

Item: Senate Minutes, June 2005  
Call Number: Senate fonds, UA-5

Additional Notes:

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**DALHOUSIE UNIVERSITY**

**APPROVED MINUTES**

**OF**

**SENATE MEETING**

SENATE met in regular session on Monday, June 13, 2005 at 4:00 p.m. in the University Hall, Macdonald Building.

**Present** with Mr. Fraser in the Chair were the following: Barker, Barkow, Ben-Abdullah, Binkley, Butler, Camfield, Cleave, Cochrane, Coughlan, Coxon, Dunphy, Earl, Evans, Finley, Hicks, Jordan, Jost, Kwak, MacDonald, Maes, McNeil, Murphy, Oppong, Pelzer, Richard, Rutherford, Scrimger, Scully, Smith, Sommerfeld (Recording Secretary), Stone, Stuttard, Sullivan, Swanston, Taylor, Wallace, Whyte, Zuck.

**Regrets:** Beazley, Bond, Caley, Caron, Cook, Das Gupta, Edelstein, El-Hawary, Hamilton, Klein, Livingston, McIntyre, McMullen, Phillips, Precious, Russell, Salmon, Shelkovyy, Stroink, Taheri, Traves.

**Absent:** Breckenridge, Cercone, Corke, Finbow, Horackova, Jalilvand, Meagher-Stewart, Morgunov, O'Brien, Pronk, Satish, Wanzel.

**Invitees/Guests in attendance:** E. Lane, L. Maloney, F. Nowakowski, M. O' Sullivan, A. Power,

**2005:055**

Adoption of the Agenda

Mr. Whyte stated that he wished to place a notice of motion on the agenda. Mr. Fraser placed that item under *Agenda #10: Other Business*. The agenda was **ADOPTED** as amended.

**2005:056**

Draft Minutes of the Previous Meeting

I) Approval

Mr. Wallace noted that in Item **2005:051** (I), line 6, "The Director expressed..." should be relaced with "The President expressed..." .The minutes of the meeting of May 9, 2005 were **ADOPTED** as corrected.

ii) Matters Arising

Mr. Fraser commented that the 13 Spring Convocation ceremonies held May 24-June 1, 2005, were well attended by students, their families and faculty. He thanked Senators who attended one or several ceremonies..

Mr. Fraser noted in regards to Item **2005:051**, the report of the discussion regarding submission deadlines for program proposals to the Senate Academic Priorities and Budget Committee(SAPBC). The matter had

been discussed further at SAPBC on June 6, 2005 with revisions to the program proposal forms in-progress. He re-iterated that while program proposals could be submitted at any time through the year, SAPBC was requiring that for implementation purposes, proposals be submitted at least by December 1 of the year preceding the expected date of implementation, i.e., the following September. This nine-month period was intended to enable time for completion of approval processes as well some degree of recruitment to the program. He added that once revision of the forms was completed and approved by SAPBC, they would be made available to Senators.

Mr. Fraser reported that Mr. Kieran Bradshaw, a recent graduate of the Bachelor of Computer Science Co-op Program, had been engaged in the Senate Office to convert the Senate website to the new branding image, to update the site's content, and to complete the Senate Academic Appeals Decision database. Comments from Senators in regards to the Senate website would be welcomed by Mr. Bradshaw.

**2005:057**

Approval of Degrees

Mr. Fraser reported that the following degrees and diplomas had been approved by Mr. El-Hawary as the Chair of Senate on behalf of the Senate, and the Registrar of Dalhousie University, in consultation with the Provost of the College of Arts and Science and the Deans, and as identified in the correspondence to the Secretary of Senate as follows:

**College of Arts and Science**

As recommended by Dean Keith Taylor, Provost of the College of Arts and Science, on behalf of the College of Arts and Science:

Bachelor of Arts . . . . .	469
(Distinction 16; Honours 93; First Class Honours 84)	
Bachelor of Arts Major Conversion . . . . .	4
Bachelor of Arts Advanced Major Conversion . . . . .	5
Bachelor of Arts Honours Conversion . . . . .	8
Diploma in Costume Studies . . . . .	22
Bachelor of Music . . . . .	4
Bachelor of Science . . . . .	408
(Distinction 27; Honours 60; First Class Honours 93)	
Bachelor of Science Major Conversion . . . . .	3
Bachelor of Science Advanced Major Conversion . . . . .	3
Bachelor of Science Honours Conversion . . . . .	8
Diploma in Meteorology . . . . .	14
	<b>TOTAL 948</b>
	(863 last year)

**Faculty of Architecture and Planning**

As recommended by Dean Grant Wanzell, on behalf of the Faculty of Architecture and Planning:

Bachelor of Community Design . . . . .	3
Bachelor of Community Design (Honours), Major in Urban Design Studies . . . . .	6
	<b>TOTAL 9</b>

(1 last year)

**Faculty of Computer Science**

As recommended by Dean Nick Cercone, on behalf of the Faculty of Computer Science:

Bachelor of Computer Science . . . . .	75
(Distinction 2; Sexton Distinction 8; Honours 5; First Class Honours 3)	
Bachelor of Computer Science Honours Conversion . . . . .	1
(Sexton Distinction 1)	
Bachelor of Science (Computer Science) . . . . .	7
(Honours 3; First Class Honours 1)	
	<b>TOTAL 83</b>
	( 72 last year)

**Faculty of Dentistry**

As recommended by Dean David Precious on behalf of the Faculty of Dentistry:

Doctor of Dental Surgery . . . . .	41
(Distinction 3)	
Diploma in Dental Hygiene . . . . .	39
	<b>TOTAL 80</b>
	( 71 last year)

**Faculty of Engineering**

As recommended by Dean William Caley on behalf of the Faculty of Engineering:

Bachelor of Engineering . . . . .	240
(Sexton Distinction 30; Distinction 14)	
Diploma in Engineering . . . . .	90
Bachelor of Applied Science . . . . .	3
	<b>TOTAL 333</b>
	(308 last year)

**Faculty of Graduate Studies**

As recommended by Dean Jan Kwak on behalf of the Faculty of Graduate Studies:

Master of Laws . . . . .	5
Master of Arts . . . . .	25
Master of Applied Computer Science . . . . .	21
Master of Applied Health Services Research . . . . .	1
Master of Architecture (First Professional) . . . . .	22
Master of Applied Science . . . . .	25
Master of Business Administration . . . . .	104
Master of Computer Science . . . . .	26
Master of Electronic Commerce . . . . .	12
Master of Engineering . . . . .	20
Master of Environmental Studies . . . . .	15
Master of Health Informatics . . . . .	14

Master of Health Services Administration . . . . .	13
Master of Library and Information Studies . . . . .	41
Master of Nursing . . . . .	19
Master of Public Administration . . . . .	38
Master of Planning . . . . .	15
Master of Science . . . . .	75
Master of Social Work . . . . .	34
Master of Urban/Rural Planning . . . . .	2
Doctor of Philosophy . . . . .	39

**TOTAL 566**  
(486 last year)

**Faculty of Health Professions**

As recommended by Dean Lynn McInyre on behalf of the Faculty of Health Professions:

