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CANADIAN UNIVERSITIES: A FUNCTIONAL ANALYSIS

By

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Abstract

This thesis identifies a university's typical administrative structure for the purpose of establishing a framework which working university archivists can use to acquire control of university records. The organizational structure of Canadian universities is examined with respect to their functions, juridical persons, and their relative competences. This study may be defined as a "functional analysis."

The intertwined concepts of function, competence, and juridical persons serve as foundations for this thesis. A function is defined as the whole of the activities, considered abstractly, necessary to accomplish one purpose. A competence is the authority to carry out a determined sphere of activities within one function. Such authority, however, has to be delegated or assigned to a given office or individual, and that office or individual is termed a juridical person. Therefore, a link is forged between a function and a competence through a juridical person, because it is a juridical person who carries out certain duties and responsibilities within a specified function.

Since juridical persons create records in the course of executing their competence, a functional analysis establishes the provenance of the records and places the records of an administrative body in the context of their creation. A functional analysis also reveals and explains the relationships and bonds between the records, record series, and record

groups that comprise an administration's archival residue. These objectives -- understanding the organizational structure of the administrative body, identifying its functions, determining the provenance of its records, and placing records in the context of the activities that generate them -- help archivists and records managers acquire a fundamental level of intellectual control over the administrative body's records. Without this knowledge, archivists and records managers cannot proceed with any of their own practices.

By studying the history and development of universities from the Middles Ages to the twentieth century, this thesis identifies four functions which are common to all universities: Sustaining Itself, Teaching, Research, and Service to the Community. A number of juridical persons, either in the form of administrative bodies or individuals who comprise the administrative structure of the university, are then examined, and the functions with which with they are entrusted are ascertained by studying their competences. As a result of this analysis, the typical organizational structure of a university is revealed, the functional provenance of records created by universities (as a whole) are identified, and its records are placed in the context of the activities that generate them.

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Introduction

Archives are "the whole of the documents of any nature that every administrative body, every physical or corporate body, automatically and organically collects by reason of its function or of its activity, ... and which are kept for reference."[1]

The object of this thesis is the identification of a university's typical administrative structure for the purpose of establishing a framework which working university archivists can use to acquire control of university records. Establishing this framework is achieved by analysing the functions, juridical persons, and competences that comprise a university. Such a study is termed a "functional analysis."

An understanding of the role that the element "function" plays in archival and records management practices stems from an analysis of the relationship between the principle of provenance and the concept of function. When discussing the principle of provenance, archival literature invariably includes a mention of the element function; however, very little attention has been given to defining the term function, or to analysing the concept of function. Archivists are exhorted by theorists like S. Muller, J.A. Feith, and R. Fruin, and Hilary Jenkinson, to study an administration's history and organizational structure in order to identify

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[1]Michel Duchein, "Theoretical Principles and Practical Problems of *Respect des fonds* in Archival Science," *Archivaria* 16 (Summer 1983) : 67.

its functions and activities. Such a study is meant to reveal the specific administrative offices creating the records under examination, and the reasons or purposes for the records' creation.[2] These two objectives -- determining the provenance of records, and placing them in the context of the activities generating them -- are necessary precursors to all records management and archival practices.

The American archival theorist T. R. Schellenberg briefly recounted the history of the related principles of *respect des fonds* and provenance in his book *Modern Archives*.[3] In 1841 at the *Archives Nationales* in France, a circular set out several general principles guiding the treatment of archival material, one of which stated that all records which originated with "an administrative authority, a corporation, or a family," (called a *fonds*) were to be maintained together and not to be intermingled with the records created by other administrative bodies, companies, or individuals. This principle was defined as *respect des fonds* and it led to major changes in archival practice because, until that time, records had been arranged according to an arbitrarily devised "methodical" scheme derived from library experience.[4] Following the introduction of the principle of *respect des fonds,* the records created by a

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[2]No distinction will be made between the terms "records" and "documents." Rather, the terms will be used interchangeably.

[3]T. R. Schellenberg, *Modern Archives, Principles and Techniques* (Chicago : University of Chicago Press, 1956 ; reprint, Chicago : University of Chicago Press, Midway Reprint, 1975) , 168-93.

[4]Ibid., 169-71.

municipal government, for example, were kept separate from those created by a religious body. Records within each *fonds,* however, were still arranged according to subject classifications.

By 1881, the Prussian State archivists postulated that records should be maintained according to the administrative units that created them, thereby giving rise to *Provenienzprinzip,* or the principle of provenance. Since provenance means "place of origin," in accordance with this principle, the records created by each administrative unit were kept separate from one another. Hence, for example, the main divisions within the Prussian State Archives reflected the various administrative units of the government, and the records were separated according to each body which created them.[5] The principle of provenance, therefore, is the principle of *respect des fonds* applied to different administrative levels within one organization. Observing the principle of provenance means that records created and/or received by a single office within an organization must be treated as a single body and not intermingled either physically or intellectually with material created by a different office in the same organization.[6]

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[5]An extension of the principle of provenance was that "the arrangement given public records by the creating agencies themselves should be preserved in the archival institution, and in this way, the sanctity of original order was observed." Ibid., 173.

[6]Paul Brunton and Tim Robinson, "Arrangement and Description," in *Keeping Archives,* ed. Ann Pederson. (Sydney : Australian Society of Archivists Incorporated, 1987), 132.

Working archivists in the Netherlands quickly adopted the
principles of *respect des fonds* and provenance, and in 1898, the Dutch
archivists Muller, Feith, and Fruin published their *Manual for the
Arrangement and Description of Archives*, in which they gave theoretical
justification to the principle of provenance and introduced the concept of
function. Muller, Feith, and Fruin defined an archives[7] as the whole of
the documents officially received or produced by an administrative body
and kept by that body. An archives results from the performance of
administrative activities, and hence, accumulates naturally and
organically. As an organic body, the archival collection is like "a living
organism, which grows, takes shape, and undergoes changes:" if the
functions of the records-creating body change, the archival collection
changes, too.[8] Consequently, the archival collection reflects the functions,
activities, and structure of the administrative body that created or received
the records.

Although the Dutch archivists introduced and frequently used
the term "function," they did not define it, neither did subsequent archival

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[7]The term used in the American translation of this work is "archival
collection." This term corresponds to the English term "archival group, and to the French
term *fonds d'archives*. The terms "archive,""archives," and "archival collection" will
be used interchangeably in this thesis even though the word "collection" conveys a sense
of records artificially brought together. This, however, is not the intent of the American
term, which refers to the natural, organic accumulation of records created or received by
an administration in the course of carrying out its activities. S. Muller, J. A. Feith,
and R. Fruin, *Manual for the Arrangement and Description of Archives*. 2d ed. trans.
Arthur H. Leavitt. (New York : The H.W. Wilson Company, 1968), 13, footnote 1.

[8]Ibid., 19.

theorists.[9] Therefore, it is necessary to look outside the boundaries of archival literature to find an explanation of this term which could be used in the archival context. Management and organization theorist Louis Allen defined function as "the total of positions encompassing one kind of work grouped to form an administrative unit," or as "all related work of one kind placed in one organization component under one coordinating head."[10] On the basis of this definition, the divisions or administrative units of the government that the Prussian archivists referred to can be considered correspondent to functions. In addition, Muller, Feith, and Fruin's statement that the records created by a division or an administrative unit reflect that division's or unit's function, seems to indicate that provenance (the office of creation) and function (purpose for which an office exists) are directly related. This relationship is expressed in the archival axiom "records follow function."

The concepts of function, competence, and juridical persons, which are defined below, serve as foundations for this thesis. Function and competence are abstract ideas; they are also different orders of the

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[9]Schellenberg defines function as "all the responsibilities assigned to an agency to accomplish the broad purposes for which it was established." This is the definition of a mandate because it is inclusive of all purposes (functions) and all responsibilities (competences) attributed to an administrative body, often through legislation. In fact, Schellenberg adds that "these functions are defined in the law or directive that establishes the agency." Schellenberg, 53.

[10]Louis A. Allen, *Management and Organization* (Toronto : McGraw-Hill Book Company, Inc., 1958), 78, 301.

same concept.[11] Function, as defined by Luciana Duranti in her series of articles on diplomatics, is "the whole of the activities, considered abstractly, aimed to one purpose," while competence is "the authority and capacity of carrying out a determined sphere of activities within one function, attributed to a given office or an individual."[12] Because "the whole of the activities" may be composed of one or more "determined spheres of activities," it follows that one or more competences may comprise a function. Therefore, it is through the concept of competence that a connection is forged between the abstract concept of function (the whole of the activities) and its concrete result (a determined sphere of activities).

A "juridical person," which is the "given office or individual" to whom a competence is attributed, is defined as "an entity having the capacity or the potential to act legally." This entity may be constituted by an individual or a group of people; the former type of juridical person is referred to as a succession of persons, while the latter type is called a collection of persons.[13] For example, the President of a corporation is a juridical person constituted by a single individual and referred to as a succession of persons, whereas the Board of Directors is a juridical person

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[11]Luciana Duranti, "Diplomatics: New Uses for an Old Science (Part III)," *Archivaria* 30 (Summer 1990) : 19, footnote 10.

[12]Ibid., 30.

[13]Luciana Duranti, "Diplomatics: New Uses for an Old Science," *Archivaria* 28 (Summer 1989) : 25, footnote 20.

constituted by a group of people and referred to as a collection of persons. A competence becomes tied to a juridical person when that entity, for example, the President, is given responsibility for executing certain duties and activities (a sphere of activities) within one function. Consequently, "for a particular function to be effected, it must be attached to one or more juridical persons." It follows, also, that a juridical person is entrusted with a function through his[14] competence.[15] A juridical person's competence, therefore, is a portion of a function constituted to an administrative body.

A juridical person may have more than one competence. This occurs when the person is responsible for more than one sphere of activities and each sphere belongs to a different function. Consequently, some method or test is required to ascertain the functions to which a juridical person, and his competence, is attached. Since the definition of function includes the term "purpose," it is possible to use this element as a distinguishing factor. By asking the question "What is the main purpose for which this juridical person exists?" the juridical person's primary competence can be distinguished from his subsidiary competence or competences.[16] Thereafter, an association can be made between the

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[14]For simplicity of expression, the words "he," "him," and "his," will be used throughout this thesis to refer to either gender.

[15]Frances Fournier, "Faculty Papers: Appraisal for Acquisition and Selection" (Master of Archival Studies Thesis, University of British Columbia, 1990), Endnote to Chapter One, 35.

[16]The term "subsidiary" rather than "secondary," has been chosen because the latter implies a ranking order, which is not the desired intent. Instead, the purpose is

juridical person's primary competence and the main function with which he is entrusted, and between subsidiary competences and subsidiary functions. This consistent method of distinguishing between main and subsidiary competences, and hence, discerning the main and subsidiary functions that a juridical person is entrusted with, will be used throughout this thesis.

Provenance, where it is meant as the creating office and the creating function, has garnered the attention of contemporary archivists. For example, Richard Lytle and David Bearman have concerned themselves with provenance as an access point for retrieving information.[17] With a similar viewpoint in mind, Kathleen Roe and Elden N. Monroe, in an unpublished paper, examined the role of function in archival practice.[18] Universities have been the focus of at least two functional analyses. Helen Samuels and Bridget Blagbrough, in a forthcoming book, identify the functions of American colleges and

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to distinguish between a person's <u>main</u> competence and any other competences with which he may be entrusted.

[17]David A. Bearman and Richard H. Lytle, "The Power of the Principle of Provenance," *Archivaria* 21 (Winter 1985-86) : 25. In this article, the authors indicate that the objective of a provenance-based information access system is to "to capture the full richness of provenance information -- the structures, processes, and activities of organizations ..."

[18]Alden N. Monroe and Kathleen Roe, "Defining Functions: What Does It all Mean?" Paper given at the 53rd Annual Meeting of the Society of American Archivists, St. Louis, Missouri, October 25-29, 1989, (unpublished manuscript, 1988), 11. While the authors discuss the concept of function, and note the lack of definitions, their proffered definition -- "an area of responsibility in which an organization conducts activities in order to accomplish a purpose" -- refers to a competence, because they have tied a juridical person to a responsibility in a determined sphere of activities.

universities for the purpose of developing a documentation strategy.[19] In her thesis on the appraisal of faculty papers, Frances Fournier conducts a functional analysis of faculty members, and in so doing, examines juridical persons and their competences.[20]

In the archival literature as a whole, however, there is a paucity of functional analyses, even though there continues to be an interest in the concepts of function and provenance, and a recognition of the importance of incorporating these concepts into records management and archival practices. Therefore, the author of this thesis has chosen to address this concern, and to undertake a functional analysis of an administrative body as a case study. The focus of this case study will be Canadian universities, thereby making this research specifically relevant to Canadian archivists, but in a general way, such an analysis is relevant to any modern university.

The identification of a university's typical administrative structure will be carried out in this thesis by proceeding gradually from

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[19]Bridget Blagbrough and Helen Samuels, *Documenting Colleges and Universities* (unpublished manuscript, 1988), Introduction, 2-3. These authors identify seven functions of a university -- conferring credentials, socializing, conveying knowledge, maintaining culture, advancing knowledge, providing service to the community, and sustaining itself. Four of these are, in fact, functions (conveying knowledge, advancing knowledge, providing service to the community, and sustaining itself); two are spheres of activities within other functions (conferring credentials is part of the teaching function, and maintaining culture is part of both the teaching function and the service to community function); while one, socializing, is not a function of the university at all, but an outcome that results from students and teachers coming together in one locale.

[20]Fournier.

function to competence through the link of juridical persons. In Chapter One, the typical functions of a university are deduced following the presentation of historical information on the development and evolution of universities from the Middle Ages to the twentieth century. In addition, some juridical persons and their competences are identified. Chapter Two focuses on the juridical persons and their competences that comprise the function which is central to the governance, administration, and operation of the university -- the Sustaining Itself function. Chapter Three presents the juridical persons entrusted with the primary functions of a modern university, Teaching and Research, as well as the competences of those juridical persons. In addition, Chapter Three includes a discussion of the juridical persons entrusted with the Service to the Community function, and their competences.

Primary and secondary sources were used for this thesis. Chapter One is based on a synthesis of published works about universities, their origins, their organization and administration, and their role in society. Chapters Two and Three are based on an analysis of various published works, Provincial legislations, and organization charts obtained from several Canadian universities.[21] Calendars from Canadian universities, along with promotional circulars and information materials, were another source from which juridical persons and competences were gleaned. Many of the examples that have been included in this thesis are

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[21]The following institutions provided organization charts which were analysed for juridical persons: the University of British Columbia; the University of Alberta; the University of Saskatchewan; the University of Regina; the University of Ottawa; and McGill University.

drawn from organizational information acquired directly from offices and managers within the University of British Columbia.

The classic works of archival theorists like Muller, Feith, and Fruin, Jenkinson, and Schellenberg, were essential readings. In discussing the theoretical foundations of archival practices, and then in examining the practical application of those premises, these authors confirmed that a logical, direct connection between provenance, functions, and records does exist; however, demonstrations of this link are lacking, most likely because of the difficulty of conducting detailed studies. Articles by practitioners, both in the records management field and the archival field, were a continuous source of inspiration because they verified the principles of the professions, but they also ascribed to the need for more studies in the realm of functions and competences. The series of articles on diplomatics by Luciana Duranti were a vital source of information about juridical persons and competences, and her definitions serve as foundations for this thesis.

Throughout this thesis, the terms "administrator," "administration," and "administrative body" will be used interchangeably, and will refer to the university as the whole corporate entity that creates and receives records. The terms "administrative bodies," "juridical persons," "juridical bodies," and "offices" will be used interchangeably. By definition, they are all juridical persons. "Administrative structure" and "organizational structure" will refer to the way in which the university as a whole, or the component juridical bodies, organize

themselves in order to execute their duties and responsibilities. The term "primary competence" will be used interchangeably with "main competence," and either term will be used to differentiate a juridical person's main purpose for existing from his subsidiary purpose, or purposes. The term "activities" will be used in a very broad, generic sense, without diplomatic overtones that imply transactions, acts, and so forth.

While numerous references will be made to the records created by an administrative body, the actual records *per se* that a particular University produces by means of its activities are outside the scope of this thesis.

Chapter One

The Evolution of Universities,
Their Administrative Structure, and Their Functions

"Universities, like cathedrals and parliaments, are a product of the Middle Ages."[1]

Historical Perspective

The roots of today's modern university can be traced to the specialized and permanent institutions of learning that emerged during the twelfth and thirteenth centuries. From the medieval universities of Paris and Bologna come many of the features of organized education that one finds in a twentieth century, modern university: the "machinery of instruction represented by faculties and colleges, and courses of study, examinations and commencements and academic degrees."[2] With respect to administration, historian Charles Haskins noted that "the fundamental organization is the same, the historic continuity is unbroken."[3] In this chapter, the evolution of universities will be analyzed in order to identify the fundamental organization of an institution of higher education and the functions of such an institution.

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[1]Charles Homer Haskins, *The Rise of Universities* (Ithaca, New York : Cornell University Press, 1965) , 1.

[2]Haskins, 2.

[3]Ibid., 3.

