's operating grant support. This enrolment information is then processed and stored in a system at the ministry. That system has specific requirements for schedules and file layouts and its own reporting guide. As well, the minister requires an audit of the enrolment data of institutions that are eligible to receive Ontario operating grants. Beginning in 2006-07, universities were also required to report on degrees awarded, with another set of requirements for preparing and submitting that data.

³ <http://eae.alberta.ca/postsecondary/institutions/public/accountability.aspx> .

In the United States, reporting is made that much more complex by the requirement to report within the university systems, within the states and to the federal regulatory bodies.

I. Composition of the Board

From reviewing the Acts of thirty-four Canadian universities, it is concluded that compositions of university boards vary significantly in terms of both size (from fourteen members to fifty members) and, constituent representation (faculty, alumni, senators, students, staff, general public). In fact, some individual university boards have discretion on the size of their boards. There is also variability across universities in whether and how members are appointed, nominated or elected. In Alberta, the Minister appoints those members who are nominated by the faculty, senate, staff and students, and the Lieutenant-Governor in Council appoints members from the general public. At Carleton University, all thirty non- *ex-officio* Board members are elected. With the exception of Carleton, elected members of boards are normally alumni. Some compositions have provision for appointment versus election of alumni. At least three university boards include board members from related educational or religious institutions, Memorial University included.

The least variability in compositions is in terms of *ex-officio* and student members. *Ex-officio* board members typically include the Chancellor and the President. Three exceptions are University of Waterloo, University of New Brunswick and Memorial University. At the University of Waterloo, additional *ex-officio* members include three mayors of municipalities in the area. University of New Brunswick also has two mayoral positions and at University of New Brunswick and Memorial University, senior administrators, other than the President are also *ex-officio* members.

All boards except one, had student positions specified. OCAD University's board has complete discretion (on size and constituent representation) for its composition beyond the two *ex-officio* and six appointed members specified. There may be student members on OCAD University's board, however, there is no "placeholder" for them in the university's Act. At least three universities' student positions were *ex-officio* as the president of the student union (Acadia University, University of Regina and University of Saskatchewan).

Table 1 (on the following page) summarizes the counts of various board composition features for the thirty-four universities, along with an indication of whether Memorial University's Board has that feature. It does not include counts of board secretarial members. All boards have these members.

Memorial University appears as an outlier in certain board composition features, for example, *ex-officio* members, student members, faculty / senate members and alumni members. Some data for broader comparisons is available, albeit in the American context. In 2010, the Association of Governing Boards ("AGB") reported that only 50% of public college and university boards had voting student members, (AGB, 2010) whereas among the thirty-four Canadian universities reviewed, 82% have student members. As well, the same AGB report noted that of the public colleges, universities and systems, 13% included at least one faculty member as a voting board member and 9.7% included a nonvoting faculty member. Memorial University is more similar to American universities in this composition feature.

Table 1: Board Composition and Member Appointment authority

	Counts	%	Memorial University
Boards with variable size	4	12	NO
Boards with authority to appoint members	12	35	NO
Presidents with authority to appoint members	1	3	NO
Ex-officio members			
Boards with no <i>ex-officio</i> members	0	0	
Boards with one or two <i>ex-officio</i> members	25	74	
Boards with more than two <i>ex-officio</i> members	9	26	YES
Government appointed members			
Boards with government appointed members	29	85	YES
External elected members	11	32	YES
Provision for portion of those to be alumni	4	12	
Requirement they all be alumni	1	3	YES
Student members			
Boards with no student members	6	18	
Boards with one student	3	9	
Boards with two or three students	21	62	
Board with more than three students	4	12	YES
Faculty / Senate members			
Boards with no faculty and no senate members	5	15	YES
Boards with members from faculty and not senate	11	32	
Boards with members from senate and not faculty	5	15	
Boards with both faculty and senate members	13	38	
Staff members			
Boards with no staff, other than the <i>ex-officio</i>	14	41	YES
Boards with one staff member	11	22	
Boards with more than one staff member	9	26	
Alumni members			
Boards with no specified alumni members	23	67	
Boards with one alumni member	0	0	
Boards with more than one alumni member	13	38	YES