Diploma in Disability Management . . . . .	9
Bachelor of Science (Health Education) . . . . .	4
Bachelor of Science (Health Promotion) . . . . .	7
(Distinction 1)	
Bachelor of Science (Kinesiology) . . . . .	52
(Distinction 4; First Class Honours 5)	
Bachelor of Science (Kinesiology) - Honours conversion . . . . .	1
Bachelor of Science (Recreation) . . . . .	19
(Distinction 4)	
Diploma in Health Services Administration . . . . .	2
Bachelor of Science (Nursing) . . . . .	109
(Distinction 9)	
Bachelor of Science (Occupational Therapy) . . . . .	36
(Distinction 11)	
Bachelor of Science (Pharmacy) . . . . .	87
(Distinction 2)	
Bachelor of Science (Physiotherapy) . . . . .	46
(Distinction 6)	
Bachelor of Social Work . . . . .	39
(Distinction 4)	
Bachelor of Health Science . . . . .	20
(Distinction 6)	

**TOTAL 431**  
(408 last year)

**Faculty of Law**

As recommended by Dean Dawn Russell on behalf of the Faculty of Law:

Bachelor of Laws . . . . .	149
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**TOTAL 149**  
(136 last year)

**Faculty of Management**

As recommended by Dean Abolhassan Jalilvand on behalf of the Faculty of Management:

Bachelor of Commerce .....	130
Bachelor of Management .....	32
(Distinction 6)	
	<b>TOTAL 162</b>
	(155 last year)

**Faculty of Medicine**

As recommended by Dean Harold Cook on behalf of the Faculty of Medicine:

Doctor of Medicine .....	88
Bachelor of Science (Medicine) .....	1
	<b>TOTAL 89</b>
	(89 last year)

**TOTAL GRADUATING CLASS: 2850**  
(2589 last year)

Mr. Scully moved:

**That Senate affirm the awarding of degrees and diplomas to the candidates previously approved by the Chair of Senate on behalf of the Senate, and the Registrar of Dalhousie University, in consultation with the Provost of the College of Arts and Science and the Deans, and as identified in the correspondence to the Secretary of Senate.**

The motion was **CARRIED**.

**2005:058**

Senate Committee on Academic Administration (SCAA)

I) Code of Student Conduct Report

A written summary report from Mr. Eric McKee, Vice President Student Affairs, regarding the complaints against the Code of Conduct and their disposition from July 1,2003 to April 28, 2005 had been circulated with the agenda. As there were no comments or questions arising from the Report, Mr. Fraser indicated that should any questions later arise, they could be forwarded to Mr. Scully, Chair of the SCAA who would seek answers from Mr. McKee’s successor.

ii) CanTest as Proof of English Proficiency

As summarized in a memorandum from the University Registrar, Ms. Åsa Kachan, to Mr. Scully, a CanTEST average score of 4.5, with no band lower than 4.0, was recommended to SCAA as proof of

English proficiency for admission to Dalhousie University. Mr Scully reported that the SCAA had approved that recommendation at its meeting of May 4, 2005. The CanTEST , which was developed at the University of Ottawa and used by several other Canadian Universities, would be in addition to those options already approved at Dalhousie University, that is, the TOEFL with result of 580 (287 for computer-based test); MELAB with result of 90 or IELTS results of 7.0; and CAEL test with a final score of 70.

iii) Timing of the Submission of Grades to the Registrar by the Faculties of Law, Medicine and Dentistry

Mr. Scully reported that the following policy regarding the submission of grades in the Faculties of Law, Medicine and Dentistry had been approved by the SCAA at its meeting of May 4, 2005, and the policy would be included in the current Policy on Submission of Final Grades which was reviewed and re-affirmed at Senate in December 2004:

- 1. Within seven calendar days after a final examination and within fourteen calendar days after the completion of a class where there are no final examinations, the instructor should submit the Grade Return Sheet to the Registrar's Office. Such grades are to be based on the instructor's evaluation of the academic performance of the students in the class in question. Only grades on the University's officially approved grading scale may be assigned and reported, and*
- 2. Any subsequent grade changes must follow the procedures approved in each Faculty prior to submission to the Registrar's office.*

Mr. Scully stated that there had been full consultation and agreement amongst the Registrar and the three Faculties concerned in the development of the policy.

**2005:059**

Reports Regarding Recommendations from the Report of the Senate *ad hoc* Committee on Plagiarism

I) Analysis of the Dalhousie Student Integrity Survey

Mr. Larry Maloney, Associate Vice President Academic provided introductory comments on the document, Analysis of the Dalhousie Student Integrity Survey, copies of which had been circulated with the agenda. The Analysis Advisory Committee had been charged, as per a recommendation of the Report of the Senate *ad hoc* Committee on Plagiarism, to conduct a detailed analysis of the Academic Integrity Survey data collected as part of the work of the Senate *ad hoc* Committee. That *ad hoc* Committee had provided a first-level of analysis of the data in its Report as presented in June 2004. Mr. Maloney reported that the results of the detailed analysis yielded few further insights to that already presented by the *ad hoc* Committee, noting that it showed no definite clear predictors of which students were likely to cheat on papers or examinations, and no clear correlations between factors such as extra-curricular activity involvement or employment and cheating behaviors. However, Mr. Maloney stated that the information garnered through the analysis would assist in providing directions for enabling resources and attention to be directed towards educative and preventative activities in regards to cheating behaviors on campus by undergraduate students.

Mr. Stuttard commented on the small correlation between students who self-reported cheating behaviors and their perceptions of fairness of assessment methods, noting that this finding might support views of those who find student evaluation of faculty less than helpful.

Mr. Fraser thanked the Analysis Advisory Committee members (C. Fields, F. Nowakowski, N. Scrimger, L. Maloney, M. O'Sullivan, and E. Lane) for their work in conducting the analysis and providing the Report.

- ii) An Approach to Promoting Academic Integrity at Dalhousie: A Proposal from the Senate Committee on Academic Administration (SCAA)

Mr. Fraser invited Mr. Scully, Chair of the SCAA, to present the proposal which had been circulated with the agenda. Mr. Scully noted that with the proposal, there was an attached memorandum that identified motions from Report of the Senate ad hoc Committee on Plagiarism that had been directed to SCAA for further discussion and strategy identification. SCAA had met with the Chair (L. Barnes) and two members (P. Cox, Senate Discipline Committee Co-Chair, and J. MacRae, DSA member) of the Senate *ad hoc* Committee at one meeting. Further discussions of the issues had taken place at two subsequent meetings .

The proposal presented for approval at this meeting identified the intention to use existing University structures, such as the Centre for Learning and Teaching (CLT) and the Senate Committee on Learning and Teaching (SCOLT), to design a coordinated educative approach to the promotion of academic integrity on campus. SCAA also proposed that the academic regulation and policy functions regarding academic integrity would be addressed through the establishment of a standing sub-committee of the SCAA, to be chaired by the Vice-President Academic and Provost, and to include among other members, the Registrar, the Director of the CLT and the chair of the SCOLT. It was further proposed that the Vice-President Academic and Provost would file with the Senate a Report annually to the Senate about the status of academic integrity on campus on behalf of the SCAA, the SCAA sub-committee, and the CLT. Mr. Scully stated that if Senate agreed with the planned approach, that the SCAA would bring proposed terms of reference and membership for the SCAA Sub-Committee to Senate for approval in the Fall. The proposal also noted that Dalhousie's membership in the Centre for Academic Integrity would be maintained through the office of the Vice-President Academic and Provost.

Mr. Scully added, regarding the motion from the Senate meeting of February 28, 2005 which stipulated that each Faculty be charged with developing and implementing appropriate policies and procedures to promote academic integrity within each Faculty in consultation with the SCAA, that the SCAA would be reporting back to Senate on proposed actions on the matter in the Fall 2005. He noted that SCAA believed that an essential feature of any actions to be proposed was an understanding that Faculty 'ownership' of issues regarding the promotion and support of academic integrity was essential and required.

