MEMBER DEMANDS: Establish academic freedom and collegial governance; Strengthen intellectual property rights

Ontario’s Colleges of Applied Arts and Technology have evolved considerably since the system’s founding. We are still community colleges that play an important role in local economies and provide high-quality employment and skills training. However, several recent trends have fundamentally changed the nature of what we do and how we do it. Our colleges are now: offering collaborative degrees with university programs; teaching regulated professions; offering stand-alone applied degrees; offering post-graduate certificates to university students; engaging in applied research; receiving Natural Sciences and Engineering Research Council (NSERC) and Social Sciences and Humanities Research Council (SSHRC) grants with university partners; and hiring a growing number of Ph.Ds.

These recent developments require our institutions to change in ways that are in fact long-overdue. To meet the needs of the present and to address a future in which colleges are even more integrated with the university sector, Ontario colleges must finally adopt a full post-secondary model. The three pillars of this model include faculty academic freedom, faculty intellectual property protection, and Academic Senates.

It is insufficient to have academic freedom and intellectual property policies at individual institutions. These protections are only meaningful when enshrined in the collective agreement (CA) and applied consistently across all colleges.

The three pillars of post-secondary quality are not new to the colleges, and in fact are arguably mandated. The Postsecondary Education Quality Assessment Board (PEQAB) requires a standard of academic freedom in order to approve degree programs, BScN nursing and other professional programs also necessitate faculty academic freedom, and the quality of college degrees and their acceptance by other post-secondary institutions depends on standards of academic freedom. In 1990, the provincial government mandated College Councils to provide faculty and student input into academic programming. However, in practice, these Councils did not have the characteristics that actually ensure quality or provide authentic academic direction. These objectives can only be achieved by an elected, faculty-majority Academic Senate.

Beyond meeting the standards for post-secondary education set by the Ontario government and other regulatory bodies, a full post-secondary model is required to improve and subsequently maintain the quality of education. The reality in Ontario colleges today is that a lack of Academic Senates, academic freedom, and intellectual property protection have allowed financial motives to control institutional priorities, and this has led to serious erosion in the quality of education.

We must respectfully disagree with our friends from the Council. From the faculty perspective, everything is not working fine in Ontario’s community colleges, and there are serious signs that educational standards are slipping:

- class sizes and Counsellor caseloads have been steadily increasing;
- Program of Instruction hours have been steadily decreasing;
- direct student contact with faculty has been steadily decreasing;
- academic standards have been slipping; and
• in the interest of “retention”, students are no longer being given the kind of honest feedback they need to learn, grow, and ultimately excel.

From the perspective of faculty, financial pressure has clearly outweighed academic standards in today’s colleges. We agree with our friends from the Council that tight college budgets have come from inadequate government funding. But equally important has been a significant growth in the ranks of administrators, far-beyond inflation increases to the salaries of senior administrators, and investment in new buildings, as opposed to investments in faculty. Our proposals around collegial governance will help re-balance the Ontario college system and re-orient its priorities away from institutional austerity and private revenue-generation — and toward student success and academic excellence.

**Academic freedom**

Academic freedom is the necessary philosophical and practical precondition for education to be properly considered “post-secondary”. Education at the post-secondary level is not just rote recitation. Its very nature requires students to think critically, to question accepted norms, and to forge new pathways of knowledge and experience. These aspects of post-secondary education are necessary in order to advance scientific understanding, to improve professional practice, to incite technological innovation, and to spur economic development.

In order for our students to master learning outcomes and essential employability skills, the faculty that teach them must have the freedom to:

• determine the method and materials of instruction
• determine student evaluations
• assign student grades
• contribute meaningfully to the creation of academic policy and program requirements
• choose which topics of academic study and research to pursue
• speak publicly about their institution and about matters of public policy

Academic freedom ensures the quality of pedagogy, of student learning, and of faculty research. In addition, faculty academic freedom is essential in preserving post-secondary institutions as spaces that nourish the critical and creative thought necessary to a healthy democratic society.

Introducing a comprehensive academic freedom article and updating the professor classification will not just benefit faculty; it will improve the entire Ontario college system. It will increase the prestige of colleges in the eyes of other post-secondary institutions in Canada, and internationally. It will improve the standing of degrees granted by colleges, and improve opportunities for future study for college students. Finally, it will help colleges both to attract the most skilled academic employees, and to ensure that the positive benefits of faculty expertise, creativity, and innovation are fully realized.

**Intellectual property protection**

In post-secondary institutions it is well understood that Intellectual Property (IP) protection is absolutely necessary to the success of any intellectual endeavour. Without IP protection there is no incentive to discover, to innovate, and to create.

