



UNIVERSITY OF TORONTO
FACULTY OF KINESIOLOGY & PHYSICAL EDUCATION

ITEM 3a – EXECUTIVE COMMITTEE
– March 28, 2013

FOR APPROVAL

TO: Members of the Academic Board

SPONSOR: Ira Jacobs, Dean
Faculty of Kinesiology and Physical Education

DATE: February 19, 2013 for March 21, 2013

AGENDA ITEM: 3a)

ITEM IDENTIFICATION:

Constitutional Amendments: Faculty of Kinesiology and Physical Education

JURISDICTIONAL INFORMATION:

Section 5.2.2 of the Academic Board’s terms of reference calls for amended divisional constitutions to be considered by the Board and confirmed by the Executive Committee. Amendments to by-laws are approved by divisional councils.

PREVIOUS ACTION TAKEN:

Amendments to the Faculty of Kinesiology and Physical Education Constitution were previously approved by the Academic Board on March 14, 2012 and confirmed by the Executive Committee of the Governing Council on March 29, 2012.

HIGHLIGHTS:

Student enrolment in the Faculty’s degree programs is increasing to a new steady state that within four years will be 45% greater than the 2010/11 numbers for the undergraduate programs and 55% greater than the 2010/11 numbers for the graduate program numbers. Therefore, it is moved that our Faculty constitution and/or relevant bylaws be revised to enable the addition of one more undergraduate student member, and one more graduate student member to the roster of Faculty Council members. Should the motion be passed the appropriate processes and governance approvals should be followed to enable these changes to occur as soon as possible.

This amendment was proposed to the Faculty Council and discussed at the December 2012 meeting, based on the recommendations of an ad-hoc committee that had been struck to review this issue. The amendment was voted on and passed at the January 2013 Faculty Council meeting.

Constitutional Amendments: Faculty of Kinesiology and Physical Education

RECOMMENDATION:

Be It Recommended

THAT, subject to confirmation by the Executive Committee, the amended Constitution of the Faculty of Kinesiology and Physical Education, which was approved by the Council of the Faculty of Kinesiology and Physical Education on January 16, 2013, be approved.

**CONSTITUTION OF THE COUNCIL
OF THE
FACULTY OF KINESIOLOGY AND PHYSICAL EDUCATION
UNIVERSITY OF TORONTO**

Article I. The Council of the Faculty of Kinesiology and Physical Education, hereafter described as the “Faculty Council”, exercises its responsibilities under the provisions of the University of Toronto Act, 1971, as amended.

Article II. In this Constitution and the accompanying by-laws:

Section 2.01 “Faculty” means the Faculty of Kinesiology and Physical Education and “Council” means the properly composed Council of the Faculty of Kinesiology and Physical Education of the University of Toronto.

Section 2.02 “Teaching Staff” means a member of the Faculty of Kinesiology and Physical Education who holds an academic appointment of 50% or more in the Faculty of Kinesiology and Physical Education and who holds the rank of Professor, Assistant Professor, Associate Professor, Assistant Professor (conditional), Senior Lecturer, Lecturer, Senior Tutor, Tutor, Senior Athletics Instructor or Athletics Instructor.

Section 2.03 “Administrative Staff” means an appointed staff member of the Faculty of Kinesiology and Physical Education who is not a member of the teaching staff and who holds an appointment of 50% or more.

Section 2.04 “Undergraduate student” means any student registered in a program of study leading to a degree, post-secondary diploma, or certificate in the Faculty of Kinesiology and Physical Education who is not registered in the School of Graduate Studies.

For the purpose of Appendix A (The Council of Athletics and Recreation Constitution), “student” means any student defined according to the current regulations governing elections to the Governing Council.

Section 2.05 “Graduate student” means any student registered with the School of Graduate Studies in a program of study leading to a degree, post-secondary diploma or certificate in the Faculty of Kinesiology and Physical Education.

Section 2.06 “Alumni” means anyone who has received a degree, post-secondary diploma, or certificate from the Faculty, or who has completed one year of full-time studies while registered in the Faculty, who is no longer registered as a student and who is not a member of the teaching or administrative staff of the University.

Article III. Subject to the provisions of the University of Toronto Act, 1971, and the approval, as required or appropriate, of the Governing Council of the University, Council shall have the following powers and duties:

Section 3.01 Council shall determine the number, size, composition and authority of Standing Committees of the Faculty Council.

