

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

Additional Notes:

This document is a compilation of Senate minutes, staff matters and miscellaneous documents for March 2005. The documents have been ordered chronologically and made OCR for ease of searching. The original documents and additional documents for this year which have not yet been digitized can be found in the Dalhousie University Senate fonds (UA-5) at the Dalhousie University Archives and Special Collections.

The original materials and additional materials which have not been digitized can be found in the Dalhousie University Archives and Special Collections using the call number referenced above.

In most cases, copyright is held by Dalhousie University. Some materials may be in the public domain or have copyright held by another party. It is your responsibility to ensure that you use all library materials in accordance with the Copyright Act of Canada. Please contact the Copyright Office if you have questions about copyright, fair dealing, and the public domain.

DALHOUSIE UNIVERSITY

APPROVED MINUTES

O F

S E N A T E M E E T I N G

SENATE met in regular session on Monday, March 14, 2005 at 4:00 p.m. in the University Hall, Macdonald Building.

Present with Mr. El-Hawary in the Chair were the following: Barker, Barkow, Binkley, Breckenridge, Butler, Camfield, Cleave, Cochrane, Cook, Coughlan, Coxon, Dauphinee, Earl, Evans, Finbow, Finley, Fraser, Hamilton, Jost, Klein, Kwak, Livingston, MacDonald, McGrath, McIntyre, McNeil, Morgunov, Murphy, O'Brien, Oppong, Pelzer, Phillips, Pronk, Richard, Russell, Scully, Shelkovyy, Smith, Sommerfeld (Recording Secretary), Stroink, Stuttard, Swanston, Taylor, Wanzel, Whyte, Zuck.

Regrets: Beazley, Bond, Caley, Cercone, Corke, Das Gupta, Hicks, Houlihan, Maes, McMullen, Precious, Scrimger, Stone, Sullivan, Traves, Wallace .

Absent: Ben-Abdullah, Dunphy, Horackova, Jalilvand, Meagher-Stewart, Rutherford, Satish, Taheri.

Invitees/Guests in attendance: P. Amyotte, S. Bard, R. Côté, S. Fry, C. Gallant, E. Lane, B. Mason, B. McGeogh, K. Gammon, A. Power, M. Roughneen, E. Townsend, T. Vinci, T. Wright.

2005:034

Adoption of the Agenda

The agenda was **ADOPTED** as circulated.

2005:035

Draft Minutes of the Previous Meeting

I) Approval

With the note of two typographical errors, the minutes of the meeting of February 14, 2005 were **ADOPTED** as corrected.

ii) Matters Arising

Mr. Scully noted that further to the discussion of the Enrolment Planning and Management Report #7, he would have information regarding EduNova available for the next meeting of Senate.

2005:036

Senate Committee on the Environment

Mr. El-Hawary invited Ms. Tarah Wright, Chair of the Senate Committee on the Environment , to present

the 1st Annual Senate Environmental Award. Ms. Wright, assisted by Committee member, Steve Fry, presented the Award to the Organizing Committee of the First Annual Dalhousie University Environmental Research Symposium. Dr. Shannon Bard of Environmental Programmes, Faculty of Science, and Professor Raymond Côté, School for Resource and Environmental Studies, Faculty of Management, were in attendance to receive the Award. Note was made of an absent third member of the Organizing Committee, Dr. Graham Gagnon of the Centre for Water Resource, Civil Engineering, Faculty of Engineering, and of the Research Assistant to the Committee, Johanna Kalkreuth of the Faculty of Science. Mr. Fry described the plaque which was being presented to symbolize the award, as a piece of beach rock on which was carved a pine tree on a bluff and crafted by Paul Clark of Maitland, Nova Scotia. A permanent plaque on which the names of current and future recipients will be engraved was also presented. Ms. Wright then briefly summarized that outcomes of the Environmental Research Symposium itself. [NB: In his message with regrets for the Senate meeting, Mr. Traves indicated that he had written notes of congratulations to the Award winners.]