Although Ontario’s Colleges of Applied Arts and Technology are public institutions, and faculty gladly make their intellectual work available to students and the community, the need for faculty intellectual
property protection remains critical. If faculty are operating in an environment in which the products of their intellectual labour are routinely taken by administration and used to expand a precarious workforce or outsource faculty work, then there is a profound disincentive for faculty to bring their full expertise to bear in program and curriculum development, in the classroom, and in research.

The colleges would do well to remember that the service they provide is based on the effort, creativity, and innovation of college faculty. Faculty create the programs, courses, and materials that are the public good of post-secondary education. Faculty also do the research that is becoming an increasingly large component of college activity. Without the intellectual labour of faculty, there is no college, and no college system.

Intellectual property protection will allow faculty to bring the fullness of their expertise to the classroom and to research. This benefits students, colleges, and the province.

**Collegial governance**

The standard model for administering post-secondary institutions in Canada and world-wide is bicameral governance, where a Board of Governors manages financial concerns and an Academic Senate manages academic matters. This model ensures that fiscal imperatives are matched by academic standards. Together, the two bodies allow a critical balance to be struck in post-secondary institutions.

The need for elected, faculty-majority Senates in Ontario colleges has never been greater. As fiscal pressures mount, it is critical that an independent body is able to ensure the quality of education. Senates bring faculty fully onboard with core institutional functions including creating academic policy, ensuring program quality, and determining program requirements. Faculty take academic direction from the Senate, not from administrators who may not possess the necessary credentials and experience. Working together, faculty, student, and administrator senators will make better policy and create higher-quality programs.

As proof of how an Academic Senate can function effectively in a College of Applied Arts and Technology, Sheridan College currently has a functioning faculty-majority Senate. From all reports, the Sheridan Senate is working fine. Faculty senators form a 2/3 majority, with the remaining senators coming from administration and students. Our proposal for Academic Senates in the CAATs is based on the Sheridan Senate. As such, it is a model that has already been tested in the college system, and we are proposing nothing apart from what has already been established.

Ultimately, as with academic freedom and intellectual property protection, elected, faculty-majority Senates will end up having a positive effect on Ontario colleges. With Senates, the interests of faculty will be fully harmonized with the interests of the institution. Faculty energy and expertise will be applied to academic leadership, thus allowing a substantial administrative savings that will likely offset the cost of Standard Workload Formula (SWF) time for faculty senators. Finally, each college will benefit from all of the time, money, and disruption saved when academic policies are effectively vetted by faculty and student Senate representatives before they are implemented.
Article 7
COLLEGIAL GOVERNANCE

Academic Senate

7.01 A The Senate in each College of Applied Arts and Technology is responsible for the academic direction, academic policies and related academic decision-making of the institution. Subject to the authority of the Board of Governors, the Senate has broad powers that include the regulation of standards for admission, establishment of the requirements for graduation, approval of the academic calendar, provision of a venue for quality assurance, academic policies and related decision-making, and recommendations to the Board on any matter referred to it by the Board.

Definitions

a) Academic area means a division, department, school, or campus as defined by the academic senate

b) Administration means the senior management of the college, Faculty Deans and Associate Deans and other operational employees of the college;

c) Board or Board of Governors means the Board of Governors of the college;

d) Chair means a presiding officer, as in Chair of Senate, or Committee Chair;

e) Committee means a Standing Committee, ad hoc Committee or sub-Committee of a Standing Committee of the college Senate;

f) Conflict of Interest means actual, potential or perceived situations where a Senator has the opportunity to advance or protect one’s own personal interest, the interest of one’s immediate family members or friends, or the interest of a non-arms’ length personal or business relationship, which may be potentially harmful to the integrity or fundamental mission of the college;

g) Day means operating business day in the Province of Ontario;

h) Executive Committee means the Committee of Senate set-out in 1.8 below;

i) Ex-officio means full voting member (unless otherwise specified) of Senate or a Committee by virtue of her/his office;

j) Faculty Member means all professors, including full-time and non-full-time professors, counselors, and, librarians;
k) Faculty Senator means a Faculty member (full-time or non-full-time) who represents a Faculty, and who is a voting member of the college Senate;

l) Full-Time (FT) Faculty Member means all Faculty Members who are employed on a full-time, ongoing basis under the terms of the Academic Employees Collective Agreement;

m) LAC means Local Academic Council, the academic area level governance unit;

n) Non-Full-Time (NFT) Faculty Member means all teaching faculty who are not employed as a Full-Time Faculty Member;

o) President means the President of the college;