The 2008 Report studied the AUCC bylaws on membership criteria which require member-governing boards to have representation from “the institution's external stakeholders (including the general public), from academic staff, from students and from alumni”. Section 22. of *The Act* sets out the composition of the Board and states that 6 members are elected by the alumni association of the University, the LGC appoints 17 members (three of whom are to overlap with appointments made under the *College Act*), and the LGC appoints 4 students as recommended by the four student unions represented at Memorial University. The 2008 Report identified that the Board’s composition includes membership from all of the categories prescribed by the AUCC, except the category of academic staff. However, *the Act* also provides for the vice-president who is the pro vice-chancellor to be a member of the Board. Section 52. (a) authorizes the Board to appoint a vice-president position to be pro vice-chancellor. The Board has applied this Section to mean the role of the vice-president (academic), which has been an academic appointment, in at least the past thirty years.

While some boards have authority to appoint members, Memorial University's Board is quite limited in this regard. Its only power is with regard to how student regents are appointed. Under Specific powers of the board in *The Act*:

Section 34.(1)(r) to make regulations with respect to the academic and other qualifications that students shall meet and maintain in order to be eligible to be appointed to the board and to continue to serve as a member of the board when appointed;

J. Naming of the Board Chair, Vice-chair, Chancellor

The recent review of the Acts of thirty-four Canadian universities considered how the positions of Board Chair, Vice-Chair and the Chancellor are named (where "named" is used as a broader term for appointed or elected). With respect to the position of Board Chair, there were three categories of responses with their counts as follows:

21	Elected from among the board members
4	Appointed from the board members ⁴
9	Appointed by the Lieutenant-Governor in Council

In the categories of naming by the board versus naming by the government, the split is 74% and 26%, respectively. Of the nine universities in the latter category, eight of those are defined by the *Post-Secondary Act of Alberta*, an omnibus Act for eight universities, and the ninth is Memorial University. Of the 21 that elect the chair from among the Board members, eight specify that it occurs annually.

As well, with regard to the naming of a Vice-chair, two Acts specify that in the absence of the Chair at a meeting, the members could elect a chair for that meeting, suggesting that the position of Vice-chair does not exist. It appears all other Acts have a vice-chair position and in all those cases, including Memorial University, that position is elected by the members.

Also, of those universities reviewed which have Chancellors, all but two appoint or elect the Chancellor under the authority of the Board or Senate. Memorial University's and University of New Brunswick's Chancellors are appointed by the Lieutenant-Governor in Council.

K. Appointment of the President

For The 2008 Report, the issue of the appointment of the President was reviewed across twenty-five Canadian university Acts. At that time, it was found that all but two universities' boards had full power to appoint the president. Those two were the University of New Brunswick and Memorial University.

This more recent, expanded review of the Acts for thirty-four Canadian universities draws a very similar result and a 96% versus 4% split, with the counts as follows:

32	Boards have full authority to appoint the president
2	Boards where government has a role in the process

⁴ Within the Board Bylaws of Queen's University, there is a section on appointment of the Chair and Vice-Chair, which is currently being revised by the Governance and Nominating Committee. This suggests that the appointment is done by the Board versus by the government. It is not clear though, whether this is by election. Therefore, Queen's is included in the appointment count.

It is worth investigating whether the authority for appointment of the President has changed at Memorial University, since it was established. *The Act* of 1949 afforded the Board the full power to appoint the President of the University. Section 36(f) Specific Powers of the Board stated:

36. Without thereby limiting the general powers of this Act conferred upon or vested in the Board, it is hereby declared that the Board shall have the following powers -

(f) to appoint the President of the University, Deans of all the Faculties...

By May of 1950, *The Act* saw its first amendments. There were two amendments to the original Section 36, the first changing the opening paragraph to become subsection (1), which read:

36. (1) Without thereby limiting the general powers of this Act conferred upon or vested in the Board, it is hereby declared, subject to subsection (2), that the Board shall have the following powers-...