Mr. Whyte asked if the approach for addressing academic integrity for students would include



consideration of combining/blending with the standards and policies regarding academic integrity for faculty. Mr. Scully responded that it would.

In response to a question raised by Mr. Coughlan regarding resources being provided to the CLT should such resources be determined as being essential to the approach, Mr. Scully replied that should the demand require it, funding would be provided. He invited Ms. Lynn Taylor, Director of the Centre for Learning and Teaching and who was present, to respond.

Ms. Taylor commented that she had just completed a research project on plagiarism in higher education, which was funded by the Social Science and Humanities Research Council (SSHRC). A major finding of that study indicated that there was a failure to socialize students to academic work and thereby to academic values. This finding was strongly supported by the current research literature. She noted that the phenomenon involved faculty and students across disciplines, and with a particular problem occurring at the graduate level being one of silence with respect to academic integrity with an absence of discussion of the inherent values at that level. Ms. Taylor stated that she believed that the largest predictor of academic integrity amongst students was the nature of their classroom experiences and as such, would logically be able to be addressed at that level. She invited senators to send comments on the matter to her.

Mr. Evans inquired about the status of recommendations of the Report of the Senate *ad hoc* Committee Report on Plagiarism regarding the handling of the discipline process and on the status of current discipline processes. Mr. Scully replied that the procedural and policy issues concerns of discipline would be considered in the approach being proposed by SCAA. In regards to current discipline process, Ms. Sommerfeld stated that the Senate Discipline Committee and the Senate Office were proceeding to implement the discipline process according to the current regulations and the logistical processes that had been gradually put in place over the previous two years. She noted that the number of reported discipline cases to date for 2004-05 were 106 as compared to 180 for 2003-04. She stated that she expected that at least some of the decrease was due to enhanced educative efforts by faculty for students in their course syllabi and in class discussions at the beginning of each term. Mr. Evans inquired about the status of the membership of the Senate Academic Appeals Committee (SAAC). Ms. Sommerfeld replied that the SAAC terms of reference had been revised and approved by the Senate Steering Committee in April 2005 but that the SAAC subsequently wished time to consider these changes further and possibly to propose further changes which were intended to be ready for SSC's and Senate's consideration at some time in the near future.

Ms. Stone asked Ms. Taylor to comment on the educational needs of ESL students in regards to academic integrity. Ms. Taylor replied that issues for international students were primarily those related to standards of academic writing, to be differentiated from those of academic honesty. She noted though, that students as a whole needed more education, initial and on-going, on the standards for academic writing and on academic honesty, and the consequences of violations of standards.

On behalf of the SCAA, Mr. Fraser **MOVED:**

**THAT the approach to the promotion and administration of academic integrity, An**

**Approach to Promoting Academic Integrity at Dalhousie, as outlined in the June 2, 2005 memorandum from Mr. Sam Scully, the Vice-President Academic and Provost, as Chair and on behalf of the Senate Committee on Academic Administration, be approved.**

The motion was **CARRIED**.

**2005:060**

Senate Nominating Committee

On behalf of the Senate Nominating Committee, Mr. Jost moved:

**THAT the people listed in Mr. Jost's June 6, 2005, memorandum to the Secretary of Senate, distributed with today's agenda, be elected to serve on the designated Senate, University, and Board committees.**

After the requisite three calls for further nominations, the motion was **CARRIED**.

Following the requisite three calls for further nominations, the nominees were declared elected to their respective committees.

Ms. Binkley inquired if members of the Senate Committees needed to be members of faculty, in particular, the Senate Committee on the Environment (SCE). Mr. Jost replied that membership for each Committee was specified in the Constitutional Provisions Governing the Operations of Senate. Mr. Fraser noted that the membership on the SCE could include eight members elected by Senate of whom four were to be faculty members but that they were not Faculty-specific for this particular Committee.

Mr. Fraser thanked Mr. Jost and the Senate Nominating Committee members for the significant work involved in assembling this roster of nominees. Ms. Jost stated that nominees for positions outstanding would be brought forth to the July, 2005 meeting of Senate.

**2005:061**

Senate Steering Committee: Recommendations of Senate Representatives on the Search Committee for Vice-President Academic & Provost

Mr. Fraser made reference to the memorandum from Mr. El-Hawary, Chair of the Senate, dated June 6, 2005 and circulated with the agenda, in which was stated a recommendation from the SSC. That recommendation, made in consultation with the President proposed four nominations to the Search Committee for Vice-President Academic & Provost as per the Appointment Procedures for Vice-President Academic & Provost as follows: "...the President shall establish a review/ search committee with not fewer than five other members including at least three members appointed by the Senate, one of whom shall be a Dean; one member of the Board of Governors; and one undergraduate or graduate student...."

On behalf of the Senate Steering Committee, Mr. Fraser **MOVED**:

**THAT the Mr. Jan Kwak, Dean of Graduate Studies; Mr. Grant Wanzel, Dean of Architecture and Planning; Ms. Patricia McMullen, Department of Psychology, and Mr. David Schroeder, Department of Music (Member of Senate as of July 1, 2005) be elected to serve as the Senate representatives on the Search Committee for the Vice-President Academic & Provost.**

Mr. Fraser made three calls for further nominations. Mr. Stuttard noted that in the Procedures, it was stated that only one of the members of Senate to the Committee was to be a Dean and yet the members being proposed included two Deans. Mr. Fraser replied that the interpretation made by the SSC in the motion being brought forward was that at least one of the Senate members was to be a Dean but was not limited to only one.

The motion was **CARRIED**.

#### **2005:062**

##### Other Business

Mr. Stuttard asked about the current status of the proposed revisions of the Dalhousie Regulations Concerning Appointments, Tenure, and Promotion for Non-Unionized Academic Staff Appointments (Draft, May 20, 2001). Mr. Fraser replied that the draft revisions continued to be under consideration by the Office of the University Legal Counsel and invited Mr. Scully to comment. Mr. Scully had no comment.

Mr. Sullivan inquired about the status of *Turnitin.com* and if its use was serving as an effective strategy for the University. Mr. Scully replied that there was a current subscription to *Turnitin.com* and it would continue but could not comment on current use. Mr. Maloney volunteered that he would obtain an update to present to a future meeting of Senate.

Mr. Stuttard, as a follow-up to his previous comments, noted that the revisions to the Regulations had been in-progress for ten years, adding that he had been the one to initiate the process as then Chair of Senate. He stated that four years ago, at the last meeting of Senate which he chaired, a revised draft of the Regulations had been presented to Senate but that it had had been deferred at that meeting to enable the Faculty of Dentistry to review the document. It was his understanding that the Faculty of Dentistry had not done the review, and the draft regulations had been left unattended to. As this was to be his last Senate meeting, Mr. Stuttard had hoped that the matter would be resolved by this point in time. Mr. Scully replied that he would see that the Draft Revised Regulations would be brought forward for attention to Senate before his intended departure from the University one year hence.

#### **2005:063**

##### President's Report

There was no report.