p) Quorum means the minimum number of voting members in attendance in order for a meeting to commence or continue;

q) Representative means a representative of a group or body who may or may not also be a voting member of the college Senate;

r) Resource means a person who serves as a non-voting member of Senate or a Committee by virtue of their office;

s) Senate means the college Senate;

t) Senate Year shall commence in September of any given year and formally end in August. The term of membership for Faculty Senators will end on 31st August;

u) Standing Committee means every Senate Committee, except the Executive Committee, with a continued existence, formed to do its designated work on an ongoing basis, and as further set out in Article 8;

v) Student means a person currently enrolled in full-time or part-time studies in one of the Post-secondary Faculties; and,

w) Student Senator means a college Student who is a member of the college Senate.

7.01 B Each Ontario College of Applied Arts and Technology shall have a legally constituted Academic Senate.

7.01 C The Academic Senate at each college shall have terms of reference approved by the College Board of Governors. The terms of reference shall adhere to all provisions of this article.
Senate Responsibilities

7.02 The Academic Senate is responsible for initiating, debating, and making decisions related to academic direction, policies, and the quality of academic programming. Without limiting the foregoing, the Senate shall have the following powers and duties to:

i. approve all college academic policies;
ii. provide academic direction to the college;
iii. approve requirements for admission, content, graduation requirements and standards for all programs of study offered at the college;
iv. approve the yearly academic calendar
v. provide a venue for constructive and collegial debate focused on teaching and learning, quality assurance, curriculum, creativity and innovation, research, and the strategic academic direction of the college;
vi. establish such committees as deemed necessary to aid in the operation of the Senate; and
vii. make rules for the conduct of its affairs, through associated procedures.

Advisory Duties

7.03 The Academic Senate must advise the Board of Governors, and the Board of Governors must seek the advice of the Senate, prior to Board decisions regarding the following:

i. adoption and/or amendment of the Senate Terms of Reference;
ii. the academic mission, goals, objectives, strategies and priorities of the college;
iii. review and endorsement of programs of study that are offered by the college and the requirements of those programs;
iv. consideration of and provision of input to long-range academic strategy
v. criteria for the appointment of the President and Vice President Academic
vi. any other matters as specified by the Board

Senate Membership

7.04 A The senate shall be composed of four classes of members:

i. Faculty Senators
ii. Student Senators
iii. Ex-officio Senators
iv. Non-Voting Members

7.04 B Faculty Senators
The number of Faculty Senators shall be at least equal to 8% of the total full-time faculty complement, with 15 Faculty Senators being the minimum required number. The number of Faculty Senators will be no less than 2/3 of the total number of voting Senate members.

7.04 C Non-Faculty Senators

The number of non-faculty voting Senate members will be no more than 1/3 of the total number of voting Senate members.

7.04 D Student Senators

The number of student Senators shall be no less than 20% of the total number of non-faculty voting Senate members.

7.04 E Ex-officio voting Senators shall include:

i. the President,
ii. the Vice President Academic,
iii. the Local Union President
iv. additional appointments from Administration as required to constitute 1/3 of non-Faculty Senators

7.04 F Non-voting Senate members will be appointed from senior Administration. The number of non-voting Senate members cannot be more than 1/3 of the total number of Ex-officio voting senators.

7.04 G Terms of Membership

i. Ex-officio Senators shall serve for as long as they remain in office;
ii. Elected Faculty Senators shall serve for a three (3) year term with one (1) additional three (3) year term if so elected;
iii. Faculty Senators who have served two (2) terms will be permitted to run for Senate after two (2) years have elapsed during which they were not a Senator;
iv. Student Senators shall serve for a one (1) year term, with one (1) additional term if so elected; and
v. All Senators’ terms of membership shall commence at the beginning of the Senate Year.

7.04 H Elections
i. The Secretary of the Senate will manage the Senate electoral process and procedures for voting; and,
ii. Each Senate will have electoral procedures and processes prescribed in its Terms of Reference.

Responsibilities of Senators

7.05 A The general responsibilities of Senators shall include the responsibility to:

i. attend Senate meetings;
ii. be familiar with the Senate Terms of Reference, the Senate Procedures and associated guidelines, as well as Robert’s Rules of Order;
iii. keep informed regarding the issues which come before Senate;
iv. read published Senate agendas and other related materials beforehand, and come to the meetings prepared;
v. participate in the membership of Senate Committees;
vi. vote in accordance with their conscience;
vii. uphold the principles of academic freedom; and,
viii. be bound by the Ethical Code of Conduct specified in the Senate Terms of Reference.

