

Appendix 1

February 14, 2012

**Re: February 28 Motion on Senate Authority**

Dear Queen's Senators,

We are writing to remind you of a motion coming before Queen's Senate on February 28<sup>th</sup>, 2012 that may safeguard democratic governance at Queen's. The motion simply proposes that Queen's Senate get independent legal advice concerning the proper extent of its own authority and responsibility in academic matters.

Queen's Administration has assumed—and asserted—that the Board of Trustees and the upper Administration can make unilateral and autocratic decision on all matters involving financial resources (most recently in November 2011, when it froze admission to the BFA program without notifying Faculty Board or Senate). But some legal experts also argue the contrary. The motion we hope you will support merely asks that Senate seek independent advice on this matter for its own future guidance.

In recent decisions to suspend enrolment (in 2009 and again in 2011), Queen's administration brought Queen's Legal Counsel to affirm that:

- “The Board [of Trustees], through its officers, has the authority to make resource-based decisions that influence the academic program of the University.” And
- “The officers of the University include the Principal, the Vice-Principals and the Deans” (see Senate minute for April 2009 and November 2011).

But Professor David Mullan, one of Canada's foremost administrative lawyers, reviewed the matter for QUFA in 2009 and found that the Faculty of Arts and Science should not have suspended enrolments “without reference to Senate.” Thus, the Administration's presumed right to make unilateral decisions on “resource” matters even when they also have important academic impacts, rests on a contested legal opinion. Rather than simply surrender its explicitly provided authority over “all matters of an academic character that affect the University as a whole,” Senate owes it to itself, to Queen's, and to Queen's students and community to seek further independent advice concerning its rights and responsibilities in such matters.

For these reasons, we, the Council of the Society of Graduate and Professional Students, representing over 4,000 students, urge you to support the motion on February 28 concerning Senate authority in academic decision.

Sincerely,

The Council of the Society of Graduate & Professional Students (SGPS) at Queen's University  
Kingston, Ontario



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