

Minutes of a meeting of Senate held on the above date at 1:30 p.m. in the Senate Chamber, Room E3-262 Engineering and Information Technology Complex

Members Present

Dr. D. Barnard
Chair
Ms. K. Adams
Prof. B. Amiro
Prof. John Anderson
Prof. Judy Anderson
Prof. J. Asadoorian
Prof. B. Bacon
Dean J. Beddoes
Dean M. Benarroch
Prof. P. Blunden
Ms. C. Bone
Prof. T. Booth
Very Rev. R. Bozyk
Prof. M. Brabston
Rector D. Bracken
Ms. M. Brolley
Ms. J. Chen
Prof. T. Chen
Dr. D. Collins
Prof. E. Comack
Mr. I. Cook
Prof. K. Coombs
Dean D. Crooks
M. G. Csepregi
Prof. I. Davidson-Hunt
Prof. R. Desai
Dean J. Doering
Prof. E. El-Salakaway
Prof. B. Elias
Prof. J. Embree
Prof. M. Eskin
Dr. E. Etcheverry
Mr. L. Ford
Dean H. Frankel
Prof. M. Gabbert
Ms. M. Gabbs
Mr. O. Gagne
Rectrice R. Gagné
Prof. G. Giesbrecht
Prof. J. Gilchrist
Prof. J. Guard

Dean N. Halden
Prof. R. Hechter
Prof. J. Hughes
Dean A. Iacopino
Prof. J. Irvine
Dr. D. Jayas
Mr. J. Kearsey
Dr. J. Keselman
Prof. S. Kouritzin
Mr. E. Kraut
Dean R. MacMillan
Mrs. D. McCallum
Prof. R. McIlwraith
Prof. A. McIntosh
Prof. D. McMillan
Prof. D. Mann
Ms. V. Marriott
Dr. K. Matheos
Prof. S. Palahicky
Prof. S. Pistorius
Prof. T. Podolsky
Dean B. Postl
Prof. S. Prentice
Prof. M. Scanlon
Prof. W. Simpson
Prof. D. Smyth
Mr. L. Solomon
Ms. C. Tapp
Dr. R. Tate
Dean J. Taylor
Dean M. Trevan
Prof. C. Trott
Prof. J. Van Rees
Dean J. Watkinson
Prof. D. Watt
Prof. D. Wirtzfeld
Prof. E. Worobec
Prof. A. Young
Mr. J. Leclerc,
University
Secretary

Dr. S. Coyston,
Recording
Secretary

Assessors Present

Mr. J. Adams
Ms. A. Ducas
Dr. K. Grant
Dr. B. Hann
Prof. B. McKenzie
Prof. T. McLachlan
Ms. N. Rashid
Dr. J. Ristock
Dr. L. Smith
Dr. M. Torchia

Regrets

Prof. S. Alward
Dean N. Davies
Dean E. Dawe
Prof. M. Edwards
Ms. S. Gottheil
Ms. J. Guise
Prof. P. Hess
Prof. P. Hultin
Ms S. Jasper
Prof. E. Judd
Dr. A. Katz
Prof. C. Morrill
Prof. J. Morrill
Prof. K. Plaizier
Dr. I. Ripstein
Mr. H. Secter
Prof. L. Simard
Prof. H. Soliman
Prof. J. Trottier
Dean L. Wallace
Dean M. Whitmore
Ms. D. Young

Absent

Mr. R. Akther
Mr. S. Bounket
Prof. M. Enns
Prof. M. Freund
Prof. J. Hanesiak
Prof. W. Kinsner
Mr. E. Kuz
Prof. J. Linklater
Ms. A. Maqsood
Mr. N. Marnoch
Ms. J. Sealey
Dean R. Stern
Dean G.
Sevenhuysen
Prof. L. Strachan
Mr. D. Sushko
Dean L. Turnbull
Prof. K. van Ineveld
Prof. P. Venkatesh
Prof. M. Vrontakis
Prof. K. Wrogemann
Mr. C. Yap

Also Present

Ms. B. Arte
Prof. D. Brothwell
Ms. C. Christie
Dr. J. Cooper
Mr. S. Gagne
Mr. R. Hagemeister
Ms. S. Levene
Mr. J. Ossachuk
Ms. C. Préjet
Ms. J. Rebizant
Mr. M. Riesmeyer
Ms. B. Usick
Ms. M. Wayne

The Chair informed Senate that the speaker of the Senate Executive Committee was Professor Arlene Young.

The Chair welcomed new student Senators.

I MATTERS TO BE CONSIDERED IN CLOSED SESSION - none

II MATTERS RECOMMENDED FOR CONCURRENCE WITHOUT DEBATE - none

III MATTERS FORWARDED FOR INFORMATION

1. Report of the Senate Committee on Awards [February 17, 2012] Page 3

2. Report of the Senate Committee on Rules and Procedures Page 7
RE: Department Council Bylaw Template

Mr. Leclerc reported that the Senate Committee on Rules and Procedures (SCRIP) had adopted a Department Council Bylaw Template. He reminded members that SCRIP reviews department council bylaws before the documents are submitted to faculty councils for approval. Responding to requests from several departments, he had developed the template based on the best examples of existing department bylaws. Departments will not be required to use the template. Rather, it will be available as a resource for departments.