7.05 B Attendance at Senate meetings is expected. Senators who are unable to attend a regular or special Senate meeting for any reason shall notify the Secretary of Senate in writing, indicating the reason(s) for their absence;

i. Senators who miss three meetings during any Senate Year may be asked by the Chair to resign from Senate; and,
ii. Senators may not appoint a proxy or designate to vote for them if they are unable to attend a meeting.

Senate Officers

7.06 A The following shall be Senate Officers:

i. the Chair of Senate; and,
ii. the Vice-Chair of Senate; and,
iii. the Speaker of Senate; and,
iv. the Deputy Speaker of Senate, all of whom shall be elected annually from among the voting members of Senate; and,
v. the Secretary of Senate (non-voting), who shall be appointed by the Chair of Senate

7.06 B Recording Secretary of Senate
There shall also be a Recording Secretary of Senate, who shall be appointed by the Chair of Senate.

7.06 C Chair of Senate Responsibilities

i. serving as the Chair of the Senate Executive Committee;
ii. calling, through the Executive Committee, all regular and special meetings of the Senate;
iii. establishing through the Senate Executive Committee, the agenda of all meetings of the Senate; (d) reporting to Senate on current issues
iv. conveying recommendations of the Senate to the Board of Governors as necessary and appropriate;
v. presiding over the Senate meeting at which the Speaker is elected; and, such other responsibilities as may be specified in the Senate Terms of Reference.

7.06 D Vice-Chair of Senate Responsibilities

i. fulfilling the responsibilities of the Chair whenever the Chair is temporarily unable or unavailable to do so; and,
ii. assisting the Chair in the execution of his/her duties.

7.06 E Speaker of Senate Responsibilities

i. conducting all meetings of Senate in accordance with these Terms of Reference, Robert’s Rules of Order, and the Senate’s associated procedures;
ii. ensuring that all business and operations of the Senate are coordinated through the Secretary and/or Recording Secretary; and,
iii. such other responsibilities as may be specified in these Terms of Reference.

7.06 F Deputy Speaker of Senate Responsibilities

i. fulfilling the responsibilities of the Speaker whenever the speaker is temporarily unable or unavailable to do so; and,
ii. assisting the Speaker in the execution of his/her duties.

7.06 G Secretary of Senate Responsibilities

At the direction of the Chair of Senate and/or Senate Executive Committee:

i. assisting the Chair as needed to ensure that College rules, policies and procedures are properly followed;
ii. responsible for the operations, interpretations and elections of the Senate;
iii. serving as an ex-officio, non-voting member of all standing Committees of the Senate;
iv. organizing and scheduling Senate meetings and acting as a resource person to the Chair and Speaker at such meetings;
v. developing the initial draft Agendas for Senate and Senate Executive meetings;
vi. and, such other responsibilities as may be specified in these Terms of Reference or Procedures.

7.06 H Recording Secretary of Senate Responsibilities

i. preparing the minutes of the Senate and Senate Executive Committee meetings;
ii. maintaining the Senate website; and,
iii. assisting the Secretary of Senate in the execution of his/her duties.

Senate Executive Committee and Responsibilities

7.09 A Membership

The membership of the Senate Executive Committee shall be comprised of:

i. the Chair of Senate who shall serve as Chair of the Executive Committee;
ii. the Vice-Chair of Senate;
iii. Four (4) Faculty Senators who shall be elected from the Faculty Senators;
iv. One (1) Ex-officio Senator who shall be elected from the Ex-officio Senators;
v. One (1) Student Senator who shall be elected from the Student Senators;
vi. Speaker of Senate (see 8.06 A iii); and,
vii. Deputy Speaker of Senate (see 8.06 A iv).

7.09 B Resources

The Secretary and Recording Secretary shall serve as Resources to the Senate Executive Committee.

7.09 C Election

The elected members of the Senate Executive Committee shall be elected by the Senate at large annually in accordance with 8.09 A above.

7.09 D Responsibilities of the Executive Committee
i. The Executive Committee shall be responsible for calling meetings of the Senate, setting and preparing the agendas of Senate, and ensuring that meeting materials are sufficiently developed to afford fruitful debate at Senate;

ii. The Executive Committee shall be responsible for ensuring that the decisions of the Senate and its Committees are properly recorded and transmitted to those concerned for implementation;

iii. The Executive Committee shall be responsible for monitoring the work of Senate Committees to ensure that the Terms of Reference of Senate are followed and the work of the Committees is carried out;

iv. The Executive Committee shall be responsible for reviewing the organization and procedures of Senate and its Committees and making recommendations for improved effectiveness;

v. The Executive Committee shall, from time to time, review, revise and recommend the Senate Procedures for approval to the Senate; and,

vi. The Executive Committee shall have such other responsibilities as may be assigned to it from time to time by the Senate.