No one factor resulted in the formation of universities in the Middle Ages; rather, these centres of higher education owe their existence to a combination of circumstances and to the culmination, in the eleventh and twelfth centuries, of several political and social factors.[4] Prior to A.D. 1100, commerce and trade became less and less of a local affair prompting merchants to form associations called guilds to protect themselves and their trades from feudal governments.[5] These merchant guilds became increasingly powerful and, as trade and industry spread throughout Europe and across the Mediterranean, their success brought a higher level of prosperity to Western Europe. Later, artisan associations, such as the weaver's guild, paralleled the merchant guilds and either shared power with or supplanted them.[6] Within the guilds, members were divided into classes: masters, apprentices, and journeymen; masters were the owners of the shops and instructed the apprentices. The entire membership, however, participated in electing the administrative officers of the guild, and the jurisdictional authority of these officers was respected by other duly appointed or elected officials such as civic magistrates. The head of the guild was the Rector, who was assisted by elected Counsellors. Gradually, guilds became a common and socially acceptable way of

[4]Hastings Rashdall, *The Universities of Europe in the Middle Ages,* vol. I, *Salerno - Bologna - Paris* (Oxford : Clarendon Press, 1895) , 5. Rashdall is recognized as the foremost scholar in the field of medieval universities, and therefore, his work serves as a foundation for much of this chapter.

[5]William H. Harris and Judith S. Levey, eds., *The New Columbia Encyclopedia* (New York : Columbia University Press, 1975) , s.v. "Guilds."

[6]Ibid.

organizing groups of people who shared certain values, customs, or even a geographical locale. They set an example that would be imitated by the scholars and masters assembled at schools of higher learning.

During the twelfth century, communities began to move away from the tyranny of feudal lords by petitioning the ruling monarch for freedom, and this precipitated a growth in the number of "free towns" that were incorporated and managed by a body of civic officials. Because of their wealth and power, the guilds tended to dominate the municipal government in industrial towns, and towns took on some of the characteristics of guilds. There were statutes and regulations, a mayor who was head of the town, and chief officers. As a consequence of the social changes brought on by guilds, people were awakened to the idea of more freedom for the lower classes and to the lure and adventure of travel.[7]

Prior to the eleventh century, a spiritual European commonwealth had been created in Western Europe through the universal domination of the Catholic Church. This union was enhanced by a common language, Latin, which made communication between the educated citizens of different countries possible.[8] The policy of the Church was to favour education as long as it supported the teaching and practices

[7]*The New Columbia Encyclopedia,* s.v. "Crusades."

[8]S. S. Laurie, *The Rise and Early Constitution of Universities* (New York : D. Appleton and Company, 1903) , 97; Lowrie J. Daly, *The Medieval University 1200-1400* (New York : Sheed & Ward, 1961) , 4-5.

of the Church. Two types of schools existed under the jurisdiction of the Church: the monastic schools and the cathedral schools. Monastic schools were formed because the Church required novices for duties within the Church, and novices had to be taught how to read and write; therefore, learning and education were associated with students who wished to become monks.[9] Many students, however, had no intention of becoming monks even though they sought to be educated and consequently, by A.D. 817, the Church was forced to establish "outer" schools, so called because they were set up just outside the wall of the monastery proper. As in the monastic schools, the curriculum of the outer schools was "literary and somewhat static"[10] being "limited to the seven liberal arts of the early Middle Ages ... for there was nothing to teach beyond the bare elements of grammar, rhetoric, logic, and the still barer notions of arithmetic, astronomy, geometry, and music."[11] These courses were known, respectively, as the *trivium* and the *quadrivium*.

Conversely, the cathedral or "bishop's" schools tended to follow current trends in education.[12] The primary purpose of these schools was to train future priests for the diocese. Each school was managed by a bishop, and scholars were taught by the bishop's clergy. Classes were held

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[9]Daly, 5-6.

[10]Ibid., 5.

[11]Haskins, 4.

[12]Daly, 7.

either in the clergy's home, or in a place nearby. By the time they reached their peak in the period between A.D. 1050 - 1150, the cathedral schools were stressing the new philosophical and theological ideas.[13]

In France[14] and the surrounding areas, the monastic and the cathedral schools were controlled by the Church, but the most active centres of learning were the schools attached to cathedrals.[15] Conversely, in Italy, the Roman municipal school, the *schola publica,* rather than the existing Church-schools, predominated the educational system. The latin concept of the *schola publica,* the school open to anyone in a locale, had not been abandoned prior to the twelfth century renaissance of learning, nor was the importance of education lost, because the nobility of Italy still sought to give their sons a literary education.[16] Thus, it was from the roots of the *schola publica* that the *studium generale,* the place of higher education, evolved.

An additional universality was fostered in the eleventh and twelfth centuries by the Church's promise of protection and lodgings for its travelling clerics as they journeyed from one centre of learning to

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[13]Ibid.

[14]When referring to "France" and "Italy," I am referring to the geographical areas which today correspond to France and Italy.

[15]Haskins, 12.

[16]Rashdall, I, 93.

another.[17] Furthermore, the pope granted beneficed clerics the right to go

to a "university" while still collecting their living allowance.[18] By hiring a

subordinate for a nominal fee, the beneficed clerics liberated themselves of

the obligations of their position and were free to travel and study.

Consequently, clerics made up a large proportion of the potential scholars

that would be attracted by famous teachers to a particular school and to an

area of specialized study.[19] That the Church was a contributing factor to

the continued growth and evolution of universities cannot be overlooked.

Also, later on, the Church, through its Chancellors, tried to assert control

over these centres of higher learning, and this assertion precipitated

further changes with respect to the Chancellor's role within

universities.[20]

Morally, a new system of ideals evolved from feudalism and

reached its peak during the twelfth and thirteenth centuries. The "order

of chivalry," which proclaimed the virtues of piety, honour, valour,

courtesy, chastity, and loyalty, quickly spread throughout Europe from

France and Spain where it originated. It represented a fusion of Christian

and military concepts and formed the basis of gentlemanly conduct that

prevailed for several centuries. The concept of military chivalry, in

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[17]Laurie, 97.

[18]A benefice was an ecclesiastical office with some revenue attached to it; a
living allowance paid to the cleric by the Church. Daly, 199.

[19]Ibid., 199, 202.

[20]Rashdall, I, 310-311.

conjunction with religious devotion, propelled European nobles, lords and monarchs to answer the call of the Crusades (A.D. 1096 - 1200), and it was the returning crusaders who brought the "great influx of new knowledge" to Western Europe -- Arabic figures, new arithmetic, geometry, texts of Roman laws, teachings from the Greek physicians, and the works of Aristotle, Euclid, and Ptolemy.[21]

> The Crusades ... exercised an incalculable influence on Western civilization by bringing the West into closer contact with new modes of living and thinking, by stimulating commerce, by giving fresh impetus to literature and invention, and by increasing geographical knowledge.[22]

According to historian Charles Haskins,

> this new knowledge burst the bonds of the cathedral and monastery schools and created the learned professions; it drew over mountains and across the narrow seas eager youths who ... "would gladly learn and gladly teach."[23]

Through the Crusade movement, Europeans were exposed to the Saracenians, Arab scholars, and the Arabic education system which surpassed anything known in Europe at that time.[24]

From this brief account it appears that a combination of circumstances throughout the eleventh and twelfth centuries served as catalysts to the formation of universities. There is little doubt that the

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[21]Haskins, 4-5.

[22]*The New Columbia Encyclopedia,* s.v. "Crusades."

[23]Haskins, 5.

[24]Laurie, 96.

single most influential factor in the evolution of universities was the sheer volume of knowledge which necessitated specialization; however, the following factors may be considered very influential, too. Firstly, society was beginning to"organize" itself. "Free towns" were incorporated and the formation of guilds provided an administrative structure that could be copied by other associations. Secondly, as a result of increased trade and the Crusades, Europeans were awakened to the lure and adventure of travel. Thirdly, the Church supported education, although for its own purposes. Fourthly, at a critical time, the schools at Paris and Bologna were fortunate in having lecturing masters whose fame and reputation attracted large numbers of scholars.

Terminology

Before continuing the description of the evolution of universities and their administrative structure, it is useful to clarify some of the terms and concepts that will be used in the following discussions.

A *schola publica* was a school that taught the seven basic subjects: the *trivium* and the *quadrivium*. The word *studium,* while denoting the academic institution in the abstract, actually referred to the school or town that held a centre of higher education.[25] Most common in the thirteenth century, however, was the term *studium generale* which referred to a place were students from all parts or locales were received; it

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[25]Rashdall, I, 7.

did not mean a place where all subjects were studied.[26] Historian S.

Laurie noted that a *studium publicum* or *generale* was a centre

> free from the conditions of monastic vows or monastic
> discipline in any form, and where the curriculum of arts was
> taught as well as the specialized study of the universitas.[27]

Historian Hastings Rashdall noted that by the time of its common usage,

the term *studium generale* implied three characteristics, with a fourth

evolving from papal orders:

> (1) That the School attracted or at least invited students from
> all parts, not merely those of a particular country or district,
> (2) That it was a place of higher education; that is to say, that
> one at least of the Faculties -- Theology, Law, Medicine -- was
> taught there, (3) That such subjects were taught by a
> considerable number -- at least by a plurality -- of Masters. ...
> To this original idea was gradually added the notion of a
> certain ecumenical validity for the Mastership which it
> conferred.[28]

At the heart of these first centres was free teaching and free learning.

Furthermore, the schools were autonomous; that is, they were voluntary,

self-supporting, and independent of ecclesiastical or civil control.[29] In

addition, the primary purpose of a *studium generale* was a "professional,

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[26]Ibid., 8.

[27]Laurie, 129; "Arts" here is meant to imply the study of the *trivium* at least, and may have included the *quadrivium*. A distinction was being made between the study of these "elementary" subjects and the study of the "higher education" subjects of theology, medicine, and law. A *studium generale* could contain one or more *universitates,* for example, the *universitas juristarum,* the *universitas artistarum,* etc. (Laurie, 176.) At Bologna, the *universitas* of law was pre-eminent, but the *universitates* of arts and medicine were present, also.

[28]Rashdall, I, 9.

[29]Laurie, 108.

practical one, because its aim was to minister to the immediate needs of society."[30]

The term *universitas* was used in the sense of a community, rather than in the modern sense of a university. Haskins elaborated this point:

> Historically, the word university has no connection with the universe or the universality of learning; it denotes only the totality of a group, whether of barbers, carpenters, or students did not matter.[31]

Rashdall defined *universitas* as meaning a number, an aggregate of persons, or in a more technical sense, a legal corporation or juridical person, the practical equivalent of *collegium;* he also pointed out that the term distinctly referred "to a scholastic body and not to the place where such a body was established, nor did it refer to the collective schools."[32] Although the original use of the term *universitas* meant a group or a community in general, by the mid-thirteenth century, it had come to mean a scholastic guild of either scholars or masters.[33]

With respect to the titles "master," "doctor," and "professor," Rashdall pointed out that all three were synonymous in the Middle Ages. The title *Magister* prevailed at Paris in the Faculties of Theology, Medicine

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[30]Ibid., 109.

[31]Haskins, 9.

[32]Rashdall, I, 7.

[33]Haskins, 8-9.

and Arts, while at Bologna, the Faculty of Canon Law used the term *Doctor* or *Professor*.[34] Along the same line, the terms "students" and "scholars" are used interchangeably.

As early as A.D. 1184, the word *Facultas,* or faculty, was used to denote a body of teachers in a particular subject, but by A.D. 1219, it was used in the sense of a distinct branch of learning.[35] The definition of a faculty that Laurie quotes is

> a body of teachers who had the privilege of lecturing on a department of knowledge and of examining in it.[36]

Later, a number of attributes were considered essential to a faculty, and these were its own seal, its own private *comitia,* and a *caput* or *decanus*.[37] In addition, as alluded to already, it was the right of the Faculty to test and qualify candidates for the *licentia docendi* in its own department.[38]

Coalescing of Universities

As noted already, specialization was necessitated by the volume of knowledge revealed to Europeans through the Arab scholars, and specialization in a particular field of study is one of the elements that differentiates monastic and cathedral schools from *universitates.* Just as

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[34]Rashdall, I, 21-2.

[35]Ibid., 325.

[36]Laurie, 204.

[37]Ibid., 206.

[38]Rashdall, I, 325.

scholars had travelled to Greece to study at the feet of famous teachers like
Socrates, so too in the Middle Ages did students flock to a particular school
because of its famous teachers. At Bologna, around A.D. 1116, a master
named Irnerius gained a reputation as the "renovator of Roman civil law"
and is credited with founding the University of Bologna. Also at Bologna,
but around A.D. 1140, was Gratianus, a monk who garnered a reputation
for his codification of canon law.[39] Both men taught at Bologna, and their
reputations drew and retained large numbers of scholars. Therefore,
there arose at the *studium generale* of Bologna a *universitas juristarum*, a
community of scholars studying law.

The University of Paris attributes the beginnings of its reputation
for theological studies to William of Champeaux and his famous pupil and
chief contradictor, Abelard.[40] The latter's lectures reportedly drew
"students by the thousands, and the echoes of his various disputes,
especially his frontal attack on his former teacher, William of
Champeaux, resounded throughout the intellectual world of his day."[41]
Given that all students had grounding in the elementary study of rhetoric,
it is not surprising to learn that the arguments of Abelard and other
teachers at Paris made the city "a center of the new dialectical theology
and a hot-bed of controversy."[42]

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[39]Daly, 24.

[40]Ibid., 18.

[41]Ibid., 18-9.

[42]Ibid., 19.

This confluence of scholars and masters at centres like Paris and Bologna had a major influence on the evolution of administrative structures at the respective universities. When large groups of people, who shared common goals, came together in one location, it was inevitable that they would organize themselves into some sort of association. Following the example set by guilds, students formed the *universitas scholarium,* and masters created the *universitas* or *collegium magistrorum.* At Bologna, two student groups arose, and both groups played a crucial role in the development of that university's administrative structure, while at Paris, the *collegium* of masters influenced the evolving management structure. Because of this difference in influential bodies on the administrative structure, it is useful to study each university independently, and this will be done in the next section.

Although a third major centre of learning arose in the eleventh century, is is not considered an ancestor of modern universities. The University of Salerno acquired a reputation for its study of medicine. Rashdall noted that even though some type of organization seemed to exist at Salerno around A.D. 1099, very little is known of the original constitution, except that it appears "to have had little resemblance to that of any other; and it never enjoyed that reproductive power which is so remarkable a characteristic of Bologna and Paris."[43] Further, he wrote that the "constitution and organization even of the Medical Faculties in other Universities appear to have been quite uninfluenced by the traditions

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[43]Rashdall, I, 21, 82-3.

of this earliest home of medieval Medicine."[44] At its height, several women were among the best-known teachers of medicine at Salerno, and this is a curious side-note given that only men could be clerics and that the majority of scholars were beneficed clerics.[45] Initially, Salerno seems to have owed its fame to the influences of Oriental medicine, but the increasing popularity of Arabic Medicine in the thirteenth century, in combination with the growth of medical faculties elsewhere, contributed to Salerno's decline which was complete by the fourteenth century.[46] The University of Salerno failed to establish itself as one of the great universities from which modern universities evolved, and hence, no further study of it will be made.

University of Bologna

Students came from all parts of Europe to reside in Bologna where they could study under the renowned masters of law, Irnerius and Gratianus. Since foreign students were not citizens of Bologna, and thus were deprived of various rights that citizenship conferred (such as criminal and civil protection), two large associations or guilds began to coalesce. Groups of students from north of the Alps, mostly Germans, formed themselves into the *universitas ultramontanorum,* while students from the Italian peninsula and nearby islands organized themselves into the *universitas citramontanorum.* Citizens of Bologna and all professors

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[44]Ibid., 83.

[45]Ibid., 86.

[46]Ibid., 85-6.

were prohibited from holding membership in either community.[47] Although the primary purpose of these guilds was mutual protection, they also offered comradeship. Rashdall writes:

> In these Statutes the object of the Guild is declared to be the cultivation of "fraternal charity, mutual association and amity, the consolation of the sick and support of the needy, the conduct of funerals and the extirpation of rancour and quarrels, the attendance and escort of our *Doctorandi* to and from the place of examination, and the spiritual advantage of members."[48]

Further, the guilds or *universitates* negotiated with the town magistrates to establish an agreement that gave the students certain benefits, such as affordable accommodations, and rights, such as self-government and jurisdiction over criminal and civil matters. The greatest power that students had was the threat of migration, whereby the entire student body would move to another town if its demands were not met by Bologna's town officials. Since cessation would destroy the town's trade and affect the income of the masters (who were contracted by the students to teach), both the town officials and the masters were sensitive to the demands of the *universitates*. Similarly, if students boycotted the classes of a doctor, that teacher could be dismissed; hence, doctors usually followed the edicts established by the *universitates*.

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[47]Daly, 31.

[48]Rashdall, I, 161.

