

ELECTION OF ACADEMIC AND SUPPORT STAFF TO SENATE

The University of Manitoba Act (the "Act") provides for the election of persons to Senate by each Faculty and School Council (Subsection 26(1)(n) and Section 27). The method by which this is done is determined by Senate in the form of Standing Rules of Senate. The relevant sections of the Act are provided together with the Standing Rules which govern the process. Because the number of elected members of Senate is determined by formula using the list of eligible members of faculty/school councils, the size of Senate will change from time to time.

Provisions of *The University of Manitoba Act* respecting Members Elected by Faculty and School Councils

Powers of Senate 34(z): From time to time, by by-law, determine the total number of persons to be elected as members of senate by the faculty councils and school councils, the total number of whom shall not be less than twice the number of persons mentioned in clauses 26(1)(c) to (j), (p) and (q).

1. Members from faculty councils, etc.

27(1) Each faculty council and each school council shall annually elect such number of persons to be members of senate as the senate has determined the faculty council or school council is entitled to so elect.

2. Terms of elected members

27(2) If a faculty council or school council is entitled to so elect as members of senate (a) only one person, he shall be elected for a three-year term; (b) two or more persons, such persons shall be respectively elected for such terms not exceeding three years as will result in their terms respectively expiring in successive years.

3. Termination of term of office

27(3) A person elected as provided in this section ceases to be a member of senate upon his ceasing to be a full-time member of the faculty or school by whose council he was elected.

4. Term of office

28(1) The term of office for which a member of the senate shall be appointed or elected under clauses 26(1)(k), (l) and (m) after the coming into force of this Act, other than to fill the unexpired term of a member of the senate who has ceased to be such, is subject to subsection (2) and to section 29, the number of years commencing on June 1 of the year of appointment or election hereinafter stated:

- a) the term of each member appointed by the board shall not exceed three years and not more than one term shall expire in any year;
- b) the term of each member elected by the students of the university under clause 26(1)(1) shall be as determined by the senate under clause 34(1)(cc);
- c) the term of each member appointed by the board of directors of the alumni association shall not exceed three years and not more than one term shall expire in any given year.

5. Continuation of term

28(2) A member of the senate whose term of office has expired on May 31 in any year shall continue as such until his successor has been appointed or elected and shall be eligible for reappointment or re-election.

6. Notification of name of member

28(3) The body possessing the power of appointment or election of a member of senate shall forthwith after the appointment or the election by it of a member of the senate give notice thereof in writing to the secretary of the senate; and no appointed or .elected member of the senate has the right to sit or act as a member of the senate unless his appointment or election is so certified in writing to the University Secretary.

7. Removal of member

29 Any appointed or elected member of the senate may be removed from office at any time by the body that appointed or elected him.

8. Vacancies

30(1) Where an appointed or an elected member of the senate resigns, ceases to be a member of senate or becomes incapable of acting, his seat becomes vacant; and a declaration of the existence of the vacancy entered upon the minutes of the senate is conclusive evidence thereof.

9. Filling of vacancies

31(1) Where a vacancy in the senate occurs from any cause, the vacancy shall, in the case of an appointed or an elected member, be filled by the body possessing the power of appointment or election; and the person so appointed or elected shall hold office for the remainder of the term of the person in whose place he is appointed or elected.

10. **Minimum membership of senate**

32 Notwithstanding any vacancies in the senate, the senate is legally constituted for all purposes so long as not fewer than 25 members of the senate remain in office.

11. **Chancellor determines questions of membership**

33 Where a question arises touching the election of an elected member of the senate or touching the right of any person to be, or sit or act as, a member of the senate, the question shall be determined by the chancellor or, at his option, by a committee consisting of the chancellor and such others as he may appoint.

12. **Powers of senate**

34(1) The senate has general charge of all matters of an academic character; and, without restricting the generality of the foregoing, the senate shall:

- (aa) by by-law, establish a formula for the determination of the number of members of senate, each faculty council, each school council, and each faculty council and school council joined for the purposes of the election, is entitled to elect, and in accordance with that formula determine the number of members of senate each faculty council, each school council, and each faculty council and school council joined for the purposes of the election, is entitled to elect;
- (bb) by by-law, determine when the elections to which reference is made in clause (aa) are to occur and, if desired, the manner in which nominations shall be made and the elections conducted;
- (dd) determine the eligibility of any person for election as a member of senate by a faculty council or a school council or a faculty council and school council joined for the purpose of the election.

**Standing Rules of Senate Relating to Members Elected Under
Section 27 of *The University of Manitoba Act***

1. **Number of Representatives**

The total number of Senators elected by faculty/school councils shall be not less than twice the number of ex officio members designated in Section 26(1), (c) to (j), (p) and (q) of the Act.