Senate Meetings

7.10 A Regular Senate Meetings

i. Unless otherwise determined and announced by the Senate Executive Committee, regular meetings of Senate shall occur monthly, except in July, August and December;

ii. Once finalized, the dates of all regular Senate meetings for any given year shall be published through all channels regularly used for Senate communications;

iii. At the discretion of the Senate Executive Committee, a regular meeting of Senate may be cancelled if the volume or urgency of business submitted for inclusion in the agenda is insufficient to warrant holding the meeting.

7.10 B Special Senate Meetings

i. A special meeting of Senate may be called at the discretion of either the Chair of Senate or the Senate Executive Committee. Moreover, a special meeting shall be called by the Senate Executive Committee upon receipt of a formal written request signed by a minimum of 20 percent of voting Senators. The written request shall specify the business to be considered at the special meeting;

ii. Notice of a special Senate meeting shall be provided to all Senators and announced to the college community-at-large through all channels regularly used for Senate communications, at least 72 hours in advance of the meeting. The notice will include an agenda specifying all items of business to be considered at the special meeting;
iii. Only items of business specifically identified in the notification of a special meeting shall be discussed at a special meeting of Senate; and,
iv. All documentation relating to the business to be discussed at a special meeting must be distributed to Senators with the Notice of Special Meeting.

7.10 C Senate Agenda and Senate Minutes

i. An agenda for each regular Senate meeting shall be prepared by the Senate Executive Committee;
ii. Items for inclusion on the Senate agenda are reviewed in advance by the Senate Executive Committee and materials pertaining to those agenda items must be received by the Secretary of Senate in advance of the Senate Executive Committee meeting;
iii. The Senate agenda shall be circulated to all Senators at least four (4) business days prior to the regular meeting;
iv. Draft minutes of each regular or special Senate meeting shall be prepared and made available for review at least four (4) business days prior to the next regular meeting of Senate, at which they shall be considered for approval;
v. Once adopted by Senate, the minutes from the current Senate Year and at least one (1) previous Senate Year shall be posted on the regular Senate communications channels;
vi. A copy of all approved Senate minutes will be made available to anyone requesting the minutes; and,
vii. The Senate minutes available for review as noted in (e) and (f) above shall exclude any confidential motions passed during in camera segments of Senate meetings, until such time as the Senate Executive Committee approves them for publication.

7.10 D Quorum

i. The quorum for all Senate and Committee meetings shall be 50% plus 1 of the voting membership;
ii. If Senate is not called to order within 15 minutes after its scheduled commencement time due to lack of quorum, the meeting shall be deemed lost and the Senate shall stand adjourned; and,
iii. Should it be confirmed that the quorum has been lost during any meeting in progress after Senate has been called to order, the meeting shall immediately be declared adjourned.

7.10 E Openness of Meetings and the Right of Non-Senators to be Heard
i. All meetings of Senate shall be open, except when Senate votes to consider specific items of business in camera; and,

ii. A non-Senator may be recognized and permitted to speak at any open portion of a Senate meeting at the discretion of the Speaker.

7.10 F In Camera Consideration

i. During a meeting, Senate may vote to consider specific items of business in camera, thereby closing the meeting to non-Senators while these matters are under discussion. Such a motion shall clearly identify all items of business to be considered in camera, and is debatable. Should the motion be carried, all non-Senators in attendance (other than any person required to remain by the Speaker) shall be asked to leave the meeting for the in camera portion;

ii. Upon completion of all in camera business items, the Speaker shall declare the meeting once again open to non-Senators, and any in attendance will be invited to return to the meeting;

iii. Motions to consider specific matters in camera shall normally come from the Senate Executive Committee and appear in the Senate agenda, but they may also be raised during the course of a meeting by any Senator, as a question of privilege;

iv. Matters where individual students or College personnel are identified by name or where confidential financial or other information is involved may also warrant in camera consideration; and,

v. Notwithstanding (iv), and as a matter of principle, unless a legitimate rationale for in camera consideration is evident or is provided, Senate meetings should remain open.

