

BOARD OF GOVERNORS

December 1, 2009

Terri Van Steinburg,
President
Kwantlen Faculty Association

Dear Ms. Van Steinburg,

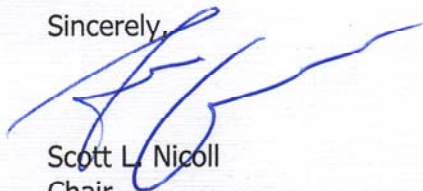
As I am certain you appreciate, Kwantlen Polytechnic University is in the midst of very substantial change. This is especially the case relative to institutional governance, and it is in this regard that I am writing to you on behalf of the Kwantlen Board of Governors.

Kwantlen is now governed by the *University Act* rather than the *College and Institute Act*. As part of this new legal identity, our governance structure has also changed. We now have a bicameral model where operational governance is still vested in the Board but academic governance is vested in the Senate. The Board is not allowed to enter into agreements that fetter the discretion of Senate in carrying out its statutory duties.

It is possible that there are some current provisions in the collective agreement that were bargained in good faith at the time but that deal with areas that may now be under Senate's jurisdiction. If, in the future, the Senate, in carrying out its statutory duties adopts policies that may conflict in whole or in part with the existing collective agreement language, our understanding of the law is that such a conflict would render those parts of the collective agreement in conflict with the particular Senate policy void and of no effect.

We are advising you so that you are aware of the potential conflict. We are not bargaining anything around this question, nor can we. This communication is simply about encouraging a shared understanding of some of the possible effects on the University now that it is governed by the *University Act*.

Sincerely,



Scott L. Nicoll
Chair,
Board of Governors

cc: President's Group
Senate
Deans