



Memorandum to: Members of the Governing Council

From: Louis R. Charpentier
Secretary of the Governing Council

Date: May 29, 2013

Re: **University Affairs Board Terms of Reference and the *Policy on Compulsory Non-academic Incidental Fees***

I write with respect to last Thursday's Governing Council meeting and the discussion regarding the Terms of Reference of the University Affairs Board and the *Policy on Compulsory Non-academic Incidental Fees*. In summarizing the discussion, the Chair asked that I provide members with an interpretation of the relationship between the Terms and the *Policy*, supplementing my comments at the meeting.

Section 4, Function, of the University Affairs Board's Terms of Reference states:

The Board is responsible for consideration of policy of a non-academic nature and matters that directly concern the quality of student and campus life. The Board has the mandate for monitoring matters within its area of responsibility.

Among the Board's areas of responsibility are compulsory non-academic incidental fees and, in light of that responsibility, Section 5.2 states that the Board approves fees related to student services, representative student committees and campus organizations, and Divisional student societies:

The Board executes its responsibility for considering and approving fees in the context of the *Policy for Compulsory Non-Academic Incidental Fees*, approved by Governing Council in 2003. The *Policy* specifies particular responsibilities for Student Societies and for the Office of the Vice-President and Provost. Both the *Policy* and the Terms of Reference are applied in relation to a fundamental operating principle of the Governing Council and its Boards and Committees: that governance relies on the administration to bring forward fully-detailed proposals for consideration. This principle was articulated and approved by the Governing Council in response to recommendations arising from the *Report of the Chairman's Advisory Committee on Governance* (Balfour Report, 1988). It is expected that such proposals comply with University policy as approved by the Governing Council, and be consistent with administrative guidelines and practices established within the context of approved policy.

The Chair of a Board or a Committee is ultimately responsible for matters placed on the agenda. In practice (also expressed in the Balfour Report), the Chair is advised by an

agenda planning group that includes the Vice-Chair and relevant members of the administration (the assessors). Procedural advice is provided by the Secretary / Secretariat.

In the present case, that is, the request by the Engineering Society and Trinity College Meeting for fee diversion, the administration has advised the Chair that respecting the Policy, it does not have the authority to divert the fee and as a result the request to place this on the agenda of UAB would be inappropriate. This decision respects the Governing Council's policies – and within those policies – student organizations' autonomy. The administration has advised that it is working to facilitate a resolution of this matter with the parties involved. The administration has also stated its expectations for particular steps to be taken and its intentions in the absence of those steps being taken. Members of the Governing Council and of the University Affairs Board have already received the Provost's communication on this matter.

As I indicated at the Governing Council meeting, until the relevant parties have taken the opportunity to act within the responsibilities delegated to them by the Governing Council, it would be premature for a recommendation to be brought to the Board or for the Board to initiate a policy change process within governance. While the Governing Council may change the policies it approves, such change would reasonably be informed by a detailed analysis and careful consideration of alternative policies and their potential implications and after appropriate consultation with the broader University community.