



a place of mind  
THE UNIVERSITY OF BRITISH COLUMBIA

An aerial photograph of the University of British Columbia campus. The central focus is the iconic clock tower, a tall, slender structure with a clock face near the top. To its left is a large, modern building with a glass facade. The foreground is dominated by a large, paved plaza with several people walking. The background shows a mix of green trees and urban buildings under a clear blue sky with some light clouds.

# **Powers of UBC's Board of Governors, Senates, and Council of Senates under the UNIVERSITY ACT**

## **OFFICE OF THE UNIVERSITY COUNSEL**

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The *University Act* (the “Act”) is the governing legislation for The University of British Columbia (the “University”).

The Act provides for the University’s bicameral governance structure, with a division of powers among four bodies: the Board of Governors, the Okanagan Senate, the Vancouver Senate and the Council of Senates. The Board of Governors manages the University’s administration, property and business affairs, and has representation from each of the University’s Vancouver and Okanagan campuses. Each University campus has a Senate with comparable categories of members and a similar balance between elected and non-elected members. The Senates administer the University’s academic matters. Under section 3.1 of the Act the Board of Governors has specified which parts of the University the Okanagan Senate and the Vancouver Senate have academic governance responsibility over. The University’s Council of Senates reflects the need to have a body with membership from each of the Senates and a mandate to establish common University positions on academic matters.

The table that follows sets out the allocation of governance responsibility amongst the Board of Governors, the Senates and the Council of Senates under the Act.

When reading the table:

- “Senate” means either the Senate for the University’s Okanagan campus or the Senate for the University’s Vancouver campus, depending upon the context; and
- indicates that approval of a body is required.

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*Disclaimer: This document is intended to function as a convenient reference for members of the University community. Although the Office of the University Counsel updates this document from time to time, it is impossible to ensure complete accuracy at all times. Therefore, the University does not warrant the accuracy or completeness of this document and in no event will the University be liable or responsible for damages of any kind arising out of the use of this document.*

<b>FINANCE</b>	<b>Board of Governors</b>	<b>Senate</b>	<b>Council of Senates</b>	<b>Act Section</b>	<b>Notes</b>
Enter into agreements on behalf of the University	<input checked="" type="checkbox"/>			27(2)(s)	
Receive from the President, analyze, and adopt the budgets for operating and capital expenditures	<input checked="" type="checkbox"/>		Standing Committee (established by Council of Senates) to assist the President	27(2)(l) 37(1)(e) 38.2(4)	
Set, determine and collect academic and athletic fees, including library fees, laboratory fees, examination fees, etc.	<input checked="" type="checkbox"/>			27(2)(m)	
Set, determine and pay over fees for student clubs and alumni organizations	<input checked="" type="checkbox"/>			27(2)(m) 27(2)(n) 27.1	
Administer funds, grants, fees, endowments and other assets	<input checked="" type="checkbox"/>			27(2)(o)	
Pay to municipality a grant (not exceeding the lesser of the municipal taxes that would have been payable on the University property if it were not exempt, or the amount specified by Minister)	<input checked="" type="checkbox"/>			27(2)(w)	
Invest University money available for investment	<input checked="" type="checkbox"/>			57	
Procure short term borrowing to meet the expenditures of the University	<input checked="" type="checkbox"/>			31	
Borrow money for the purpose of acquiring land for the use of the University, or for erecting, repairing, adding to, furnishing or equipping a building or structure for the use of the University	<input checked="" type="checkbox"/>			58	Requires the approval of the Minister of Advanced Education, Innovation and Technology and the Minister of Finance





<b>PROPERTY</b>	<b>Board of Governors</b>	<b>Senate</b>	<b>Council of Senates</b>	<b>Act Section</b>	<b>Notes</b>
Maintain the condition of real property on campus; erect new buildings and structures; determine rules regarding management, governance and control of real property, buildings and structures	<input checked="" type="checkbox"/>	Requires Senate consultation		27(2)(d)	
Acquire land or personal property for carrying out and advancing, directly or indirectly, the purposes of the University	<input checked="" type="checkbox"/>			50(1)	Note also s.55
Mortgage, lease or dispose of University land	<input checked="" type="checkbox"/>			50(2)	Requires approval of the Minister of Advanced Education, Innovation and Technology; lease cannot exceed 99 years
Mortgage, lease or dispose of personal property	<input checked="" type="checkbox"/>			50(3)	
Expropriate land necessary for University purposes	<input checked="" type="checkbox"/>			51	
Provide for the conservation of heritage sites	<input checked="" type="checkbox"/>	Requires Senate consultation		27(2)(e)	
Establish policies for the conservation of heritage objects and collections		<input checked="" type="checkbox"/>		37(1)(m)	
Regulate, prohibit and impose requirements for use of the University's real property, buildings, structures and personal property, including vehicle and pedestrian traffic, parking, activities and events	<input checked="" type="checkbox"/>			27(2)(t)	
Regulate, prohibit and impose requirements for noise on or in the University's real property, buildings and structures	<input checked="" type="checkbox"/>			27(2)(t.1)	