2005:036

Budget Advisory Committee

Mr. El-Hawary invited Mr. Scully as Chair the Budget Advisory Committee (BAC) and the BAC members in attendance (P. Amyotte, T. Vinci, J. Kwak, M. Roughneen, C. Gallant, B. Mason, E. Lane) to present the Budget Advisory Committee Report XXXI: An Operating Budget Plan for 2005–06 and Budget Outlook for 2006-07 and 2007-08. Mr. Scully noted that the excerpt of the draft minutes of the March 7, 2005 meeting of the Senate Academic Priorities and Budget Committee where the Report had been discussed, were available by the meeting room door, and that his comments would reflect those recorded in that excerpt.

Mr. Scully noted that it was the operating budget (\$230 million) under discussion and not the ancillary budget (~ \$40 million) for on-campus services for students such as residence and food services, or the research budget (~ \$100 million) which included grants to support research contracts and clinical trials. He stated that approximately three-quarters of the operating budget was devoted to salaries for faculty and staff, with the remainder applied to day-to-day operations such as heat, lights etc.. Mr. Scully noted that this year, following the signing on December 12, 2004 of the Memorandum of Understanding (MOU) between the Nova Scotia Universities and the provincial government, the BAC had been able to develop the budget with accurate knowledge of funding to be provided for the next three years. He noted that the intent in the budget planning was to produce a balanced budget and to continue support for the strategic initiatives identified in the President's Strategic Focus (January 2003) and as outlined Appendix F of the Report.

In the budget model (p. 17), Mr. Scully noted the following in terms of revenues: increase (5.8%) in government operating grant, reflecting 48% of revenues; increase (capped at 3.9%) of tuition fees, reflecting 40% of revenues; and increase (3.4%) of endowment income reflecting 7% of revenues. Included in the model's assumptions was a projected increase of 150 students (new from high school), less than the original 250 previously projected due to the fewer numbers of applications received to date.

Regarding tuition fee increases, Mr. Scully noted a range of 3.6% to the cap of 3.9% (as set in the MOU). The BAC was recommending that fees in professional programs in Dentistry, Law, and Medicine be increased by 9.28%, representing the 3.9% of the general tuition fee increase and the average differential in fees for those programs over the last five years, and that \$110,000 be allotted to bursaries for students in these programs. Mr. Scully stated that significant response to the increases had been received from students and submissions from the Dean of Law, with the primary challenge being to the basic underlying

principle by which the number was calculated. Mr Scully summarized issues that needed to be considered in relation to the methodology by which tuition fees were established including how a fee was determined in the first place; who would benefit from the additional revenue that the fee generated and the association between tuition increases and money allocated to the Faculties that generated those tuition fee increases; and expectations created amongst students by substantial tuition fee increases, giving the example for LLB students of the provision broadly for academic and academic related services by the Faculty of Law and by the University for the Faculty of Law. Mr Scully stated that the BAC was well aware of these issues, adding that these issues as related to post-baccalaureate pre-professional programs in particular needed to be the subject of more exhaustive review by the BAC.

Mr. Scully stated that the BAC was recommending a Facilities Renewal Fee increase of \$1 per term for full-time students which would generate \$50,000 for 2005-06, and an increase of \$810 for international differential fees in lieu of the general increase of 3.9%. Mr. Scully described the five conclusions reached by the BAC in regards to the latter: 1) to maintain a single common differential fee for all international students; 2) the planned increase in differential fees as described in the BAC XXX Report will be spread out over five years rather than three as originally suggested; 3) for students registered in thesis-based graduate programs, the Graduate Scholarship budget will be allocated \$105,000 to off-set the differential fee increase (in excess of 3.9%); 4) \$55,000 will be allocated to international student bursaries; and 5) \$50,000 will be allotted for enhanced international student services. Mr. Scully noted that given these premises, international student enrolment would need to be carefully monitored over the next few years given recent patterns internationally of student flow. He noted for example, that within the United States, a decrease in international graduate student applications recently was reported in the New York Times, and within Canada, the Globe and Mail had reported a decrease in application to Canadian universities of graduate students from China and India in particular.