Within each guild, smaller subdivisions which reflected locales or customs were formed, and these groups were called *nationes.* Their objective was

> mutual protection, assistance, and recreation, and ... performance of those religious functions which in the Middle Ages supplied the sanction for every social bond and the excuse for every convivial gathering.[49]

While historians disagree on the exact number of nations that made up each *universitas,* it is apparent that they varied from four to eighteen. These variations probably reflect fluctuations in the number of scholars from various regions, interruptions because of war, or disruptions because of political controversies where the latter occasionally caused students and teachers to cede from Bologna, or caused scholars to boycott a professor. Eventually, though, the total number of votes cast by both *universitates* were equalized.[50] The two large universities, with their *nationes,* existed in the Faculties of Canon Law and Civil Law. *Universitates* of scholars also existed in the Faculty of Arts and Medicine and in the Faculty of Theology, but they did not subdivide into *nationes.*

The existence of the *universitates* was recognized in A.D. 1158 when Emperor Frederick Barbarossa issued a charter, *Habita,* confirming the rights and privileges that the *studium generale* had assumed until then. This charter is usually "recognized as the basis of all the special

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[49]Ibid.

[50]Daly, 32-3.

privileges conferred on particular Universities by the States in which they were situated."[51]

Since the *universitates* patterned themselves after the guilds, each *universitas* elected officers and made Statutes governing their respective affairs. The duties of the various officials reflected the needs of administering an association within the context of an education setting. For example, the Rector governed the guild, and his duties included presiding over examinations and graduation ceremonies, and supervising the rents charged for lodgings. In addition, as chief magistrate of the university, he claimed civil and criminal jurisdiction over the students and masters.[52] Although initially each *universitas* elected a Rector, by the fourteenth century, the jurist guilds were ruled by one Rector who was elected by a three-part body: the ex-Rector; the newly elected *consiliarii;* and an equal number of special delegates.[53] Prior to A.D. 1580, a member of the *universitas scholarium* was elected as Rector, but thereafter, a master acted as Vice-Rector, and by A.D. 1742, neither students nor teachers held the senior positions. Instead, the Rectorship was conferred upon the Cardinal-legate of Bologna, thereby becoming an honourific position filled by appointment rather than by election.[54] This change

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[51]Rashdall, I, 147.

[52]Daly, 41-2.

[53]Rashdall, I, 186.

[54]Ibid., 189.

signalled the end of student governmentship of the *studium generale* at Bologna.

At the height of the universities as guilds, each nation elected one or two Councillors, and these Councillors advised and assisted the Rector.[55] Together, the Rectors and the *Consiliarii* constituted the executive body of the University, whereas the supreme governing body of the *Studium* was composed of the entire congregation of the two *universitates*.[56] In the earliest days of the university, the students of the Faculty of Arts and Medicine and the Faculty of Theology, although organized, had no representation, but were ruled by the Jurist Rectors.[57] Other notable university officials at Bologna were the *Peciarii* and the *Taxatores Hospiciorum*.[58] The *Peciarii* were a body of six "'prudent' clerics"[59] -- three from each university -- who supervised the *Stationarii*. The latter were also the keepers of the book-stalls. They were responsible for both the selling and the copying of textbooks, and were fined for every incorrect copy produced.[60] The Taxores, in conjunction with City-

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[55]Ibid., 185.

[56]Ibid., 185, 189.

[57]Ibid., 233.

[58]Ibid., 191-2.

[59]Daly, 44.

[60]Ibid., 44-5; Rashdall, I, 191.

appointed officials, fixed the rents of the houses and rooms used by the students.

The non-elected, non-student officials employed by the universities were two *Massarii,* a *Notarius,* the *Syndicus,* and several *Bidelli Generales.* The *Massarii,* who were selected by the Rector and his advisors, were the Treasurers; the *Notarius* kept the matriculation records and recorded the acts of the University; and the *Syndicus,* a lawyer, acted as legal assessor to the Rectors.[61] Each university elected a General Bedel, and there were "special" Bedels, too.[62] Of all the officials, the university Bedels' duties were the most varied. The mace, that most known symbol of a University, was in the custody of the *Bidelli Generales* and was carried by the General Bedel during public occasions. Both the special and the General Bedels preceded the Rectors at funerals or other University processions, and the General Bedel accompanied the Rector on all public occasions.[63] The General Bedel gathered the votes in Congregation, read the Statutes and decrees of the Congregation to each school,[64] announced lectures given by students, and proclaimed the availability of books for sale by individual students or by the *Stationarii.*[65]

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[61]Rashdall, I, 193.

[62]"Beadles" is a variant spelling, but "Bedel" will be used throughout this thesis.

[63]Rashdall, I, 194.

[64]"In the earliest days of the Universities, the lecture-room or school was simply a hired apartment, or the private house of the Doctor." Ibid., 190.

[65]Ibid., 193-4.

During the winter, it was the special Bedels who scattered straw on the floors, while throughout the year, it was their duty to open and close the schools, sweep out the rooms, and maintain the roof and windows. Payment for their duties was by a special collection to which all students contributed by regulation, but the Bedels were also permitted to take up a collection before Christmas and before Easter.[66] It should be noted that "none of the officials elected by the Rector and the advisors could be removed from a position without the consent of the university in a general assembly" and, in the case of death or resignation, rules existed for the selection of a new officer.[67]

At Bologna, it was the *universitates* of students who controlled the administration of the *Studium* through their elected officers and supplementary appointed officers. Like the students, the teachers had formed a guild, the *Collegium* of Doctors. Although the teaching practices, timetable, and matters for discourse were set by the assembly of the students in Congregation, the business of examining scholars and awarding the teaching licence was the jurisdiction of the *Collegium*. Admission to the master's guild consisted of a two-part examination process: a private examination followed by a public examination.[68] During the private examination, the Candidate gave a prepared lecture on two previously assigned law passages, and Doctors, who were appointed by

[66]Ibid., 193; Daly, 45.

[67]Daly, 46.

[68]Rashdall, I, 226.

the *Collegium* and constituted the examining board, asked questions. In addition, supplementary questions could be asked by any doctor since all doctors could attend these examinations.[69] Passing the private examination earned the Candidate recognition as a *Licentiate* and the certificate of *licentia docendi,* which was the licence to teach, but it also made him eligible for the public examination or *Conventus.*[70] On the day of the *Conventus,* the Candidate joined the procession to the Cathedral where he "delivered a speech and read a thesis on some point of Law," then defended it in the role of a Doctor participating in a university disputation.[71] Thereafter, the Archdeacon conferred the title of "Doctor" upon the *Licentiate,* and he was received into the *Collegium.*[72] Having completed the ceremony, the Candidate was escorted in triumph through the town. The candidate, however, had one final assignment. Under threat of a heavy fine, he was charged with writing out his thesis argument and delivering it to the General Bedel who would transmit the work to the Stationers for publication.[73] In this way, "a continual supply of fresh scholastic literature was ensured."[74]

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[69]Ibid., 227.

[70]Haskins, 11.

[71]Rashdall, I, 229.

[72]Ibid.

[73]Ibid., 192.

[74]Ibid.

The gradual decline of the influence of the student *universitates* is evidenced in the rise of "endowed chairs" at Bologna. As other schools tried to attract Bologna's teachers, a new system of paying professors evolved. Whereas previously scholars had paid a fee to their teachers, and teachers withheld lectures when the fee was not sufficient, under the new system, the town or city set the fee by paying the professor a *salarium*.[75] Consequently, in order to compete with other towns, the University of Bologna adopted the concept of "endowed chairs." In A.D. 1280, the City of Bologna agreed to pay a salary to a professor as part of a contract between the professor and the university, and by the end of the fourteenth century, the number of endowed chairs had risen to at least twenty-one.[76] At first, the student body elected foreign professors to the Chairs, but gradually the City usurped control and appointed professors to the chair. Eventually it was stipulated that only citizens of Bologna were eligible for such appointments, and the City established a board, the *Reformatores Studii,* to appoint Doctors and to manage the state-related affairs of the *Studium*.[77] This pattern was followed by other towns and cities:

> Between the 14th and 15th Centuries, such a body was established by City Governments or the Prince in all Italian universities, and by the 16th or 17th Century, this body of external Governors succeeded in destroying student autonomy or reducing it to a shadow. Thereafter, supreme authority was exercised by the Legate and the "Sixteen."[78]

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[75]Ibid., 211-2.

[76]Ibid.

[77]Ibid., 213-4.

[78]Ibid., 214.

The "Sixteen" was a group of Doctors who examined and admitted graduate candidates, but the concept of such a inner circle controlling examinations and admissions went against all traditions surrounding "the privilege of promotion." In addition, "the power of the purse" had passed out of the hands of the *universitates scholarium,* and thereafter, the students lost control of the administration of the University of Bologna.[79]

University of Paris

Like the University of Bologna, the University of Paris grew up out of existing schools and can attribute its growth to the reputation of a few Masters who attracted students from all parts of Europe. Whereas in Italy the basis of many *Studia Generalia* was the *schola publica,* in France, the seeds were the cloister-schools; the University of Paris, in particular, germinated from the Cathedral School of Nôtre Dame. As early as A.D. 1127, there were too many teachers to be accommodated within or around the Cathedral of Nôtre Dame, and this situation prompted the Bishop to issue a Statute which restricted lodgings in the Cathedral to members only; therefore, many Masters moved away and began teaching "in houses built upon the bridges of the Seine."[80] These individual schools with their famous teachers, such as William of Champeaux and Abelard who specialized in teaching theology, formed the roots from which the University of Paris emerged. In contrast to Bologna,

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[79]Ibid.

[80]Ibid., 290.

however, it was the Masters who gained administrative control of the University of Paris.

The period during which the university evolved (A.D. 1100-1350) was dominated by quarrels between two religious orders, the Dominicans and the Franciscans, as well as by attempts of the Chancellor of Nôtre Dame to exert and extend the powers of his office over these fledgling schools of higher learning. Furthermore, schools, because they lacked possessions such as buildings, were able to migrate to another town, and this power of "cessation" was a formidable one since the town relied on the trade that a centre of higher learning generated.[81] Inevitable confrontations between any or all of the aforementioned entities resulted in one party or the other appealing to the pope who responded with papal bulls, and it is from these orders that historians have traced the emergence of the University of Paris as a corporation.

There is some evidence that a Society of Masters existed by A.D. 1209.[82] The Society, which was composed of the teachers of the Faculty of Arts, was formed to uphold the title of "master," because the Chancellor, if paid enough, would grant a *licentia docendi* to anyone regardless of their educational qualifications, thereby depriving the title of its credibility. Consequently, the Society made graduation a two-step process with the Chancellor and the Society of Masters each playing a role. No longer was

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[81]Laurie, 160-1.

[82]Rashdall, I, 300-2, 305; Daly, 48.

it sufficient for the Chancellor to grant a *licentia docendi* to the candidate; in addition, to be recognized as a "full Master," each *Licentiate* had to be examined by and received into the Society by "a public and duly authorized *Inception*."[83] Subsequently, in A.D. 1212, Pope Innocent III issued a papal bull that limited the Chancellor's powers by requiring him to grant licences for free "to all candidates recommended by a majority of the Masters in any of the superior Faculties of Theology, Civil or Canon Law or Medicine, or by six selected masters, three chosen by the Faculty and three chosen by the Chancellor."[84] Hence, it appears that as early as A.D. 1212, the Society of Masters were involved in the administration of the evolving *studium generale.*

Although the Chancellor and the Society of Masters played a role in the graduation process, by making it a two-step process, Faculties maintained the right to examine its own candidates and to regulate the studies and discipline of its students.[85] Even though the prestige accorded Masters of either Paris or Bologna ensured employment at other schools, Nicolas IV formally conferred upon the *licentiates* of Bologna in A.D. 1291, and of Paris in A.D. 1292, "the prerogative of teaching in all other Schools and Universities throughout the world, without any additional examination."[86] This privilege was the *jus ubique docendi.*

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[83]Rashdall, I, 307.

[84]Ibid., 310.

[85]Ibid., 325.

[86]Ibid., 396; Daly, 198.

Similar evidence indicates that four *nationes* were formed sometime between A.D. 1200-1222, and that these were established only in the Faculty of Arts.[87] As at Bologna, the divisions coincided with geographical regions and predominating nationalities -- French, Normans, Picards, and the English. The last one became known as the German *nation* following Cessation in A.D. 1229. The larger nations split themselves into "provinces" or "tribes" headed by a Dean.[88] Why the Society of Masters and the *nationes* formed only in the Faculty of Arts is a matter of speculation, but English historian Lowrie Daly suggested that since the Faculty of Arts was an "understudy" to the superior faculties (Theology, Law, and Medicine), it was likely that many of the Masters in the Faculty of Arts were scholars in the other Faculties, and therefore, the Masters would be represented by the Faculty of Arts.[89] Only when the superior Faculties became more established did they need their own representatives. By the end of the thirteenth century, the nations were quite independent within the university. They had a source of revenue, elected their own officers, and had a seal -- the three characteristic attributes of an independent organization or guild.[90]

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[87]Daly, 48-9.

[88]Rashdall, I, 321.

[89]Daly, 49.

[90]Ibid., 50; Rashdall, I, 322.

That the nations and the Society of Masters in Paris fashioned
themselves after guilds is evidenced by the titles of their administrative
officers -- Rectors, Proctors, Bedels, and so forth. Extant documents from
the University of Paris do not provide a clear picture of the processes by
which the guild of masters filled administrative positions, although a
great deal is known about how medieval guilds operated.[91] Whether by
election or appointment, each nation was headed by a Rector or Proctor[92]
who represented it and was responsible for disciplining their respective
members, but by A.D. 1249, the four Rector positions were reduced to a
single Rector who represented the *universitas,* and each nation was
headed by a Proctor.[93] The four Proctors, who each served a term of 4-6
weeks, selected and advised the Rector and formed a link between the
nations and the university.[94] In addition, the Proctors collected the
nations' revenues by obtaining the fees paid by new members, degree
candidates, and newly-elected members; supervised the celebration of the
feast days; presided over and kept the minutes of the nation's assembly;
and ensured that students lived in approved housing.[95] By the fifteenth

[91]Daly writes that "the methods of election ... at Paris were not as well
defined as those at Bologna, perhaps because the Bolognese were all apprentice lawyers.
Each nation at Paris worked out its own system." Daly, 52.

[92]Daly writes that the names appear to be used interchangeably at first, but in
1249, the positions were distinguished from one another. Ibid., 51; Rashdall, similarly,
notes that the positions were distinct. The term Rector was reserved for the head of the
whole body of Artists, while the term Proctor referred to the head of the Nations. Rashdall,
I, 315-6.

[93]Rashdall, I, 314-6.

[94]Daly, 52.

[95]Ibid.

century, the Proctor's treasury duties had been taken over by a Receptor or receiver who acted as treasurer and was responsible for collecting the various dues and fines.[96]

The superior Faculties, by A.D. 1270, were making their own Statutes (A.D. 1252), were headed by a senior Doctor who was addressed as *Decanus* (A.D. 1264), and had their own seals -- the three criteria essential to a Faculty. Furthermore, the Dean represented the Faculty at Congregation. Other officials of the university were similar to those found at Bologna. These were the Bedels, of which the most important was the Major Bedel who headed public processions and carried the silver mace, the *Syndicus* or university lawyer, the *Scribe* or secretary, and the *Stationarii* and *Librarii* who were either publishers, sellers, or lenders of books.[97] Paris also had a University Messenger, or *Nuntius,* of which there were two classes: the *Nuntii Majores* paid scholars monies advanced to them by parents, or loaned money to the scholars, while "petty" or "ordinary" messengers "carried consignments of goods or money back and forth between parents and scholars."[98]

The evolutionary process that brought together the constituent parts of the University of Paris was finished by the end of the thirteenth century.

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[96]Rashdall, I, 414; Daly, 53.

[97]Rashdall, I, 414-5; Daly, 54-5.

[98]Rashdall, I, 415.

> The process of welding the Faculties into the University-system was completed in 1281, when a University Statute formally lays down the principle that the acts (*facta*) of the Faculties are the acts of the University.[99]

By this time, the University of Paris was composed of four faculties, three of which were superior Faculties -- Theology, Canon Law or Decrees, and Medicine; the fourth was an "inferior" faculty, the Faculty of Arts.[100] Four *nationes* comprised the latter faculty and each was presided over by a Proctor. The Head of the Faculty of Arts was also the Rector of the University, while the other Faculties were each represented by a Dean. Each section was a corporation in its own right, with a recognized Head, Receiver, Bedels, a seal, statutes, and the right to form a Congregation. The General Congregation of the whole university consisted of all the Masters of all the Faculties, and at these business meetings, the principle of "majority rule" was adopted.[101] Hence, the Masters, through their representatives, administered the University of Paris.

The next centuries were punctuated with edicts which brought secular powers to bear upon the administration of the University of Paris and which began to displace the Society of Masters as the sole administrators. A Royal edict in A.D. 1445 proclaimed the jurisdiction of Parliament over the University; in A.D. 1474, the King ordered that the Rector be a French subject and, additionally, suspended the privileges of

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[99]Rashdall, I, 391.

[100]Ibid., 324.

[101]Ibid., 407-9.

the University; a year later, scholars were sent to war in direct violation of

their rights; in A.D. 1499, Louis XII abolished the "right of Cessation;" and

by A.D. 1619, the assembly of nations was prohibited, although this was not

completely suppressed until A.D. 1793. Perhaps the greatest change of all,

though, was the formation of a permanent board of deputies, a Tribunal,

which gradually assumed the General Congregation's role of

administering the University.[102] The Rector, Proctors, and Deans

comprised, in part, the Tribunal's membership. Just as the students lost

administrative control at the University of Bologna, so too did the masters

lose control over the administrative affairs of the University of Paris.

