

# What Really Happened at Senate? Views F Gordon Campbell-'Neither The University Act Nor The

The 7<sup>th</sup> meeting of the UPEI Senate was held on Wed. Feb. 19, at 7:00 in Kelley Memorial Library. Before the meeting was called to order I introduced Doug Smith to President Baker (the chairman of Senate) and requested that he welcome him to Senate in the usual manner. He refused on the grounds that he felt that Doug was not a Senate member. After about 10 minutes of discussion which led to argument I decided to get Marilyn to the meeting as it was Baker's contention that she was still one of our six Senators.

President Baker then went through the minutes of the 5th meeting and the minutes of the sixth meeting and business arising before Senate approved the order of the agenda. I then raised a point of order concerning Student representation on Senate and stated our case for having Doug Smith as Senator instead of Marilyn. It was not a matter of preference of one or the other nor was I concerned how Doug would vote (as apposed to Marilyn). The reason for raising the point was that according to our constitution, Doug was our legitimate senator because Marilyn had been impeached on Feb. 2nd and was replaced on Senate by Doug according to the procedure outlined in the University Act which states in Section 23 Subsection (f)...

23. "There shall be a Senate of the University consisting of the following of members:

- A...
- B...
- C...
- D...
- E...

F Five members from the student body of the university, elected in such a manner as set forth in the duly approved constitution of the student body.

President Baker questioned the legality of our actions and voiced concern that if the legality of Senate meetings were challenged they could be declared null and void. President Baker contended that Marilyn was the Senator because she was elected to a term of office of one year and he had not as yet recieved her resignation from Senate. There is fault with each of these contentions and I will deal with

each in turn. To begin with Marilyn was never elected to fill a Senate seat. Nor was I for that matter. She was elected to the position of vice-president of the Student Council. The position of Vice-President includes as one of its duties an ex-officio seat on Senate. That simply means that she was on Senate as a result of being Vice-President and conversely that if she was not Vice-President, she would not be on Senate. On the other hand, Wade MacLaughlan, for example, was elected to Senate as Vice-President or any other position.

The second flaw with his position had to do with her term of office (one year, according to him). In Section 24 Subsection 2 of the University Act it states that:

"The term of office of elected members of Senate shall unless otherwise specified be for three years,..."

However Section 24 Subsection 3 of the same Act provides for an exemption of specified terms for student representatives by stating,

"The terms of office of student representatives shall not be subject to subsection 2 if it is otherwise provided in the duly approved constitution of the student body".

It so happens that it is provided for in the Student Union Constitution under Acticle VII, Section (1) entitled, "Powers and Duties of the UPEISU Council". This section is too lengthy to reproduce but empowers council to enact formal resolutions governing the activities of the UPEISU

unless otherwise stipulated in the constitution. The terms of office for our Councillors, Executive Members, Senate, and Board members are not stipulated in the constitution and have always been determined by a formal motion of council. A change in terms of office of our council members is not a constitutional change and is not subject to approval of Senate or to Section 24 Subsection 2 of the University Act.

The third questionable part of this argument pertains to the lack of receipt of Marilyn's resignation (by President Baker). There are two objections to this. Firstly since we are not subject to the specified terms of office of the act, and it was in fact declared by the council that Marilyn's term had ended on February 2, then there was no resignation required. President Baker would have been more correct in complaining about the changes in terms of office. If President Baker was insulted because I neglected to tell him about these changes,



then I'm sorry. But, neither the University Act nor the UPEISU requires that I tell him about the change so, in effect, it changes nothing. My second objection to the third part of his argument is that he claims that he must be notified in writing of Marilyn's resignation (the one that's not even required, anyway), yet he was never notified of her appointment and he didn't have to be. Besides, by his own admission he reads the Cadre every week and was aware of all the ramifications as