**2005:064**

Other Business

Mr. Fraser invited Mr. Whyte to present his notice of motion. Mr. Whyte stated notice that the following motion, which he had previously delivered to the Senate Office, would be presented to the meeting of Senate on June 27, 2005:

**THAT the Dean of Medicine retract his letter of May 19, 2005, sent to Dr. Gabrielle Horne, and commit the Department of Medicine to fully implement the terms of the Clinical Research Scholarship awarded to Dr. Horne for a five-year period, to commence on the first day of the month following a resolution of the hospital privileges dispute in Dr. Horne's favour.**

Mr. Kwak inquired if further information on the matter would be provided before the meeting on June 27, 2005. Mr. Whyte replied that with the permission of Dr. Horne, an information package would be provided to Senators prior to the meeting. Mr. Fraser noted that given the nature of the matter, the Chair and Vice Chair as Officers of Senate had consulted external legal counsel to identify appropriate and fair procedures to be followed in discussion of the motion at Senate, including circulation of documentation of the parties to Senators with the agenda. He stated that written copy of the planned procedures would be circulated to Senators ahead of the meeting and noted that there was an option available in the Procedures of referring the matter to a Senate Hearing Panel for consideration of the matter.

**2005:065**

Adjournment

The meeting adjourned at 5:10 p.m..

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Lloyd Fraser, Vice-Chair of Senate

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Denise Sommerfeld, Secretary of Senate

**DALHOUSIE UNIVERSITY**  
**APPROVED MINUTES**  
**OF**  
**SENATE MEETING**

SENATE met in regular session on Monday, June 27, 2005 at 4:00 p.m. in University Hall, Macdonald Building.

**Present** with Mr. El-Hawary in the chair were the following: Barkow, Beazley, Ben-Abdallah, Binkley, Bond, Breckenridge, Butler, Cochrane, Cook, Coxon, Dunphy, Earl, Evans, Edelstein, Finbow, Finley, Fraser, Hamilton, Hicks, Horackova, Jost, Klein, Kwak, Livingston, MacDonald, Maes, McMullen, Oppong, Richard, Rutherford, Scully, Smith, Sommerfeld, Stone, Stroink, Stuttard, Sullivan, Swanston, Taheri, Taylor, Traves, Wallace, Wanzel, Whyte, Zuck.

**Regrets:** Barker, Camfield, Caron, Cercone, Cleave, Coughlan, Jalilvand, Jordan, McIntyre, Murphy, Phillips, Pronk, Salmon, Scrimger, Shelkovyy.

**Absentees:** Caley, Corke, DasGupta, McNeil, Meagher-Stewart, Morgunov, Pelzer, Precious, Russell, Satish.

**Invitees/Guests in attendance:** B. Awad, P. Green, C. Kozey, L. Makrides, P. Manuel, A. Power (secretary *pro tem*).

**2005:066**

Adoption of the Agenda

Mr. Whyte **MOVED**, seconded by Mr. Stuttard:

**THAT the July 27, 2005 Senate agenda be revised to:  
add, as Item #3, Hearing of Appeal by Dr. Gabrielle Horne and  
reorder the current Items 3 and 4 as follows:**

**Item #4, Notice of Motions Concerning Grievance**

- a. Motion by Whyte/Stuttard
- b. Motion by Fraser/Bond

**Item #5, Grievance under Paragraph 7.2.1 of the Regulations Concerning Appointments, Tenure and Promotion 1987, as amended**

- a. Senate procedure for Grievance
- b. Notice of Motion to establish Special Committee of Inquiry

Mr. Scully urged Senate to defeat the motion. He reminded Senators that at the June 13, 2005 Senate meeting the Vice-Chair of Senate was asked if the Senate Officers were seeking legal advice regarding the appropriate process for dealing with the matter. Senate was aware that legal

advice was requested and therefore Senate needed to hear and examine that legal advice and then make a decision on how to proceed. The order of the agenda was created around the concept that Senators needed to gain the knowledge of the legal advice in order to determine how to proceed. Mr. Scully suggested that the motion was a deliberate attempt to subvert what the Officers had done in preparing for the meeting; it was his opinion that Senate should adopt the Draft Agenda circulated prior to the meeting.

Mr. Stuttard regretted Mr. Scully's comment that the motion was an attempt to subvert Senate's work. He stated that the motion to reorder the agenda was an attempt to put a logical procedure in place with the simplest motion going first. Mr. Stuttard noted that Senate had seen the advice by the lawyer and thus could employ that advice as it wished. There was no motion to adopt the legal advice, so it appears that this advice need not be formally adopted; in fact, to do so would preclude moving on to the Whyte/Stuttard motion, thus preventing a discussion of that motion on the floor. Mr. Stuttard stated that he would like to see a discussion of the Whyte/Stuttard motion first, and if that motion is defeated, then an alternative way of dealing with the grievance could be considered. He asked all Senators to support the proposed change to the agenda, adopting an agenda with the suggested logical flow.

Ms. Bond noted that the agenda as outlined placed the Senate procedure for dealing with the grievance first. She did not believe it was logical to hear the grievance before the procedure was outlined. She urged Senators to adopt the original agenda to enable Senate to discuss process for dealing with the grievance itself.

Mr. Whyte also noted that since Dr. Horne's grievance was not included on the agenda, this does not permit her to carry her grievance to Senate under 7.2.1 of the *Regulations Concerning Appointments, Tenure and Promotion 1987*, as amended. Dr. Horne asked to do this at the June 13, 2005 Senate meeting and agreed to wait until a last effort to resolve the matter was attempted—which failed. Mr. Whyte argued that Dr. Horne was allowed to make this presentation and it should thus be placed on the agenda. If there were procedural issues concerning how Senate addressed the Whyte/Stuttard motion, these should follow consideration of the grievance as this would be the most expeditious way of Senate considering Dr. Horne's appeal.

Ms. Binkley felt that in order to make a decision about how to proceed with the grievance, she would want to know what the grievance procedures are to be; she therefore opposed the proposed change in the agenda.

Mr. El-Hawary requested that Senators, when addressing a motion, indicate whether they intended to vote for or against the motion and limit the length of their comments. Each Senator would be given two opportunities to speak to an issue. If there was time for further discussion, the Chair would consider that at the time. Mr. Stuttard disagreed, suggesting that the rules for speaking follow *Robert's Rules of Order* and indicated that he would trust that only Senators would speak, with non-Senators speaking only if invited to do so by the whole assembly, not simply by the Chair.

The motion was **DEFEATED**.

Mr. El-Hawary **MOVED**:

**THAT the Agenda, as circulated prior to the meeting, be ADOPTED.**

The motion was **CARRIED**.

**2005:067**

Draft Minutes of June 13, 2005 Meeting

i) Approval

Mr. Zuck noted that for item 2005:58 ii) CanTest as Proof of English Proficiency the wording in the minutes is slightly different than the motion that SCAA approved. The motion was not clear as worded and could be interpreted as meaning that CanTest was the only test of English. He believed that the intent was that CanTest would be an additional test. The wording should be identical to that which was passed at SCAA. "A CanTest average score of 4.5, with no band lower than 4.0, was recommended to SCAA as proof of English proficiency for admission to Dalhousie University." He also requested that additional testing methods be noted as well (i.e. TOEFL).

The minutes of the meeting of June 13, 2005 were **ADOPTED** as amended.

ii) Matters Arising

- Dalhousie Regulations Concerning Appointments, Tenure, and Promotion for Non-Unionized Academic Staff – Mr. Scully noted that on page 10 of the Minutes of the June 13, 2005 meeting, he had indicated that this would happen before his departure from the University. He reported that it was his intention to have the revisions to Senate before the Christmas 2005 break.
- A Report on use of Turnitin.com had been requested and would be distributed to Senators when received.
- The procedures for dealing with the Notice of Motion by Senators Whyte/Stuttard had been circulated to all Senators and the item is on the agenda as Item #3a.
- There were no additional matters arising from the June 13, 2005 minutes.