"Founding" Universities

> And this is what is meant by formally constituting an [sic]
> "university." It is the granting of a charter of incorporation to
> a community of learned men, securing these men as teachers
> in a certain position of dignity and emolument, and giving
> them as a corporate body powers to confer privileges in
> connection with the professions -- the public mark of the
> privilege being called a licence or degree.[103]

The key elements of a *studium generale* are most evident in the

papal or royal decrees that created universities and endeavoured to give

them the same level of prestige and recognition that the schools at Bologna

and Paris attained.[104] The decrees by which Emperor Frederick II

founded a *studium generale* at Naples in A.D. 1224, and by which Gregory

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[102]Ibid., 400.

[103]Laurie, 117.

[104]Rashdall, I, 10.

IX established a university at Toulouse in A.D. 1244, contain the following common elements that are characteristic of an institution of higher learning, whether in the thirteenth century or in the twentieth century: establishment of a location for the university; recognition of scholars and masters; granting of rights and privileges including the universality of a *jus ubique docendi;* and conferring of a certain degree of autonomy in managing and administering the university's affairs. With regard to the latter element, most universities patterned their administrative structure after the University of Paris or the University of Bologna, calling themselves either a *universitas scholarium* or a *universitas magistrorum.*

Colleges

The earliest colleges were nothing more than hospices or student living-places, sometimes set up by *nationes,* for poor student clerics.[105] Other hospices were associated with hospitals, such as some in Paris that set aside a bed or a room for a poor student who carried out a few simple, daily tasks for the hospital in return for his lodgings. Most colleges were endowed either by a benefactor or by a school. For example, in A.D. 1180, a benefactor paid a hospital near the cathedral of Nôtre Dame for a room that could accommodate eighteen poor students, and by A.D. 1231, this hospice had become an independent community established in a house of its own.[106] Thereafter, other types of colleges began to emerge, such as

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[105]Daly, 182.

[106]Ibid., 183-4.

the House of Sorbonne which accommodated masters wanting to undertake the long and difficult study leading to a doctorate in theology.

From Paris the concept of colleges as hospices spread to other European universities; however, over time, the meaning of the term "college" changed, and it came to denote a "society formed for the purpose of study or instruction."[107] While studying the administrative structure of colleges is outside the scope of this thesis, it may be noted that the first colleges appear to have been administered by the university, and that they were associated with housing poor students who sought a higher education.

Nineteenth Century Developments

> The conception of a university as a research institution was in a large part a German contribution.[108]

The revival of German philosophy in the eighteenth and early-nineteenth century led to the evolution of the function of research that was incorporated into the concept of universities. For several decades, scientists and speculative philosophers disputed with one another because the former strove to explain nature through quantitative measurements and careful observation, whereas the latter believed nature was

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[107]Ibid., 182.

[108]Richard Hofstadter and Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York : Columbia University Press, 1955), 369.

explainable through *a priori* schemes that could be derived intuitively.[109]
Gradually, scientific methods won acclaim, and after about A.D. 1840,
"intense specialization, rigid objectivity, the mustering of footnoted
evidence, became the hallmarks of German scholarship."[110]

Prior to the 1850s, American scholars and educators, while
inspired by the German universities, were "more impressed by the
advancement and specialization of their teaching rather than by their
commitment to scholarly research," but by 1876, when the Johns Hopkins
University was founded, this attitude had changed.[111] Johns Hopkins
University was a graduate school modeled after the German universities,
and its focus was

> the encouragement of research; the promotion of young men;
> and the advancement of individual scholars, who by their
> excellence will advance the sciences they pursue, and the
> society where they dwell.[112]

Whereas the concept of research in the German universities was
embedded in the larger notion of science or *Wissenschaft* (a term that
signified a dedicated, sanctified pursuit of general knowledge and
universal study), in American universities, the term "research" became
associated solely with scientific specialization and the notion of "pure

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[109]Ibid., 372.

[110]Ibid.

[111]Ibid., 375.

[112]Ibid., 377, footnote 35.

science" with methodological connotations, thus abandoning the larger, contemplative idea of "investigation and searching."[113]

The growing thrust of research in the United States became evident in hiring and promotion practices, as well as in how university resources were used. Historian Laurence Veysey wrote that in 1880 "Harvard first granted sabbaticals on half-pay to its faculty members," and that around that time, "Harvard undergraduates began using the college library in sgnificant [sic] numbers for research purposes."[114] As early as 1892, the University of Wisconsin stipulated that the publication of scholarly studies was essential for advancement. Throughout the United States, by 1893, the general trend was that "some amount of graduate work was required to win a permanent appointment at nearly every prominent institution," and a Doctor of Philosophy (Ph.D), or research "which gave the professor 'a national reputation'" was a necessity for promotion by 1900.[115] Veysey concluded that:

> As far as official demands upon the faculty were concerned, by 1910 research had almost fully gained the position of dominance which it was to keep thereafter.[116]

Thus, research became one of the university's functions, but it also became an integral part of almost every professor's competence.

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[113]Ibid., 373; Laurence R. Veysey, *The Emergence of the American University* (Chicago : The University of Chicago Press, 1965) , 127.

[114]Veysey, 175.

[115]Ibid., 176-7.

[116]Ibid., 177.

As a result of the emphasis placed on research in academic institutions, and the publishing of one's findings, knowledge in the sciences began to expand rapidly, and this precipitated the establishment of specialized disciplines within broader subject areas. The management of these specialized areas of study led to the formation of departments, each with an administrative head. Hence, the addition of a research function had a direct impact upon the administrative structure of the university.

Conclusion

Modern universities have inherited a great deal from their medieval and nineteenth century counterparts. Underlying the entire evolution of universities are four traditional functions that continue to be evident in institutions of higher learning. The primary function was, and continues to be, "teaching" to convey knowledge. "Service to the community" was the second function of medieval universities because, in the beginning, these centres of higher education had a practical purpose since students sought masters who could teach them how to practice or apply the "new knowledge" that was gleaned from the Arab scholars, particularly in the fields of medicine and law. Scholars also sought to study under learned masters so that they could obtain a *licentia docendi* and thereby earn a living for themselves by teaching other students. Hence, teaching and service to the community were integral functions of the first universities.

The sheer growth in numbers of students and teachers that were attracted to schools specializing in certain fields of study necessitated the third function: "sustaining itself." Guilds provided the first framework for an administrative structure that allowed the university to manage and sustain itself as a corporation; a structure that was altered slightly in the nineteenth century with the addition of the "research" function to universities. Initially, the research function was linked to the service to the community function because, in many of the land-granted universities of the United States, research originated "in a client's need and ended in a client's satisfaction;"[117] however, in subsequent years, research became a function of its own right because it was associated with methodological studies in the sciences.

While all four of these functions are evident in twentieth century, modern universities, there is little doubt that the major characteristic inherited from medieval universities has been their administrative structure, the fundamental organization of an institution of higher education. The guild system of organization, with its Rectors, Counsellors, and appointed officials, was adopted by the *universitates* and has been carried down through the centuries. Evidence of that administrative structure remains in twentieth century universities where Chancellors serve in a ceremonial capacity during the granting of degrees at convocations or "inceptions," Rectors or Presidents head the universities, Boards of advisors counsel the presidents, and Senates

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[117]Hofstadter and Metzger, 382.

administer the curricula of studies. This latter body, the Senate, may be considered an evolution of the *universitas scholarium* or the *universitas magistrorum*. The Faculties, which are composed of Departments, Schools, and Centres that were formed to concur with specialized areas of study, comprise another level in the administrative structure of the modern university. In addition, universities continue to be composed of professors and students. Professors are entrusted with conveying knowledge to the students, and since the nineteenth century, they endeavour to learn with the students during the course of research projects and graduate seminars. Many professors also act in an administrative capacity as Chairpersons or Deans. Altogether, these juridical persons allow the university to administer and sustain itself. Thus, throughout the centuries, the administrative structure of universities has remained relatively unchanged from that established by the medieval institutions of higher education.

Rashdall pointed out that the development of universities into corporate organizations was a four-stage process, and Daly summarized this process as follows:

> The first was the codification of unwritten customs into some sort of a body of written law governing the university.
>
> A second characteristic is found in the legal right of a corporation to sue or be sued.
>
> Thirdly, an official seal was needed to affix to the bond to insure repayment when money was borrowed.

Finally, to go about the business of collecting money and directing legal procedures, the university needed some officials.[118]

In modern time, provincial legislation replaces most charters and serves to codify the unwritten, medieval customs into a body of written law. Legislation, like charters, creates an incorporated community and endows universities with a certain degree of autonomy, legal existence, jurisdictions and privileges, and financial rights.

Two other traits are characteristic of modern universities: a permanent location and the issuing of diplomas. Through association with a physical location and facilities, modern universities have acquired a degree of permanency that was uncommon to universities in the Middle Ages. Land has either been granted to or purchased by universities, and buildings have been constructed upon that property. Consequently, the modern community of scholars and masters is associated with a fixed, geographical place. Also, modern universities continue to grant degrees to graduates, just as medieval universities granted diplomas to graduates as "something tangible and external to show" for a period of study with masters.[119]

Legislation, administrative structure, permanency of location, degrees, functions -- these are some of the characteristics of modern

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[118]Daly, 21-2.

[119]Haskins, 1.

universities that have been inherited from medieval or nineteenth century institutions of higher learning.

Chapter Two

The Sustaining Itself Function

As outlined in the previous chapter, medieval universities were managed by a guild, either the *universitas scholarium* or the *universitas magistrorum,* which was self-governing and independent. During their formative years, the medieval universities acquired certain rights and privileges; later, these rights and privileges, including the right of the university to operate as an independent, self-governing body, were formalized in charters issued by the ruling monarch or the Pope. The charters also stated that neither the State nor the Church could interfere in the institution's affairs. Gradually, however, *universitates* lost administrative control of the *studium generale.* Town magistrates not only subscribed chair positions, but they began to dictate who was eligible to fill these positions. By the end of the Middle Ages, a permanent board of deputies or a Tribunal, constituted by the Rector, Proctors, and Deans, formed the ruling body in most universities, and this body was responsible for governing the university.[1]

In Canada, by the 1900s, the function of medieval charters was accomplished by provincial government legislation that established universities within provinces. Within these acts, the university continues

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[1]Rashdall, I, 400.

to be recognized as an independent, self-administered institution, free from the State's interference, although the university is responsible to the State through a Minister of the government. Further, just as medieval universities welcomed both ecclesiastical and non-ecclesiastical scholars, the modern university remains non-denominational and non-political in principle.[2] What has changed, though, is the administrative structure of the university. Whereas the medieval university could be managed by a single ruling body, the modern university has become a complex institution administered by numerous juridical persons.

From the Canadian legislation related to universities, it appears that only one province formally constituted the university as a juridical person, thereby giving it the capacity to act legally, and outlined its competence. Under Section 46 of the *University Act* of British Columbia, the university is responsible for the following: establishing and maintaining colleges, schools, institutes, faculties, departments, chairs and courses of instruction; providing instruction in all branches of knowledge; establishing facilities for the pursuit of original research in all branches of knowledge; establishing rewards and providing pecuniary remuneration to facilitate or encourage proficiency in the subjects taught in the university and original research in all branches of knowledge; providing a program of continuing education in all academic and cultural fields; and, carrying out the work of the university through the cooperative

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[2]The formation of special colleges or theological institutions within a province, and their affiliation with a university is not precluded, though. Usually, this matter is addressed in a section of the legislation that enacts universities.

efforts of the Board of Governors, the Senate, and other constituent part of the university.[3] From this list it is apparent that, in British Columbia, a university's competence encompasses the four functions of a university -- Teaching, Research, Service to the Community, and Sustaining Itself.

The "carrying out of the work of the university" refers to the Sustaining Itself function, which is a very large function because it incorporates the whole of the activities encompassed by the administrative and academic management of the university. Consequently, to facilitate analysis, the Sustaining Itself function has been subdivided into three sous-functions -- the Governance sous-function, the Executive sous-function, and the Support Services sous-function.

Governance Sous - function

In most Canadian universities, a bicameral system of governing is employed, whereby the Board of Governors and the Senate cooperate to manage the administrative and academic affairs of the university.[4] Therefore, the Governance sous-function, which is the largest of the sous-functions, can be defined as the whole of the activities, considered abstractly, necessary to manage the whole of the academic, administrative, fiscal, and legal affairs of the university.

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[3]*University Act, Revised Statutes of British Columbia, 1979,* c. 419, s. 46.

[4]The bicameral system of government was abolished at the University of Toronto, following passage of the 1971 University Act which established a Governing Council to direct both administrative and academic matters. *The University of Toronto Act, 1971, Statutes of Ontario, 1971,* c. 56.

The juridical persons most frequently constituted in provincial legislation establishing universities, and the ones to whom the Governance sous-function is entrusted, are as follows: Visitor, Convocation, Chancellor, Board of Governors, Senate, President or Rector, Registrar, Chairpersons, Deans, and Controller. Some of these juridical persons are constituted as a collection of physical persons, such as the Senate, while others are constituted as a succession of physical persons, such as the President. In the accompanying sections, the juridical persons comprising the Governance sous-function, and their respective competences, will be examined and discussed.

Visitor

Not all Canadian university legislation establishes the juridical person Visitor, and some acts contain a section abolishing the position. In institutions where the position exists, however, it is an honourific one usually filled by the Lieutenant Governor of the province, and hence, the position of Visitor is a juridical person constituted by a succession of individuals. The Visitor's competence is limited to carrying out "those acts that pertain to visitors as to him seem proper."[5] At the University of British Columbia, for example, the Visitor attends special dinners and ceremonial events, such as the University's recent Seventy-Fifth

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[5]*University of Saskatchewan Act, Revised Statutes of Saskatchewan, 1978*, c. U-6, s. 9.

Anniversary Open House, presents the Governor General's Award for academic standing, and may host visiting international dignitaries.

Convocation

The juridical person Convocation is a collection of physical persons who have been either appointed or elected. While the actual composition and size of this office may vary depending upon legislation, the common practice seems to be that the following juridical persons comprise the position: the Chancellor, who also acts as the chairman of Convocation; the President; all members of the Senate; all graduates of the university; and any classes of person that the Senate may choose to add. Whereas the medieval university's Congregation had the power to ratify or reject rules and was the governing body of the university, the modern university's equivalent, Convocation, has considerably less power and authority than Congregation, although Convocation has absorbed some of the *universitas magistrorum's* jurisdiction over the conferring of degrees. Convocation's primary duty is to elect the Chancellor of the university. Its supplementary responsibilities include considering questions that affect the interests and well-being of the university and making representations thereon to the Senate or the Board of Governors.[6]

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[6]*University of Regina Act, Revised Statutes of Saskatchewan, 1978,* c. U-5, s. 11(c).

Chancellor

The Chancellor, like the Visitor, represents an honourific position. One person is elected by the Senate or by Convocation to be Chancellor, and hence, this juridical person is constituted as a succession of persons. The Chancellor's competence has been inherited from the medieval universities and remains relatively unchanged. He is accorded the distinction of being the titular head of the university, and in this capacity, is the representative of the university at all ceremonial occasions. In addition, at some institutions, the Chancellor is Chairman of Convocation, presides over Convocation ceremonies, and confers degrees on behalf of Convocation. The Chancellor is also a member of the Board of Governors and the Senate. Even though he is the titular head of the university, the modern Chancellor's authority is limited by legislation to the powers accorded him in the act. This restriction of power reflects a period in the Middle Ages when the Chancellor, who was head of the Church, interfered with the granting of the *Licentiate,* thereby prompting Pope Innocent III to issue a papal bull limiting the Chancellor's powers.[7]

While it would be unusual for today's Chancellor to hold an ecclesiastical office (given that Canadian universities strive to be non-denominational in principle), the candidate for the office of Chancellor must still meet certain criteria. For example, he must be a Canadian citizen or a legally registered permanent resident, and he must have been a member of Convocation for a specified period. The Chancellor's term of

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[7]Rashdall, I, 309.

office varies slightly from province to province, but most legislation concurred on a first term of either three or four years, with eligibility for one re-election. Hence, the juridical person Chancellor could serve in ceremonial affairs as the titular head of a university for as long as eight years in some provinces.

Board of Governors and the Senate

Modern universities maintain the division between academic affairs and administrative affairs that the *universitates* established long ago. Whereas the *universitas magistrorum* managed the academic affairs in the medieval university, the Senate is responsible for the twentieth century institution's academic affairs, while the Board of Governors has replaced the ruling *universitas*. Having evolved from the *universitates,* the Board of Governors and the Senate retain the rights and privileges of guilds, which is to be independent, self-governing bodies. Consequently, each body makes its own rules and by-laws concerning how it will conduct its business, maintain its records, and so forth. Because Canadian universities employ a bicameral system of governing, though, the Board of Governors and the Senate must cooperate with one another to jointly manage the administrative and academic affairs of the university.