In terms of budget reductions, Mr. Scully stated that the BAC was recommending that Faculty budgets be reduced by 1.3% and other units by 0.6%, with Facilities Management, UCIS and Student Services being excluded from any reductions. He noted that though the budgets were being cut, the actual outcome would be larger budgets, adding that the total University budget would increase by 5.7% and Faculty budgets would increase by 4.7%, largely due to compensation increases in salaries for faculty and staff. He explained that the gap in those percentages could be understood by referring to Appendix F (p. 28) of the Report and the list of funding allocations and increases for Strategic Initiatives, such as student assistance, libraries, and facilities renewal. Mr. Scully invited comment from the BAC members present and from senators.

Ms. Russell commented that in budget discussions of which she had been a part, the issue of who received any increase in tuition amounts had not been included. She presented the case for limiting any increase in fees for LLB students to 3.9% rather than the recommended 9.28%, noting the following points in relation to any increase of more than 3.9%: the student financial burden would be onerous with the average debt of third year Law students already in excess of \$51,000; any revenue in excess of 3.9% would not be returned to the Faculty to support and maintain the quality of Law School programs; it would reflect a disadvantaged difference in treatment not experienced by other Law Schools and Law students in Canada; and it would serve to undermine the well-known financial plan of the Law School which was developed in 2002, approved by the Board of Governors in May 2002, and involved implementation over four years of a \$2500 auxiliary fee per student per year. She explained that raising tuition by 9.28% in addition to that auxiliary fee would place the Law School in a difficult recruiting position. Ms. Russell noted that half of the student body came from Atlantic Canada, adding that at the University of New Brunswick where the only other Law School in Atlantic Canada was located, the tuition fee was already \$3000 less than at Dalhousie.

Regarding concerns about the quality of information provided in the BAC Report, Ms. Russell stated that she had understood the mandate of the BAC was to advise the President who advised the Board of Governors. She noted that good corporate governance demanded that the President and the Board be provided with information with full information and disclosure, and in a fair and unambiguous and fair manner so as to enable the President and the Board to carry out their fiduciary duties of making well-informed decisions in the best interests of the University. She stated that from the perspective of good corporate governance, the failure of the BAC Report XXXI to reflect or refer to the input that had been forwarded to the BAC from the Law School and others, should be a matter of considerable concern for the University as a whole. She suggested that full disclosure demanded that the Report should at least refer to the individuals and groups from whom comments had been received and should include a summary the general nature of the comments, concerns and suggestions received as well as the BAC's analysis and responses to those comments, concerns and suggestions.

Ms. Russell suggested that the BAC failed to meet standards of presenting information for decision-making in a clear and thorough manner. Referring to page 4 of the Report, she noted that three criteria were identified as the basis for recommending a differential fee for specific programs but there was failure to explain how these criteria applied separately to each of Medicine, Dentistry and Law. As a result the reader could be misled to conclude that the costs of educating students in all three programs were comparable, though in reality, it was more costly to educate students in Medicine and Dentistry than in Law. She emphasized that Law students already bore a much higher proportion of the costs of their education through existing tuition fees than do students in Medicine and Law. Ms. Russell pointed out that though the tuition fees for Dalhousie students were claimed to be in the middle or lower end of the range of tuition fees across Canada, such was not true for Law School fees when compared to the other 15 common law schools in Canada. In the current year, Dalhousie's tuition fees were the fifth highest, and for 2005-06 if the proposed 9.28% increase was implemented along with the Law auxiliary fee, Dalhousie's Law School would have the third highest tuition fees after the University of Toronto and Osgoode. She further noted that in Appendix D, page 25, that the tuition listed for Law for Dalhousie, the amount was \$7920 with a footnote identified that there were also auxiliary fees to be applied. Ms. Russell suggested that this was mis-leading when making comparisons with other universities where any auxiliary fees were included in the total fees listed. She reported that she had submitted the points just presented to the BAC in early February and concluded by reiterating that the BAC should be providing the Board with full, fair and accurate information to enable fair and proper decision-making.

Mr. Scully noted that he had met Ms. Russell before the meeting of Senate to discuss the issues she had just presented and understood the need as described for detailed reporting though it would make for a large and cumbersome report. He noted that there was a basis for review of the criteria as noted on page 4, for post-baccalaureate professional programs. He stated that while many of Dalhousie students pay the second or third highest fees for such programs in comparisons to other Canadian universities, there were continual challenges for internal equity across Dalhousie programs and an insatiable appetite for revenues at the institutional and Faculty levels.