Section 3.02 Council recommends for approval to the appropriate body of Governing Council amendments to divisional academic policies. Academic policy sets out the principles for, the general directions of, and/or priorities for the teaching and research activities of the Faculty.

Section 3.03 Council plays an advisory role, tendering advice to the divisional administration.

Article IV The specific powers and duties of Council are the following:

Section 4.01 Council shall determine the rules and regulations for governing its procedures and its decisions shall be made by resolutions passed at its meetings.

Section 4.02 Council shall pass by-laws regulating the exercise of its powers, the calling and conduct of its meetings, and the method of appointment or election of its members.

Section 4.03 Council shall have the power to establish, alter, or disband its committees as deemed necessary and to determine their composition, authority, quorum, and method of appointment of their members and chairs. Council has authority over recommendations brought forward by such committees, be that in its decision-making capacity or in its advisory role.

Section 4.04 Council shall determine the standards of admission of students to the Faculty and may delegate this responsibility to committees or officers of the Faculty. New policies and practices or amendments to existing ones which affect the whole Faculty are recommended to the appropriate body of Governing Council for approval.

Section 4.05 Council shall award scholarships, bursaries, prizes and other awards in the name of the Faculty and may delegate this responsibility to committees or officers of the Faculty.

Section 4.06 Council shall establish policies and procedures with respect to petitions and appeals by undergraduate students in connection with the application of academic rules and regulations by officers of the Faculty or by instructors in connection with academic standing in the Faculty. A Committee of Council shall make rulings on all such appeals and such rulings shall be final and binding, subject to an appeal to the Governing Council.

Procedures for academic appeals by graduate students are determined by the School of Graduate Studies in accordance with the *Policy on Academic Appeals within Divisions*.

Section 4.07 Determine the nature and content of all courses of study and programs offered by the Faculty, subject to the approval of the Governing Council, where required and shall monitor the quality and standards of the programs.

Council shall consider the content, quality, and requirements of the academic programs and courses of study that lead to degrees, diplomas, certificates, credits, and non-credit courses over which the Faculty has authority; it shall consider proposals for the closure of any such programs or courses of study; and it shall monitor the quality and standards of the programs and courses of study.

Council shall recommend for approval to the appropriate body of Governing Council proposals for new academic programs.

Council shall have delegated authority to approve proposals for major and minor modifications to existing academic programs. Definitions of major modifications of existing programs, minor modifications, and new academic programs are provided in the *University of Toronto Quality Assurance Process* and are subject to change. Guidance from the Office of the Vice-Provost, Academic Programs, should be sought prior to the development of any such proposal. All major modifications shall be reported annually for information to the appropriate body of Governing Council.

Council shall have delegated authority to approve proposals for the modification of existing diploma and certificate programs, pursuant to the University's *Policy on Diploma and Certificate Programs*. An annual report on such actions as required by the *Policy*, shall be provided for information to the appropriate body of Governing Council.

Section 4.08 Subject to the provisions of the above, Council may delegate its authority for the approval of minor modifications to academic programs to various committees. All such changes shall be reported for information to Council. The decision of whether a matter is major or minor may be made by the Committee Chair in

consultation with the Chair of Council, and/or the Dean or his/her designate, and/or the Vice-President and Provost or his/her designate.

Section 4.09 Council may be one venue in which consideration and discussion of a review report of an academic program and/or unit may occur, consistent with the protocol outlined in the *University of Toronto Quality Assurance Process*.

Section 4.10 Council shall review and approve or recommend for approval to the Governing Council proposals concerning Extra-Departmental Units in the Faculty, pursuant to the *Policy on Interdisciplinary Education and Research Planning*.

Section 4.11 Council shall have delegated authority to approve transcript notations within existing degree programs, in accordance with University policy. An annual report on such actions, as required by policy, shall be provided for information to the appropriate body of Governing Council.

Section 4.12 Council shall consider recommendations from the Council of Athletics and Recreation concerning overall policies in athletics and recreation, subject to the approval of the Governing Council, as required.

Section 4.13 Council shall consider operating plans and budget proposals from the Council of Athletics and Recreation and comment on them to the appropriate body of Governing Council.

Article V Powers, duties, and responsibilities of the Dean

Section 5.01 Council recognizes that the Dean exercises powers under the authority of the "*Policy on Appointment of Academic Administrators*" which states that "the Dean of the Faculty is the chief executive officer of the Faculty and reports directly to the Vice-President and Provost."