Board of Governors

Legislation respecting universities designates the Board of Governors as the supreme governing body of the university with responsibility for "the government, conduct, management and control of

the University and of its property, revenues, business and affairs."[8] By the legislated power and authority vested in it, the Board of Governors is an entity that has the capacity and potential to act legally, and therefore, it is a juridical person. Further, it is a juridical person constituted by a collection of physical persons since the Board of Governors is composed of a specified number of individuals, some appointed and some elected. The juridical persons that comprise the Board are: Chancellor; President; a specified number of faculty members, students, and non-academic staff; and a fixed number of citizens who are appointed by either the Lieutenant Governor in Council, or by the Minister responsible for universities, or by the Senate. The total number of members of the Board varies from as low as fifteen to as high as thirty-two, depending on provincial legislation.

The term of office for members of the Board of Governors is consistent in the university acts. The premier term is for three years, with all members eligible for a second term. Subsequent terms of service are allowed after the expiry of a specified period of time, usually a minimum of one year. In order to provide continuity between terms of service, a rotation system is used to ensure that only a portion of the Board members retire each term, thereby allowing for new members to be brought onto the Board of Governors.

While the principal duty of the Board is to select, appoint, or remove the President or Rector of the university, its competence also

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[8]*University of Ottawa Act 1965, Statutes of Ontario, 1965,* c. 137, s. 11.

includes responsibility for appointing, promoting, and removing the
following: all officers of the university and faculties, such as the vice-
presidents, librarians, and chairpersons or deans; the teaching staff of the
university, such as professors, associate professors, lecturers, and so
forth; and all other officers, clerks, employees, agents, and servants as
considered necessary for the purposes of the university. In addition, the
Board defines employee's duties and terms of office including tenure.

Other supplementary duties that make up the Board's
competence include accepting and evaluating recommendations from the
Senate with respect to academic affairs, and deciding whether
implementation is feasible based on the current financial commitments of
the university. In addition, the Board, being responsible for the monetary
affairs of the university, approves the salary and remuneration levels for
all employees of the university.

The powers of the Board extend beyond the immediate
administrative concerns of managing and governing the university.
Given that Research is one of the functions of a university, it is not
surprising to find that legislation assigns to the Board of Governors
competence in monitoring the acquisition of patents, copyrights,
trademarks, tradenames, and other proprietary rights of interest or
assignable to the university.

Although the Board of Governors is the legally supreme
governing and administrating body of the university, in order for it to

accomplish the spheres of activities that comprise the Governance sous-function specifically, and more generally, the Sustaining Itself function, the Board must delegate authority to other juridical persons who are the constituent parts of the university. Provisions have been made in each university act to enable the Board of Governors to delegate any of the powers conferred upon it by legislation. Some of the recipients of this delegation of authority will be discussed in the Executive and Support Services sous-functions.[9]

Senate

The academic responsibilities of the Governance sous-function are entrusted to the Senate,[10] which is composed of a number of juridical persons: the Chancellor; the President, who in some institutions is legislated as the Chairman of the Senate; the academic Vice-President (where applicable); the Chairperson, Dean, Head, or Director of each faculty, including continuing education or extension departments; the Registrar; a specified number of faculty members and students, who are elected; a fixed number of persons elected by Convocation; and an

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[9]Sir James Duff and Robert O. Berdahl, Commissioners, *University Government in Canada* (Toronto : University of Toronto Press, 1966) , xi.

[10]In Alberta, the General Faculties Council is the senior academic body of the university. The Senate's mandate is to inquire into any matter that might tend to enhance the usefulness of the university. It is also charged with receiving and considering submissions from anyone interested in the university; arranging for public meetings, radio and television programs, and any other means of acquiring and providing information with respect to the university and its functions that it considers appropriate, and in consequence thereof make any report and recommendations that it considers advisable to the Board, or the General Faculties Council, or to the Minister responsible for institutions of higher education. *Universities Act, Revised Statutes of Alberta, 1980,* c. U-5, s. 12.

established number of citizens appointed by the Lieutenant Governor. In cases where there are affiliated or federated colleges or universities, such as theological colleges, a provision has been made for representatives from these institutions to sit as members of the Senate, too. Further, some universities make provision for the Minister responsible for institutions of higher learning, or his representative, such as the Deputy Minister, to be an *ex officio* member of the Senate. Additional members may be appointed by the Senate itself. Hence, the Senate consists of elected and appointed juridical persons.

The total number of Senate members varies substantially from institution to institution, depending upon the combination and permutation of members elected or appointed to the Senate. In provinces where a university's Senate is quite large, the act provides for the formation of an executive committee consisting of the Chancellor and a specified number of members of the Senate to be selected annually by the whole Senate.[11] This provision ensures that the business of Senate is not impeded.

The Senate is the highest academic body in the university, and its competence includes and extends over all matters dealing with the control, regulation, and determination of the educational policies of the university.[12] Other areas of responsibility that have evolved to the Senate

[11]Ibid., s. 14(1).

[12]Duff and Berdahl, xi.

from the *universitates* are: authority over standards of admission for students; the appointing of examiners; the conducting of examinations; the setting of qualification requirements for degrees and diplomas; the granting of certificates and diplomas; and the conferring of the degrees of Bachelor, Master, and Doctor as well as honorary degrees. Further, the Senate is responsible for disciplining students, which was one of the Rector's duties in the medieval universities.

Supplementary duties of the Senate include advisory responsibilities such as the appointing of committees and councils to study matters that relate to the academic affairs of the university. While these committees may study and recommend the establishment of any faculty, school, department, chair, or course of instruction, or may propose major changes or revisions in the curricula, final approval or non-approval for implementation rests with the Board of Governors.[13] This advisory role that the Senate embraces serves to emphasize once again that a bicameral system of governing is employed in Canadian universities, and hence, the Senate and the Board of Governors must work together to manage the academic and administrative affairs of the university.

President

The juridical person President, which consists of a succession of individuals, corresponds to the office of Rector in medieval universities.[14]

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[13]*University of Regina Act, RSS,* s. 33 (1) (c).

[14]In some Canadian institutions, such as the University of Ottawa, the title Rector has been retained for the head of the university.

The President is usually selected and appointed to the position by the Board of Governors in modern universities, rather than being elected by the *universitas* as was the custom in medieval institutions. In his capacity as chief executive officer of the university, the President's competence continues to include responsibility for student discipline just as it did in medieval times, although this duty has become a minor one in modern times.

The President's primary competence revolves around directing and supervising the business and academic affairs of the institution. In order to fulfill these duties and responsibilities, the President operates cooperatively with the two supreme juridical bodies that are entrusted with the Governance sous-function, the Board of Governors and the Senate. Often, as part of his competence, the President is appointed chairman of the latter administrative body. His other responsibilities include recommending to the Board the appointment, promotion or removal of any academic or non-academic staff, and the preparing and presenting to the Board of an annual report on the academic affairs of the university. The President is also the Vice-Chancellor of the university. In the absence of the Chancellor, the Vice-Chancellor represents the university at ceremonial occasions, is chairman of Convocation, and may confer degrees. From this review of responsibilities, then, it is evident that the President's competence embraces the authority and capacity to carry out a specified sphere of activities within the Governance sous-function, and that these activities are undertaken toward accomplishing the larger Sustaining Itself function.

Vice-Presidents

Vice-Presidential positions are formed when the President delegates some of his authority to other individuals. Some of these juridical persons will be discussed in the context of the Executive sous-function.

Registrar

The Registrar is a juridical person constituted by a succession of individuals. Although he is appointed by the Board of Governors, in most universities the Registrar receives his authority from both the Board of Governors and the Senate, and hence, his competence reflects this connection with the operational aspects of a university. The Registrar is charged with the secretarial duties of the university, and in this capacity, one of his responsibilities is to establish and maintain the roll of Convocation which is the list of graduates of the university. Additionally, the Registrar is the secretary of the Convocation and sends a written notice of nomination to each candidate for the office of Chancellor and to prospective members of the Senate. He also receives résumés from the nominees, and reports the results of the election to the Senate. In some institutions, the Registrar may be designated as the secretary of each faculty.

Chairpersons, Deans, Heads, Directors

Various titles are used to indicate the juridical person who is responsible for the administration of an academic body. In some institutions, the titles Chairperson, or Chairman, and Dean are reserved for administrators at the faculty level, whereas the titles "Head" and "Director" are reserved for administrators of subordinate academic bodies, such as a Department, School, or Centre. Regardless of the administrative level of the academic body, the juridical person in question is designated as the chief executive officer of that body and is responsible for directing and generally supervising the work of the academic body entrusted to him. His competence also includes ensuring that students receive instruction and training appropriate to the discipline of study over which he presides. Provisions in the legislation allow the executive officer of each academic body to delegate his authority to subordinates, thereby ensuring that the sphere of activities comprising the Governance sous-function is accomplished.

Executive Sous-function

The modern university is larger and more complex than its medieval counterpart, and consequently, the administrative structure has become larger and more complex, too. This growth and complexity has resulted in the formalization of distinct, specialized spheres of activities.[15] Although the primary mandate of a modern university is to convey

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[15]Clark Kerr, *The Uses of the University* (Cambridge : Harvard University Press, 1972), 28.

knowledge, like its medieval ancestor, universities must be viable business entities capable of sustaining themselves administratively and financially.[16] It was evident in the Governance sous-function that an administrative structure is constituted by legislation, and that juridical persons are entrusted with various responsibilities toward accomplishing that sous-function. The juridical persons comprising the Executive sous-function, however, are not defined by the university acts or charters of incorporation; rather, they are constituted by juridical persons to whom some juridical persons involved in the Governance sous-functions, such as the Board of Governors or the President, delegate part of their competences and authority.

These subordinate juridical persons tend to be collective persons in the form of an administrative work unit called a Department, and each Department has a defined purpose or function.[17] Within these Departments, authority is delegated to other subordinate bodies, who in turn delegate authority downward until, at the lowest level of the administrative structure, the juridical person's competence comprises a specified sphere of activity with very narrowly defined tasks that have been linked to form a "job" that an individual is charged with executing. Thus,

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[16]*University Act, RSBC,* s. 46 (b); *University of Regina Act* and the *University of Saskatchewan Act, RSS,* s. 4(a).

[17]According to organization theory, in a functional structure, all work is grouped into major functional departments or divisions; that is, all related work of one kind is placed in one organization component (a department or a division.) Hence, each department or division has an identifiable function or purpose. Louis A. Allen, *Management and Organization* (Toronto : McGraw-Hill Book Company, Inc., 1958) , 78.

administrative Departments, and the individuals that comprise them, can be considered an evolution of the medieval university Bedels, because it was the Bedels who actually carried out the tasks, such as ensuring that classrooms were clean and that there was straw on the floor. Modern Bedels, in the form of Departments, concern themselves with affairs such as parking, security, student housing, and maintenance of the university's buildings and facilities.

It is these Departments that comprise the juridical persons of the Executive sous-function. Identifying all the administrative Departments, offices, managers, and employees at any level of the organizational structure comprising the Executive sous-function, and determining their respective competences, is a monumental task that requires access to detailed organization charts (if they exist), to job descriptions for every position in the university, and to various office administrators, such as Vice-Presidents and Managers. Consequently, for the purposes of the present study, the Departments have been grouped according to the five subject categories established by the Public Archives of Canada for the classification of housekeeping records created by every type of administrative body and outlined in its publication Subject Classification Guide: administration; buildings and properties; equipment and supplies; finance; and personnel.[18] No attempt will be made to differentiate between administrative and operational departments, offices, or positions.

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[18]Public Archives Canada, *Subject Classification Guide* (Canada : Supply and Services Canada, 1975). The Public Archives of Canada is now known as the National Archives of Canada.

Because titles vary, even though the areas of responsibility appear similar, names have been synthesized in order to present a generic Department name that conveys its competence. As noted earlier, each Department is made up, usually, of subordinate divisions or offices, each of which is entrusted with an area of responsibility or a sphere of activity that is executed, eventually, by single individuals. Whereas an institution's working archivist would have access to organization charts and job descriptions and, therefore, be able to determine the specific juridical persons attached to each Executive sous-function, this study will take a more broad-based approach and list representative juridical persons that are associated with each category of the Executive sous-function.

Finance-Related Juridical Persons

The juridical persons comprising the finance-related activities of the Executive sous-function are the Departments, and their offices and personnel, charged with a wide variety of operations such as accounting, auditing, banking, budgeting, investing, ascertaining awards and bursaries, and so on. The following list is indicative of the types of juridical persons that have been constituted to carry out the finance-related duties of the university:

Vice-President, Finance
Controller's Department
Accounting Department
Auditor's Department
Awards and Bursaries Department
Budget Department
Endowments, Investments and Trusts Department
Financial Management Department

Financial Planning Department
Financial Statistics Department
Financial Systems Department
Fund Raising Department
Internal Audit Department
Payroll Department
Student Financial Aid Department
Treasurer's Department

In order to facilitate an understanding of how the administrative structure can be separated into components comprising juridical persons, one office in the finance-related activities has been analyzed as an example of how a sphere of activities can be parcelled out to specific Departments, and thereafter, how individuals can be discerned. Information for this detailed study has been drawn directly from organization charts obtained from the University of British Columbia.

In the University of British Columbia's administrative structure, the most senior juridical person is the Vice President, Finance, and subordinate to him are two Directors: the Director of Budget and Planning, and the Director of Financial Services. Hence, the Directors, each constituted as a succession of individuals, as well as their respective Departments, are juridical persons because each entity has the authority and capacity to carry out a determined group of activities. Within the Budget and Planning Department are two additional juridical persons: the Operating Budget section, and the Institutional Resource and Planning section (see figure 1). Each section is headed by a manager, and subordinate to each manager are a number of analysts, clerks, and clerical staff. While the competence of each person (thirteen in total) that

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                    ┌─────────────────────────────┐
                    │       VICE-PRESIDENT        │
                    │   Administration & Finance  │
                    └─────────────────────────────┘
                                   │
                    ┌─────────────────────────────┐
                    │          DIRECTOR           │
                    │     Budget & Planning       │
                    └─────────────────────────────┘
                                   │
        ┌──────────────────────────┴──────────────────────────┐
┌─────────────────────┐                              ┌─────────────────────┐
│      Manager        │                              │      Manager        │
│  Operating Budget   │                              │   Inst. Res./Plan   │
└─────────────────────┘                              └─────────────────────┘
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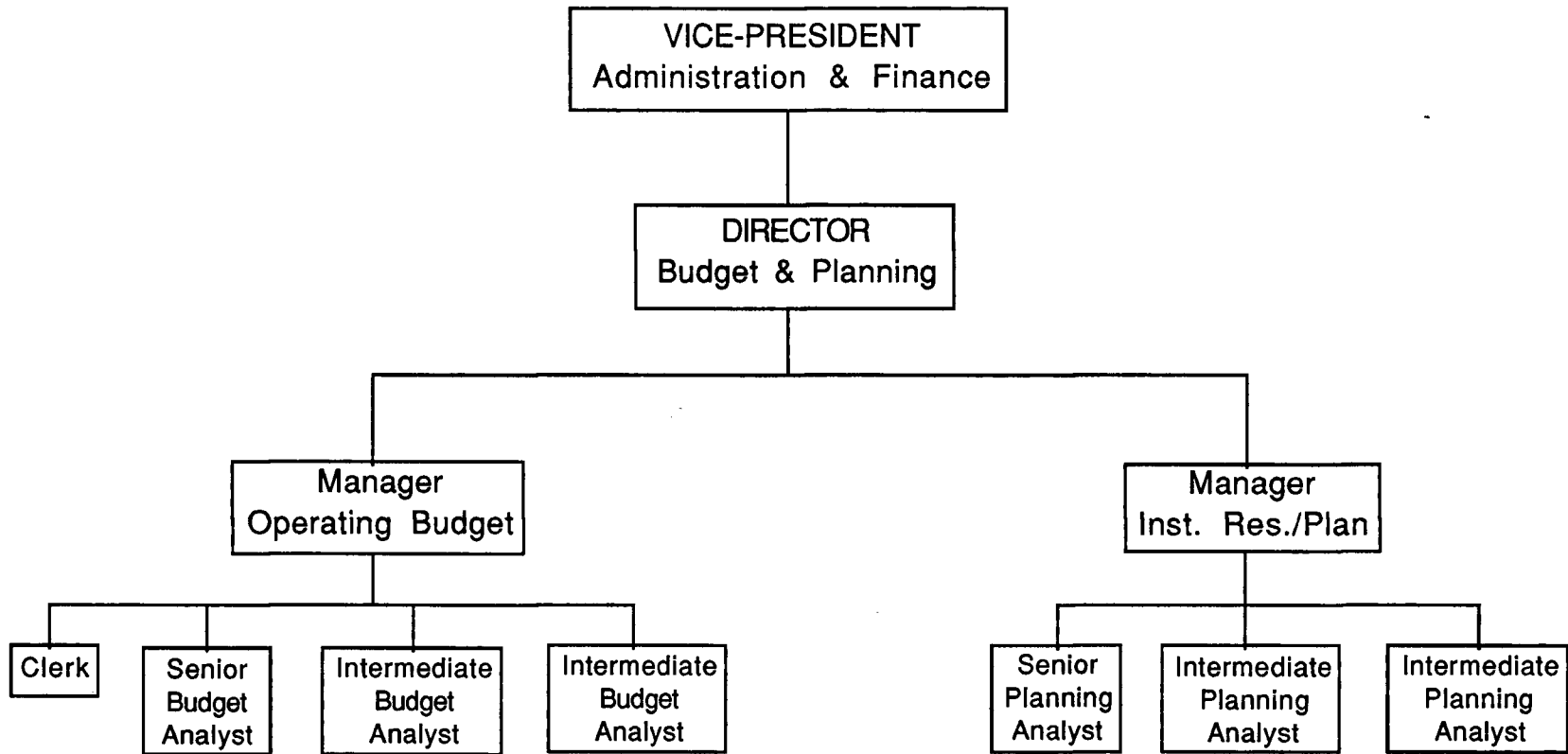
Figure 1   Office of Budget and Planning

comprises the Budget and Planning Department could be determined by examining each one's job description, it is more important to note that each person has the authority and capacity to carry out certain tasks and duties, the fulfillment of which constitutes that person's job. Furthermore, the Department's competence is to accomplish a determined group of budget-related and financial planning-related activities within the Executive sous-function.