7.10 G General Rules of Procedure at Senate Meetings

i. The order of business observed at all regular meetings of Senate shall be determined by the Executive Committee in accordance with Senate Procedures;

ii. The agenda for all regular Senate meetings will include time for a “question period”. The primary purpose of the question period is to provide an opportunity for Senators or others in attendance to raise questions or seek clarification regarding matters which may be of collective interest or concern. Substantive questions for which an adequate response may require research or preparation should normally be submitted to the Recording Secretary in writing at least four (4) days prior to the meeting. Should this not occur, the respondent may elect to answer the question at the next regular Senate meeting;

iii. Voting on motions, except for procedural matters (e.g. approval of agenda or approval of minutes), shall be by secret ballot; and,
iv. The Speaker shall preserve order and decorum at all meetings of Senate; ensure that meetings are conducted in compliance with the Senate Terms of Reference and Senate Procedures, and if not provided therein, in accordance with meeting protocols as set out in Robert’s Rules of Order.

Senate Committees and Local Academic Councils

7.11 A The Role of Standing, Sub and Ad Hoc Committees

i. The effective conduct of Senate business relies heavily on the work of representative Senate Committees established specifically to consider a broad range of matters related to the academic function of the College and to report on these to Senate, with recommendations as necessary and appropriate;

ii. For academic matters of an ongoing nature, Senate shall establish a framework of standing Committees, as outlined in 8.4. The Senate Committee structure may include in some cases, subcommittees reporting to the Senate Standing Committees;

iii. At its discretion, Senate may also form ad hoc Committees or working groups to deal with specific matters of a non-recurring nature. The proposed membership and terms of reference of any such ad hoc Committee or working group shall be specified in the motion to strike the Committee;

iv. The Senate will approve the Terms of Reference for Standing Committees and Ad Hoc Committees reporting to Senate;

v. Committees of Senate shall serve until they are discharged by Senate; and,

vi. All Senate Standing or ad hoc Committees shall report directly to Senate.

7.11 B Composition of Standing Committees

i. Each Standing Committee shall determine its own membership numbers and composition in accordance with (ii) and (iii) below;

ii. The membership of all Senate Standing Committees should be reasonably representative of the composition of the Senate (i.e. two-thirds of the voting members of all Committees shall be Faculty Senators), but no less than 50% +1 shall be voting Faculty Senators;

iii. Each Senate Standing Committee shall have a Chair and, if appropriate or necessary, a Vice-Chair. The Standing Committee Chairs shall be elected
annually from the voting membership of that Committee. The Standing Committee Chair must be a voting member of Senate; and,

iv. Local Academic Councils (LACs) will select from their Faculty Senators, Faculty members to serve on Senate Standing Committees.

7.11 C Senate Committee Procedures

i. In general, where appropriate and feasible, the procedures of Senate Committees shall parallel those of Senate;

ii. All Standing Committees shall make an annual report to the Senate;

iii. A Senate Standing or ad hoc Committee may also report to another such Committee at the other Committee’s request. Any such report shall also be conveyed to Senate, for information; and,

iv. Senate Standing or ad hoc Committees may form working groups to deal with specific tasks within these Committees for consideration and possible conveyance to Senate. Terms of reference and membership of these working groups shall be determined by the Committee.

v. The Senate may form such Standing Committees as deemed necessary.

7.11 D Local Academic Councils

i. Each Academic Area shall have a Local Academic Council (LAC) that is responsible for the academic governance of that Area. LACs operate under delegated authority from Senate. Each LAC will provide guidance and advice to Senate, Administration, or the Board of Governors on various matters as requested from time to time.

ii. LACs will govern themselves as they see fit, provided they adhere to the principles of two-thirds of voting membership being Faculty Members and that LAC and Committee chairs are elected from the entire membership of the LAC or Committee.

iii. Each LAC will draft its own Terms of Reference to meet the needs of its Area. However, in general, where appropriate and feasible, the Terms of Reference and procedures of LACs shall parallel those of Senate.

iv. Each LAC shall have a general meeting at least once each semester.

v. Each LAC shall present an annual report to Senate.

Vacancies

7.12 A Vacant Senate Positions
i. A vacancy in any ex-officio Senate position shall remain vacant until the position in question is filled
   a. (including an interim or acting appointment);

ii. A vacancy in any elected Senate position shall be filled from the same constituency as that of the departing Senator, and shall normally be filled for the duration of the departing Senator's original term of office; and,

iii. The Senate Executive Committee shall be responsible for initiating and overseeing any arrangements necessary to ensure that Senate vacancies are appropriately filled as described fully in the Senate Procedures.

7.12 B Temporarily Vacant Positions on Senate

i. In the event that a Senator is unable to continue to serve on the Senate for a temporary period (three (3) to twelve (12) months) during his/her term, a replacement member will be elected by the constituent LAC in the case of a Faculty Senator or Student Senator, or the Chair of Senate in the case of an ex-officio Senator, for the period of the absence;

ii. No replacements shall be appointed for absences of less than three (3) months; and,

iii. In the event of a planned absence of more than 12 months, a Senator shall be required to resign from Senate and Article 8.1 shall apply.