**2005:068**

Grievance under Paragraph 7.2.1 of the Regulations Concerning Appointments, Tenure and Promotion 1987, as amended

a) Senate Procedure for Grievance

Mr. Fraser **MOVED**, seconded by Mr. Evans:

**THAT Mr. Peter Green, lawyer from Burchell Hayman Parish, be invited to address Senate concerning Item #3a.**

Mr. Stuttard spoke against the motion. He noted that all Senators had received the memo from Mr. Green and Mr. Awad. If Senators had specific questions, he suggested that they address them to Mr. Green and Mr. Awad but he saw no need for non-Senators to address Senate in the absence of questions.

Mr. Scully indicated that he believed that there was a requirement for certain parts of the memo to be explained and, in particular, he sought clarification on page 2 of the document, of the paragraph "In order to ensure a fair and efficient hearing and determination of the grievance...."

Mr. Whyte called for a *Point of Order* as he believed that he had requested the attention of the Chair before Mr. Scully spoke and he did not want Mr. Green to respond before we decide if we want Mr. Green to speak to Senators. Mr. Scully was happy to defer to Mr. Whyte.

Mr. Whyte stated that he regrets the involvement of a lawyer at this stage of Senate proceedings as it appears that Senate is very capable of making decisions and has been constructed and assembled in order to make decisions. He suggested that the decision to introduce a lawyer to interpret Senate proceedings is somewhat bizarre. Mr. Whyte indicated that, in his opinion, if Senate has to have the introduction of lawyers to go into a hearing then it will be necessary to have opposing legal arguments. Mr. Whyte stated that he does not want to have this hearing turned into a law court, and that Senate is capable of making decisions without the assistance of lawyers.

Mr. Fraser reminded Senators that at the June 13, 2005 meeting he was in the Chair when Mr. Whyte presented his Notice of Motion. At that time, in response to a question from a Senator concerning procedures, Mr. Fraser had indicated that he and the Chair were seeking external legal advice concerning fair and appropriate procedures for Senate's consideration of the grievance. He had indicated that this advice would be made available to Senate to assist it in determining how best to proceed with the matter. This decision to seek external legal advice was based on a number of factors:

- The *Regulations Concerning Appointments, Tenure and Promotion 1987*, as amended, provides little guidance on procedures which Senate should follow in dealing with a grievance under paragraph 7.2.1, and since there appears to be no previous instance of Senate receiving such a grievance, there is no precedent on which to rely.
- The current grievance has been brought against an action by one of the Deans, and the University Legal Counsel had already been involved in advising the Dean on the issue in question. The University Legal Counsel would therefore be disqualified from providing advice to Senate on its handling of the grievance. On this basis, it was judged to be important for Senate to receive independent legal advice. He believed that, having sought the advice, Senate should now hear the advice. Senate would then be free to make its own decisions concerning the procedures it wished to adopt.

Mr. Klein noted that Senators did receive the advice and had the opportunity to review the memo from Mr. Green and Mr. Awad; he therefore disagreed with the motion. If Senators had questions, they should be free to pose them to the non-Senators. Mr. Klein stated he would vote against the motion.

The motion was **CARRIED**.

Mr. Green began by stating that he was retained by the Officers of Senate to advise on appropriate procedures for Senate's handling of the grievance. He wished to make it clear that he had no knowledge of the substance of the matter and his advice related to the best method, within the rules of Senate and legal principles, for Senate's consideration of the grievance. Mr. Green explained the process he had followed in determining a recommended procedure:

1. Did the matter fall within 7.2.1 of the *Regulations Concerning Appointments, Tenure and Promotion 1987*, as amended? In the absence of any precedent in this matter it was determined that this matter does fall within this category.
2. Most of his advice therefore focused on how Senate should proceed to properly hear the grievance. In deciding a grievance, the body dealing with the matter is conducting a



- judicial function. Certain elements are essential to achieving correctness in carrying out a judicial function of this nature. The hearing of the matter must be a fair hearing that includes a number of components:
- a. adequate notice to the parties;
  - b. that each of the parties has a fair opportunity to present his/her case and that includes the right to counsel, to cross examination and all of the full tenets of a hearing; and
  - c. The matter is decided by people who do not have a visible bias or an apprehension, appearance or likelihood of bias.
3. He believed the size of the full Senate would preclude it from conducting such a hearing. The *Regulations Concerning Appointments, Tenure and Promotion 1987*, as amended, provided Senate with the ability to establish a Special Committee of Inquiry. He had therefore recommended that Senate appoint such a Special Committee of Inquiry to hear and determine the grievance. Since it was important not only that justice be done, but that it be seen to be done, he had further recommended that members of the senior administration and members of the Faculty of Medicine be excluded from membership on the Committee, since individuals in either category could carry a perception of bias.

Mr. Whyte asked Mr. Green why the full Senate failed to meet the necessary conditions for hearing the grievance. Mr. Whyte felt that Senate could meet each of the conditions which Mr. Green had specified, perhaps apart from the cross examination of witnesses. Mr. Green indicated that it would be exceedingly difficulty for a body the size of Senate to conduct a judicial hearing. For example, in a judicial hearing, those who decide the matter must hear the matter in its entirety. If there were 50-60 people hearing the matter, no one could leave the room to go to the washroom without adjourning the hearing. If the matter was not determined within a single meeting and went over to a second meeting, any Senator who was not present for the first meeting could not take part in the second meeting.

Mr. Evans pointed out that the grievance appears to relate to a complicated and difficult matter which requires some resolution within the University and some elsewhere. Mr. Evans noted that he must leave the meeting today at 5:30pm and his term as a Senator concludes on June 30, 2005 and the advice given here speaks to the fact that several Senators would have to absent themselves from any proceedings if they were to take place today. Mr. Evans indicated that he had reviewed some of the court material related to the matter involving the Capital District Health Authority and noted that there was a resolution of the matter after a full day of facilitation by a mediator. The Capital District Health Authority chose not to implement the resolution and the matter went to court. Part of the court case involved a challenge to the procedures employed in reaching the earlier "resolution." Mr. Evans wanted to point out that this is a matter involving ongoing dispute. Senate should try to ensure that whatever role it plays in trying to resolve a difficult and complicated matter, it is carried out in a way that is unlikely to lead to future problems. He stated that he respects the advice that Senate had been given. The full Senate is not a body that can sort out this matter properly and it is not appropriate for it to attempt to do so. A Special Committee of Inquiry will hopefully be simple and Senate should follow the advice to establish such a Committee.

Mr. Stuttard indicated that he saw this as a simple matter involving only one issue. The issue is whether the clinical research scholar award, CRSA, was implemented. That issue never went to court as far as Mr. Stuttard knows. The grievance deals with a different issue, one that has arisen because of the letter from Dean Cook to Dr. Horne. That is the issue before the Senate assembly. The grievance is separate from other issues that preceded it. The question is: "Was the CRSA implemented or not?" He believes it is perfectly clear that it was

not implemented. The requirements of the award stipulate that the awardee get 75% research time.

Mr. Scully raised a *Point of Order*, asking Mr. Stuttard to state his question for Mr. Green.

Mr. Stuttard asked Mr. Green what, specifically, was complicated about this issue?