The structure of the Financial Services Department is like that of the Budget and Planning Department (see figure 2). The second level of management consists of five juridical persons -- financial systems manager, controller, treasurer, chief accountant, and office manager; the third level consists of additional juridical persons who are either assistants, supervisors, officers, or accountants; and the fourth level consists of an officer. As noted previously, each person's competence (twenty in total) could be determined from his job description. Administratively, what makes the Financial Services Department different from the Budget and Planning Department is that a fourth level of management exists, and at the tertiary level, the Financial Services Department consists of numerous unique positions. For example, there is an assistant controller, a supervisor of accounts payable, a supervisor of payroll, and a supervisor of general accounting, whereas in the Budget and Planning Department, there are two intermediate analysts and one senior analyst.
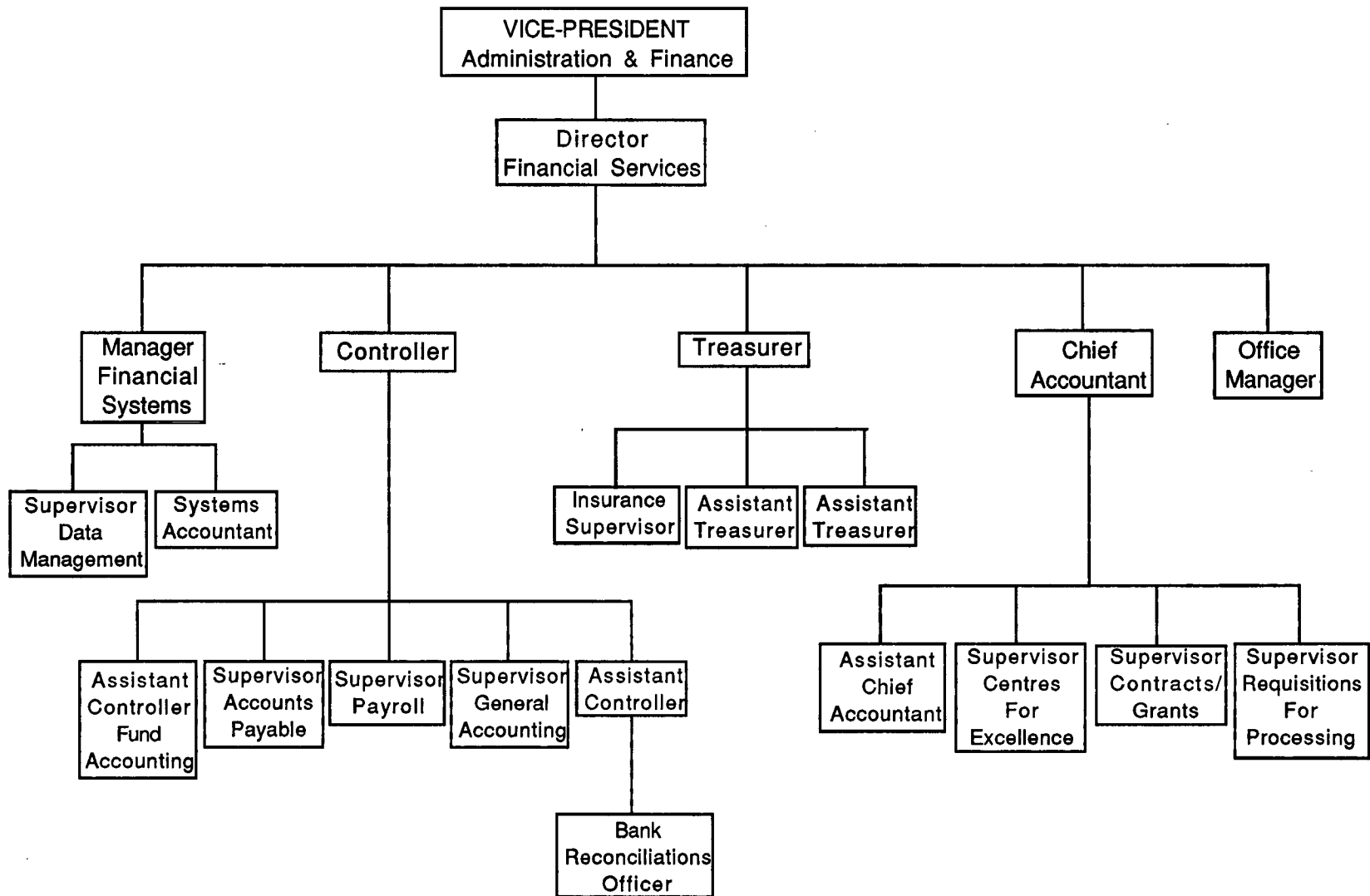
Figure 2   Department of Financial Services

The foregoing analysis reveals the depth to which the management levels of an organization's administrative structure must be unravelled when an archivist endeavours to determine juridical persons, the function with which they are entrusted, and their competences. In summary, each Department is a juridical person constituted by a collection of physical persons, and at the lower levels of the management structure, each juridical person is constituted as a succession of individuals. Since individuals execute the actions and activities of the Department, section, or office, each person's competence is the portfolio[19] of specified tasks, within a determined sphere of activities, that the person is expected to perform.

From what has been described, and by drawing upon the principles of organization theory, it can be deduced that other Departments, for example the Endowments, Investments and Trusts Department, would be composed of a number of juridical persons at various levels.

Administration-Related Juridical Persons

The juridical persons comprising the administration-related activities of the Executive sous-function are the Departments, offices and personnel charged with a wide variety of managerial and administrative services: handling inquiries and complaints; issuing information

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[19]A term used by Duranti when defining a competence. Luciana Duranti, "Diplomatics: New Uses for an Old Science (Part III)," *Archivaria* 30 (Summer 1990) : 19, footnote 10.

brochures about the university as a whole; ensuring that the university complies with various acts and regulations including the act that established it; managing a variety of campaigns (fund raising, university-awareness, and so forth); compiling reports; arranging and attending a multitude of meetings; and hosting the university's numerous visitors. While the foregoing list of activities barely scratches the surface, it does serve to emphasize that each of the following Departments must contain numerous subordinate bodies in order to carry out these groups of activities, and thereby accomplish one subordinate function of the Executive sous-function. The administration-related juridical persons are:

> General Administration Department
> Admissions Department
> Alumni Relations Department
> Campus Mail Services Department
> Ceremonies Department
> External Affairs Department
> Information Systems Management Department (includes
>   computing services)
> Risk Management Department
> Telecommunications Department
> University Planning and Development Department

Buildings and Properties-Related Juridical Persons

Departments, offices, and personnel who are the juridical persons entrusted with the buildings and properties-related activities of the Executive sous-function's competence are concerned with the acquisition, rental or construction of buildings; the maintenance of buildings and properties; the purchase of lands; the providing of fire protection services; the maintenance and providing of utilities such as

electricity, plumbing and heating, water and sewage; and so forth. These

juridical persons are:

> Campus Planning and Development Department (construction)
> Campus Security Department
> Facilities Planning and Management Department
> (maintenance) for athletic and sports facilities for students
> and staff
> Fire Protection Department
> Grounds Maintenance Department (gardeners)
> Housing Services Department
> Parking or Transportation Department
> University Architect's Department
> Utility Services Department (includes electricity, heating, air-
> conditioning, and so forth)

Equipment and Supplies-Related Juridical Persons

The juridical persons affiliated with the equipment and supplies

aspects of the Executive sous-function are responsible for a wide-ranging

field of activities that include some of the following: the procurement,

storage and issuing of stationery supplies and office furnishings; the

purchasing and maintenance of office equipment such as photocopiers,

microfilming equipment, and computers (as a hardware item); the

purchase and maintenance of vehicles; and the disposal or re-cycling of

surplus equipment. The equipment and supplies-related juridical persons

are:

> Materials Management Department
> Surplus Equipment Recycling Department
> Purchasing Department
> Technical Services Department

Personnel-Related Juridical Persons

The responsibilities entrusted to juridical persons in personnel-related activities of the Executive sous-function pertain to the employment of academic and non-academic staff; the establishment of policies; salaries and wages; promotions; training and development; manpower planning; staff relations, including collective agreements and union relations; and the general welfare of employees of the university. These juridical persons are:

> Academic and Non-Academic Employee Records Department
> Employee Benefits Department
> Employee Relations Department
> Employee Pensions Department
> Occupational Health and Safety Department
> Personnel Policy and Faculty Relations Department
> Personnel Services Department
> Salary Administration Department
> Staffing and Organization Development Department

Support Services Sous - function

The third component of the Sustaining Itself function is the Support Services sous-function, which is made up of the various administrative Departments that exist in the university's organizational structure, but are not directly related to the governance or executive spheres of activities that were identified earlier. Again, generic titles for these bodies have been developed. It is evident from the titles that each Department's competence involves an element of direct service, either to students or to employees of the university. An entity like the Bookstore is classed as a support service because its primary reason for existing is to provide a direct service to both students and staff. Evidence of this is

provided by the fact that the Bookstore is usually mentioned in each university's calendar. In addition, by being open to the public-at-large, it provides a service to the community.[20] The support services-related juridical persons are:

> Alumni Department (Alumni Association offices, and Graduate
>   Students Association Office)
> Athletic and Sports Services Department
> Audio Visual Services
> Bookstore
> Canada Employment Centre[21]
> Career and Placement Services
> Chaplain Services Office
> Copying and Duplicating Services Department
> Data Networking and Telecommunications Department
> Day Care/Child Care Centres
> Food Services Department
> Housing Services Department (usually tied to accommodations
>   other than residences or buildings provided by the university;
>   that is, a referral service)
> Media Services Department
> Native Student Affairs Department
> School and College Liaison Department
> Student Services Department
>   Disabled Student Services
>   Office for Women Students
>   Student Counselling
>   Student Health Services
>   Student Resource Centre
> University Press
> University Printing Services Department

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[20]For example, see: University of Alberta, *1988/89 Calendar* (Edmonton : University of Alberta, 1988), s. 18.6.

[21]The Canada Employment Centre has been included in this list because the university provides it with office space, but is has no direct relationship with the university from a functional point of view. Furthermore, the services offered by the Canada Employment Centre are targeted to university students and staff as Canadian residents, not as juridical persons of the university. University of British Columbia, *1990-91 Calendar* (Vancouver : Office of the Registrar, 1990), 31; University of Saskatchewan, *Calendar 1989-90* (Saskatoon : University of Saskatchewan, 1989), 26.

Conclusion

The "Sustaining Itself" function is one of the oldest, inherent functions of universities. The juridical persons most frequently entrusted with the Governance sous-function are those constituted in provincial legislation establishing universities: Visitor; Convocation; Chancellor; Board of Governors; Senate; President (or Rector); Registrar; Chairpersons; Deans; and Controller. Some of these juridical persons are referred to as a collection of physical persons, while others are called a succession of physical persons. The juridical persons comprising the Executive sous-function, while not usually identified in legislation, are those to whom the Board of Governors, the Senate, or the President delegates a portion of his competence and authority. Therefore, the juridical persons entrusted with the Executive sous-function tend to be administrative units (called Departments) which have a defined purpose or administrative function. Similarly, juridical persons entrusted with the Support Services sous-function have not been established in the legislation, but acquire their competence from authority delegated to them by constituted juridical persons. In both the Executive sous-function and the Support Services sous-function, the juridical persons are usually a collection of physical persons which comprise the Department.

Even though universities, as they advanced into the twentieth century, have become larger and more complex institutions, there

remains specific, clearly identifiable juridical persons who are entrusted solely with the Sustaining Itself function. This is not the case with juridical persons comprising other functions, as will be seen in the following chapter.

Chapter Three

The Teaching, Research,
and Service to the Community Functions[1]

Teaching and Service to the Community were two of the primary functions of the medieval universities. Scholars travelled from all parts of Europe to the *studia generalia* where they could study with renowned masters, from whom they learned how to practice and apply the "new knowledge" that was gleaned from the Arab scholars, particularly in the fields of medicine and law. After obtaining their *licentia docendi,* the scholars returned to their homelands, and beneficed clerics to their churches, where they began to teach what they had learned, and to serve their communities. In this way, knowledge was spread throughout Europe. Today, knowledge is transmitted in much the same way; masters continue to be entrusted with teaching scholars, and students continue to carry and disperse what they have learned. What has changed over the years, however, is the structure that has evolved to administer the Teaching function. At Bologna, the students studying law formed

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[1]For the purposes of this study, the term "Faculty," when capitalized, will refer to the administrative divisions of a university constituted by the Board of Governors as an academic unit, while it will refer to a person appointed by the Board of Governors and employed by the university on a full-time or part-time basis as an instructor when not capitalized, or when followed by the word "member." The terms "instructor" and "professor" will be used in the medieval sense of "master;" that is, a person eligible or appointed to teach the students. Both terms will have a generic meaning without regard to rank.

themselves into the *universitas juristarum,* while students studying in other subject areas, such as medicine, formed similar groups, and gradually, four Faculties evolved that were centered around the primary areas of study -- law, medicine, arts, and theology.[2]

With the addition of the Research function in the nineteenth century, the body of knowledge expanded rapidly, and grew more complex and diverse, giving rise to a multitude of disciplines.[3] Specialization in a particular area of study has become a necessity, and this has forced both masters and scholars to focus their studies on smaller, more discrete areas of knowledge. Consequently, the four original Faculties have been augmented by new Faculties, and the multitude of disciplines have solidified into various academic Departments, Schools, and Centres.

Most professors, while entrusted with the Teaching function, also carry out the Research function by being involved in some type of research activities. In some cases, research accompanies the teaching activities and promotions depend equally on the quality of teaching and on that of the research, while in other cases, research constitutes the main

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[2]Laurie, 176.

[3]A discipline is "a defined body of knowledge, a community of concepts that is taught together ... a community of persons, a tradition, a heritage of literature and artifacts." As society has become more complex and diverse, so have disciplines. A discipline "consists, in part, of the body of imposed conceptions which define the investigated subject matter of that discipline and controls its inquiry. Different disciplines may define the same concept differently, may have different starting points and different goals, and may see their subject matter in very different ways." J. Michael Pemberton and Ann E. Prentice, eds., *Information Science in its Interdisciplinary Context* (New York : Neal-Schuman Publishers, Inc., 1990) , vii, ix.

competence of a professor. Since faculty members are citizens of society, it follows that they will inevitably serve their community through their teaching and research competences. Therefore, this chapter will focus on the juridical persons entrusted with either the Teaching function, or the Research function, or the Service to the Community function, or permutations thereof. In addition, their competences will be identified and discussed. Juridical persons constituted as a collection of physical persons will be examined for their components.

Teaching Function

In modern universities, the Teaching function is accomplished by several juridical persons operating at different levels in the administrative structure. Faculties constitute the juridical persons operating at the broadest level in the administrative structure, and subordinate to them are the academic Departments, Schools, and Centres that comprise each Faculty. While the juridical persons professors execute the Teaching function *per se,* a Faculty does so through a hierarchy, not unlike the guilds which were made up of apprentices, journeymen, and masters.

A Faculty is defined as an administrative subdivision of the university which is constituted by the Board of Governors as an academic unit, usually upon the recommendation of the Senate.[4] Each Faculty is an independent, self-governing body responsible for determining how it will

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[4]*University Act, RSBC, 1979,* c. 419, s. 38.

transact its business. Its principal responsibilities are to establish the courses that will be taught by the Faculty as a whole, to determine who will teach, and to ensure that only authorized faculty members offer instruction or lecture in the Faculty.[5] Therefore, from the fact that a juridical person's main competence determines the function to which that body belongs, it follows that a Faculty's main competence falls within the Teaching function. It must be recognized, however, that Faculties also have a subsidiary competence, administration, which links them to the Governance sous-function. For example, a Faculty can "make rules for the government, direction and management of the Faculty and its affairs and business."[6] Since Faculties also control the examination process and authorize the granting of degrees for programs within their jurisdiction, Faculties may be considered an evolution of the *universitas magistrorum* which controlled entry to the teacher's guild through controlling the examination process.

