

# SENATE BYLAWS

## 1. Terms and Conditions of Membership

- 1.1 Members of Senate, in their function as members of this body, do not act as delegates of the bodies or constituencies from which they were drawn; rather, as members, all must endeavour to serve the interest of the entire University to the best of their ability.
- 1.2 The terms and office for voting members shall be consistent with the *University Act*.
- 1.3 Faculty, professional support staff, and student elections for Senate will be held in the spring semester each year according to the most recent *Election of Representatives to the University Board and Senate Rules and Regulations*.
- 1.4 The term of each elected faculty, staff, or student or appointed member shall normally begin September 1.
- 1.5 An elected member may resign from the Senate by giving the Chair of Senate notice in writing.
- 1.6 The seat of a member who leaves the constituency from which that member has been elected shall be declared vacant.
- 1.7 Any member who will be absent from a meeting will notify the Senate Office prior to the meeting.
  - 1.7.1 Voting by alternates is not permitted.
- 1.8 If an elected member fails to attend three meetings of Senate between September 1 and August 31, the Chair of Senate may declare the seat vacant.
- 1.9 In the event a seat of an elected member becomes vacant it shall be filled by the candidate who received the most votes among those who were nominated but not elected in the most recent election. In the event the seat was filled by acclamation, the following steps will occur.
  - 1.9.1 If the seat is declared vacant between the months of February and September, a byelection will take place in the fall to find a replacement.
  - 1.9.2 If the seat is declared vacant between the months of October and January and the remainder of the term is less than one year in length, a regular election will occur in the spring and the outstanding months remaining on the vacant term will be added to term of office for the seat up for election.
  - 1.9.3 If all the seats in a given constituency are acclaimed, a random selection from the acclaimed candidates will occur to assign the remaining term of office.
  - 1.9.4 If more than one seat is being elected in this grouping, then the candidate who receives the most votes will be awarded the extended term of office. If the remainder of the term is more than one year, a by-election will occur.
- 1.10 Members of Senate normally commit to serving on two committees. The Chair of Senate reviews requests for exceptions.

## **2. Operational Procedures**

- 2.1 All proceedings of the Senate shall be governed by the most recent revision of Robert's Rules of Order, except as otherwise provided.
- 2.2 A quorum of the Senate shall consist of a simple majority of the voting members.
- 2.3 Any business conducted at a meeting (regular or otherwise) where there is no quorum present will be considered as unofficial and subject to ratification at the next meeting held where a quorum is present. Any communication coming out of a meeting where no quorum was present shall be prefaced with a clear indication the communication is subject to ratification.
  - 2.3.1 While this provision covers a meeting called knowing there will likely be no quorum, it is possible for a regular meeting without a quorum to continue under this same provision, providing all members present are in agreement.
- 2.4 A simple majority of the members present and voting is required to carry a main motion.
- 2.5 The Senate shall establish such committees, consisting of members or non-members, as the Senate from time to time may think fit and may specify the duties to be performed by such committees. Committees of the Senate may not assume any of the powers of the Senate and are restricted to making recommendations to the Senate unless otherwise tasked by Senate.
- 2.6 **Electronic Participation at Senate Standing Committee Meetings**
  - 2.6.1 In-person attendance at Senate Standing Committee meetings is preferred when possible.
  - 2.6.2 Where attendance in person is not feasible, Senate Standing Committee members may participate electronically if the Chair is satisfied the means of that participation is effective and can be supported.
  - 2.6.3 Three working days' notice to the Chair and Senate Office is required to participate electronically in a meeting.
  - 2.6.4 A person participating electronically in a meeting is deemed to be present at the meeting and may vote.
  - 2.6.5 The chair of a senate standing committee may determine that a meeting shall be held entirely by electronic means.
- 2.7 Members of the Kwantlen Polytechnic University community shall be encouraged to attend and observe meetings of the Senate. Observers will have no speaking or voting privileges.
- 2.8 From time to time the Senate may invite guests to make presentations to senate meetings and to answer questions related to their presentations.
- 2.9 If a topic on the agenda contains material of a private or confidential nature, the Senate will have the right to close to observers that portion of the meeting in which that topic is discussed.