(f) to appoint the President of the University, Deans of all the Faculties...

And the second amendment introduced subsection (2) which read:

(2) The exercise of the powers given to the Board by paragraphs (c), (d), (e), (f), (m), (n), (o), (q) and (r) of subsection (1) shall be subject to the approval of the Minister of Education.

A shifting of balance between autonomy and control had begun as early as nine months following the 1949 enactment. The effect of these amendments was that some of the powers originally granted to the Board were now resting with the Minister of Education (at least in terms of final approval), including the requirement for the Minister of Education to approve the appointment of the President.

The next amendments affecting the appointment of the President came on July 6, 1959, with "the President" now being struck from the list of positions the Board had the power to appoint as per Section 36 (f), becoming:

(f) To appoint the Deans of all Faculties, the Librarian, the Registrar, the Bursar, the Professors, Associate Professors.....;

The 1959 amendments also saw the repealing of clause (2) of Section 36, i.e., the clause that defined which Board powers required the approval of the Minister of Education.

The 1959 amendments further included the insertion of a new section, Section 51. A.:

51. A. There shall be a President of the University who shall be appointed by the Lieutenant-Governor in Council in consultation with the Board.

By February, 1965, the Senate was seeking to clarify its role and to be involved in the appointment of the President. It requested the Board form a joint committee with it for purposes of the search to replace retiring President, R. Gushue. The Board deferred this request, stating that it had already been discussing

the replacement with the Government. On May 1, 1973 this Section was further amended (and its numbering changed as a result of other sections being added) to read:

53. There shall be a President of the University who shall be appointed by the Board in consultation with the Senate and with the approval of the Lieutenant-Governor in Council.

There have been no changes in the wording for the appointment of the President since 1973 (except the renumbering to Section 51 by virtue of other sections being repealed). The changes between 1949 and 1973 are summarized in Table 2.

Table 2: Summary of historical changes to The Act for Appointment of the President

Year	Section(s)		Authority
1949	36. (f)	36. Without thereby limiting the general powers of this Act conferred upon or vested in the Board, it is hereby declared that the Board shall have the following powers - (f) to appoint the <u>President of the University</u> , Deans of all the.....	Rests fully with the Board
1950	36. (1) (f) 36. (2)	36. (1) Without thereby limiting the general powers of this Act conferred upon or vested in the Board, it is hereby declared, subject to subsection (2), that the Board shall have the following powers... (f) to appoint the <u>President of the University</u> , Deans of all the..... (2) The exercise of the powers given to the Board by paragraphs (c), (d), (e), (f), (m), (n), (o), (q) and (r) of subsection (1) shall be subject to the approval of the Minister of Education.	Board had the power to appoint, but it was subject to the approval of the Minister of Education
1959	51. A.	51. A. There shall be a President of the University who shall be appointed by the Lieutenant-Governor in Counsel in consultation with the Board.	Authority rests with the LGC, and Board is consulted
1973	53.	53. There shall be a President of the University who shall be appointed by the Board in consultation with the Senate and with the approval of the Lieutenant-Governor in Council.	Changed wording suggest the authority rests back with the Board (with Senate consultation) and with approval by the LGC

The authority to appoint the President shifted from the LGC in 1959 to the Board in 1973. That is clear. What is not as clear is: what role does the Senate play? and what precisely does the LGC approve? If the Board is to appoint the President, is it sufficient for the LGC to approve the process used for the appointment versus the particular candidate? Achieving agreement on the particular candidate across the various stakeholders is ideal, but if not possible, how is the final decision made?

L. Removal of members from the Board

In 2008, when the *ad hoc* committee of the Board conducted its work, it posted a set of questions on the listserv of the Canadian University Secretaries and received fifteen responses, representing eight provinces. One of those questions was:

With regard to your Board of Regents/Governors how can Board members be removed and under what circumstances? Please quote or provide us with the reference to your Act.

Most of the respondents from that survey (See Appendix D. for the excerpt) have provisions for the removal of appointed members only and that elected members could be removed through a recommendation of the Board to the LGC or by the Board itself. Some even leave the authority for the removal of both elected and appointed members to the Board itself.