3. Statement of Intent: Master of Science (M.Sc.) in Genetic Page 13
Counselling

4. Statement of Intent: Revision of the Bachelor of Science Page 14
Program in Textile Sciences

5. Correspondence from Vice-Presidents (Research) Page 15
RE: Report on Research Contract Funds Received

IV REPORT OF THE PRESIDENT Page 19

The Chair remarked that the University is anticipating the Provincial budget shortly. He indicated that the University is also in the midst of its own internal budget processes. Information on those processes will be provided at a future meeting.

V QUESTION PERIOD

Senators are reminded that questions shall normally be submitted in writing to the University Secretary no later than 10:00 a.m. of the day preceding the meeting.

The following questions were submitted by Professor Radhika Desai, Faculty of Arts.

1. In his letter of 27 February 2012, following up on our meeting of 25 November on the matter of the concerns I have raised in Senate about the Duff Roblin appointment process, the University President, Dr Barnard, informed me that he sought independent legal advice on the process and that Professor Art Braid informed him that 'neither Senate nor individuals have standing in this

matter'. Could the President please inform Senate as to the exact question put to Professor Braid? Could he further inform Senate what Professor Braid made of the following provisions of the University of Manitoba Act to which I have drawn the President's attention in the past?

34(1)The senate has general charge of all matters of an academic character; and, without restricting the generality of the foregoing, the senate shall;

(l) recommend to the board the establishment of, or the abolition of, or any changes in faculties, constituent colleges, schools, institutes, departments, chairs, lectureships, bursaries, scholarships, fellowships and prizes;

(s) make recommendations to the board with respect to academic planning, campus planning, a building program, budget policies, procedures in respect of appointments, promotions, salaries, tenure and dismissals, and any other matters considered by the senate to be of interest to the university;

(v) hear and determine appeals from the decisions of the faculty or school councils, upon applications, requests or petitions by students or others;

2. During our meeting of November 25, I brought to the President's attention some new information I had unearthed since initially raising this matter in Senate. He considered it important enough to say that he would look into it and get back to me. The information concerned is that the Department Minutes of 19 April 2010 record that 'A separate process will be undertaken to name a new Duff Roblin Professor with the impending retirement of Paul Thomas on July 1, 2010. There is a possibility of combining funds that will be made available to the Faculty of Arts after his retirement and combining them with Duff Roblin Professorship stipend funds. The position will be requested at the rank of Associate Professor pending budgetary issues'. Sometime between this date and the circulation of the Duff Roblin Professorship advertisement in November 2010 a decision was taken to make the process an internal search. The Department appears not to have been informed of this matter. The question arises, who made this decision? Why was the Department not informed? Could the President please update Senate as to the progress of his investigations so far and the results, if any?

Dr. Barnard recalled that Professor Desai had submitted two questions concerning the Duff Roblin Professorship in Government for the March Senate meeting. As he was out of the country at the time, consideration of the questions had been delayed to the present meeting. The Chair reminded members that Professor Desai had first submitted questions regarding the Duff Roblin Professorship at the June 2011 meeting. Although he had provided information of a general nature, he had also stated that he considered the questions to be out of order. He had also indicated that he did not intend to make a habit of considering matters that are out of order. Professor Desai submitted additional questions regarding the Professorship for the September 2011 meeting, at which the Chair had requested time to consider his response. At the subsequent meeting (October 2011), the Vice-Chair had communicated the Chair's ruling that the questions were out of order. When Professor Desai expressed concerns about the ruling at the November meeting, the Chair recalled that he had offered to meet with her outside of Senate to hear her concerns and she had agreed to that meeting. The Chair reported that,

following that meeting, he sought the advice of Professor Art Braid on the jurisdictional questions raised by Professor Desai as to whether or not Senate is the appropriate forum to discuss issues related to the appointment of a professorship. Professor Braid is a former Dean of the Faculty of Law, with thirty years of service on Senate, and past member of the Board of Governors elected by Senate. Professor Braid's advice was that the matters fall outside the jurisdiction of Senate. Professor Desai had been advised of Professor Braid's response.

Based on Professor Braid's advice and in keeping with his previous rulings on similar questions, the Chair ruled the questions submitted by Professor Desai for the present meeting out of order as they fall outside the jurisdiction of Senate.

Professor Desai acknowledged that the Chair could not address her second question without first speaking to Professor Braid's interpretation of Sections 34(1)(l), (s), and (v) of the University Act. She reiterated her position that these Sections of the Act empower Senate to make recommendations to the Board on procedures in respect of appointments. She noted that her first question concerns the Chair's ruling on the jurisdiction of Senate and not the content of the questions she had previously raised at Senate concerning the Duff Roblin Professorship.

