

THE DIXIECRATS OF THE ACADEMIC SENATE: how the forces of reaction plan to emasculate student senators with puppet faculty reps

The University of New Brunswick Academic Senate is required by the University Act to appoint an equal number of faculty to balance the number of students. This has resulted in a procedural hassle between the Senate and some faculty members.

The area of disagreement is around the term "appoint". The Senate feels this term instructs them to choose who shall sit on the ruling body. This interpretation has been challenged not so much on its legal basis but its moral basis. "The Senate has been too concerned with legalism and not enough moralism," says a disgruntled faculty member.

The Senate has offered each faculty the privilege of placing three nominees before them and they will choose six from this group. General opinion is that this method amounts to nothing but appointment as opposed to election. It is generally felt that "appointment is not in line with democratic principles which this country is supposed to operate on."

A more democratic proposal put forward by some faculty members is based on election procedure. Elections of proposed Senate faculty representatives would be held among the faculty members first. These nominees would then be presented to the Senate as proposals. These nominees would only reflect faculty wishes and would not

be legally binding to the Senate. One faculty member felt there would be a certain moral binding but the Senate never has been too concerned with moral procedure in the past," he said.

In a survey of opinion, Professor Sharp expressed his opinion of the appointment proposal. "The Senate family has been, and still is dedicated

new University Act is that it is not a modern act. It is a 19th century document and one that should be properly replaced with an act reflecting modern thoughts and practices in the 20th century in North American universities"

Sharp also felt that the UNB Senate has degenerated into the example of the Senate characterized in the Duff

"sometime philosophers should keep lawyers in line."

He points out that:

In addition to providing for the constitution of additional seats to equal the number of seats representing students, the University Act also provides for the constitution of an additional seat,

"Whenever, by the opening of a seat under clause (f) or by

ex officio and the elected members of the Senate.

This can only be achieved if the appointments to these additional seats be made by the Senate on the basis of an election. Yet the manner of making such an appointment is provided for in Section 30, subsection (5), which does not distinguish between appointments to these additional seats and appointment to the additional seats now constituted as a result of the constitution of seats to be filled by students.

Consequently, the substance of the Act requires that it must be possible for the Senate to meet the requirements of Section 30, subsection (5) of the Act by making any of these appointments solely on the basis of elections by the faculty.

The Senate is not bound to follow this procedure, but it is quite wrong to suggest that it is not free to do so if it considers it to be in the best interests of the University.

In case some Senator might fear that this would be to establish a dangerous precedent, it might be pointed out that the Board of Governors has seen fit to allow election procedures within the Science Council to determine its appointment of a Dean of Science in spite of the fact that Section 36, sub-section (j) of the Act makes no reference whatever to such a procedure.

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to leading UNB bravely forward into the past. The procedures adopted by the Senate for appointment of representatives seems to be similar to those adopted in the U.S. 150 years ago to select a President. I understand the electoral college procedure in that country will be disbanded in the near future. In any event I cannot see how such procedure can be accepted by any representative body in 1969. To me it seems incompatible with our Canadian democratic process.

The whole conflict has resulted from the new University Act which has faced severe criticism since its adoption in 1968. Sharp was critical too. "One of the fundamental problems of the

Berdahl Report. A Senate, according to the Report, is a "gerontocracy", a government by the elderly, too conservative, too reluctant to be concerned by new ideas, increasingly losing touch with younger men and women who constitute an ever increasing portion of the faculty.

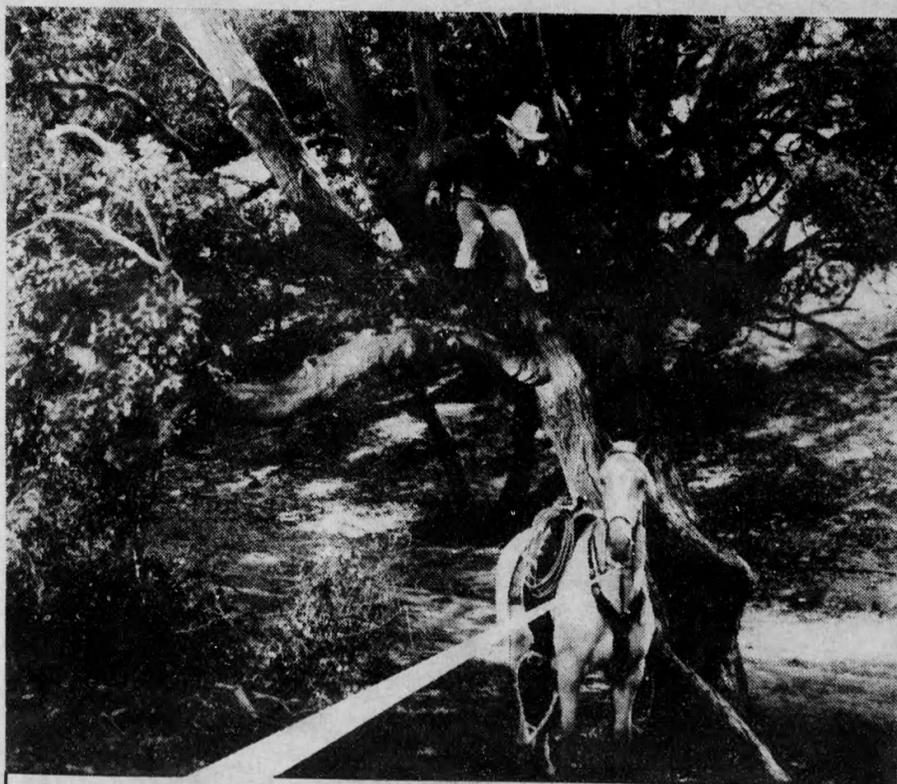
No one is really contesting the legality of the Senate proposal as such. But a different legal interpretation has been put forward by Professor N. MacGill, Philosophy Department.

MacGill thought that some Senate members thought it not legally possible to get around the term appointment (in meaning election of faculty members). He offers this different legal opinion because

an increase in the seats under clause (g), the total number of seats on the Senate as constituted under clauses (a) to (l), subject to abeyance of the seat under clause (i), inclusive is increased and exceeds the total number constituted under clauses (m) to (t) inclusive of the subsection and the number as constituted shall equal the difference." University of New Brunswick Act.

The seats constituted under clauses (a) to (l) are filled by the ex officio members of the Senate, while those constituted under clauses (m) to (t) are filled by the Professors elected to the Senate or to the Board.

It seems clear that the substance of this provision is to maintain equality between the



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