

York University Joint Board and Senate Initiative
Associated with Cancellation/Suspension of Classes during a Labour Disruption
Joint Working Group Terms of Reference

Background

The University, created by the [York University Act](#), defines the respective authority of Senate, the President, the Chancellor and the Board of Governors. The Act specifically assigns to Senate responsibility for academic policy including the power to determine the requirements for graduation, to conduct examinations, and to confer degrees.

Except as to such matters specifically assigned to the Senate, the “government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University.”

The President’s legislated responsibilities are to supervise and direct implementation of the academic policy and general administration of the university including the teaching staff, officers and students.

On March 5, 2018, a labour strike was commenced by CUPE 3903 Units 1, 2, and 3. The week prior, the Provost publicly stated that, in the event of a labour disruption, all classes that can continue will continue. This prompted a call from some community members for the Senate Executive Committee to suspend all classes. On March 1, 2018 the Senate Executive Committee met and considered whether, in the absence of a request from the administration, it could unilaterally suspend all classes and, if such authority existed, whether it should do so. The Committee grounded its consideration of the matter in the relevant Senate legislation, specifically the *Policy on Academic Implications of Disruptions or Cessations of University Business Due to Labour Disputes or Other Causes* and the *Class Cancellation Policy*, the Committee’s terms of reference and the bicameral division of authority under the *York University Act*. Ultimately, it concluded that it could not invoke a blanket suspension of all classes in the circumstances. It also decided that, even if it could take such action, it endorsed the approach communicated by the Provost that classes that can continue should continue.

In the subsequent days, considerable discussion and debate took place across the community with respect to the issue of suspending classes and who has the authority to do so. Senate passed a motion on March 22, 2018 expressing the view that “Senate, in conjunction with Senate Executive, has the authority to direct and determine that classes be suspended on the basis of academic integrity.” Several faculty councils sought to or passed motions asserting the opinion that all classes should be cancelled. The Chair of the Board, on behalf of the Board Executive Committee, stated the position that “[a]s any decision to cancel classes across the entire University would have a profound impact on all aspects of the University’s operations and affairs, we are convinced, under our statutory responsibility under the *York University Act, 1965* that the senior administration would need to seek the Board’s agreement to do so.” At the same time, some faculty members articulated the view that a decision to suspend or

continue with their classes rested solely with them based on their assessment of whether academic integrity could be maintained.

The public debate over the question of authority to suspend classes surfaced both the need and the desire to clarify the situation for the future. In addition to the interest it poses for the governing bodies, the administration and many colleagues, the existence of conflicting messages on the subject created additional confusion for many students further confirming the need for clarity.

At the request of some Senators, the Chair of Senate committed to contacting the Chair of the Board to discuss a way forward such that in the event of a future labour disruption, there would be greater clarity on suspension of classes. The Chairs and Vice-Chairs of the two governing bodies agreed to work together to propose a process that might help resolve the issue.

Proposed Principles, Mandate and Membership of the Special Joint Senate-Board Working Group

Principles

Before making efforts to identify concrete proposals with respect to process, mandate and timelines, the Chairs and Vice-Chairs believed it would be useful to articulate key principles that would inform their thinking. The following were noted:

1. It is recognized and appreciated that there are strongly principled and divergent views across the community.
2. The scope of the work to be undertaken should be carefully framed around the issue of decision-making on cancellation/suspension of classes during a labour disruption. It is not intended to be a broader enquiry about the roles and responsibilities of the two governing bodies.
3. Seeking a common understanding of the roles of Board and Senate is a preferred goal. Developing a shared view would help avoid ambiguity in the future and reduce the risk that disagreements regarding roles and responsibilities could adversely affect community members.
4. While it is hoped the group convened to undertake this initiative will reach consensus, if that is not possible, the group's report should include dissenting perspectives where necessary.
5. There is merit in exploring the potential of a shared view before considering other options (e.g. retaining an external person to provide expert opinion). Should this exploration not achieve the desired outcome, other options could be considered at that time.
6. The process should be completed within a reasonable time and should involve effective methods of ensuring input from the community.
7. Any final report arising from the process will be presented to Senate and the Board for action.

Terms of Reference

Based on the background and principles articulated above, the Chairs and Vice-Chairs propose the creation of a special joint working group to lead the process of clarifying where authority lies for class cancellation during a labour disruption. In addition to the mandate, a timeline and outcomes for the group are set out below.

Mandate:

The Working Group will:

- a) develop a shared understanding of the roles of Senate, Board and the administration with respect to cancellation/suspension of classes during a labour disruption;
- b) make recommendations as necessary, with respect to creation of or modification to policies to facilitate and sustain the shared understanding identified in a);
- c) seek and obtain input from a diverse range of community members and stakeholders; and
- d) present its report and recommendations to the Board and Senate for action at the completion of its work.

Timeline:

The Working Group will report back to Senate and Board in Fall 2019. Progress reports will be provided intermittently through the respective Executive Committees.

Outcome:

The Working Group will present its observations and recommendations in the form of a report that may be presented to both the Board and Senate for endorsement and/or additional action. The group will strive for consensus in its findings and recommendations. However, if that is not possible, minority views will be included in the report.

Membership:

The Chairs/Vice-Chairs propose an equal number of voting members from Senate and the Board on the working group. Recognizing the significance of the issue for both governing bodies, the Chairs wish to be members but will serve as non-voting members.

The Chairs/Vice-Chairs believe the working group should be kept to a modest size to allow members to foster a good rapport with one another and speak with candour. It is also acknowledged that significant time and effort will be required of working group members and most will be volunteering their time to participate. However, broad community consultation will be undertaken to ensure the working group has cognizance of all the issues and perspectives.

On the basis of the above, the proposed composition of the Working Group is:

- 3 voting members representing Senate elected from among current Senators, at least one of whom will be a student provided that a student is nominated
- the Chair of Senate as a non-voting member

- 3 voting members representing Board, determined from among current Governors
- the Chair of the Board of Governors as a non-voting member
- one member representing the administration as a non-voting member

The Senate and Board Chairs will Co-Chair the Working Group.

Additional Resources:

The University Secretariat will provide governance support to the Working Group. In addition, the group may seek advice from individuals with relevant knowledge and/or expertise and may gather relevant documentation to assist in its consideration of the issues.