Mr. Green clarified this question stating that the document provided by Dr. Horne dated May 31, 2005 is stated as a grievance. Therefore, it is the matter of the grievance that Mr. Green is recommending be channelled to the Special Committee of Inquiry. The Whyte/Stuttard motion is dealing with a collateral or related matter and he has a concern that if Senate were to debate the merits of that motion, this could violate the principle of maintaining neutrality or absence of bias for those who would sit on the Special Committee of Inquiry.

Mr. Whyte noted that article 7.2.1 states very clearly in the heading that "...a member of the academic staff, who is not satisfied by discussions within the appropriate department or Faculty or with the Dean, may carry the matter before Senate. Senate shall determine the issue, with or without resort to a special committee of inquiry..." and asked Mr. Green if there a form of hearing that is not judicial?

Mr. Green stated that, in his opinion, a matter that is placed formally before a tribunal affecting the rights of a party is a matter that must be dealt with by a judicial process.

b) Notice of Motion to establish a Special Committee of Inquiry

Mr. Fraser **MOVED**, seconded by Ms. Bond:

**THAT, in regard to the grievance of Dr. Gabrielle Horne set out in her letter to the Secretary of the Senate, dated May 31, 2005 ("the Grievance"):**

- a) **pursuant to paragraph 7.2.1 of the Regulations Concerning Appointments, Tenure and Promotion 1987, as amended, Senate resort to a special committee of inquiry to:
  - i) **hear the Grievance; and**
  - ii) **determine whether the Grievance (or any part thereof) is well founded or not well founded;****
- b) **the Chair of the Senate appoint no fewer than five (5) and no more than seven (7) Senators as members of the special committee of inquiry; and**
- c) **the Chair shall not appoint as a member of the special committee of inquiry any Senator who is a senior administrator or from the Faculty of Medicine.**

Mr. Stuttard **MOVED**, seconded by Mr. Whyte, that the motion be amended by substitution as follows:

**THAT:**

- a) **A special committee of inquiry be established to:**
  - i) **hear the grievance of Dr. Gabrielle Horne set out in her letter to the Secretary of the Senate, dated May 31, 2005 ("the Grievance"); and**
  - (ii) **report its findings to the Senate before October 10, 2005.**
  
- (b) **The special committee of inquiry shall consist of five members, two named by Dr. Horne, two named by Dean Harold Cook, and a chair agreed upon by the four so named, all five to be drawn from the membership of the Senate, but not to include any Senator who is a senior administrator or from the Faculty of Medicine.**
  
- (c) **Until the special committee has reported and the Senate has dealt with the committee's report, the Faculty of Medicine shall take no action to rescind Dr. Horne's Clinical Research Scholar Award.**
  
- (d) **All legal expenses incurred by Dr. Horne and Dr. Cook in connection with the special committee of inquiry shall be borne by Dalhousie University.**

Mr. El-Hawary noted that the substituted Stuttard/Whyte motion had four new parts and the substitute sections should be broken into distinct parts. Mr. Stuttard raised a *Point of Order* indicating that breaking the motion into separate parts would need to be a decision of the assembly, not of the Chair.

Mr. Wallace posed a question on the motion regarding not rescinding the Clinical Research Scholar Award. If it was not rescinded, as a consequence of the motion, then it would seem that there would no longer be a grievance, and if there is no longer a grievance, then Senate would not need a Special Committee of Inquiry. Is this correct? Mr. Stuttard indicated that it would be the Special Committee of Inquiry which would determine that the CRSA would not be rescinded. Therefore, we are looking at a question of timing. Mr. Wallace pointed out that if the CRSA is not rescinded then there is no basis for the grievance. Mr. Stuttard felt that by reinstating the CRSA during the process, the griever is held harmless until the process is finished. If you rescind the CRSA right now, then harm has been done to the griever. Can that harm be undone? He suggested that it cannot be undone. If the Committee of the Inquiry comes to the conclusion that the award should not have been rescinded, then it will be too late.

Mr. Traves noted that the situation which would be created by the motion would be bizarre; the griever would become Dean Cook who would need to solicit the approval of Senate to take an action, as opposed to an action having been taken which someone then has the right to grieve. In the fullness of time the grievance procedure will either uphold the grievance and recommend remedial action, or will deny the grievance and the intended administrative action will be implemented. He wished to remind Senators that most Faculty members are governed by a Collective Agreement and in that Agreement there is an opportunity to take disciplinary action or various actions. There is an opportunity to grieve an action that has been taken, and an opportunity for remediation under the grievance procedure if the grievance is upheld. In the proposed motion, the reinstatement the CRSA in fact alters the original motion to make it a vote not on the process, but rather on the substance of the matter—an action that has already happened initiating the grievance. This is inappropriate and is contemptuous of the rights of Senate in this matter. Senate needs advice and the griever needs to avail herself of the procedure which is the intention of the motion. Including section 'c' in the motion would shift the role of griever to Dean Cook and not Dr. Horne.

Ms. Bond, based on the previous discussions, recommended that the main and substituted sections of the motion be divided into three parts for voting.

Ms. Bond **MOVED**, seconded by Mr. Wallace:

**THAT the main motion and substituted sections should be voted on in three parts as outlined below.**

**Part #1**

**THAT:**

- a) **A special committee of inquiry be established to:**
  - i) **hear the grievance of Dr. Gabrielle Horne set out in her letter to the Secretary of the Senate, dated May 31, 2005 ("the Grievance"); and**
  - (ii) **report its findings to the Senate before October 10, 2005; and**
  
- b) **the special committee of inquiry shall consist of five members, two named by Dr. Horne, two named by Dean Harold Cook, and a chair agreed upon by the four so named, all five to be drawn from the membership of the Senate, but not to include any Senator who is a senior administrator or from the Faculty of Medicine.**

**Part #2**

- c) **Until the special committee has reported and the Senate has dealt with the committee's report, the Faculty of Medicine shall take no action to rescind Dr. Horne's Clinical Research Scholar Award.**

**Part #3**

- d) **All legal expenses incurred by Dr. Horne and Dr. Cook in connection with the special committee of inquiry shall be borne by Dalhousie University.**

Ms. Stone indicated that she was in favor of dividing the motion because it is extremely complex and she had not had an opportunity to review the substituted motion that was sent out via email in the afternoon. There are complex issues at each stage and separating them out will make it easier to debate them in this form.

Mr. Evans noted that by breaking the motion into three parts there is the potential, in a legal context, if part one passes and then part two is not passed then the issue on the second part could constitute irretrievable harm that will be done to the griever. During the time that the grievance has been heard, and the decision has been made, that there have been other things happen in the meantime that make it impossible to get what she is after. Mr. Evans requested clarification as to whether this is a possibility or not before agreeing to divide the motion into three parts. If this is not the case then there is a concern and Part 1 and Part 2 should go together when voting. Mr. Traves indicated that, as far as he could tell, if the grievance were decided in favor of Dr. Horne, the University had the capacity to put the griever back where she would have been before the action which was the subject of the grievance, but he noted that it would be prudent to seek legal advice on this due to the complexity of the issue.

Mr. Klein felt that it would be relatively straightforward to split the motion into the respective three parts.

Mr. Jost asked if Senate had the authority to tell the Dean of Medicine, if something had already been decided and implemented, whether or not to rescind this award. Mr. El-Hawary confirmed that Senate can determine on matters covered by paragraph 7.2.1 of the *Regulations Concerning Appointments, Tenure and Promotion 1987*, as amended, "...Senate shall determine the issue, with or without resort to a special committee of inquiry, or if Senate deems the matter essentially not one of academic policy or practice, it may refer the matter to a University Hearing Committee established in accordance with Section 7.6.1."