Mr. Whyte, in reference to Appendix D of the Report and the fees for Medicine, stated that graduates of programs, regardless of what they pay for tuition, will have similar job opportunities upon graduation. He wondered if the fees were based on what the market would bare for various institutions rather than academic principles. He noted that, though graduates in Medicine have the potential for enormous professional income, they also graduate with enormous debt, and that they may be tempted to emigrate to the United States for example, for higher incomes in order to re-pay the huge debt load. Mr. Scully responded that what the market would bear also needed to be considered from the perspective of what politicians would allow in terms of funding universities, noting that changes do occur over time. He noted

that the fundamental change in thinking that he had seen recently in that regard was the profound shift in thinking of post-secondary education as a public good to emphasis on it as a private good, with that change being the basis of the fundamental debate still needed. Mr. Whyte stated that the Senate should be a participant in that debate.

Mr. McGrath commented that the Dalhousie Student Union (DSU) had not yet completed its written response to the BAC XXXI Report as was the usual practice, but would circulate it electronically when available. In the meantime, he offered the following comments:

- the DSU believed that the differential fee for international students was contrary to the province's immigration strategy to enhance the recruitment and retention of immigrants;
- the increased fees for Medicine, Dentistry and Law would alter the demographic of the student body in terms of leaning more towards financial ability to attend, despite prospects for enhanced earning potential, which in the end might mean pursuing positions out of province or country;
- the problems noted were exacerbated by the President's insistence during the MOU negotiations that international and professional students be excluded from any agreed caps on funding envelopes within the MOU;
- the mechanism by which the members of the BAC, including the student member, were appointed in that those BAC members did not represent any particular constituency; for the DSU then, there was a feeling of exclusion in ongoing BAC deliberations;
- and the increased funding allotted for student financial aid was not directed to areas of need, such as for scholarships awarded on the basis of financial need and bursaries to enable equitable access, but rather were directed to increased scholarships on the basis of academic merit in order perhaps, to make the institution more attractive to potential students.

Mr. McGrath concluded by acknowledging the challenging work faced by the members of the BAC.

Mr. Blair McKeough, President of the Law Students' Society, presented concerns related to the 9.28% tuition increase for Law students. He noted that the Society had made a submission to the BAC but the Report lacked acknowledgment of concerns and arguments raised in that submission and in the submissions made by the Dean and Student Finance Committee of the Law School. As an example of issues faced by law students, Mr. McKeough stated that he had been advised by a Royal Bank official, that in terms of availability of line of credit available to professional students by the banks, Law students were kept at the lowest limit in that line of credit (i.e., \$50,000) and in addition, any student loans that a student had on entering Law School, would be deducted from the amount available. Furthermore, the Law School had a variety of program that encouraged students to pursue non-traditional careers in law that were less lucrative in salary on graduation than others, for example the Marine Environmental Law Institute, and the *pro bono* program which was the largest in the country and a recent recipient of an award from the Canadian Bar Society. He noted that the proposed tuition hike would be particularly burdensome to those students coming from Atlantic Canada who wished to remain following graduation. Mr. McKeough suggested that for the BAC to represent the planned increased tuition for Law as placing its tuition level in the mid to low end of law school tuitions nationally was simply incorrect. He concluded by stating that Law students were being asked to pay more for their degrees than the program actually cost. He thanked the Senate for the opportunity to present the Society's views.

Mr. Klein acknowledged the challenges for the BAC in the work undertaken to prepare the Report. In terms of the international student fee differential, and given a previous discussion in Senate, he stated that he had hoped the fee increased would not be part of the budget. As Graduate Coordinator in the Department of Psychology, he described the financial implications of providing for coverage of that increase in other monies provided by the Department to thesis graduate students in each year of their programs. He asked if the money being designated to the Faculty of Graduate Studies for scholarships as

identified in the Report's recommendation # 3 would be given directly to the student or to the Faculty accepting the student. Mr. Kwak responded that the amount would go directly to the student, and that the amount identified in the budget for that purpose had been estimated on the basis of the anticipated international student enrolment. Mr. Scully commented that the primary issue in the feedback that the BAC had received on the BAC Report XXX, particularly from the Faculties of Science, Engineering and Computer Science, had been in regards to the increase in the differential fee for international, thesis-based graduate students. Those Faculties had made the point that to recruit students, they would need to find some means of providing funds to make up for the proposed differential fees. He added that though the budget addressed that primary burden, there remained a budget and support structure for graduate students that could not be maintained in future years given the current tuition fee levels.