The Chair noted that a motion to appeal a ruling of the Chair must be made immediately after the disputed ruling. The motion, which must be seconded, can be debated but not amended. Approval of the motion would require a majority vote. If a vote were tied, the challenge would be considered defeated.

Professor Desai MOVED that the Chair's ruling, that questions she had submitted to Senate were out of order, be appealed. There was no seconder and the motion FAILED.

Referring to the history of Professor Desai's questions at Senate regarding the Duff Roblin Professorship, Professor Gabbert requested clarification on what the Chair was ruling out of order. He observed that there are a range of considerations, some related to personnel matters and some related to Senate's right to make recommendations concerning Chairs and Professorships. The latter, he suggested, would seem to be within the purview of the University Act. He suggested that Senate needs to know what it is agreeing to with the Chair's ruling. Professor Gabbert agreed to the Chair's request that he be given time to prepare a carefully considered response for the next meeting given the various matters raised in the discussion.

Professor Gabbert said that a question that arises from the discussion is what information Senate is entitled to receive concerning agreements between the University and donors to establish a Chair or Professorship or to name a faculty. He contended that it is important for Senate to receive sufficient information about such agreements, as it is Senate's responsibility to consider whether a particular agreement might be a threat to the University's autonomy or to academic freedom. Noting that Senate had not had an opportunity to consider the establishment of at least two Chairs, including the Duff Roblin Professorship, Professor Gabbert raised a concern regarding these oversights of Senate's statutory right to make recommendations to the Board of Governors on such matters. He also recalled that, when the Faculty of Management was renamed as the I.H. Asper School of Business and the Faculty of Environment, Earth, and Resources was renamed as the Clayton H. Riddell Faculty of Environment, Earth, and Resources,

the then-Chair of Senate had assured Senators that the University's autonomy and academic freedom are protected by the agreements but had indicated that Senate is entitled only to comment on the names and not to review the agreements. He suggested that Senate has to be provided sufficient details to determine if this is, in fact, the case. Professor Gabbert asked that Dr. Barnard also reflect on these issues when considering his response for the next meeting.

Dean Postl supported for Professor Gabbert's comments. He suggested that continuing questions concerning the Duff Roblin Professorship specifically should not continue, as it is demeaning to the Chair and other individuals involved. Senate should, instead, turn its attention to consideration of the more general and important issues identified by Professor Gabbert.

Professor Desai expressed appreciation for the clarity that Professor Gabbert's comments had brought to the issues she had raised. She added that, by asking questions about a particular matter, she had also intended to raise questions of a general nature concerning Senate's right to ask questions on matters related to Chairs and Professorships. She cautioned that tolerance of what appears to be a procedural irregularity in one instance in an organization could lead to other such irregularities.

The following questions were submitted by Professor Julie Guard, Faculty of Arts.

The recent introduction of several new electronic systems, all of them critical to the university's operation, moves me to ask why all these new software systems are being forced into production before they have been fully tested and adapted to our use. Many of us, and perhaps all of us, have experienced new inefficiencies and frustrations and have been less able to do our normal work because of the problems caused by these new programs.

I refer in particular to the introduction of a new email program, which everyone I have spoken to considers more difficult to use, clumsier, and in general inferior to the email programs they have been using; the Novell upgrade that keeps crashing, the Ad Astra software for room booking/class scheduling that will give us less flexibility and has significantly delayed next year's teaching schedule, the automated calendar system that doesn't seem to work, the learning software (Angel) that we are now replacing for the third time, the news management software that is about to be replaced, and several other programs, all of which work poorly or, in some cases, not at all.

I understand that the IST people feel pressured to install things by unrealistic deadlines and have to cut corners to get the work done. They then must spend more time fixing the problems that creates.

Recent research has shown that bad software and poor practices related to software use result in significant costs to organizations as well as measureable loss of staff time and efficiency. In our case, the imperative to change to new software that has not been properly tested and that, in some cases, is demonstrably inferior to what it replaces, has not only created those problems and has also inspired widespread demoralization across campus.

My questions are:

1. Why were these new systems imposed on staff without first properly testing the software with end users?
2. Why was it deemed necessary to rush these programs into use without allowing parallel use that would at least enable us to do our work, especially during this busy end-of-term period?

Mrs. McCallum acknowledged that it can be challenging for people to adapt and to learn several new systems. She indicated that recommendations to replace email, calendar, room-scheduling, and learning management software were made following in depth evaluative processes and in consultation with various stakeholders. Advisory groups were created and support staff and faculty were invited to participate in the discussion and evaluation of the new software. Mrs. McCallum commented that it is sometimes challenging to get faculty to volunteer to participate on the advisory committees.