The task of identifying the juridical persons called Faculties, which are entrusted with the Teaching function, becomes an onerous one given that an institution like the University of British Columbia, for example, has organized itself into twelve Faculties, or that sixteen Faculties comprise the University of Alberta. It is possible, though, to identify the Faculties that are found in almost every Canadian institution of higher learning; they are presented in List A. The Faculties in List B,

[5]Ibid., s. 39.

[6]Ibid.

because of their very specialized focus of study, tend to be found at one

institution in each province or in a few institutions across Canada;

however, in some cases, a specialized field of study may not be classed as a

Faculty, but rather as an academic Department within one of the Faculties

found in List A.[7]

List A: Faculties Common to most Canadian Universities

    Agriculture
    Arts
    Commerce (may also be called Business Administration, or
        Management)
    Dentistry
    Education
    Engineering
    Forestry
    Law
    Medicine
    Nursing
    Pharmacy & Pharmaceutical Sciences
    Science

List B: Less Frequently Found Faculties

    Home Economics
    Library Science
    Music (may also be called Conservatory of Music)
    Native Studies
    Physical Education & Recreation
    Rehabilitation Medicine

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[7]Schools, Centres, or academic Departments associated with a profession, such as Nursing, Music, or Library Science, are usually a component of the competence of a Faculty, like the Faculty of Arts or the Faculty of Applied Science, rather than being constituted as a Faculty. At the University of Alberta, however, the disciplines of Nursing and Library Science are each constituted as a Faculty. University of Alberta, *1988/89 Calendar*.

Religious Studies
Social Work
Veterinary Medicine[8]

Since the juridical persons in List A and B encompass a myriad of Departments, two Faculties have been chosen for further study: the University of British Columbia's Faculty of Science and the University of Alberta's Faculty of Engineering. The following Departments, which coincide with disciplines, comprise the juridical persons in the Faculty of Science at the University of British Columbia:

> botany; chemistry; computer science; geological sciences; geophysics; astronomy; mathematics; microbiology; oceanography; physics; statistics; and zoology.[9]

Recalling that competence was defined as the authority and capacity to carry out a determined group of activities attributed to a given office, it is apparent that as a whole, these Departments constitute the Faculty of Science's competence at the University of British Columbia. That is, the Faculty of Science, which is composed of the disciplines taught within it, has the authority and capacity to carry out activities related to botany, for example, because this discipline falls within the administrative jurisdiction of the Science Faculty. The competence of the University of Alberta's Faculty of Engineering includes the disciplines listed below, and just as with the University of British Columbia example, these disciplines appear as Departments:

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[8]The Western College of Veterinary Medicine was established at the University of Saskatchewan to serve the four western provinces. University of British Columbia, *1990-91 Calendar,* 237; University of Saskatchewan, *Calendar 1989-90,* 323.

[9]University of British Columbia, *1990-91 Calendar,* 2.

chemical engineering; civil engineering; electrical engineering; mechanical engineering; and mining, metallurgical and petroleum engineering.

With regard to composition, in both of these examples, the juridical person Faculty is a collection of academic Departments, and each Faculty has the capacity or potential to act legally as it carries out the duties and responsibilities assigned to it.

Subordinate to Faculties and embracing a narrower sphere of activities are the juridical persons called Departments, Schools, and Centres. Even though each academic Department or School coincides with a discipline, a Department's or School's competence is the programs and courses that it offers. For example, at the University of Alberta in the Faculty of Engineering, the Department of Mining, Metallurgical and Petroleum Engineering's competence includes four programs -- Mining Engineering, Metallurgical Engineering, Petroleum Engineering, and Mineral Process Engineering -- as well as the courses associated with these programs, such as surface and underground mining, materials handling, blasting, physical metallurgy, corrosion, well logging, and reservoir engineering.[10]

A Department's or School's sphere of activities includes deciding which of their respective courses will be taught, when and by whom, as well as ensuring that the content of each course corresponds to its description in the university's calendar. A further responsibility of the

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[10]University of Alberta, *1988/89 Calendar,* G12 Faculty of Engineering, s. 83.8.1.

Department, School, or Centre, is the evaluation of instructors toward ascertaining their capabilities with respect to the handling of the course material, students, and assignments.

This brings us to the third set of juridical persons that comprises the Teaching function, the faculty members. While a program such as Mining Engineering offers certain courses, like Engineering Thermodynamics or Fluid Mechanics, the actual delivery of those courses is carried out by a faculty member. Teaching, as defined in the University of British Columbia *Faculty Handbook,* is inclusive of all presentations "whether through lectures, seminars and tutorials, individual students' work, or other means by which students, whether in degree or non-degree programmes sponsored by the University, derive education benefit."[11] Hence, a professor's competence embraces teaching and conveying a determined area of knowledge to students through a variety of media. The additional responsibilities of grading assignments, making oneself available to students for consultation, supervising theses, and so forth, are also part of a faculty member's competence.

Whereas in medieval universities no distinction was made between novice and experienced teachers, this is not the case in modern universities where each faculty member is designated as either a Lecturer, Instructor I, Instructor II, Senior Instructor, Assistant

[11]University of British Columbia, *The Faculty Handbook* (Vancouver : University of British Columbia, 1985), s. 4.02, C-6.

Professor, Associate Professor, or a Professor depending upon educational qualifications, experience, and ability.[12] Thus, the juridical person generically referred to as the faculty of a university is composed of many juridical persons, and each of these juridical persons has a specific competence, too, as outlined in the following examples drawn from the University of British Columbia *Faculty Handbook*. At the Senior Instructor level and below, the faculty member is expected to have completed, or be in the process of completing, academic qualifications required for the position, and to demonstrate some "evidence of potential ability in teaching and research," whereas in the more senior positions, faculty members are required to exhibit additional skills.[13] For example, an Assistant Professor's competence includes scholarly activity, successful teaching, and provision of instruction at the various levels in his discipline.[14] Individuals at the rank of Associate Professor must also have a sustained and productive scholarly activity, an ability to direct graduate students, and a willingness to participate in the affairs of the Department and the University. The most senior juridical person is given the rank of Professor and must meet or have attained the following:

> appropriate standards of excellence and have wide
> recognition in the field of their interest. ... must have shown
> high quality in teaching and sustained and [sic] productive
> scholarly activity, have attained distinction in their discipline,

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[12]While these categories are the ones established by the University of British Columbia, similar rankings exist at other Canadian universities. Ibid., s. 3, C-3 - C-5.

[13]Ibid., s. 3.02 - 3.04, C-3.

[14]See, for example: Ibid., s. 3.05, C-4.

and have participated significantly in academic and professional affairs.[15]

Even though a faculty member's main competence links him to the Teaching function, subsidiary competences link him to other functions of the University, one of which is the Sustaining Itself function, and more specifically, the Governance sous-function. In order to qualify for appointment or promotion to the position of Associate Professor, a faculty member must be willing to take part in the administrative affairs of the Department and the University, and while specific activities or responsibilities are not usually delineated, it is apparent that a faculty member who is a member of departmental committees or represents the Department externally, or serves as Department Head, is satisfying this criterion. Since these activities are management-related duties rather than teaching-related duties, they are part of the faculty member's subsidiary competence associated with the Governance sous-function.

Other juridical persons entrusted with the Teaching function in many Canadian universities are the numerous affiliated Colleges. While these institutions may be located on the university's campus, they are not administered by the university; however, the Colleges must meet certain criteria laid out in affiliation agreements. Most of the affiliated Colleges encountered in this study were denominational-sponsored theological institutions, such as St. Stephen's College (University of Alberta), the

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[15]See, for example: Ibid., s. 3.07, C-5.

Vancouver School of Theology (University of British Columbia), and the Lutheran Theological Seminary (University of Saskatchewan). Some smaller colleges, such as Concordia College (Edmonton, Alberta) have negotiated "transfer" affiliations with provincial universities, thereby allowing students to complete one or two years of a recognized degree program at a smaller institution before transferring to the larger university to complete the final year, or two years, of the program. In such instances, the student receives full credit towards the appropriate degree for certain courses taken at the College. Because of this transfer credit status, Colleges are deemed to be entrusted with the affiliated university's Teaching function.

University Hospitals also play a major role in the clinical teaching of students in certain disciplines such as medicine, nursing, and pharmacy, and as such, a Hospital's competence links them to the university's Teaching function. In some hospitals, research may be a secondary concern, and hence, the Research function may be a subsidiary competence. The same thing could be said of University Museums, such as the Museum of Anthropology at the University of British Columbia. While the Museum of Anthropology's collection of archaeological and ethnographic artifacts is used in teaching, "especially in museum training courses, and in various anthropology courses as well as courses in other disciplines," the collections are also a resource for research work by scholars and graduate students.[16] Therefore, the Museum of

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[16]University of British Columbia, *1990-91 Calendar,* 36.

Anthropology's competence links it with both the Teaching function and the Research function.

Research Function

The symbiotic relationship between the Teaching and Research functions becomes most evident when re-examining a faculty member's competence. While an instructor's main competence is linked with the Teaching function, the criteria for appointment to more senior ranks require that faculty members be actively involved in research, and that they publish their findings. As noted earlier, the tendency to incorporate research activities into a professor's competence harkens back to the eighteenth and nineteenth centuries, when the Research function became part of the substantial functions of American universities, and thereafter, "some amount of graduate work was required to win a permanent appointment"[17] at most institutions of higher learning. Subsequently, this approach was adopted by Canadian universities.

A description of what is meant by research or "scholarly activity" is presented in the University of British Columbia *Faculty Handbook*, and even though the original intent is to establish a criterion for appointment or promotion, the statement provides an insight into what constitutes a faculty member's competence with regard to research:

> Evidence of scholarly activity varies among the disciplines. Published work is usually the primary evidence, although

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[17]Veysey, 176-7.

other evidence, such as the excellence of original architectural, artistic or engineering design, distinguished performance in the arts or in professional areas, shall be considered appropriate cases. Judgment of scholarly activity is based mainly on the quality and significance of an individual's contributions.[18]

Even though the Research function may be a subsidiary function for many faculty members, it is the primary function entrusted to some juridical persons, the most senior of which would be the Vice-President of Research, or the Vice President Academic, or some similar position. Subordinate to the Vice-President Research, which is a juridical person constituted by a succession of individuals, are Departments and Offices, each of which has a specific research competence. Initially then, the administrative structure of the Research Function parallels that of the Teaching function, and some of the Departments and Offices encompass similar competences, such as the right to administer their own affairs within the research function.

At the highest administrative level, the Vice-President Research's competence will be very broad and tied primarily to the Governance sous-function; however, at subordinate levels, the competence-function associations will vary depending on primary and subsidiary responsibilities. Where an administrative unit's competence is tied to the Research function, the competence of its members may be associated with one or more functions depending on the duties and

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[18]*The Faculty Handbook,* s. 4.03, C-6.

responsibilities of the specific juridical person. For example, a
Department Head's research responsibilities might include monitoring
the research conducted in his department and carrying out his own
research, but these responsibilities probably follow from his administrative
and teaching responsibilities. The competence of the Department Head, in
such a case, would be tied to three functions -- Governance, Teaching, and
Research. His primary competence links him with the Governance sous-
function, while the Teaching and Research functions would be subsidiary
functions. Similarly, if the faculty member has research responsibilities,
but also serves in an administrative capacity, then that person's
competence is tied primarily with the Research function, and secondarily
with the Governance sous-function. Should the faculty member's
competence encompass research, administration, and teaching, in that
order, then his competence is tied to three functions with Research as the
primary one, followed by the subsidiary functions of Governance and
Teaching.

Some juridical bodies in Canadian universities which are
entrusted mainly with the Research function are:

     Research Services
     Research Coordinator, Animal Services and Biohazards
     Executive Committee for Research
     Animal Care Office
     Industry Liaison
     University Coordinator of Agricultural Research

Other juridical persons entrusted with the Research function in
Canadian universities are the myriad of research centres and institutes

that operate in association with one or more academic Departments within the same university (List C), or that operate as independent research corporations, but maintain an affiliation with one more institutions of higher learning (List D). Some examples of each type of juridical person are listed below.

List C: Associated Research Centres and Institutes[19]

> Canadian Institute of Ukranian Studies (A)
> Cancer Research Institute (A)
> Centre for Experimental Sociology (A)
> Centre for Gerontology (A)
> Centre for Studies in Age and Aging (M)
> Groupe interuniversitaire de recherche océanographique du
>   Québec (M)
> High Energy Physics Group (M)
> Interuniversity Research Centre for Categorical Studies (M)
> Interuniversity Centre for European Studies (M)
> Nuclear Research Centre (A)
> Population Research Laboratory (includes Centre for
>   Criminological Research) (A)
> Research Farms (A, M, S)
> Research Forests (B)
> Subarctic Research Station (M)
> Water Resources Centre (A)
> Western Canada Universities' Marine Biological Station
>   (Bamfield) (A, B, SF, V)[20]
> Westwater Research Centre (B)

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[19]The letter following each facility in this list, and subsequent lists, indicates the institution with which the centre or institute is associated or affiliated: A -- University of Alberta; B -- University of British Columbia; M -- McGill University; R -- University of Regina; S -- University of Saskatchewan; SF -- Simon Fraser University; V -- University of Victoria.

[20]University of British Columbia, *1990-91 Calendar*, 239, 243; University of British Columbia, *Second to None* (Vancouver : University of British Columbia, 1989), 14.

List D: Affiliated Research Centres and Institutes

Alberta Research Council (A)
B.C. Research (B)
Boreal Institute for Northern Studies (A)
Cancer Research Institute (or Clinic) (A, S)
National Hydrology Research Centre (S)
Prairie Migratory Bird Research Centre of Canadian Wildlife
    Service (S)
Provincial Laboratory of Public Health (A)
Pulp and Paper Centre (B)
Pulp and Paper Research Institute of Canada (B)
TRIUMF (A, B, SF, V)
University Hospitals

Because some of these facilities are research projects jointly
funded by several universities, such as TRIUMF (Tri-University Meson
Facility) which is funded by four Universities, but housed at the University
of British Columbia, or the Western Canada Universities' Marine
Biological Station located on Vancouver Island at Bamfield, their
competences are constituted and outlined in Agreements.[21] With regard
to activities, while TRIUMF does not offer courses in association with an
academic Department, the Marine Biological Station does offer certain
marine science courses during the spring and summer university
sessions, and these courses are administered at the University of British
Columbia by the Departments of Botany and Zoology in the Faculty of
Science.

At each of these Centres, as within the numerous research
laboratories associated with various university Departments, there is

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[21]TRIUMF is funded by the University of Victoria, the University of British
Columbia, the University of Alberta, and Simon Fraser University.

another group of juridical persons who are entrusted with the Research function, and they are the laboratory and research assistants, aids, and graduate students working under the direction of senior researchers, some of whom are faculty members. While an individual's competence is dependent upon his skills, level of knowledge, and ability, the responsibilities attributable to these juridical persons, as a whole, usually entail ensuring that experiments are conducted according to given instructions or specific norms, recording results, analyzing data, and participating in discussion forums such as graduate seminars or section meetings.

With respect to the Teaching and/or Research functions, components of the Faculty of Graduate Studies will be subordinate to the Faculty responsible for the discipline which is their competence. This unusual situation arises because the Faculty of Graduate Studies is not a "Faculty" in the sense that it administers the delivery of knowledge of a defined group of disciplines like the Faculty of Arts, or the Faculty of Science, or other such Faculties, but rather, it is an administrative body whose competence is that of ensuring the application of uniform standards with regard to admission or entrance to graduate programs offered by the university. For example, the University of British Columbia's School of Library, Archival and Information Studies is a component of the Faculty of Graduate Studies because the School is guided by standards established by the Faculty of Graduate Studies, and the School's graduate students must comply with those standards; however, the School, whose main competence is tied to the Teaching function, is subordinate to the Faculty of

Arts. Supplementary competences of the Faculty of Graduate Studies include granting financial assistance to graduate students, and establishing, in conjunction with the Faculties, academic Departments, and Schools, the overall grade average that must be obtained by a graduate student in order to continue in a program of study. Therefore, the Faculty of Graduate Studies can be considered as one of the bodies responsible for the Governance sous-function.

An anomaly exists, however, at the University of British Columbia with respect to the Faculty of Graduate Studies because the Faculty is responsible for the administration of the School of Community and Regional Planning. Hence, in this case, the Faculty of Graduate Studies' competence links it directly with the Teaching and Research functions, as well as the Governance sous-function.

Research inevitably leads to an interest in the patenting and licensing of inventions, and the commercial application of research discoveries and accumulated knowledge. Therefore, some Canadian universities have established an administrative Department "to facilitate these industry-related research activities and the 'spin-off' of new 'start up' companies."[22] UBC Research Enterprises has been established at the University of British Columbia "to assist in the development of prototypes and to facilitate the incubation of promising inventions, bringing them to

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[22]*Second to None,* 15.

the stage where they are attractive to venture capital."[23] While these types of juridical persons are administrative bodies whose main competence is tied to the Sustaining Itself function, their subsidiary competence rests with the Research function.

Joint Teaching - Research Function

Unlike medieval universities where books were few in number, modern universities have established, and strive to maintain, a very large collection of books, thereby creating multi-disciplinary libraries. A university's Library constitutes a juridical person that is associated with the Research function because a Library's primary competence is to support the research needs of the students and faculty of the university; however, the Library also has a subsidiary competence in the Teaching function, since libraries are a source of materials for the delivery of courses.