Section 5.02 While the Dean may delegate authority to other academic administrators in the Faculty, the Dean retains responsibility for the overall direction of the Faculty and, in particular, for authority over the budget and other financial matters, personnel matters, including appointments and promotions, and extra-Faculty relationships. In this respect, Council recognizes that the Dean has ultimate authority for the allocation and management of the Faculty's resources.

Section 5.03 The Dean shall consult with members of the Faculty on matters of policy and practice but is ultimately responsible for all

administrative decisions that are within his/her jurisdiction and authority.

Section 5.04 The Dean shall advise Council of the resource implications of proposed academic policy decisions.

Section 5.05 The Dean may consult with Council on administrative proposals that may have a significant impact on the academic programs of the Faculty.

Article VI The Membership of the Faculty Council comprises:

Section 6.01 Ex-officio members (with voting privileges, unless otherwise noted):

- The President of the University or designate
- The Vice-President and Provost or designate
- The Dean of the School of Graduate Studies or designate (non-voting)
- The Dean of the Faculty
- One professional librarian appointed by the University Librarian
- The Associate Deans of the Faculty
- The Assistant Deans of the Faculty
- The Registrar of the Faculty
- The Chief Administrative Officer of the Faculty
- The President of the Faculty's Undergraduate Student Society
- The President of the Faculty's Graduate Student Society
- The President of the Faculty's Alumni Association or designate

Section 6.02 Other voting members of the Council may be elected or appointed, and include the following constituencies:

- All teaching staff of the Faculty as defined in section 2.02.
- Two professors emeritae/i of the Faculty.
- One member elected from and by the staff with curricular teaching duties in undergraduate practica courses.
- One member elected from and by those who serve as Faculty of Kinesiology and Physical Education practica instructors on a sessional, part-time basis.
- ~~Seven~~Six undergraduate students elected from and by the students in the undergraduate program in the Faculty of Kinesiology and Physical Education.

- One graduate student elected from and by the students in the graduate program in the Faculty of Kinesiology and Physical Education.
- Four members elected from and by the administrative staff of the Faculty.
- The Co-Chairs of the Council of Athletics and Recreation.

Article VII. Term and Quorum of Council

Section 7.01 The term of office of the Faculty Council members and committees shall be from July 1 to June 30 of the following calendar year, with some student members beginning in the September session.

Section 7.02 The quorum for a meeting of Council shall be one-third of the voting members. This number will be determined each year.

Article VIII Officers

Section 8.01 Faculty Council members shall elect at its final meeting of the year, from among its members, the Chair. The term of office shall normally be for two years from July 1 to June 30. In the absence of the Chair, the Council shall elect an Acting Chair, upon the recommendation of the Dean.

The Chair shall be a non-voting member of Council.

Section 8.02 The Chair shall preside at all meetings of Council. In the absence of the Chair, any member of the Executive Committee may convene the meeting and an acting Chair shall be chosen by a majority of voting members present for the meeting.

Section 8.03 The Secretary shall be appointed by the Dean and shall be a non-voting ex-officio member of Council.

Article IX Meetings of Faculty Council

Section 9.01 The Faculty Council shall meet at least four times during each academic year. Notice of each meeting, including a proposed agenda, shall be given to members at least one week in advance of the meeting.

Section 9.02 A special meeting may be called by the Chair of the Faculty Council, the Dean of the Faculty of Kinesiology and Physical Education, or upon the written request of five members of the Faculty Council. In the case of special meetings, a notice of three business days is required.

Section 9.03 Each voting member of Council has one vote on any question. Motions pass with a simple majority unless otherwise stated in the rules of procedure of the Council. In case of a tie vote, the Chair may cast a deciding vote or redirect the question for further consideration.

Section 9.04 The meetings of Faculty Council are open to all members of the University community except when matters of a confidential nature are under discussion. The Faculty Council will then move *in camera*.

Section 9.05 The members of Faculty Council are entitled to participate fully in meetings of the Faculty Council, to speak, to propose motions, to vote on all questions except those where the Chair rules there is a conflict of interest, and to serve on committees and task groups selected and/or appointed by the Faculty Council. In the case of substantive motions which are not on the Council agenda, a two-thirds vote is necessary to add them to the agenda. Members of Committees who are not members of Council may address Council on matters within the jurisdiction of the committee of which they are a member and participate in the debate but they may not vote.