2. Eligibility for Nomination

All full-time members of the academic and support staff of the University who are members of a faculty/school council, in addition to those academic staff in Student Affairs, the Extended Education Division and the Libraries, except those designated ex officio under Section 26 of the Act, shall be eligible for election to Senate from the faculty/school council to which they belong or in which they have been accepted for purposes of Senate elections (see 3(b) below). For greater clarity, clinical faculty members in the Faculty of Health Sciences holding GFT appointments are considered full-time members of the academic staff.

3. Eligibility to Vote

- (a) All members of the academic and support staff (including ex officio members of Senate but excluding sessional and part-time support staff appointments) who are members of a faculty/school council having six or more members eligible for nomination are entitled to vote in Senate elections, provided that they are able to vote at the time and in the manner prescribed by Senate and faculty/school council by-laws or regulations. Members of the academic and support staff including those in Student Affairs, the Extended Education Division, and the Libraries are entitled to vote in Senate elections, and shall do so with the other eligible staff in their constituency.
- (b) Ex officio members of Senate, who are not members of a faculty/school council having six or more members eligible for nomination may vote with any faculty/school council willing to accept them as members for the purposes of elections to Senate.
- (c) In the case of cross-appointments, deans and directors shall ascertain from the individuals concerned the faculty/school council of which they wish to be considered members for the purpose of elections to Senate. Decisions must be communicated to the University Secretary in order that the number of Senators from each constituency may be made final.

4. Number to be Elected by Each Faculty/School Council Constituency

- (a) Faculty/school councils, academic staff in Student Affairs, the Extended Education Division and the Libraries having six or more members eligible for nomination shall be entitled to at least one representative on Senate.
- (b) The remaining places shall be distributed proportionately in accordance with procedures set forth below.
- (c) No member of the University shall be counted, vote or be nominated in more than one faculty or school.

- (d) In addition, five Indigenous¹ Senators shall be elected by all faculty and school councils joined together for the purposes of electing these Senators in a process overseen by the University Secretary as described in section 6.2 below. These Senators shall be in addition to any Indigenous Senators as may be elected by Faculty and School Councils from time to time as outlined in section 4 (a).

5. **Procedures for Determining Proportionate Representation**

- (a) On December 31 of each year, the University Secretary shall be provided a list of all full-time academic staff of the University with the rank of instructor, lecturer, assistant professor, associate professor, and full professor, or the equivalent, in each faculty or school of the University, including members of the Student Affairs, the Extended Education Division and the Libraries.
- (b) The University Secretary shall forward to each dean or director for verification the list of persons he/she considers eligible in each faculty or school.
- (c) At the same time, the University Secretary shall notify the academic staff of the requirements of rules 3(b) and 3(c) above, inviting those concerned to make arrangements to join a faculty/school council for the purpose of Senate elections by January 31.
- (d) During the first week in February, deans and directors shall return the lists with such amendments as may be necessary, including the addition of:
 - (i) the names of any members eligible for nomination whom the faculty/school council has accepted as members for the purpose of elections to Senate;
 - (ii) the names of support staff who are members of faculty/school councils; and
 - (iii) those names to be added in accordance with 3(c) above.
- (e) Formula:

The University Secretary shall determine the number of representatives each council-constituency shall be entitled to elect to Senate by application of the following formula:

¹ For the purposes of these elections, Indigenous means those individuals having historical continuity with pre-invasion and pre-colonial societies in Canada and their relatives across the border with the United States who regard themselves as part of the same nations (adapted from the United Nations definition of Indigenous).

Let N = total full-time members eligible for nomination (see 2 above).

X = twice the number of ex officio members (see 4.2.1 above).

N_f = total eligible members of a faculty/school council constituency.

R_f = number elected from a faculty/school council constituency.

Then, $R_f = X/N$ times N_f .

R_f will rarely work out to be an integer. It should be computed to at least four significant figures. The number of Senators to be elected by a faculty or school shall be the integer closest to the value of R_f .

Example:

If $R_f = 1.49$, the faculty will have one elected member.

If $R_f = 1.50$, the faculty will have two elected members and so forth.

This is subject to the rule that a faculty or school council with six members eligible for nomination shall be entitled to elect at least one Senator.

This is also subject to the principle that no faculty or school council or other constituency shall be permitted to elect more than 30% of the Senators elected by Faculty or School Councils under section 27(1) of *The University of Manitoba Act*. In the event that the application of this formula would result in a faculty or school council or other constituency electing more than 30% of the Senators as noted above, that faculty or school council or constituency will be capped at 30% of the Senators and the calculation for the remaining constituencies will be adjusted iteratively in order to allocate the remaining Senate seats.