Article 28. of *The Act* states that “an appointed or elective member of the board may be removed from the office at any time by the Lieutenant-Governor in Council.” It seems reasonable, and perhaps more democratic, to interpret this section to mean that the LGC could remove only Board members who are appointed and only upon recommendation of the Board. The Board should build on its work in defining responsibilities for the Board and for individual Board members and establish protocols and criteria (such as lack of participation, etc.) for recommending to the LGC the removal of appointed members and for removing elected members itself.

Summary

In provinces with multiple universities, the measuring and analyzing of quality and achievement is different from that of Newfoundland and Labrador, and occurs often through provincial agencies such as quality control agencies. As well, provinces with multiple universities are subject to more layers of governance, more extensive approval processes, and greater reporting requirements. They experience a greater emphasis on consistency across the universities, and often there is pressure for coordination of programming or differentiation of programming.

While The 2008 Report concluded that Memorial University was on the high end of accountability with regards to four factors related to university autonomy, and compared individually with other universities in Canada, this Discussion Paper took an expanded approach. As the only university in Newfoundland and Labrador, Memorial University is not subject to the same competition and collaboration faced by its counterparts in multi-university provinces. It plays the role of the university system⁵ within this province and therefore in some areas of governance, it could be argued it enjoys greater autonomy. Table 3 attempts to summarize, for each of the governance factors this Discussion Paper considered, the assessment of whether Memorial University is more, less, or similarly autonomous. This summary assessment, while open to discussion, suggests accountability and autonomy are more balanced than the conclusion that was drawn in The 2008 Report.

⁵ See footnote 2.

Table 3: Assessment of the balance of autonomy and accountability for Memorial University

Governance Factor	Assessment of Memorial University compared across Canadian university systems
Legislative context	More autonomous
Legislated structures	More autonomous
Mission / mandate	More autonomous
Budget models / Funding formulae	More autonomous
Program offerings	More autonomous
Enrolment offerings	More autonomous
Quality control / assessment	More autonomous
Accountability / Reporting requirements	Similar
Composition of the Board	Similar
Appointment of the Chair, the Vice-chair and the Chancellor	Less autonomous
Appointment of the President	Less autonomous
Removal of members of the Board	Less autonomous

At least four major reviews of university governance have been undertaken across Canada recently, three of which have culminated in reports that outline principles of sound governance, and which are summarized in Table 4.

Table 4: Principles of Sound University Governance

Report Title, Source and Date	Principles
<i>Report of the Working Group on University Governance, Institute for Governance in Public and Private Organizations – September 2007</i>	<ul style="list-style-type: none"> - A clear mission to guide decisions - Governance that reflects the specific character of each institution - Governance founded on autonomy and responsibility of universities - Specific responsibilities of boards of directors - The board of directors should be diversified, yet representative; majority of its members should be independent - Legitimate and independent members - Three-year mandates and reasonable appointment times - Creation of three essential committees (Audit, Governance and Ethics, Human Resources) - Board members’ collective and individual responsibility for the overall welfare of the institution - Fewer authorities and better coordination - A new approach to selecting the top executive of the university - Extensive transparency and accountability

<p><i>Report of the Task Force on University Governance, University of Toronto, June 2010</i></p>	<p>Subject to applicable laws, University governance must be guided by excellent principles of good governance in relation to stewardship and public accountability, and at the same time recognize the unique nature and characteristics of the academic community or institution, including:</p> <ul style="list-style-type: none"> - The fundamental autonomy of universities, coupled with the essential responsibility for public accountability; - The need to respect the academic mission of excellence in teaching and research; - The importance of ensuring that academic freedom and responsibility are respected; - The need to be seen to be accountable – through transparency – to all parties interested in and supporting the University; - The desire for meaningful and objective stakeholder participation in governance; and - The diversity and broad representation of governors <p>Good governance principles begin with appropriate disclosure, transparency and clear lines of accountability between governance and administration. Aspects of this fundamental framework include: membership, role, the nature of meetings, expectations and attributes, as well as identification and selection, orientation and education, and evaluation of governors.</p>
<p><i>Strengthening Governance at Concordia – June 2011</i></p>	<ul style="list-style-type: none"> - Bicameralism and shared governance - Clear roles and responsibilities - Transparency - Strong Academic Administration Accountable to Governance System - Managed Conflicts of Interest - Board and Senate Renewal - Distinction between Collective Bargaining and University Governance - Mutual Respect