Section 9.06 The decisions of Faculty Council are available to all members of the University community through the Minutes of Faculty Council, which are kept in the Faculty Office.

Article X By-Laws

Section 10.01 The procedures of Council will be set forth in the By-Laws of Council.

Section 10.02 The composition, powers, duties, and procedures of Standing and Special Committees shall be set forth in the By-Laws of Council.

Article XI Parliamentary Authority

Section 11.01 The rules contained in the most recent edition of Bourinot's Rules of Order shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the By-Laws and any special rules of order the Council may adopt.

Article XII Amendment of the Constitution and By-Laws

Section 12.01 The Constitution of the Council may only be amended with the approval of the Council and the Governing Council of the University of Toronto. Voting shall take place at a regularly constituted meeting to which there has been three weeks notice of the proposed amendment. An affirmative vote to amend the Constitution is required by two-thirds of the members of Council present and voting. Following approval of the recommended amendment by

Council, the amendment is forwarded to Governing Council for approval.

Section 12.02 The By-Laws of the Council may be amended at any regular meeting of the Council by a two-thirds majority of those present and voting, provided that there has been three weeks notice of the proposed amendment.

Article XIII. Council of Athletics and Recreation

Section 13.01 The athletic and recreational activities of the Faculty shall be governed by a Council, whose constitution and powers are outlined in the Constitution of the Council of Athletics and Recreation, as in Appendix A hereto, which forms part of the Constitution of the Faculty Council.

Section 13.02 Amendments to the Constitution of the Council of Athletics and Recreation will be considered for approval by the Faculty Council and the Governing Council body with assigned responsibility for Athletics and Recreation.

Amended and approved by Faculty Council on May 21, 2009 and approved by the Executive Committee of the Governing Council on June 15, 2009.

Amended and approved by Faculty Council on February 27, 2012, and approved by the Executive Committee of the Governing Council on March 29, 2012.

Amended and approved by the Faculty Council on January 16, 2013, and approved by the Executive Committee of the Governing Council on XX XX, 2013.

**APPENDIX A to the Constitution of the Council of the
Faculty of Kinesiology and Physical Education**

**CONSTITUTION
OF THE COUNCIL OF
ATHLETICS AND RECREATION**

ARTICLE I – NAME

The “Council” shall be named the Council of Athletics and Recreation of the Faculty of Kinesiology and Physical Education.

ARTICLE II – OBJECTIVES

Subject to the approval of the Council of the Faculty of Kinesiology and Physical Education, the Council oversees the athletic and recreational programs and services provided by the Faculty. The objectives for athletics and recreation programs are, in order of priority:

- 1.a. To provide; vocational instruction, physical recreation, intramural, intercollegiate, and other athletic competition.
- b. To contribute to and promote the continuing well-being of members of the University community by providing programs that stress the values and habits of physical activity and by providing physical activity and sport program opportunities.
- 2.a. To provide opportunity for outstanding students, to pursue world standards of performance and to provide for empirical research into the requirements of excellence in selected sports.
- b. To supplement Physical Activity & Sport opportunities for members of the adjacent community by providing and promoting appropriate programs on a regular basis in co-operation with External Government Organizations.
- c. To supplement, where possible, Physical Activity & Sport opportunities for the community to use University facilities for training, competitions and special demonstrations.

The Council is responsible for all athletics and recreational program areas on the St. George campus, the Intercollegiate and High Performance Sport program, and any Physical Activity & Sport programs which are administered on a university-wide basis.

ARTICLE III – POWERS AND DUTIES

The Council exercises its powers and duties under the University of Toronto Act, 1971, as amended. These powers and duties, subject where necessary to the approval of the Governing Council, shall be:

- a. To recommend policy on all matters pertaining to Physical Activity and Sport.
- b. To serve, by virtue of its representative nature, as a medium of information, communication and co-ordination.
- c. To establish committees, define their membership, and delegate powers and duties to them through its By-Laws, and to review and deal with reports of these committees.
- d. To recommend the annual operating plan for athletics and recreation, including the allocation of funds to program areas, for approval by Governing Council.
- e. To recommend policy regarding the use of the athletics and recreation facilities administered by the Faculty.
- f. To recommend the fees to be levied in support of athletics and recreation for approval by Governing Council.
- g. To recommend policy regarding the fees charged for the use of the athletic and recreation facilities.
- h. To determine the criteria for and to award prizes and awards in recognition of athletic achievement.
- i. To exercise final disciplinary authority over athletics and recreation members insofar as use of the athletic and recreation facilities and participation in programs and services are concerned.
- j. To make rules and regulations to govern the proceedings of the Council.
- k. To determine the manner and procedure of election of its members and to conduct such elections and by-elections.
- l. To fill vacancies that arise on Council or to conduct elections to fill vacancies on Council. (The decision to appoint, or to conduct elections, shall be made by the Striking Committee with the consent of Council, and should be determined by length of time left in vacancy, financial and logistical difficulties in conducting elections, and availability of appropriate candidates.)

ARTICLE IV – MEMBERSHIP

Gender equity in the membership of Council and its committees is a goal of the Faculty.

- a. Ex Officio:
- i) The President of the University.

 - ii) The Dean of the Faculty of Faculty of Kinesiology and Physical Education.

 - iii) The Directors of Athletics and Recreation at University of Toronto Mississauga and University of Toronto Scarborough.

 - iv) The Assistant Dean, Co-curricular Physical Activity and Sport of the Faculty of Kinesiology and Physical Education.

Each of the above members may designate a representative at any time and such representatives shall have full speaking and voting rights on Council.

- b. Instructional and administrative staff of the Faculty whose primary responsibilities deal with the non-credit programs and services in athletics and recreation:

Four full-time staff members elected by and from among the full-time staff. In keeping with the Faculty's goal of ensuring gender equity, normally there will be two female members and two male members.

- c. Students:
- i) twelve student members, (in keeping with the Faculty's goal of ensuring gender equity, normally there will be six female and six male) elected by student members of the athletic and recreational programs and services of the Faculty.

 - ii) three student members – one appointed by each of the *University of Toronto Students' Union (UTSU)*, the Association of Part-time Undergraduate Students (APUS), and the Graduate Students' Union (GSU).
- d. Staff:
- i) one teaching staff member of the University, elected by teaching staff members of the athletic and recreation programs and services of the Faculty.

 - ii) one administrative staff member of the University, elected by administrative staff members of the athletic and recreational programs and services of the Faculty.

- e. Alumnae/i: one alumnae/i member elected by alumnae and alumni members of the athletic and recreational programs and services of the Faculty.
- f. General Public: one member of the public, appointed by the President because of recognized expertise with recreational activities.
- g. T-Holders (a T-Holder is an alumna/us who was a member of an intercollegiate team):
 - i) In keeping with the Faculty's goal of ensuring gender equity, normally there will be one female member appointed by the Board of Directors of the T-Holders' Association.
 - ii) In keeping with the Faculty's goal of ensuring gender equity, normally there will be one male member appointed by the Board of Directors of the T-Holders' Association.
- h. The Chair of the Council of the Faculty of Kinesiology and Physical Education, the Chief Administrative Officer of the Faculty and the Faculty's non-academic directors, shall be non-voting assessors to the Council.

ARTICLE V - OFFICERS

The Officers of the Council shall be:

- a. Honorary Chair – the President of the University of Toronto or designate
- b. Co-Chairs – elected by the Council from among its non-ex officio members
- c. Executive Secretary – the Dean of the Faculty or designate

ARTICLE VI - MEETINGS

- a. All meetings of the Council and its standing and special committees shall be open except as provided in the By-Laws.
- b. The Co-Chairs shall determine the frequency of its meetings.
- c. The Council shall meet at least two times during each academic year.

ARTICLE VII – COUNCIL EXECUTIVE

The Council Executive shall consist of the officers in Article V, plus two annually appointed members of the Council. Such members shall be appointed at the April or the first meeting of Council.

This Executive has the authority to act on important issues when it is impossible or impractical to schedule a full Council meeting. Any actions taken by Council Executive shall be brought to Council's attention at the earliest possible time.

ARTICLE VIII – AMENDMENTS

On the recommendation of two-thirds of the voting members present at any meeting, the Council may propose an amendment to its Constitution to the Council of the Faculty of Kinesiology and Physical Education, for its approval and transmission to the Governing Council of the University of Toronto. At least three weeks notice of any proposed amendment shall be given to the Council.