Mrs. McCallum stated that, in each case, considerable effort was made to test the new software systems. Implementation of the new email system (Microsoft Exchange) followed two pilot projects; one involving twenty users conducted in December and January and the second conducted in January and February and involving 240 users, including faculty, support staff, and Information Technology (IT) staff. The University engaged Dell's technical services to guide the implementation. Mrs. McCallum observed that implementation of the email and calendar systems has been complicated where some faculties, including the Faculty of Arts, elected to have their own IT staff undertake the implementation without the assistance of central migration specialists. In the Faculty of Arts, in particular, IT staff also elected not to follow the established protocol for implementation and, consequently, problems ensued. Mrs. McCallum said a communication has been sent to IT staff across all faculties to remind them of the steps to be followed in migrating staff to the new email and calendar systems.

Mrs. McCallum reported that testing of the new learning management software (Desir2Learn (D2L)) is scheduled to take place over the summer. She refuted the assertion that the new scheduling software (Ad Astra Scheduling) has resulted in delays in class scheduling saying that the schedule will be published in the near future and in the same time frame as past years.

Referring to the question of parallel use of the old and new systems, Mrs. McCallum said it is not possible technically to direct email to two different systems. Observing that Angel was not reliable, she suggested there would be no benefit to running parallel systems. Implementation of the Desir2Learn software will move forward in time for the Fall term.

Professor Guard replied that the very competent IT staff in the Faculty of Arts are not responsible for problems that have followed from the migration to the new email system. She commented on the considerable length of time required to install the new software on a large number of clients' computers, which often are not state-of-the-art and also require a number of upgrades before the new software can be installed. She suggested that people can readily adapt to the changes and identified the timing of the implementation of the various new systems, which is occurring at a very busy point during the academic year, as the primary problem. She described the resulting problems and frustrations as demoralizing and suggested that, if the University does

want to be an employer of choice, more thought might be given to the timing of introducing changes.

Professor Chen asked if administration intends to track costs arising from the implementation of the new systems, and particularly costs associated with the extra workload created at the point the transitions occur, to inform future decision making on the timing of implementing changes. Mrs. McCallum acknowledged there are costs associated with implementing new systems, including the time required to learn the systems. There is no plan to track such costs. The University is tracking the benefits that arise from the new systems and Learning and Change Consultants are following up with users to gather feedback that might instruct future projects.

The following questions were submitted by Professor Elizabeth Comack, Faculty of Arts.

On March 7, 2012 Department Heads, Administrative Assistants and Student Advisors received an email from Continuing Education regarding class scheduling during summer session. Specifically, it was announced that all classes held the evening of Thursday, July 26 would be cancelled in order to accommodate a Winnipeg Blue Bomber home game at the new stadium. In order to make up for this cancellation, an extra class will be held on June 19 for the May-August session and the June-August Evening session will begin on June 19 instead of June 21.

Given this decision to alter summer session classes in order to accommodate the football schedule, a number of questions emerge with respect to potential "conflicts" in future academic terms:

- Does the University of Manitoba plan on altering the scheduling of classes on a regular basis in order to accommodate the Winnipeg Blue Bombers?
- Can the Senate expect that alterations to the scheduling of classes will also become a regular phenomenon as the stadium becomes a popular venue for not only sports activities but music and other events held at the stadium?
- If so, what steps are being taken to ensure that the academic mission of the University of Manitoba will not be inordinately affected by the presence of the new stadium?

Mrs. McCallum stated that she was not aware of the email to which Professor Comack referred. She indicated that communications concerning the stadium would be better moving forward.

Mrs. McCallum reported that there will be no Winnipeg Blue Bomber games in the stadium this summer. In future years, there will be nine home games and the possibility of one playoff game in November. The University has worked with the Canadian Football League (CFL) to arrange a schedule that minimizes the impact on academic programs. Four of the nine home games will occur on weekends and the five weekday games will be scheduled in July and August. The CFL has agreed to postpone the start

time of weekday games to 7:00 or 7:30 p.m. It might be expected that, on occasion, conflicts with the academic schedule will occur. The University hopes to receive information from the CFL well in advance, to make any required accommodations; for example, rescheduling classes to minimize the impact on faculty and students who need to be on campus.

Mrs. McCallum indicated that a maximum of four concerts can be scheduled each year and these would normally occur on the weekend and later in the evening. Blackout periods have also been defined. She assured members that efforts will be made to ensure that events scheduled in the stadium do not impact the academic schedule.

The following questions were submitted by Professor Cameron Morrill, UMFA Assessor.

At the March 20th meeting of the Board of Governors, the Board was provided with information on the work of Strategic Enrolment Management Project, including proposed goals for student numbers at the U of M (overall as well as in particular categories) and the capacity of the university to accommodate these numbers. When will this project be reporting to Senate on these and any other matters under the SEM mandate?