Regulate, prohibit and impose requirements for nuisance on or in the University's real property, buildings and structures, including remediation of nuisance and recovery of remediation costs	<input checked="" type="checkbox"/>			27(2)(t.4)	
Provide for removal, immobilization or impounding, and recovery of any property associated with contravention of a rule or other instrument made under s. 27	<input checked="" type="checkbox"/>			27(2)(t.2)	Applies to s.27(2)(t), (t.1)
Set, determine and collect fees, including for permits, approval, security, storage and administration, and related expenses	<input checked="" type="checkbox"/>			27(2)(t.3)	Applies to s.27(2)(t), (t.1), (t.2)
Impose and collect penalties, including fines, for contravention of a rule or other instrument made under s. 27; provide for the hearing and determination of disputes for contraventions and impositions of penalties	<input checked="" type="checkbox"/>			27(2)(x.1) 27(2)(x.2)	Note s.70.2(2) excludes application of s.5 of the <i>Offence Act</i> to the Act and its regulations



<b>ACADEMIC</b>	<b>Board of Governors</b>	<b>Senate</b>	<b>Council of Senates</b>	<b>Act Section</b>	<b>Notes</b>
<b><i>Appointments and Faculty</i></b>					
Establish procedures for the recommendation and selection of candidates for senior academic administrators, including the President, deans, librarians and the Registrar	☑	☑		27(2)(f)	
Appoint President, deans, Librarian, Bursar, Registrar, academic staff, officers and employees, set their salaries or remuneration, and define their job description and tenure	☑			27(2)(g) 28	Subject to s.28 of the Act. A member of academic teaching staff must not be appointed, promoted or removed unless nominated or recommended by the President
Appoint an acting President if the President is absent or unable to act	☑			37(1)(h)	
Determine members of teaching and academic staff who are members of each Faculty		☑		37(1)(k)	
Establish or discontinue Chairs and Fellowships	☑	Senate makes recommendations to the Board		37(1)(i) 38	
Provide for Chairs, Institutes and Fellowships that the Board and Senate consider advisable	☑			27(2)(k)	Power follows from recommendation by Senate under section 37(1)(i)
Hear appeals concerning suspension of staff members	☑			60(3)	
<b><i>Courses of Study</i></b>					
Establish or discontinue any faculty, department, or course of instruction	☑	Senate makes recommendations to the Board		37(1)(i) 38 48(2)	Subject to approval of the Minister if new degree program established (s.48(2))

Consider recommendations from the Senate concerning establishment of faculties and departments	<input checked="" type="checkbox"/>			27(2)(i)	
Provide for the establishment of faculties and departments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		27(2)(j)	Subject to s.29 of the Act
Approve general rules made by a faculty regarding its government, direction, management and business affairs		<input checked="" type="checkbox"/>		40(a) 40(c) 41	
Revise courses of study, instruction and education for all faculties and departments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		37(1)(f)	
Grant degrees, diplomas and certificates		<input checked="" type="checkbox"/>		37(1)(h)	
Provide for the preparation and publication of the University calendar		<input checked="" type="checkbox"/>		37(1)(n)	
Determine matters regarding examinations		<input checked="" type="checkbox"/>		37(1)(d)	See also s.37(1)(r),(s),(t)
<b><i>Student Access, Awards and Discipline</i></b>					
Set total number of students for the University or its faculties and make rules to achieve these targets	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		27(2)(r)	
Determine academic qualifications for admission and in which faculty the applicant will register		<input checked="" type="checkbox"/>		37(1)(c)	
Determine matters related to geographic access to academic programs		<input checked="" type="checkbox"/>		37(1)(g)	
Provide student loans	<input checked="" type="checkbox"/>			27(2)(q)	
Establish or discontinue scholarships, bursaries, exhibitions and prizes	<input checked="" type="checkbox"/>	Senate makes recommendations to the Board		37(1)(i) 38	
Provide for scholarships, bursaries, exhibitions and prizes that the Board and the Senate consider advisable	<input checked="" type="checkbox"/>			27(2)(k)	Power follows from recommendation by Senate under section 37(1)(i)
Award scholarships, bursaries, exhibitions and prizes		<input checked="" type="checkbox"/>		37(1)(j)	
Hear final appeal in student disciplinary matters		<input checked="" type="checkbox"/>	Standing Committee (established by Senate)	37(1)(v)	