Mr. Cook commented that the Faculty of Medicine had similar concerns to those expressed, and in particular noted concerns regarding process and outcomes. In regards to process, he stated that though the Faculty had met with the BAC before the budget was actually determined and some increase in tuition fee had been expected, there was not an opportunity to make arguments to the final decision-makers regarding the actual budget conclusions and the specific criteria for those conclusions. In terms of outcomes, Mr. Cook noted that there may be less than positive outcomes if principles of open and equitable access and the retention of graduates as medical practitioners in the region were the intents.

Mr Evans presented detailed prepared remarks on behalf of the students and his faculty colleagues in the Law School. He noted that the positive features in the Report were the result of knowing what the government grant would be in each year for three years and in knowing that a cap of 3.9% that would be placed on tuition fees for the majority of students. He stated that his comments would be focused on concerns related to the approximately 13.5% of the other Dalhousie students who faced higher tuition increases and for those potential students who would chose not to come to Dalhousie due to the increased financial burden. Speaking as the Chair of the Student Finance Committee for the Law School, Mr. Evans noted that a nine page report had been submitted from that Committee to the BAC on February 1, 2005. That report had provided significant details on the nature of law student debt load, the projected costs of educating law students as compared to students in other program, and the projected job prospects and earning potential for Law School graduates. Mr. Evans reported that on February 11, 2005, he along with two faculty colleagues and four law students had met with the BAC to discuss that information further; however, from the BAC Report XXXI, it appeared that the BAC, in its recommendations, had paid little attention to the information submitted and discussed, or had mis-represented it. He emphasized that it was the duty of the BAC to collect, analyze and present accurate and complete evidence to the Board in a manner such that it could make fair and accurate assessments of the evidence and the recommendations made, and so make final decisions on those recommendations in a fully informed manner. Mr. Evans pointed out several parts of the Report wherein data provided by the Law School had not been represented accurately in the BAC Report XXXI or in ways that enabled accurate interpretation, or that matched data presented in the BAC Report XXX or the Enrollment Planning and Management Report #7.

In terms of the proposed 9.28% increase in tuition for Law students, Mr. Evans made it clear that any increase beyond the 3.9% "for all other programs" was opposed by Law School. He referred to page 4 of the Report where the three criteria on which the BAC was reported to have made its recommendations regarding tuition fee increases were identified noting again that the BAC appeared not to have considered the evidence submitted to it. He argued that there was a lack of data presented to support the conclusion that Law was in fact a higher cost program; that the job prospects and future income of Law graduates were in fact significantly different from graduates of other programs with a cap of 3.9% on tuition, such as Computer Science, Management or Engineering; that Law graduates carried an average debt load of over \$50,000; that data used for comparisons of tuition fees with those of other Law Schools was inaccurate;

and in terms of program demand, while admission quotas would likely continue to be met, the quality of students could decline over the long-term given that access would be increasingly possible only for those who had the financial resources to pay the high tuition fees and costs. He added that for those graduates willing to carry that burden, they might forego careers in the fields of social justice which were less financially lucrative than those in corporate law for instance. Mr. Evans concluded his remarks by seeking support from the Senate to encourage the Board not to raise tuition fees for the Law school by more than 3.9%. [NB: A written copy of Mr. Evans' presentation to Senate were received and distributed with permission to senators via the Senate listserv on March 18, 2005 (DS)]

Ms. Keri Gammon, a second year student the Law School, spoke on the manner in which the decision had been made to increase Law School tuition fees by 9.28% noting that any first-year law student would argue that when one group of individuals was to be treated significantly differently from other groups, clear justification for that treatment was needed and such justification was not evident in the BAC Report XXXI. She added that many Law School graduates chose non-traditional law careers with lower salaries, and the preparation for such non-traditional programs was a significant strength of the Dalhousie Law School; however she described as distasteful that the University promote the success of such strength and then "lump" Law students with students in other programs where higher earning potential for graduates could be predicted, as in Medicine and Dentistry.