7.12 C Vacancies and Temporary Absences on Committees

i. Vacancies and temporary vacancies on Senate Committees will be filled in the same manner as vacancies and temporary absences on Senate as outlined in Articles 8.12 A and 8.12 B; and,

ii. The relevant Committee chair, in consultation with the Senate Secretary, is responsible for initiating and overseeing any arrangements necessary to ensure that vacancies and temporary vacancies in Senate Standing or ad hoc Committees are appropriately addressed.

Adoption or Amendment of Senate Terms of Reference

7.13 A Adoption or amendment of these Terms of Reference shall require:
i. Submission, in writing, of the proposed amendments and their rationale to the Executive Committee for review;

ii. Notice of the proposed amendment, together with any recommendation of the Executive Committee related thereto, at least 14 days prior to the meeting at which approval will be sought;
   iii. A motion within the agenda for a regular meeting of Senate;
   iv. The support of 66% + 1 of voting Senators for the passage of the motion to recommend to the Board of Governors the adoption or amendment of the Senate Terms of Reference; and,
   v. The approval of the Board of Governors.

7.13 B Notwithstanding any amendment made to the Senate Terms of Reference in (8.13 A) above; Senate will review its terms of reference every three years.

Attributed Hours for Senate Work

7.14 A Faculty who participate in Senate will receive additional attributed hours, as described in 11.01 G2, for each semester in which they are involved in the following activities:

   i. Elected Faculty Senator – 4 hours/wk.
   ii. Local Academic Council Member – 1 hour/wk.
   iii. Senate Executive Committee – 1 hour/wk in addition to time allotted for (i) and (ii) above.

Article 13
ACADEMIC FREEDOM AND INTELLECTUAL PROPERTY RIGHTS

13.11 The Ontario Colleges of Applied Arts and Technology serve the common good of society through providing high-quality employment and skills training, through searching for and disseminating knowledge and understanding, and through fostering independent thinking, independent expression, and professional integrity in academic staff and students. These ends cannot be achieved without academic freedom. All Faculty members have the right to academic freedom.

13.11 Academic freedom includes, without restriction:

   i. freedom to teach and discuss;
   ii. freedom to carry out research and disseminate and publish the results thereof;
   iii. freedom to produce and perform creative works;
   iv. freedom to engage in service in community, in advocacy and activism, in academic governance committees and in any other activities the member deems appropriate;
v. freedom to express one’s opinion about the institution, its administration, and the system in which one works;
vi. freedom to acquire, preserve, and provide access to documentary material in all formats; and
vii. freedom to participate in professional and representative academic bodies.
Academic freedom always entails freedom from institutional censorship.

13.11 Academic freedom does not require neutrality on the part of the individual. Academic freedom makes intellectual discourse, critique, and commitment possible. All Faculty members have the right to fulfil their functions without reprisal or repression by the employer, the state, or any other source.

13.11 All Faculty members have the right to freedom of thought, conscience, religion, expression, assembly, and association and the right to liberty and security of the person and freedom of movement. Faculty members must not be hindered or impeded in exercising their civil rights as individuals, including the right to contribute to social change through free expression of opinion on matters of public interest. Faculty members must not suffer any institutional penalties because of the exercise of such rights.

13.11 Faculty members are entitled to have representatives on and to participate in collegial governing bodies in accordance with their role in the fulfilment of the institution’s academic and educational mission. Faculty members shall constitute at least a majority on committees or collegial governing bodies responsible for academic matters including but not limited to curriculum, assessment procedures and standards, appointment, and promotion.

13.11 Faculty members have the right, as individuals and as members of academic committees, to determine the following aspects of the courses they develop and teach: course outlines, content and materials, texts, grading schemes and evaluations, assigned grades, and method of course delivery.

13.11 Counselling faculty shall have the right to determine that the organization, delivery, and supervision of counselling services meets all applicable professional standards.

13.11 Academic freedom is a right of Faculty members, not of the institution. The employer shall not abridge academic freedom on any grounds, including claims of institutional autonomy.

Intellectual Property
13.09 A The parties recognize that the common good of society depends upon the unfettered search for knowledge in all fields of study and upon its free exposition.

13.09 B In order that a faculty member has control over the direction, integrity and use of their academic work, as a general principle, ownership of all types of intellectual property shall rest with the faculty member who creates it. Such ownership is recognized as an integral part of academic freedom.

13.09 C No member shall be expected to engage in the commercial exploitation of their scholarly work nor to provide commercial justification for it.

