





### **Preliminary comments and overview**

In answering the questions that have been posed, it is relevant to consider that the Senate's authority and responsibility may be understood from two perspectives.

The first is the formal legal perspective, and involves considering the legally enforceable powers

taken at Queen's in the absence of Senate consultation or approval. This approach involves reviewing the authoritative sources of law relating to the Queen's Senate and determining the Senate's powers as set out in those sources.

The second perspective involves looking at historical conventions and established practices at Queen's with respect to the role played by the Senate in university governance. As I address below, these conventions and practices are unlikely to be legally enforceable in a court of law. Nonetheless, they form part of the normative order of the university, such that conduct that is





















Notably, these legal conclusions do not answer some of the more difficult questions. It is relatively easy to determine as a matter of law that the Senate has broad authority to make decisions on academic matters. It is more difficult to determine, for example, whether the

academic consequences. Or the authority to require that the Board consult with the Senate prior to making such a decision. Or, in line with recent events, the authority to require that a Dean obtain the approval of the Senate before making a decision that has both financial and academic effects.