- 2.10 The Senate may hold such additional special meetings as are deemed necessary by the Senate or Senate Executive Committee after serving notice of no fewer than five working days to Senate members.
- 2.11 A proposed agenda and supporting material for any meeting shall be circulated to senate members no fewer than two working days prior to any meetings.
- 2.12 Approved minutes of the Senate will be made public and readily accessible.
- 2.13 Senate meetings will adjourn three hours after the scheduled time of commencement. The time for adjournment may be extended for a maximum of 30 minutes at a time at any meeting by a successful motion for extension, which is not debatable, and requires an affirmative vote of two-thirds majority.
- 2.14 **Recording at Senate**
  - 2.14.1 Regular meetings of Senate will be recorded by the University to ensure the accuracy of the minutes and to promote the accuracy of any media articles regarding the matters discussed. In the spirit of transparency and accountability, the recordings will be retained for six months and made accessible to the University community. After six months, they will be archived.
  - 2.14.2 Audio recordings of public Senate meetings shall be allowed, provided that recording devices do not disrupt the meeting.
  - 2.14.3 Closed meetings of Senate will not be recorded.
- 2.15 **Electronic Voting between Meetings**
  - 2.15.1 At the determination of the Chair of Senate, an electronic vote by written resolution may be called to deal with a matter outside of a regularly scheduled Senate meeting.
  - 2.15.2 The items in question should not be controversial and not require extensive background and explanation.
  - 2.15.3 A resolution approved by electronic mail ballot shall have the same force and effect as if passed at a regularly constituted meeting of Senate.
  - 2.15.4 The electronic mail motion will be sent to the official KPU email address of all voting members.
  - 2.15.5 Decisions by electronic mail votes shall require a three quarters (75%) return of responses and a two thirds (66.6%) majority of those voting. Abstentions and holds will be counted in the determination of response rate, but are not counted as votes cast.
  - 2.15.6 A minimum of three business days from the date of the electronic mailing shall be allowed to complete the poll.
  - 2.15.7 Decisions made by the Senate by electronic mail are deemed valid and approved. Results will be announced by electronic mail and documented by the Secretary of Senate in the official record of the Senate.

- 2.15.8 Standing committee decisions by electronic mail will be recommended for approval by Senate at the next Senate meeting.
- 2.15.9 Motions requiring a secret ballot will not be approved by electronic mail voting.
- 2.15.10 The Secretary of Senate will facilitate electronic voting.
- 2.15.11 Ratification votes shall be allowed for matters that have been thoroughly discussed in person.

## **2.16 Conflict of Interest**

- 2.16.1 A conflict of interest arises when a Senate member's private interests supersede or compete with his or her dedication to the interests of the University. This could arise from a real, potential, or apparent conflict of interest for a Senate member or related persons and may be financial or otherwise. For this purpose:
  - 2.16.2 A 'real conflict of interest' occurs when a Senate member exercises an official power or performs an official duty or function and at the same time, knows that in the performance of this duty or function or in the exercise of power there is the opportunity to further a private interest.
  - 2.16.3 A 'potential conflict of interest' occurs when there exists some private interest that could influence the performance of a member's duty or function or in the exercise of power provided that he or she has not yet exercised that duty or function.
  - 2.16.4 An 'apparent conflict of interest' exists when there is a reasonable apprehension which reasonably well-informed persons could properly have that a Real Conflict of Interest exists on the part of the member.
- 2.17 Senate members must arrange their private affairs and conduct themselves in a manner to avoid conflict of interest. In cases where conflict cannot be avoided, a Senate member has an obligation to declare a conflict of interest prior to discussion or decision of an issue. Upon declaration of a conflict the person recording the events of the meeting should duly note the declaration and the Senate member must refrain from discussion or voting on that particular matter, contract or arrangement.
- 2.18 Where a Senate member is unsure whether he or she is in conflict, that member should raise the perceived potential conflict with the Senate, and the Senate should determine by majority vote whether or not a conflict of interest exists. The member perceived to be in conflict should refrain from voting on the issues. Where a conflict of interest is discovered after consideration of a matter, the conflict must be declared to the Senate and appropriately recorded at first opportunity. If the Senate determines that involvement of said member influenced the decision of the matter, the Senate shall re-examine the matter and may rescind, vary, or confirm its decision.
- 2.19 Any Senate member who perceives another member to be in conflict of interest in a matter under consideration must identify the perceived conflict to the Senate at the first opportunity. The Senate should determine by majority vote whether or not a conflict of interest exists and the member perceived to be in conflict should refrain from voting.