Mr. Scully commented that clearly there was work yet to be done by the BAC to address issues presented. Mr. Stuttard noted that the President of the DSU and the Chair of Senate were both members of the Board of Governors as well as members of the Senate. Mr. Stuttard MOVED, seconded by Mr. Whyte:

THAT the Chair of Senate and the President of the Dalhousie Student Union convey to the Board of Governors the concerns expressed at this meeting regarding the BAC Report XXXI, especially deficiencies in information included in the report and adverse effects of increasing fees for international students and students in Law and Medicine.

Mr. McGrath spoke in support of the motion. Mr. Kwak noted that in reference to comments made regarding inaccuracies in the Report, from his perspective there were no inaccuracies although some points of information may be incomplete.

The motion was **CARRIED** unanimously.

2005:037

Senate Academic Priorities and Budget Committee:

Modified Academic Program Proposal: Master of Science Occupational Therapy (MScOT)

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

THAT Senate approve the proposed academic program for the Master of Science Occupational Therapy (MScOT), with the understanding that the financial aspects of the program will require separate Senate approval at a later date when additional financial information is available and the Senate Academic Priorities and Budget Committee has had an opportunity to assess it.

Mr. El-Hawary invited Ms. Townsend, Director of the School of Occupational Therapy, Ms. Standnyk, faculty member in the School, and Mr. Kwak as Dean of the Faculty of Graduate Studies to respond to questions on the proposal.

Mr. Dauphinee inquired if all bachelor's degree programs in occupational programs were being phased out to be replaced by masters level programs. Ms. Townsend replied that was the case. Mr. Stroink noted that the number of faculty in the School of Occupational Therapy was small and asked if that number would be sufficient to support a masters level program, given that the numbers of students would be similar to the current Bachelors and Bachelors (Honours) programs in Occupational Therapy. Ms. Townsend replied that finances were being requested through the Vice President Academic and Provost to the provincial government, including funding to increase faculty numbers to meet the requirements of the Masters program proposal. Mr. Stuttard asked what the plan would be should funding not be available. Ms. Townsend replied that the outcome might be closure of the only School of Occupational Therapy in the Atlantic Provinces. Mr. Scully noted that the next step in the approval after Senate would be to the Academic Affairs Committee of the Board which would complete the academic approval process internally. Application for approval to the Maritime Provinces Higher Education Commission (MPHEC) would be on-hold pending financing requirements being met (as per the motion). Ms. Townsend pointed out that the case for financial support from the provincial government would be strengthened with academic approval for the program by the Senate and the Board. Mr. Morgonov, in reference to paragraph 4 in the excerpt of the January 25, 2005 meeting of the Faculty Council of the Faculty of Graduate Studies, inquired about the class descriptions, particularly in relation to the course in physiology. Ms. Townsend replied that following academic approval, specific course outlines would be developed which then would go to the Faculty of Graduate Studies, as was the usual procedure. Mr. Stroink inquired if the financial arrangement for this program would include scholarships for potential students. Mr. Kwak replied that the question of whether professional licensing programs at the Masters level would be treated in the same manner as would thesis-based or course-based Masters and doctoral programs would be explored further by the Faculty of Graduate Studies in the coming summer and fall.

The motion was **CARRIED**.

2005:038

Chair's Report

Mr. El-Hawary reported that the 2003-04 Annual Report of the Neuroscience Institute was received in the Senate Office on March 9, 2005.

2005:039

Question Period

There were no questions. Mr. Scully commented that the Steering Committee of the Canada Research Chairs had begun to re-allocate Chairs by the three granting councils based on most recent relative best performance across institutions. As a result, 45 institutions have had changes made in their allocations. Dalhousie had been allotted an additional allocation with the result that Dalhousie will have 50 Chairs, and given that three have been split for recruitment purposes, the end result will be 53 Chairs for Dalhousie.

2005:040

Adjournment

The meeting adjourned at 5:50 p.m..