Dr. Keselman said that the Board of Governors had expressed an interest in learning about the concepts behind strategic enrolment management. At the March 20th meeting, the Board had also received an update on the work of the Strategic Enrolment Management Committee, whose broad-based membership includes the Chair of the Senate Planning and Priorities Committee (SPPC). Dr. Keselman recalled that she has previously reported to Senate on the Strategic Enrolment Management Project and indicated that the same presentation made to the Board will be presented to the SPPC and to Senate shortly.

**VI CONSIDERATION OF THE MINUTES
OF THE MEETING OF MARCH 7, 2012**

Dean Doering MOVED, seconded by Ms. Tapp, THAT: Senate approve the minutes of the meeting of March 7, 2012 be approved as amended.

CARRIED

VII BUSINESS ARISING FROM THE MINUTES - none

**VIII REPORTS OF THE SENATE EXECUTIVE COMMITTEE
AND THE SENATE PLANNING AND PRIORITIES COMMITTEE**

1. Report of the Senate Executive Committee

Page 31

Professor Young reported that Senate Executive had met on March 21, 2012. The comments of the committee accompany the reports on which they were made.

2. **Report of the Senate
Planning and Priorities Committee**

Ms. Ducas reported that the Senate Planning and Priorities Committee is currently considering a proposal from the I.H. Asper School of Management to establish an Actuarial Stream within the M.Sc. in Management.

IX **REPORTS OF OTHER COMMITTEES OF SENATE,
FACULTY AND SCHOOL COUNCILS**

1. **Report of the Senate Committee on Academic Dress** Page 32

Professor McMillan MOVED, seconded by Professor Brabston, THAT: Senate approve the Report of the Senate Committee on Academic Dress [dated March 15, 2012] regarding the following programs:

- **Diploma in Agriculture**
- **Diploma in Fine Arts**
- **Diploma in Dental Hygiene**
- **Post-Baccalaureate Diploma in Education**
- **Aboriginal Community Wellness Diploma**
- **Aboriginal Child and Family Services Diploma**
- **Aboriginal Environmental Stewardship Diploma**

CARRIED

2. **Proposal from the Faculty of Agricultural and Food Sciences** Page 34
RE: Internationally Educated Agrologists Program

Dean Trevan informed members that the Internationally Educated Agrologists Program (IEAP Program) has been offered on a pilot basis for a term of five years, with funding from the Manitoba Department of Labour and Immigration. That funding had come to end at the close of March 2012.

a) **Report of the Senate Committee on Curriculum and Course Changes** Page 76

Dean Frankel reported that the Senate Committee on Curriculum and Course Changes had considered and supports the proposal for the IEAP Program. He referred members to observations of the Committee, as outlined in the Report circulated with the agenda.

b) **Report of the Senate Planning and Priorities Committee** Page 78

Ms. Ducas reported that the Senate Planning and Priorities Committee had considered the proposal for the IEAP Program, which has been offered as a pilot program for a period of five years. She noted that continuation of the program is strongly supported by the Manitoba Institute of Agrologists. Ms. Ducas indicated that revenue from the program would be derived from tuition fees and Faculty resources, including operating funds, endowment revenue, and operating funds for international students to offer the program. The Faculty would also make use of a number of central resources including Learning Development Services, the English Language Centre, the

International Centre for Students, and Career Services. Ms. Ducas called attention to the Committee's observation that, because the Faculty would rely heavily on tuition revenue to the fund program, and given that tuition fees are regulated, increases to revenue would not keep pace with inflationary costs over time. The Faculty would be required to cover increased costs from its operating budget.

Dean Trevan MOVED, seconded by Professor Amiro, THAT: Senate approve and recommend that the Board of Governors approve the proposal from the Faculty of Agricultural and Food Sciences regarding the introduction of the Internationally Educated Agrologists Program.

CARRIED

3. **Report of the Senate Committee on University Research** Page 80
RE: Establishment of Research Centres and Institutes:
Centre for Human Rights Research

Dr. Jayas called attention to a proposal to establish the Centre for Human Rights Research, as found on page eighty-three of the agenda and to observations of the Senate Committee on University Research, which begins on page eighty-one. He observed that the Centre, which would facilitate research within and outside the University, would create unique research opportunities for students and facilitate research-driven knowledge, public policy, and intellectual debate on issues related to human rights and social justice. Dr. Jayas reported that the Committee recommends that the Centre be established for a period of five years.

- a) **Report of the Senate Planning and Priorities Committee** Page 105

Ms. Ducas said the Senate Planning and Priorities Committee had observed that the mission and objectives of the proposed Centre for Human Rights Research are consistent with the University's priorities for academic enhancement. The proposed Centre is an inter-faculty initiative of the Faculties of Arts, Education, Law, and Social Work that would provide opportunities for more than 175 researchers involved in human rights research at the University to engage in a collaborative and inter-disciplinary network and would increase the University's visibility in this area. The Centre has already undertaken a number of high profile activities including assisting with the preparation of the University's bid to house the Truth and Reconciliation Commission archives in a new National Aboriginal Research Centre at the University.