- 2.20 At its discretion, the Senate may invite the member in conflict to state his or her position on the issue in question prior to absenting himself or herself.

### **3. Vice Chair**

- 3.1 Each year at the April meeting, voting members of the Senate will elect a voting member as Vice-Chair of Senate.
- 3.2 The Vice-Chair will fulfill the duties of the Chair in the Chair's absence and will assist in the performance of the Chair's duties.

### **4. Bylaw Revisions**

- 4.1 Senate bylaws may be amended by:
- 4.1.1 Giving notice of a motion to amend bylaws at a Senate Meeting
  - 4.1.2 Voting at a subsequent Senate meeting with a two-thirds majority vote of those present and voting; and
  - 4.1.3 Fulfilling any other legislated requirements.

## APPENDIX A:

### Rules for Voting by Electronic Means

1. The e-mail address used will be the official KPU email address of voting members.
2. A “confirm read” instruction will be included with the sent e-mail ballot.
3. A minimum of three business days’ notice shall be provided via e-mail to all participants.
4. Such notice shall include:
  - 4.1 The subject line (or equivalent) stating “Senate or Senate committee Motion for Consideration”
  - 4.2 The motion and supporting documentation for the e-vote
  - 4.3 Date and timeframe
  - 4.4 Deadline for return of ballots
  - 4.5 A second is not necessary for the motion to be considered.
  - 4.6 If more than one main motion needs to be considered, each main motion will be sent in separate e-mails, with the subject line noting the motion number (e.g. Motion #1, Motion #2, etc.)
  - 4.7 The following voting responses will be offered: Yea, Nay, Abstain, Hold / Yea, Hold / Nay, and Hold / Abstain.
  - 4.8 If one-third of voting members of Senate or three of a Senate committee respond with “Hold”, the e-mail vote will be abandoned and the motion will be considered at the next Senate or committee meeting.
  - 4.9 Polls distributed via electronic mail must be returned via electronic mail to the specified electronic mail address included on the announcement of motion.
  - 4.10 Once the deadline for return of ballots has passed, a follow-up message will be sent confirming whether the motion was carried or not and the decision will be recorded in the minutes of the next meeting.

### SAMPLE E-MAIL:

#### **Background:**

#### **Recommendation:**

*Insert motion*

#### **Process:**

This process is consistent with Senate Bylaw 2.15, which states:

*Insert excerpt from bylaw*

Senators are asked to respond to this e-mail by clicking on the “VOTE” button located at the top left hand side of the screen. Casting your vote confirms your agreement to participate in an

electronic vote and records your vote. If your e-mail program does not support the voting function, just send a “REPLY” e-mail message with your vote.

Responses should be sent in no later than (time/date).

The first electronic vote or reply email in favour of the recommendation will move the motion.

**Understanding the voting choices:**

Votes will be cast as one of “APPROVE”, “REJECT”, “ABSTAIN”, “HOLD/YES”, “HOLD/NO”, or “HOLD/ABSTAIN”.

Following is an explanation of the “HOLD” options.

HOLD: If this option is chosen, it indicates that the voter thinks the matter requires further discussion and needs to be discussed and voted on at a face-to-face meeting.

The various “Hold” choices indicate the following:

Hold / Yes: If one third of voting members do not indicate “Hold”, the response will be counted as a “Yea”

Hold / No: If one third of voting members do not indicate “Hold”, the response will be counted as a “Nay”

Hold / Abstain: If one third of voting members do not indicate “Hold”, the response will be counted as an abstention.

After clicking the button you will see a prompt allowing for an opportunity to edit the response before sending in your vote. Once you are satisfied with your response, click on SEND.

**Follow-up:**

Once all the responses have been received, a follow-up message will be sent confirming whether the motion was carried or not.

The decision will be recorded in the next Senate or committee meeting minutes.

## **APPENDIX B: LIST OF REVISIONS**

Revised October 6, 2008  
Revised January 30, 2012  
Revised June 25, 2012  
Revised October 29, 2012  
Revised December 17, 2012  
Revised March 31, 2014  
Revised May 26, 2014  
Revised December 15, 2014  
Revised December 19, 2016  
Revised February 27, 2017  
Revised November 30, 2020