<b>MISCELLANEOUS</b>	<b>Board of Governors</b>	<b>Senate</b>	<b>Council of Senates</b>	<b>Act Section</b>	<b>Notes</b>
Rules governing procedure for the transaction of business by the convocation		<input checked="" type="checkbox"/>		9(1)	
Regulating conduct of meetings and proceedings of the Senate, including determining quorum and electing a vice chair for the Senate		<input checked="" type="checkbox"/>		37(1)(a)	
Establishing necessary committees and upon a 2/3 vote of the Senate members present, delegating powers of the Senate to committees		<input checked="" type="checkbox"/>		37(1)(b)	
Regulating conduct of meetings and proceedings of the Council of Senates, including determining quorum			<input checked="" type="checkbox"/>	38.2(3)	
Rules for the meetings of the Board and its transactions	<input checked="" type="checkbox"/>			27(2)(a)	
Election of chair and acting chair for the Board	<input checked="" type="checkbox"/>			27(2)(b)	
Appointment of secretary for the Board and necessary committees for carrying out the Board's functions; conferring on committees the power and authority to act for the Board	<input checked="" type="checkbox"/>			27(2)(c)	
Removal from office of elected or appointed Board member for cause	<input checked="" type="checkbox"/> Requires 2/3 Board approval			22(1.1)	Subject to the decision of the Lieutenant Governor in Council
Matters regarding the seal and arms of the University	<input checked="" type="checkbox"/>			27(2)(p)	
Matters regarding intellectual property	<input checked="" type="checkbox"/>			27(2)(u), (v)	
Rules for the management and conduct of the library		<input checked="" type="checkbox"/>		37(1)(l)	

Terms of affiliation with other universities, colleges or institutes of learning including modification or termination of the affiliation	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	37(1)(u) 38(1), (2) 38.2(4)	<p>Note:</p> <p>Council of Senates establishes the terms of affiliation (s.37(1)(u), 38.2(4))</p> <p>Certain affiliations may be approved by Senate on behalf of Council of Senates (Council of Senates Policy C-2)</p> <p>Resolutions or orders of Council of Senates or Senate for affiliations require Board approval (s. 38(1), (2)) and the Board's signing officers execute the affiliation agreements (s.27(1)(s))</p>
Relations with other post-secondary institutions in B.C.		<input checked="" type="checkbox"/> Standing Committee (established by Senate)		37(1)(w)	
Rules concerning nominations, elections and voting			<input checked="" type="checkbox"/>	38.2(4) 43(1)	





<b>OTHER POWERS</b>	<b>Board of Governors</b>	<b>Senate</b>	<b>Council of Senates</b>
Advisory Boards and Committees	<ul style="list-style-type: none"> <li>• Appoint advisory boards, refer any matter to an advisory board, and direct any body of the University to consider and weigh the advice and report of the advisory board (s.34)</li> </ul>	<ul style="list-style-type: none"> <li>• Require any Faculty to assemble an advisory committee (s.37(1)(x))</li> <li>• Establish a standing committee to consider and take action on behalf of the Senate on matters referred to the Senate by the Board (s.37(1)(q))</li> </ul>	
Residual Powers	<ul style="list-style-type: none"> <li>• The specific powers listed in s.27(2) do not limit the broad powers of the Board, which is generally responsible for the management, administration and control of the property, revenue, business and affairs of the University (s.27(1))</li> <li>• Perform all other matters and things that may be necessary or advisable for carrying out and advancing, directly or indirectly, the purposes of the University and the performance of any duty by the Board or its officers (s.27(2)(y))</li> </ul>	<ul style="list-style-type: none"> <li>• The specific powers listed in section 37(1)(a) through 37(1)(x) do not limit the broad powers of the Senates, which are each generally responsible for academic governance at the University's Okanagan campus and the University's Vancouver campus, respectively (s. 37(1))</li> <li>• Deal with all matters reported by the faculties concerning their departments or divisions (s.37(1)(p)) (Subject to Board approval, s.38)</li> </ul>	<ul style="list-style-type: none"> <li>• Recommend matters to the Board for promoting the interests of the University or for carrying out the objects and provisions of the Act (s.37(1)(o))</li> </ul>



# OFFICE OF THE UNIVERSITY COUNSEL

## MISSION

The mission of the Office of the University Counsel is to:

- apply sound judgement, thoughtful analysis, and constructive advice to help identify and manage legal risk;
- provide legal advice and services that are timely, pragmatic, and proactive; and
- work with academic and administrative units to streamline legal processes, wherever appropriate.

## VALUES

Recognizing that the work of the Office of the University Counsel reflects on the Office professionally and on UBC as an institution, the Office adheres to the following values:

- integrity;
- independent judgement;
- respect for people;
- upholding the public trust and the rule of law;
- commitment to the mission of the University; and
- professional excellence.