13.09 D The Employer shall not enter into any agreement with a third party (including an agreement to administer funds) which alters or abridges, or has the effect of altering or abridging, the intellectual property rights of a faculty member under this Collective Agreement.

13.09 E In the event that the Canadian Copyright Act or Patent Act or other similar intellectual property legislation is amended to the extent that this Article requires revision, the parties shall re-open the negotiation of the Article.

Right to Publish

13.11 The Colleges of Applied Arts and Technology are open environments for the pursuit of research and academic work. Academic freedom and critical inquiry depend on the communication of the findings and results of intellectual investigation. The Employer shall not interfere with a member's freedom to publish the results of academic inquiry and research, except for limitations imposed by duly constituted College research ethics boards.

The Employer shall refuse to enter into or administer any research agreement or grant that allows the funders or other third party to infringe on members' freedom to publish the results of research, except in extraordinary circumstances where, to statutorily protect intellectual property, a maximum publication delay of two months from the conclusion of a research project may be accepted.

Right to Disclose Risks

13.11 Faculty members shall have an absolute right to publically disclose information about risks to research participants or the general public or threats to the public interest that become known in the course of their research.
Definition

13.11 Intellectual property means any result of intellectual or artistic activity created by a Faculty member that can be owned by a person. Intellectual property includes, but is not limited to: inventions, publications, computer software, works of visual art and music, industrial and artistic designs, plant cultivars, integrated circuit topography as well as all other creations that can be protected under patent, copyright, trademark or similar laws.

COPYRIGHT

13.13 A Copyright applies to all original literary, dramatic, artistic and musical works as well as sound recordings, performer’s performances and communication signals.

13.13 B Works include but are not limited to: books, texts, articles, monographs, glossaries, bibliographies, cartographic materials, modular posters, study guides, laboratory manuals, correspondence course packages, interactive textbooks, course work delivered on the Internet, multimedia instructional packages, syllabi, tests and work papers, lectures, musical and/or dramatic compositions, choreographic works, performers' performances, unpublished scripts, films, filmstrips, charts, transparencies, other visual aids, video and audio tapes and cassettes, computer programs, live video and audio broadcasts, programmed instructional materials, drawings, paintings, sculptures, photographs, and other works of art.

13.13 C All copyright belongs to the member or members who create the work even if it is produced during the course of employment and with the use of the employer's facilities and resources, except in those cases where there is a written contract to the contrary which assigns the copyright to the employer.

13.13 D The union shall be a party to all negotiations leading to written agreements or contracts under article 13.13 C. Written agreements or contracts not countersigned by the union shall be interpreted as a violation of the collective agreement.

13.13 E No contract or written agreement between the employer and a member shall contain a clause waiving moral rights.

13.13 F In the event that an original work is the creation of more than one member, the provisions of this article apply on a pro rata basis to all the creators of the work.
In the event that the employer or assignee relinquishes its rights in any work, all intellectual property rights shall revert back to the first owner. In the event that the first owner is deceased, the rights shall revert to the estate of the first owner.

Patents

The creation of patentable inventions is not a basic purpose of research within the Colleges of Applied Arts and Technology, nor is it a condition for support of such research. The employer agrees that the member shall have no obligation to seek patent protection for the results of scientific work or to modify research to enhance patentability. The employer further agrees that the member has the unqualified right to publish his or her inventions.

Faculty members are the owners of the intellectual property rights in any invention, improvement, design or development that they create in the course of their employment even if it was produced with the employer's facilities and resources, except in those cases where there is a written contract to the contrary which assigns the property to the employer.

The Union shall be a party to all negotiations leading to written agreements or contracts under article 6.2. Written agreements or contracts not countersigned by the Union shall be interpreted as a violation of the collective agreement.

In the event that an invention, improvement, design or development is the creation of more than one member, the provisions of this article apply on a pro rata basis to all the creators of the work.

In the event that the employer or assignee relinquishes his or her rights in any work, all intellectual property rights shall revert back to the first owner. In the event that the first owner is deceased, the rights shall revert to the estate of the first owner.

The employer has no claim to the revenue arising from any invention, improvement, design or development made by employees without the use of the employer's time, resources, or facilities.

Should the employer have a valid claim on the revenue arising from any invention, improvement, design or development because of the use of the employer's time, resources or facilities by the member, the member and the employer shall share in the net revenues arising from a discovery on a fair and reasonable basis. "Net revenues" means the revenues after deduction of all costs incurred by the member and/or the employer for patent searches, for obtaining patent protection, for maintaining such protection in Canada and other countries and for commercializing the discovery.