Mr. Stuttard stated he had been with Senate for over twenty five years and he understands Senate's role as the internal governance of the University; that faculties are creatures of the Senate (they function as committees of the Senate) and therefore if Senate decides that a Faculty shall do something, then it shall do it. Mr. El-Hawary noted that Senate's internal governance is subject to the approval of the Board of Governors.

Mr. Whyte wanted to remind Senators that if they had dealt with the Whyte/Stuttard motion first, they would have been concluding the affairs of today's meeting already. In response to the splitting of the motion Mr. Whyte wished to clarify the order of voting on the various parts. Mr. El-Hawary stated that if Senate decides to split the motion into three parts, a vote will be taken on each of the individual parts. He recommended that Senate first vote on Part #1, then on Part #2, and finally on Part #3.

The motion was **CARRIED**.

Mr. El-Hawary then called for the vote on Part #1 of the Stuttard/Whyte substitution. Ms. Bond read the motion:

**THAT:**

- a) **A special committee of inquiry be established to:**
  - i) **hear the grievance of Dr. Gabrielle Horne set out in her letter to the Secretary of the Senate, dated May 31, 2005 ("the Grievance"); and**
  - (ii) **report its findings to the Senate before October 10, 2005; and**
  
- b) **the special committee of inquiry shall consist of five members, two named by Dr. Horne, two named by Dean Harold Cook, and a chair agreed upon by the four so named, all five to be drawn from the membership of the Senate, but not to include any Senator who is a senior administrator or from the Faculty of Medicine.**

Mr. Evans noted that the motion, as read, did not include Section (a) (i) and (ii) from the original Fraser/Bond motion and believed that these should be included. Mr. Fraser indicated that it was his understanding that these were amendments to the original motion. On a Point of Order, Mr. Stuttard clarified that it was his intent to amend the original motion by substituting the wording he had proposed.

After some discussion it was agreed that the motion would include the first part of the original motion and then continue with the substitution proposed by Mr. Stuttard. It was agreed that the motion would therefore read:

**THAT, in regard to the grievance of Dr. Gabrielle Horne set out in her letter to the Secretary of the Senate, dated May 31, 2005 (“the Grievance”):**

- (a) pursuant to paragraph 7.2.1 of the Regulations Concerning Appointments, Tenure and Promotion 1987, as amended, Senate resort to a special committee of inquiry to:**
  - (i) hear the grievance of Dr. Gabrielle Horne set out in her letter to the Secretary of Senate, dated May 31, 2005 ("the Grievance"); and**
  - (ii) report its findings to the Senate before October 10, 2005.**
  
- (b) the special committee of inquiry shall consist of five members, two named by Dr. Horne, two named by Dean Harold Cook, and a chair agreed upon by the four so named, all five to be drawn from the membership of the Senate, but not to include any Senator who is a senior administrator or from the Faculty of Medicine.**

Mr. Cochrane noted that in the event that this motion passes, Senate needs to be clear on who is classified as a Senior Administrator.

Mr. Oppong questioned why both parties should select two members since there is a good chance that the persons so named would vote with the individual who named them. If you have five members then there is a good chance that you will never have a unanimous decision. Mr. El-Hawary noted that this is a well established principle and that we have in various situations, for example Tenure and Promotion appeals, where there is one party named by each side with the third selected by those two individuals so named. The fifth person in the Special Committee of Inquiry will be the Chair who is named by the four individuals selected by both sides. Mr. Oppong noted that he was not comfortable with the selection of two and two plus one.

Ms. Stone noted that the substitute motion seemed to be a little bit fairer and more in keeping with the legal advice that Senate has been given. The process as described allows for a more judicial process with the parties selecting two members each as opposed to the Chair of Senate selecting the members. The substituted motion has the very important component of a time element included which is very important.

Mr. Zuck stated that would be interested in the definition of a senior administrator within Dalhousie University because the question was raised earlier but not yet answered. Mr. Stuttard referred Senate to a Senate document titled *Appointments, Senior Administrative*. In this document the senior administrators are listed as: President, Vice-Presidents, Deans, Associate Vice-Presidents and the University Librarian.

The motion was **CARRIED**.

Mr. Cook requested that the minutes of June 27, 2005 record that he had abstained from voting.

Ms. Bond read part #2 of the substituted motion:

- c) Until the special committee has reported and the Senate has dealt with the committee's report, the Faculty of Medicine shall take no action to rescind Dr. Horne's Clinical Research Scholar Award.**

Mr. Fraser noted that one of the required characteristics of amendments for motions is that they not violate the spirit of the main motion and indicated that he would welcome some advice from Mr. Green if this is consistent with, or violates, the original motion. Mr. Green stated that, in his opinion, section (b) is not consistent with the matter of the main motion (a), to establish the committee. It is a separate matter and is of a similar nature to the Whyte/Stuttard motion to be considered under Item 4 (a) on today's agenda.

Mr. Stuttard believed that the substitution is germane to the main motion and is not the same as the original motion that is listed under Item 4 (a). Mr. Stuttard and Mr. Whyte had hoped to have moved Item 4 (a) to the beginning of the agenda. The substituted section is germane to setting up an inquiry as it protects the subject of that inquiry.

Mr. Traves stated that he would like to return to the earlier discussion on harm and noted that it is not clear that there is harm to the grievor. It would appear that the mover should have to establish this fact. Mr. Traves stated that he fails to see any harm and if Senate moved into a situation where actions cannot be taken until a committee approves the actions then you hamstring the normal academic administration of a Faculty in a university. Until there is a very clear presentation of the harm done, that cannot be remedied in the event that the grievance is upheld, then Senate is being asked, in a sense, to do the work of the Special Committee of Inquiry.

Ms. Bond inquired, for clarification, if the Award had been rescinded at this point. Ms. Horne's May 31, 2005 letter to the Secretary of Senate indicates that the Award has been rescinded. Mr. El-Hawary pointed out that the documentation provided to Senators is clear and indicates that the Award has been rescinded.

Mr. Whyte noted that to have the Award further rescinded for a period of time will do immeasurable harm to Ms. Horne. To have an award rescinded in this manner would unfairly imply censure and he believed it would be immensely harmful to the grievor. Concerning the notion of harm to the Dean, Mr. Whyte stated that he does not feel that the Dean faces the risk of comparable harm. The Dean is not being criticized directly and Mr. Whyte and Mr. Stuttard are disagreeing with the decision that the Dean has made and are attempting to represent the interests of a member of their Faculty. It is Mr. Whyte's contention that the Dean would not suffer any kind of censure or disapproval if this went in either direction. The consequences to Dr. Horne would be immense and terribly unfair. Mr. Traves asked Mr. Whyte to elaborate on the consequences related to the action. Mr. Stuttard responded to Mr. Traves' comments saying that the simplest way to understand the implications to Dr. Horne is to invite her to speak to the harm that she feels would be happening to her.

Mr. Stuttard **MOVED:**

**THAT the Senate assembly hear from Dr. Horne in regard to the harm that would result from the continuation of the rescinding of her Research Grant during the Special Committee of Inquiry.**

Ms. Binkley stated that this motion is *Out of Order*. Based on the legal advice Senate had received, Ms. Binkley indicated that she was trying to avoid getting into the substance of the issue at this time, but it appears that there is an attempt to get into this issue through the back door. If something has already been rescinded it is really hard to then pass something to reverse this. This clause then makes no sense whatsoever. Ms. Binkley indicated that she does not want to get into the details of the case because she is concerned that this could taint the individuals who may be asked to sit on the Special Committee of Inquiry.