Ms. Ducas informed members that the Centre had received seed money from the Academic Enhancement Fund to create infrastructure, to support planning, and to begin programming. In addition, the Faculty of Law had provided in kind funding. The Centre's budget for the current fiscal year is \$159,747. In the fifth year, the Centre would require approximately \$250,000 to operate, taking into account incremental costs. Ms. Ducas noted that the Centre would obtain funds from a number of sources. In each year, for the period 2012-2017, the deans of the Faculties of Arts, Law, Education and Social Work would jointly request \$161,148 in funds available through the

Strategic Resource Planning process. If the request were not granted or were granted only in part, the participating faculties would reconsider their own budgets to make up any shortfall. The Centre would also be supported by annual revenue of \$100,000 from an endowment fund, which is to be identified as a fundraising priority for the participating faculties in the next capital campaign. The Faculty of Law would also continue to provide office and meeting space, office supplies and equipment, accounting, technical, and graphic design support, for at least three more years.

Dr. Jayas MOVED, on behalf of the committee, THAT: Senate approve and recommend that the Board of Governors approve the Report of the Senate Committee on University Research RE: Establishment of Research Centres and Institutes: regarding the establishment of the Centre for Human Rights Research, for a period of five years beginning April 1, 2012.

CARRIED

4. **Report of the Senate Committee on University Research RE: Periodic Review of Research Centres and Institutes: the Centre for Earth Observation Science** Page 108

Dr. Jayas reported that the Centre for Earth Observation Science had been reviewed by the Senate Committee on University Research as per the Procedure: Research Centres, Institutes, and Groups. He referred members to the Report of the Committee, which begins on page 108 of the agenda. Dr. Jayas indicated that the Committee is recommending renewal of the Centre for a five-year period.

Dr. Jayas MOVED, on behalf of the committee, THAT: Senate approve the Report of the Senate Committee on University Research RE: Periodic Review of Research Centres and Institutes, regarding the renewal of the Centre for Earth Observation Science, for a period of five years beginning April 1, 2012.

CARRIED

5. **Report of the Senate Committee on Rules and Procedures RE: Revisions to the Faculty of Medicine By-law** Page 113

Dean Doering indicated that the Senate Committee on Procedures is recommending a number of amendments to the Faculty of Medicine Bylaw, which he described as being housekeeping in their nature.

Dean Doering MOVED, on behalf of the committee, THAT: Senate approve the Report of the Senate Committee on Rules and Procedures regarding Revisions to the Faculty of Medicine Bylaw.

CARRIED

6. **Proposal from the Faculty of Dentistry RE: Faculty of Dentistry/ School of Dental Hygiene Professional Unsuitability and Essential Student Abilities Bylaws** Page 122

Dean Iacopino introduced Professor Brothwell, Associate Dean (Academic), Faculty of Dentistry, who was present to speak to a proposal to establish the Faculty of Dentistry/School of Dental Hygiene Professional Unsuitability and Essential Student Abilities Bylaws, and a number of associated documents.

Professor Brothwell noted that, as a professional faculty, the Faculty of Dentistry is responsible for ensuring that its students graduate with the knowledge, skills, attitudes, and behaviours required to practice the profession. Thus, it is imperative that the Faculty have functional Professional Unsuitability Bylaws that allow the Faculty to meet this end. Problems inherent in the current Bylaws; for example, which allow the Chair of the Professional Unsuitability Committee to serve as both prosecutor and judge; have presented difficulties when cases of professional unsuitability have had to be heard. The Faculty is, therefore, proposing changes to its Professional Unsuitability Bylaws. Dr. Brothwell noted that the Faculty is also proposing to introduce the Essential Student Abilities Bylaw, as recommended by Senate Executive, to deal with cases where a student has not demonstrated essential skills and abilities due to a disability that cannot be accommodated.

a) Report of the Senate Committee on Instruction and Evaluation [November 24, 2011] Page 150

b) Comments of the Senate Executive Committee [March 21, 2012] Page 152

Professor Young reported that, following a recommendation from the Senate Committee on Instruction and Evaluation, the Senate Executive Committee had considered a proposal from the Faculty of Dentistry to establish the Faculty of Dentistry / School of Dental Hygiene Professional Unsuitability Bylaws and a number of associated documents. Over several meetings, the Committee had considered different versions of the Professional Unsuitability Bylaw, in particular. The Committee had referred the document back to the Faculty of Dentistry to address two concerns. One, that the Bylaw, as first proposed, did not explicitly prohibit the use of anonymous material as the basis for a complaint, and second, that it allowed for the possibility of finding a student professionally unsuitable as a result of a disability that could not be accommodated. Responding to the concerns that were raised, the Faculty of Dentistry had followed the Committee's recommendations to (a) amend clause 3.2 of the Professional Unsuitability Bylaw, to prohibit the use of anonymous submissions, and (b) to establish a separate bylaw to deal with matters concerning innate competencies required to meet essential skills and abilities required for the dental profession. Professor Young advised members that the Senate Executive Committee recommends that Senate approve a proposal from the Faculty of Dentistry to establish the Faculty of Dentistry / School of Dental Hygiene Professional Unsuitability Bylaw, the Faculty of Dentistry / School of Dental Hygiene Essential Student Abilities Bylaw, and associated documents.