Libraries, like Faculties and Research Centres, are administered by a juridical person, usually accorded the title of Chief Librarian or Head, who delegates authority to numerous other persons, such as Librarians, Library Technicians, and Library Clerks. While the specific competence of each Librarian, Library Technician, or Clerk will vary, in general, each is responsible for ensuring that resource materials are acquired, catalogued, and placed on the shelf where they will be accessible to library users.

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[23]This independent, administrative body was formed in accordance with *The Societies Act* of British Columbia. *Second to None,* 15.

Assisting users to locate materials forms part of a Reference Librarian's competence, for example.

Archives are similar to Libraries in their administrative structure, in that they are administered by a juridical person, a Chief Archivist, who delegates authority to subordinate Assistant Archivists and Clerks. In universities where the Archives acquires the records of the institution, the Archives' main competence is to protect the rights of the institution and to support its administrative functions. Hence, the Archives is entrusted with the Sustaining Itself function. Many Archives acquire archival materials from other sources, such as labour unions and corporations, and these materials, in conjunction with the institution's records, can be used as resources for research work by students, faculty members, and scholars. In addition, the whole collection of archival materials serves as resources for teaching, particularly in archival studies courses. Therefore, the Archives' subsidiary competences are tied to the Research and Teaching functions, as well as the Service to the Community function.

Service to the Community Function

Legislation establishing universities usually requires that the universities provide a program of continuing education, and that universities contribute to the educational and cultural advancement of the people within a province. These responsibilities constitute the competence of the juridical persons entrusted with the Service to the Community

function. In Canadian universities, the administrative body charged with community service is usually given one of the following names:

> Faculty of Extension
> Centre for Continuing Education
> University Extension
> Extension and Community Relations
> Community Relations Department
> Community Relations and High School Liaison

What sets continuing education Faculties apart from Faculties like Science and Arts is that the courses offered by the former may be taken to meet the requirements of a specific diploma or certificate program established by the Centre, but the courses are "non-credit" courses with respect to meeting requirements for a university degree, like a Bachelor of Arts. In addition, the number of lecture-hours and the duration of the courses are usually less than those required for "credit" courses in the degree programs.

While the term "Faculty" may not appear in their name, these administrative bodies are accorded all the rights and privileges granted to other Faculties, and therefore, each is an independent body that manages its own affairs. Consequently, a Department Head or Director is appointed as the senior administrative officer, and each Continuing Education Faculty establishes course offerings, develops timetables designating when and where courses will be offered, and decides who will teach which courses. Other juridical persons, such as course counsellors, carry out determined groups of activities, and depending on the qualifications of the instructor and the availability of someone to teach the course, the

instructor may be external to the university rather than a faculty member of that particular institution.

Activities belonging with the Service to the Community function, however, are often a component of the competence of other juridical persons. In order to qualify for appointment or promotion to the rank of Associate Professor or Professor, a faculty member must demonstrate that he has conducted activities that are of service to the community, even though his main competence rests with the Teaching and Research functions. The University of British Columbia *Faculty Handbook* outlines Service to the Community as inclusive of "all continuing education activity in the community including professional education, special work with professional, technical and scholarly organizations or with scholarly publications, membership on or service to governmental or public councils and boards, and other forms of academic, professional, and public service."[24] Therefore, these activities are part of a faculty member's competence in Service to the Community function.

Examples of juridical persons whose competences are associated with the Service to the Community function can be drawn from the University of British Columbia's *1990-91 Calendar*. A juridical person whose sphere of activities encompasses continuing education, for example, is the Centre for Continuing Education, and its competence is outlined as follows:

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[24]*The Faculty Handbook,* s. 4.04, C-7.

The Centre offers opportunity for university-level continuing education in the following areas:

1. continuing professional and technical education ... in the fields of community and regional planning, computer science, and family and nutritional sciences;
2. certificate and diploma programs in site planning;
3. general non-credit or liberal education courses in humanities, sciences, languages, creative arts, social sciences and public affairs designed to give individuals a greater knowledge of themselves and their environment and an opportunity to develop their intellectual abilities.

The Centre also involves itself in experimental projects and programs specially designed to focus on community problems and the unique interests of adults. Other education services of the Centre for Continuing Education include: English for foreign students; the Reading and Study Skills Centre; the Writing Improvement Program; and the Women's Resources Centre.[25]

Transforming these responsibilities into actions is the competence of the instructors, counsellors, and coordinators who comprise the staff of the Centre. While these activities clearly infringe on the Teaching and Research functions, such activities are administered by the centre as part of the Service to the Community function and may be carried out by persons who are not faculty members of the particular university.

The Community Relations Department of the University of British Columbia is another juridical person entrusted mainly with the Service to the Community function. This Department's competence is stated succinctly as providing "a comprehensive community relations program directed towards the campus community, the general public,

[25]University of British Columbia, *1990-91 Calendar,* 32.

government, industry and the media," and the way in which this competence manifests itself is outlined below:

> to increase public understanding and support for the University, encourage public use of campus facilities and attractions, promote interaction between the University and the private and public sectors, and to keep the campus community informed about issues that affect it. ... provides the news media with accurate and timely information about research activities and other matters of public interest, coordinates special events such as Open House, National Universities Week and MLA Days, and produces a wide range of publications ... also provides public and media relations counselling to UBC administrative and academic units.[26]

Since the Community Relations Department's competence is wide-ranging and encompasses numerous activities, a number of juridical persons, such as editors, journalists, and clerical staff, comprise the Department, and a Director or Department Head is appointed as the chief executive officer.

Many Canadian universities also maintain art galleries, museums, and special gardens, and while the initial reason for their formation may be tied to either the Research function or the Teaching function, or both, such juridical bodies inevitably fulfill a Service to the Community function, too. For example, the University of British Columbia's Botanical Gardens were established to serve as a repository for living plant collections used for teaching and research programs, but the Gardens are open to the public, and through advertisements, the public is

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[26]Ibid., 34.

invited and encouraged to enjoy them.[27] Hence, the Botanical Gardens'
main competence -- being a research and teaching tool -- links them to the
Teaching and Research functions, but their availability to the public also
establishes an association with the Service to the Community function.
Since the Gardens provide some revenue to the University, they are also
associated with the Sustaining Itself function. As noted earlier, the
Museum of Anthropology's competence is associated with the Teaching
and Research functions; however, because the Museum is open to the
public, and charges admission, it is entrusted with the subsidiary
functions of Service to the Community and Sustaining Itself, also. By way
of contrast, the University of British Columbia's Fine Arts Gallery is
linked solely to the Service to the Community function, because the
Gallery's stated primary responsibility is to be "a public facility
contributing to the cultural life of the campus, the city, the province and
beyond."[28]

Some of the other juridical persons that were found at various
universities, and whose primary or subsidiary competence associates
them with the Service to the Community function are:

        First Nations House of Learning (B)
        Asian Centre (B)
        Museum of Anthropology (B)
        M.Y. Williams Geological Museum (B)
        Herbarium (B)
        Zoological Museum (B)
        Rutherford Museum (M)

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[27]Ibid., 37.

[28]Ibid.

Redpath Museum (M)
McCord Museum (M)
Norman MacKenzie Art Gallery (R)

Conclusion

As this case study reveals, the teaching function is entrusted to several juridical persons. Faculties, which are composed of academic Departments, Schools, and Centres, are the primary administrative bodies responsible for carrying out the spheres of activities necessary to accomplish the Teaching function. The actual transmitting of information through lectures, seminars, or laboratory work, however, remains the competence of the faculty members of the university. Research is also an integral part of a faculty member's competence, and therefore, a function with which he is entrusted. In addition, there are other juridical persons who also carry out the Research function. Some of these bodies, such as research laboratories, for example, have been developed primarily to accomplish the Research function, while still others are associated or affiliated with the university and, through contractual agreements, provide research opportunities for scholars, faculty members, and students. The Service to the Community function is a function that is entrusted to many juridical bodies through their subsidiary competences, and only a specific juridical person within a particular institution, usually the Continuing Education Faculty, is entrusted with the Service to the Community function as its primary function.

Although numerous juridical persons and their competences have been identified and discussed in this chapter, it is evident that each juridical person's total competence is varied and complex, and his competence usually encompasses several spheres of activities. Therefore, it is very difficult to link a juridical person with only one function; rather, each juridical person is entrusted with accomplishing several functions. In most cases, the juridical person's primary competence is clearly distinguishable from subsidiary competences, and hence, the primary and subsidiary functions with which a person is entrusted can be ascertained.

Conclusion

Although modern universities are more complex than medieval universities, their organizational structure and functions have changed very little over the past eight hundred years. By studying the evolution of universities from the Middle Ages through to the twentieth century, it is possible to conclude that they carry out four universal functions: Sustaining Itself; Teaching; Research; and Service to the Community.

This historical study also reveals that many of the juridical persons common to modern universities were inherited from medieval institutions of higher learning, although a few more persons have been added by the advent of the Research function. These juridical persons, either in the form of administrative bodies or of individuals, comprise the administrative structure of the university. When the juridical person is constituted by a collection of physical persons, an analysis of the composition of that administrative body reveals its components.

For the purposes of this thesis, the duties and responsibilities of the most common juridical persons in a university were compiled, initially, from Provincial legislation constituting universities, and then this information was supplemented with that provided by organization charts, university calendars, and promotional literature. The identification and examination of each person's competence made it possible to ascertain the function with which each person is entrusted;

however, a juridical person can have more than one competence and can be entrusted with more than one function. Therefore, the question "What is this juridical person's primary reason for existing in the university?" was devised for the purpose of differentiating between a juridical person's <u>main</u> competence and his subsidiary competence or competences. The answer to that question allows the archivist or records manager to ascertain the main and subsidiary functions with which each person is entrusted.

Although the object of this thesis was to identify the typical administrative structure of Canadian universities, its ultimate purpose is to show that any administrative body can be the subject of a functional analysis since every body, regardless of its size or complexity, is comprised of functions and juridical persons. In order to understand the organization of an administrative body as a whole and to identify the various offices that create records, archivists and records managers study the administrative body's structure. A functional analysis following that study will provide them with a knowledge of the functions and juridical persons that comprise the administrative body. Understanding the organizational structure of the administrative body, identifying its functions, determining the provenance of its records, and placing records in the context of the activities that generate them, all help archivists and records managers acquire a fundamental level of intellectual control over the administrative body's records. This information tells the archivist or records manager who created which records and for what purpose.

Without this knowledge, archivists and records managers cannot proceed with any of their own functions.

A records manager who has to devise a records classification scheme, for example, must be cognizant of the functions and organizational structure of an administrative body. When the offices that create records in the course of accomplishing one given function are identified, a link is forged between provenance and groups of records, and between groups of records and activities. Based on this knowledge, the records manager can determine record series within the groups of records, and then construct entry headings in the classification scheme that will reflect the spheres of activities, or functions, of the administrative units which create the records. Consequently, the records classification scheme would reveal relationships within and between record series, the provenance of the records, the functions of the administration, and the whole of the activities necessary to accomplish each function.

Since the goal of any records management program is to ensure that valuable records will be preserved and available and that needless records will not be kept, and because information retrieval is hindered by the sheer bulk of records that most contemporary administrations create, retention and disposition schedules are devised to indicate how long a record series should be kept, and what will be its final disposition -- destruction or permanent retention.[1] Regardless of the status of records

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[1]The primary goal of a records management program is to ensure "that needless records will not be created or kept, and that valuable records will be preserved

(active, semi-active, or inactive), the relationships between record series as revealed in a records classification scheme remain unaltered. Therefore, a records classification scheme that incorporates the principle of provenance and the concept of function facilitates retention and disposition scheduling; it also facilitates access to information, as well as the appraisal process conducted by archivists.

Appraisal concerns itself with assessing the primary and secondary values of records, qualifying that value, and subsequently deciding upon the disposition of the records, but before embarking on this process, the archivist needs to determine the provenance of the records, and the respective functions that the records serve to accomplish.[2] The latter two objectives are accomplished by asking "who created the records?" and "why were they created?"[3] The answer to these questions, in actual fact, may not be straight-forward, particularly if the administrative body is a complex one. Therefore, carrying out a functional

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and available." A retention and disposition schedule is a tool that helps the records manager attain this goal because implementing the schedules results in the transfer or destruction of records, and consequently, a reduction in the quantity of the records that have to maintained. Archivists also benefit from these schedules because their implementation results in the elimination of non-essential records from the archival collection. William Benedon, *Records Management* (Los Angeles : The Trident Shop, California State University, 1969), 258.

[2]Primary values are defined as the values that the records have for the administration, and they have an administrative, legal, or fiscal nature; secondary values are the values that records have for persons other than the creator, and they have an evidential or informational nature. Schellenberg, 16, 28-32.

[3]As part of the appraisal process, the archivist should also ask "How were the records created?" as this may have a bearing, for example, on which record form he chooses to retain.

analysis of the body is the best way of revealing its complexities with respect to functions, juridical persons, and their competences; furthermore, such an analysis helps the archivist to understand the organizational structure of the administrative body and its activities, and to identify the records-creating administrative units. Knowing this information enables the archivist to ascertain where, for example, the records dealing with the administrative aspects of the organization would be found and what kind of records should be kept in order to follow the administrative evolution of the organization. Thereafter, the archivist can assess the primary values of the records by ascertaining which records best serve the administrative, legal, or fiscal needs of the administration. In addition, such knowledge helps the archivist assess the secondary values of the records; that is, which records are highest in evidential and informational value. Because the archivist understands the body's organizational structure, and because he knows that information contained in records created at the lowest levels of the administrative body will be highest in detail while information contained in records created at the highest levels will be more summarized, the archivist can determine the organizational level at which records should be acquired or selected.

Muller, Feith, and Fruin sought a systematic approach to the archival practices of arrangement and description, and concluded that "the system of arrangement must be based on the original organization of the archival collection, which in the main corresponds to the organization

of the administrative body that produced it."[4] The English archival

theorist Hilary Jenkinson wrote that a study of an administrative body is

circular since "the Archives cannot be understood without a knowledge of

the administration which produced them, and the history and

development of that administration is often written in the Archives."[5] He

also noted that records are created to serve the needs of the administration;

that they accumulate in a prescribed way as the creator performs his

duties; and consequently, that the records reflect the functions, activities,

and structure of the administration.[6] Jenkinson's statements serve to

demonstrate once again that the connection between an organization's

functions and a record's provenance is what provides archives with

inherent value. The preservation of that connection is what Jenkinson

called "the moral defence of archives."[7]

Schellenberg stated that observing the principle of provenance

"protects the integrity of records in the sense that their origins and the

processes by which they came into existence are reflected by their

arrangement."[8] By identifying the offices that create the records, the

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[4]Muller, Feith, and Fruin, 48.

[5]Hilary Jenkinson, *A Manual for Archive Administration* (London : Percy Lund, Humphries and Co. Ltd., 1937) , 98-9. As demonstrated in this thesis, the legal authorities which establish an organization are a good starting point for understanding the mandate of the organization and the structure that it assumes in order to accomplish the broad purposes for which it was created.

[6]Jenkinson, 12.

[7]Jenkinson, 83.

[8]Schellenberg, 187.

archivist associates a group of records with a particular function, and by distinguishing among the records created as a result of different functions, the archivist preserves, as a whole, the relationships and bonds that exist between groups of records created by the same administrative body; that is, he preserves the significance of the *fonds*. Similarly, by revealing the relationships that exist between the records-creating bodies of an administration, the archivist can ensure that the archival residue reflects the organizational structure of the administrative body, thereby providing a statement on meaning and significance of the archives of an administrative body.[9]

In the archival literature as a whole, there is a paucity of functional analyses, even though the importance of the concepts of function and provenance are acknowledged. Therefore, the significance of this thesis rests in having provided the archival community with a functional analysis of an administrative body, which in this case was Canadian universities. By applying the concepts of function, competence, and juridical persons in the analysis of an administrative body, this study demonstrates that a link can be established between functions(s) and competence(s) through juridical persons, and it also shows how functional provenance can be discerned. Furthermore, through the utilization of a case study approach, this thesis establishes that a functional analysis of an administrative body can be carried out in the abstract without reference to a body's actual records, thereby implying that a records manager or

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[9]Michael Cook, *The Management of Information from Archives,* (England : Gover Publishing Company Limited, 1986) , 80.

archivist can conduct a functional analysis of his administrative body prior to working with that body's records.

While it is recognized that a functional analysis of an administrative body benefits archivists and records managers, and their respective practices, the primary beneficiary of such an analysis is the archivist who is charged with appraisal because a functional analysis allows the archivist to develop an appraisal plan in which he ascertains the level in the organizational structure at which acquisitions should be undertaken and identifies the juridical persons from whom records should be acquired in order to document the functions and spheres of activities that comprise the administrative body.

This case study proves that studying the organizational structure of an administrative body and then carrying out a functional analysis of that body is a very effective way of identifying a body's functions, its juridical persons, and the competences of those persons. Acquiring such knowledge enables records managers and archivists to determine the provenance of the records, to place records in the context of the activities that generate them, and consequently, to acquire intellectual control over an administrative body's archival material.

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