As part of the discussion on the balance between autonomy and accountability, could the lists in Table 3 be consolidated and used to evaluate or assess Memorial University’s adherence to sound governance principles? The Board has devoted significant effort over the past few years to strengthening governance at Memorial University. Stepping back and assessing the results of the effort could be a useful exercise.

As well, recently Wilfrid Laurier University undertook a two-year study on multi-campus governance, culminating in the report “Presidential Task Force on Multi-Campus Governance”, which its Board of Governors approved in June 2012. It outlines a consensus model for governance across three campuses. Given Memorial University has a similar multi-campus structure, a detailed review of Laurier’s study might serve to enlighten current discussions at Memorial University.

A number of questions have been raised throughout this Discussion Paper. These can be summarized broadly as:

- How does Memorial University stand up to principles relating to sound governance?
- Is shared governance at Memorial University effective?
- Is there a healthy, appropriate balance of autonomy and accountability?
- Does this Discussion Paper represent an opportunity to improve the professional development / orientation for regents and senators, as it relates to university governance?

This Discussion Paper encourages the exercising of, in Morrill's words, "wisdom and courage to know that rigorous judgment and careful discrimination are necessary to establish priorities. To rush impatiently to one or the other side of the values equation yields no solutions; balancing autonomy with authority creates workable possibilities" (Morrill 2003). Respectful and courageous sharing, between the Board and the Senate, the Board and the administration and the Board and the Government, as representatives of the people of our province, is needed to bring clarity to some matters of governance to reflect the modernization that Memorial University has achieved and the greatness toward which it strives.

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Appendices

A. Abbreviations Used in this Discussion Paper

AGB – Association of Governing Boards of Universities and Colleges
AUCC – Association of Universities and Colleges in Canada
Board – the Board of Regents of Memorial University of Newfoundland
CHE – Council on Higher Education
College – College of the North Atlantic
Government – the government of Newfoundland and Labrador
Memorial University – Memorial University of Newfoundland
LGC – Lieutenant Governor in Council
The Act – *An Act Respecting the Memorial University of Newfoundland*

B. Thirty-four Canadian universities included for comparison on governance matters

British Columbia – these universities are subject to the *University Act* (counted as four universities)

[Simon Fraser University](#)
[The University of British Columbia](#)
[University of Northern British Columbia](#)
[University of Victoria](#)

Alberta – all universities are subject to the *Alberta Post-Secondary Act* (counted as eight universities)

[Athabasca University](#)
[Concordia University College of Alberta](#)
[MacEwan University](#)
[Mount Royal University](#)
[The King's University College](#)
[The University of Lethbridge](#)
[University of Alberta](#)
[University of Calgary](#)

Saskatchewan

[University of Regina](#)
[University of Saskatchewan](#)

Manitoba

[Brandon University](#)
[University of Manitoba](#)

Ontario

[Carleton University](#)
[OCAD University](#)
[Queen's University](#)
[Ryerson University](#)
[University of Ontario Institute of Technology](#)
[University of Ottawa](#)
[University of Toronto](#)
[University of Waterloo](#)
[Wilfrid Laurier University](#)
[York University](#)

Québec

[Bishop's University](#)
[McGill University](#)

New Brunswick

[Mount Allison University](#)
[University of New Brunswick](#)

Nova Scotia

[Acadia University](#)
[Saint Mary's University](#)

Newfoundland & Labrador

[Memorial University of Newfoundland](#)

Prince Edward Island

[University of Prince Edward Island](#)

C. Excerpts from The Ontario Operating Funds Distribution Manual:

A Manual Governing the Distribution of Ontario Government Operating Grants to Ontario Universities and University-Related Institutions (Formula Manual)

1.2.1. Funding Formula Overview

The purpose of a funding distribution mechanism or formula is to provide an objective method for determining the share of the provincial operating grant to be allocated to each institution. The Ontario distribution mechanism aims to ensure a reasonable degree of equity in the distribution of available government support. It does not in itself provide the basis for determining the level of such support.