Dean Iacopino MOVED, seconded by Professor Brabston, THAT: Senate approve a proposal from the Faculty of Dentistry to establish the following documents, effective September 1, 2012:

- Faculty of Dentistry/School of Dental Hygiene Professional Unsuitability By-Law;
- Faculty of Dentistry/School of Dental Hygiene Essential Student Abilities By-law;
- Essential Skills and Abilities for Admission, Promotion and Graduation in the D.M.D. Program;
- Essential Skills and Abilities for Admission, Promotion and Graduation in the Dental Hygiene Diploma Program;
- Accommodation for Undergraduate Dental Students with Disabilities; and
- Accommodation for Undergraduate Dental Hygiene Students with Disabilities.

CARRIED

X **ADDITIONAL BUSINESS**

1. **Final Report of the ad hoc Committee of Senate Executive to Examine Accommodations of Students with Disabilities and Governance Procedures Related to Academic Requirements** Page 153

Dr. Cooper observed that the length of the Final Report of the ad hoc Committee of Senate Executive to Examine Accommodations of Students with Disabilities and Governance Procedures Related to Academic Requirements reflects the importance of matters considered by the Committee to the University and to the Senate. She commended Committee members for their collegial service recognizing Dean Crooks, Professor Gabbert, Professor Leclair, Chancellor Sector, Professor Shalaby, and Dean Whitmore. She acknowledged the important contributions of resource persons to the Committee including Mr. Juliano (Director, Office of Legal Counsel), Dr. Smith (Executive Director, Student Services/Student Affairs), Mr. Leclerc, Dr. Coyston, and Ms. Brolley (formerly of the Office of the University Secretary).

Dr. Cooper noted that the Report includes recommended definitions for terms related to accommodation (Observation 2), as use of the terms across the University was found to be inconsistent. The Committee had also observed that the duty to accommodate is not well understood at the University. Observation 3. a. in the Report makes clear the University's duty to accommodate students with disabilities, but also underscores the duty to maintain the academic integrity and standards of the institution. Observation 3. b. reflects the Committee's conclusions concerning the role of faculty members in the accommodation process, including their rights and responsibilities.

Dr. Cooper reported that the Committee had spent considerable time discussing academic standards (Observation 4. a., b., c.), including the importance of upholding academic standards when providing accommodations. The Committee had also discussed the University's obligation to provide accommodations while maintaining a student's legal right to privacy (Observation 4. d.). Referring to Observation 4.e., Dr. Cooper said the Committee found that the delegation of authority concerning accommodation decisions varies across

the campus, which can sometimes create problems for students and for instructors who have to provide accommodations.

Dr. Cooper called attention to the Committee's recommendations concerning how accommodation decisions should be made for various types of accommodations including modifications, substitutions, waivers, and degrees notwithstanding a deficiency (Observation 5). The Report describes recommended processes for reviewing accommodation decisions at the level of the faculty, department, or unit (Observation 5. b.) and comments on the authority and responsibility of deans in these processes (Observation 5. c.). The Committee also recommends the establishment of a university-level review mechanism (Observation 5. d.).

Dr. Cooper noted that the Committee had considered issues regarding accommodations as they relate to joint programs between two faculties and between the University and other institutions (Observation 5. e.).

Referring to Observation 7, Dr. Cooper said the Committee had reviewed current process for providing accommodations, including the role of Student Accessibility Services (SAS) in those processes. The Report provides information about staffing, services provided and accommodations offered, caseload, and the practices followed in providing accommodations.

Dr. Cooper referred members to a series of recommendations, on pages 178 – 180 of the agenda, which, she remarked, are based on evidence and respect all parties who have to deal with issues concerning accommodations.

The Chair informed Senate that, following an extensive discussion of the Report, Senate Executive had taken a decision to forward the Report to Senate. He called upon the speaker to provide a motion that reflects Senate Executive's recommendation for dealing with the Report, to ensure that a plan is developed to implement the recommendations of the ad hoc Committee.

Professor Young MOVED, on behalf of the committee THAT: Senate approve the Report of the ad hoc Committee of Senate Executive to Examine Accommodations of Students with Disabilities and Governance Procedures Related to Academic Requirements in principle; and

THAT: Senate refer the Report back to the Senate Executive to oversee the development of a detailed plan to implement the recommendations contained within the Report; and

THAT: the Senate Executive report to Senate on the implementation of the recommendations.

Members who commented on the Report were unanimous in their assessment of the high quality and significance of the document to the University.