Mr. Kwak noted that he would have to vote against this part of the motion and really does not understand the intent. In Graduate Studies there are similar procedures for dealing with such issues, except that in Graduate Studies the issues relate to students and not faculty members. An action has been taken and it is perfectly appropriate for this action to be appealed; this is the grievance before Senate. It is proper for Senate to decide on a procedure to hear the grievance. That is really what is before Senate and to say now that this action was never taken is simply illogical. The action has been taken, it has been appealed, and the process for the appeal should be decided upon.

Mr. Klein wanted to note in regard to Mr. Traves comments and the fact that some of the actions are bizarre. The issue is very complicated but not necessarily bizarre. The issue comes to harm. If there was no harm it would be bizarre, and if there was extreme irreparable harm then you might want to stay the execution before the grievance is heard. In this case we are somewhere between harm and extreme harm. He believes it is well within Senate's prevue to decide if there is enough harm or not.

Mr. Fraser noted that if we were to attempt to identify the amount of harm, we would need to bring the details of the matter before Senate, and that is territory that we should not be getting into. Senate would be compromised in its ability to properly deal with the grievance. He believed Senate should vote against this portion of the substitute motion.

Mr. Stuttard was invited to have the final word on this matter. He indicated that in his view, by voting for or against this motion Senate is not getting into the substance of the matter and he indicated that he would be voting for this motion.

The motion was **DEFEATED**.

Mr. El-Hawary read part #3 of the substituted motion:

- d) **All legal expenses incurred by Dr. Horne and Dr. Cook in connection with the special committee of inquiry shall be borne by Dalhousie University.**

Mr. Scully asked if Senate has the jurisdiction and right to rule on this matter. In addition, the way the motion is worded, it is writing a blank cheque for both parties. This is properly a Board of Governors matter and a financial issue and not a Senate issue. Mr. Kwak also felt that this is not a matter for Senate to decide. The Chair of Senate was then requested to make a ruling on whether the motion was within the prevue of Senate.

Mr. El-Hawary ruled that this was not a matter that Senate could decide and therefore this section of the motion is **OUT OF ORDER**.

Ms. Stone has concern that the two parties have varied resources at their disposal. One party who has their research career in their future has limited resources and on the other side we have a Dean who has an entire institution with all its resources. If there is any way that Senate can deal with what appears to be an inequity?

In response to Ms. Stone's question, Mr. El-Hawary reiterated that Senate does not have jurisdiction when it comes to financial matters. But, Senate can definitely make recommendations to the Board or the President to cover any costs for Dr. Horne or Dean Cook in regard to the Special Committee of Inquiry.



Mr. Fraser sought clarification of the procedure to be followed if the four individuals named to the Special Committee of inquiry could not agree on a fifth member to serve as Chair. Mr. Green spoke to this issue and indicated that this could be dealt with in a separate motion. Absent any direction from Senate, there is no mechanism for the Committee to accommodate the selection of a Chair. Mr. Scully noted that clause 15.30 of *A Collective Agreement between the Board of Governors of Dalhousie University and The Dalhousie Faculty Association* provides for parties to agree on a Chair through a similar process and to the best of his knowledge there has never been any difficulty achieving that membership. Fundamentally, the panel has been created by this body and nobody has the right to refuse membership on the committee. If you get called, you have an obligation to serve. If the two plus two cannot decide on the fifth person, this is a matter that would have to revert to the Senate Steering Committee to resolve. If that situation were to arise, the President should absent himself from that discussion.

Ms. Binkley asked for clarification related to terms of service of Senators and their ability to serve on the Special Committee of Inquiry. Committee membership is not open to those Senators whose term ends on June 30, 2005. Membership to the Committee is implicit from those who are a member of Senate as of July 1, 2005.

Mr. Stuttard raised another complication found in *Robert's Rules of Order*, that if an assembly sets up a Special Committee then that committee should report during the same session. If it does not report by the end of the session of that assembly then its function is unfulfilled. Senate has just adopted motions to establish a Special Committee of Inquiry and Senate comes to the end of its current session on June 30, 2005. One third of the elected membership will change on July 1, 2005 and in Mr. Stuttard's opinion this is an inappropriate thing to do as a Senate body. Therefore, he believes it will be up to the Senate body as of July 1, 2005 that needs to make the decision whether to establish a Special Committee of Inquiry. Ms. Binkley noted that Senate has had past practice whereby there have been committees whose work has crossed over from one Senate session to another. Ms. Binkley recalled such occasions when she was Secretary of Senate and Mr. Stuttard was Chair of Senate. Senate's past practice in this regard establishes a precedent and *Robert's Rules of Orders* allows past practice as a basis for deviating from more generic *Rules*, which otherwise would apply.

Mr. Kwak noted that we have many examples of committees that have carried over and past practice of Senate dictates that this is how Senate operates. Mr. Kwak would like to understand why Mr. Stuttard put a motion forward to Senate in the first place, if he believed that the Special Committee of Inquiry could not be established by the current Senate?

Mr. Fraser asked Mr. Scully if he would like to put the two items discussed earlier, Senators obligation to serve on the Committee if asked, and Senate Steering Committee dealing with any issues if there is an impasse on the appointment of the fifth person to the Committee in the form of motions. Mr. Scully responded that he believed that the general agreement on these points, noted in the minutes, would suffice.

## **2005:069**

### Senate Academic Priorities and Budget Committee

- a. Proposal for the Modification of the Master of Planning Studies (Post Professional)—MPS (PP)

On behalf of the Senate Academic Priorities and Budget Committee (SAPBC), Mr El-Hawary  
**MOVED:**

**THAT the Senate approve the proposed program, Master of Planning Studies (Post Professional).**

The Chair invited Ms. Manuel of the Faculty of Architecture and Planning to speak to the proposal highlighting key points as presented in the circulated proposal and in the excerpt from the draft minutes of the June 6, 2005 meeting of the SAPBC. The MPS(PP) has been designed to address an expressed need and interest amongst the planning profession for those individuals who are looking for enhanced graduate study focusing on planning research. The need has also arisen as a result of the need within the School of Planning to support the research efforts within the School with highly qualified graduate research and to further planning research within the region and the University and within the planning profession generally. The degree complements the other offerings within the School: two undergraduate degrees, the 90 credit Bachelor of Community Design and the 120 credit Bachelor of Community of Design Honours Major, and the Master of Planning degree. The Master of Planning is a course-based degree and the MPS(PP) will be primarily research-based with a small course component.

There is a requirement that the student be in residence with the School for one term and this term would probably be the winter term when the core Seminar on *Theories, Ideas, and Debates* takes place. A large cohort is not anticipated; rather, the School is expecting to admit 2 students per year. After a few years of running the program the enrolment will be reviewed. The small group will be fully integrated into the student life, academic setting, and research setting and to the social setting of the School.

**2005:070**

Adjournment

At this point in the meeting, a count for the quorum was conducted. As there was no longer a quorum, the meeting was adjourned at 6:05 P.M.

The Chair noted that Professor Denise Sommerfeld's term as Secretary of Senate would conclude on June 30, 2005 and a small gift was presented to her on behalf of Senate, Senate Officers and Senate Office Staff in appreciation of her excellent service.