No faculty who would be entitled to 30% of the Senators elected by Faculty or School Councils as of January, 2011 shall be allocated less than that number in any consequent year.

(NOTE: With these rules, the number of elected Senators will not always work out to be exactly twice the number of ex officio members. In extreme cases, it could be above or below the allotted number by a number equal to one-half the total number of faculties and schools. This is, however, an unlikely event, and it should usually work out to be within plus or minus two of the allotted number.)

6. Procedures for Election

6.1 Each council constituency shall be responsible for the conduct of its own election and shall formulate its own rules, provided that:

- (a) the election is completed and reported to the University Secretariat by April 15th at the latest;
- (b) all members eligible to vote are given at least 10 days' notice of vacancies to be filled together with a list of members eligible for election and a statement of procedures for filling nominations (by mail, meeting or electronic means);
- (c) all members eligible to vote are given at least 10 days' notice of nominations received.

6.2 The election of the Indigenous Senators provided for in section 4 (d) shall be governed by the following provisions:

- (a) By February 15 each year, the University Secretary shall issue a call for nominations for Indigenous Senators to all members of Faculty and School Councils. The call for nominations shall indicate the process and timing for nominations.
- (b) Each nomination shall be accompanied by a brief biography of the nominee.
- (c) The University Secretary shall compile all nominations and convey to the dean or director of each faculty and school, the necessary materials and timelines for a vote to be conducted in accordance with their procedures, provided that at least 10 days' notice is provided to all members eligible to vote.
- (d) The results of the election by each Faculty and School Council shall be provided to the University Secretary by April 15th. The results of the election from each Faculty and School Council shall be combined and the candidates with the highest number of votes shall be declared elected.
- (e) In the event that fewer nominations are received than there are positions open for election, the nominated candidates shall be declared elected by acclamation and the University Secretary shall issue a new call for nominations for any remaining vacant positions.

7. **By-Elections**

When a vacancy occurs, sections 6.1(b) and 6.1(c) shall apply as far as possible provided that if a vacancy occurs within 45 days of the date of the annual election, it shall remain vacant until that date.

8. Replacements for Members of Senate Going on Leave

A faculty member intending to go on leave:

- (a) who has been a member for one year, may be replaced for a term of either one or two years, as determined by the faculty or school council;
- (b) who has been a member for two years, may be replaced for the remaining year;
- (c) who is going on a six-month leave, may be replaced for six months, or for one year, or for the remainder of the term of office, as determined by the faculty or school council.
- (d) an Indigenous Senator elected pursuant to section 4 (d), who goes on leave may be replaced in a manner outlined in section 6.2.

9. Removal of a Member

- (a) "Any appointed or elected member of the senate may be removed from office at any time by the body that appointed or elected" the member (*The University of Manitoba Act*, Section 29).
- (b) A faculty or school council may remove its representative in accordance with the section on removal in the Faculty and School Council General By-Law.
- (c) When a member of Senate elected by a faculty or school council has failed to attend three consecutive meetings of Senate, the member shall be notified by the Secretary with a copy to the dean or director of the faculty or school concerned. If the dean or director has not received a satisfactory explanation of the absences within a reasonable time of receipt of such notice, the dean or director shall in accordance with the procedure set forth in the Faculty/School Council General By-law, call a meeting of the council to consider a resolution to remove the member from office and elect a replacement. The University Secretary must be notified of the disposition of the matter.

10. Designates/Proxies

There is no provision for individual members or assessors on Senate to name a designate or proxy to their position. The only exception to this is the Deputy Minister of Education as provided for in Section 26(1)(q) of *The University of Manitoba Act*.

An individual formally appointed by the Board of Governors or on its behalf to serve in an acting capacity in an office that includes *ex officio* membership on Senate is entitled to sit as an *ex officio* member of Senate. This section does not apply to individuals named to an acting role by the incumbent during short periods of absence from the University.

Ex officio members of Senate may assign a non-voting delegate to attend an open session on their behalf in order to respond to questions that may arise.

11. **Assessors**

- (a) Senate from time to time by resolution may provide for assessor members to Senate.
- (b) A person who is otherwise a member of Senate is not eligible to be an assessor to Senate.
- (c) Assessors are permitted to participate fully in the deliberations of Senate but may not make or second motions, and may not vote.
- (d) In the event that Senate moves into closed session, assessors will not be required to leave the Senate Chamber unless specifically excluded.

Amended by Senate November 5, 2014
Draft amendment – January 11, 2021