Professor Worobec remarked that it is not clear how University 1 fits into the processes described for providing and reviewing accommodations. Reference is made to faculties and schools but not to University 1. She noted that some

students do initiate a request for accommodation through University 1. Dr. Cooper replied that, in the context of language used in the Report, University 1 would be considered a unit. She agreed that, should the Report be accepted, it will be important to ensure that implementation of the recommendations takes into account students and instructors in University 1.

Professor Judy Anderson commented on the significant role that Student Accessibility Services already has in accommodation processes, and the potential for an increased role through interactions with deans and faculty-level Accessibility Advisory Committees. She suggested that the implementation of a number of the recommendations, including recommendations g. and h., which call for SAS to develop a web-based handbook for instructors and to increase communication with the University community, would make it imperative that the office receive adequate support to maintain staffing levels, with appropriate qualifications. Also, given a recommendation that the office provide an annual report to Senate, it might require expertise in compiling and analysing institutional data and determining institution-wide trends to prepare those reports.

Dr. Cooper replied that the Committee had found that SAS does have a very clear protocol and well developed procedures that work well in ninety-nine percent of cases where students request an accommodation. The faculty-level Accessibility Advisory Committees would be called upon only occasionally to deal with more difficult cases. Dr. Cooper noted that the Committee had identified a nation-wide trend for increasing numbers of students declaring a disability. On this basis, it might be expected that there will be an increasing demand for SAS services that could stretch the capabilities of that office as well as instructors.

Dr. Smith said that she had met with SAS staff to discuss the recommendations in the report and to consider the types of resources that would be required should the recommendations be adopted. She indicated that the office would make a request for additional resources, depending on which recommendations are implemented. Dr. Smith noted that SAS has produced an annual report for a number of years and so the office is well-positioned to provide an annual report to Senate that includes the types of data and statistics that will be required by the committee. She suggested that the greatest challenge will be to assign SAS staff to serve on the various faculty-level Accessibility Advisory Committees in such a way as to ensure that a staff member representing a student as an Accessibility Advisor in a case is not also serving on the Accessibility Advisory Committee of the student's faculty.

Professor Blunden raised concerns about recommendation c., which would require that academic units identify and provide rationales for *bona fide* academic requirements of existing and new programs. He suggested that the exercise would be akin to inventing rules to govern exceptions, the exceptions to the rules being the accommodations. Ultimately, it would be necessary to create additional rules to circumvent the accommodations, as it would be impossible to anticipate all of the possible exceptions that might be required for various disabilities. Professor Blunden proposed that it would be preferable to exercise good judgement following an established set of guidelines. He also contended that, while professional programs might identify specific courses or essential skills as *bona fide* requirements, this would be more difficult in arts and sciences

programs, which require that students acquire a body of knowledge rather than complete a very specific set of courses. He observed that the *bona fide* academic requirements for undergraduate physics programs, for example, would vary broadly at institutions across North America and globally, as programs look for students to attain a certain standard of achievement that comes from a sum total of all courses completed rather than the completion of specific courses. Professor Blunden was also concerned that the exercise would involve a great deal of work for academic units.

Dr. Cooper said the Committee recognized that it would be more difficult to delineate *bona fide* requirements for arts and sciences programs, as compared to professional programs. She noted that the Report does not suggest that departments submit a list of requirements for a program. Rather, the recommendation is that departments provide a rationale for requiring that students demonstrate that they have acquired a particular body of knowledge through the course of the program. Dr. Cooper said that, based on case law in other jurisdictions, departments and programs that have not established *bona fide* requirements have not fared well when they have faced court challenges. She agreed that it would also be important to use judgement but within an established framework for making decisions on accommodations.

Professor Gabbert added that, aside from the University's legal onus to provide accommodations, the Report underscores that the University's programs are the responsibility of Senate and that the requirements students must meet are ones that have been approved by Senate on the basis of a collegial process. Considering this, the academic requirements for a program must be taken seriously. Professor Gabbert contended that the University is not, however, always in a position to articulate why particular requirements are important. Consequently, departments must think about and set out in writing the *bona fide* requirements for their programs in order to be able to justify and to defend the degree programs as they have been established at this institution.

MOTION CARRIED

The Chair thanked Dr. Cooper for her contribution to the ad hoc Committee, which had resulted in an important piece of work for the University.

XI ADJOURNMENT

Dr. Keselman noted that this was the final meeting for Dr. Karen Grant, Vice-Provost (Academic Affairs), who would be leaving the University to take up an appointment as Provost and Vice-President (Academic and Research) at Mount Allison University. She thanked Dr. Grant for her contributions to the University over the previous twenty-seven years, including her service on Senate and its standing committees.

The meeting was adjourned at 3:50 p.m.

These minutes, pages 1 to 16, combined with the agenda, pages 1 to 191, comprise the minutes of the meeting of Senate held on April 4, 2012.