The Ontario government annually allocates a global amount to the Ministry of Training, Colleges and Universities for operating support for the institutions. Factors considered in determining the university allocation include enrolment pressures and government priorities, balanced against other budget pressures.

The largest component of provincial operating grant is the Basic Grants Envelope. Funding from this grant envelope, also known as basic operating grant, or BOG, is enrolment-based and a non-targeted, block grant to the institutions.

The Basic Grant (BOG) envelope is distributed on the basis of Basic Operating Income (BOI) for all universities. BOI is the amount of operating grants provided by the government plus eligible fees, also known as Standard Fees (set by the Minister).

$BOI = BOG + \text{Standard Fees}$

An institution's Basic Operating Grant is the difference between its BOI and its Standard Fees.

Each institution receives a fixed share of BOI based on historical weighted enrolment levels referred to as Basic Income Units (BIUs). Each institution's BIUs are arrived at by multiplying full-time equivalent enrolment by a weighting factor. The weighting factor varies by program and level of study and is a rough measure of how costs vary by program and by level of study. Program weights were established in 1966-67 and only slight modifications have been made to them since.

It should be noted that the distribution mechanism is not intended to limit or control the expenditure of funds granted to the institutions, except in the case of specifically-targeted special purpose grants.

The non-targeted, block grant nature of the basic operating grant recognizes the institutional autonomy of grant recipients. The funding distribution formula that has evolved since its inception in 1967 has maintained its focus to promote funding stability and predictability, subject to the Ministry's global allocation.

4. ENROLMENT REPORTING REQUIREMENTS

Ontario universities are required to submit a series of enrolment reports to the Ministry of Training, Colleges and Universities annually. Each university must report all students who are registered in courses or programs normally credited to a degree, diploma, or certificate of the university, whether or not those students are eligible to be considered in the determination of the Ontario government's operating grant support. This enrolment information is then processed and stored in the Ministry's USER system. Details on the submission of enrolment reports, including schedules and file layouts, are contained in the USER

Reporting Guide.

The Ministry requires an audit of the enrolment data of institutions that are eligible to receive Ontario operating grants. The objective of the audit is to render an audit report in the form prescribed in Appendix 5.

A university must bear the adverse consequences of its own errors in enrolment reporting, but will suffer no grant loss in respect of eligible enrolment under-reported if the situation arose because of an oversight on the part of the Ministry. It is the responsibility of the universities to see that no eligible students are unclaimed. Ministry policy with regard to adjustments is contained in the USER Reporting Guide.

Commencing in 2006-07, the Ministry assumed the role of collecting and summarizing data on degrees awarded at Ontario universities and related institutions. Details on the preparation and submission of this information can be found in the USER Reporting Guide.

D. Responses to 2008 University Secretaries listserv question

Question posted to the Canadian University Listserv on November 4, 2008

UPDATED: November 21, 2008

II. With regard to your Board of Regents/Governors, how can Board members be removed and under what circumstances?

University	How can Board members be removed and under what circumstances
University of Western Ontario	Members of the Board can be removed in only two ways: 1. When they resign or cease to be eligible for appointment to the Board. 2. When the Board declares a member's seat vacant by resolution <i>Refer to Section 12, Paragraph 1-6 of the Act.</i>
Thompson Rivers University	The Lieutenant Governor in Council may, at any time, remove from office an appointed member of the Board. Eg. In 2002 there was a change in government - the new Government removed all of the appointed members and appointed new members who were affiliated with their party or had no affiliation at all. The Act also states that any Board member who does not attend at least half of the regular meetings of the Board in any year is deemed to have vacated his or her seat.
Nipissing University	Membership of a member of the Board is vacated when he or she resigns or except for a student member who graduates during his or her term, ceases to be eligible for appointment or election to the Board. The Act talks about Membership Vacated and states, 12.(1) The membership of a member of the Board is vacated when he or she resigns or, except for a student member who graduates during his or her term, ceases to be eligible for appointment or election to the Board. Same, unable to act (2) If a member of the Board is otherwise incapable of continuing to act as a member, the Board shall by resolution declare the membership vacant. Same, non-attendance at meetings (3) The Board may by resolution declare a membership of the Board, except a membership by virtue of an office, vacant for failure to attend a sufficient number of meetings, as provided in the by-laws.
Trent University	Board is entirely self-appointing. The Trent Act s. 9 concerns declaration of vacancy: "After thirty days notice to any member of the Board, the Board may, by resolution passed by at least two-thirds of the total members of the Board by votes cast at a meeting of the Board, declare vacant the seat of such member." The Board's operating policies would trigger this action if a member were habitually missing meetings or if a member in a seat designated for faculty, staff or students ceased to be an employee or student.
Concordia University	In accordance with the By-Laws, the Corporation has the power "to remove a Governor from office. A thirty (30) day written notice from the Chair of the Board of Governors shall be given to any Governor whose removal of office is being considered. The Governor shall be given an opportunity to present his or her case to the Board of Governors. The By-Laws further specify that a 2/3 majority is required to remove a Governor from office.
University of PEI	The act describes an "incapacity to act". The Act states "if a member of the Board becomes a member of the Legislative Assembly of the province or becomes incapable of acting as a member of the Board, he or she thereupon ceases to be a member of the Board and a declaration of the existence of the vacancy entered in the minutes of the Board is conclusive evidence thereof".
University of New Brunswick	A Board seat becomes vacant if a member refuses or becomes incapable to act, fails to attend meetings or ceases to be a member of the appointing/electing body or dies. There is no provision for removal per se.

University	How can Board members be removed and under what circumstances
University of Guelph	<p>A Board Members office may be deemed to be vacated if:</p> <ul style="list-style-type: none"> a) such Board Member becomes bankrupt; b) such Board Member is convicted of a criminal offense under the Criminal Code of Canada (for which a pardon has not been granted) as a result of which the Board determines such individual to be unfit or inappropriate to act as a Board Member; c) an order or a decision of a court or tribunal of competent jurisdiction order is made declaring such Board Member to be a mentally incompetent person or incapable of managing his or her own affairs; d) as provided under the Act, after thirty (30) days notice to such Board Member, a resolution to that effect is passed at a Board meeting by at least two-thirds (2/3) of the total Board Members; e) such Board Member contravenes any University By-law or policy as a result of which the Board determines such individual to be unfit or inappropriate to act as a Board Member. <p>A Board Members office is vacated if:</p> <ul style="list-style-type: none"> a) by notice in writing to the Chair or the President such Board Member resigns such office; b) in the case of a Board Member who is a student, such Board Member ceases to be registered in either the fall semester or the winter semester; c) in the case of a Board Member who is faculty or staff of the University, such Board Member ceases to be faculty or staff of the University.
York University	After 30 days notice to any member of the Board, the Board may, by resolution passed by at least two-thirds of the members of the Board, declare vacant the seat of such member. <u>Note:</u> the response also provides information on the disqualification of members.
Université de Moncton	It is not easy to remove a governor for many of them are named by the province (lieutenant-gouverneur in council), alumni, student bodies and others
University of Saskatoon	The only provision for removal under the Act would be a decision by the Government not to re-appoint one of their Order in Council appointments for a second term.
Carleton University	Nothing in Act or By-Laws but “members of the corporation” (as opposed to the Board) have the ordinary legal power to remove “directors”.
Saint Mary’s University	For cause, the Board may revoke the appointment or election of anyone it appoints or elects to any position at any meeting of the Board if the Agenda for the meeting included with the notice refers to the proposed revocation.
Dalhousie University	No provision for removal.
Simon Fraser University	Members who attend fewer than half of the Board meetings may be excused by resolution of the Board.