

Item: Senate Minutes, March 2002  
Call Number: Senate fonds, UA-5

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**DALHOUSIE UNIVERSITY**

***APPROVED* MINUTES**

**OF**

**SENATE MEETING**

Senate held an Extraordinary Meeting on March 28, 2002, at 4:00 p.m., in University Hall, MacDonald Building.

Present with Mr. Mo El-Hawary in the chair were the following:

N. Ben-Abdallah, M. Binkley, R. Bleasdale, R. Blunden, A. Bowie, M. Bradfield, C. Breckenridge, R. Caldwell, W. Caley, A. Cochrane, D. Cunningham, B. Downe-Wamboldt, E. Egan, G. Elder, M. El-Hawary (Chair), L. Fraser, J. Galarneau, W.T. Gordon, S. Guppy, M. Hart, F. Harvey, A. Jalilvand, J. Kwak, W. Lahey, K. Loudon, B. MacDonald, W. MacInnis, L. MacLean, W. Maes, C. McGrath, E. Milios, I. Mobbs, C. Moore, H. Morgan, P. Murphy, P. Neumann, K. Neves, N. O'Mara, W. Phillips, O. Rajora, C. Sastri, P. Saunders, C. Savoy, D. Schroeder, H-G Schwarz, D. Scott, S. Scully, J. Slonim, D. Sommerfeld, D. Tindall, S. Tracey, T. Traves, G. Turnbull, I. Ugursal, R. Whyte.

Regrets: S-J. Corke, S. Coughlan, L. McIntyre, R. Rowe

Invitees: Mr. Level Chan, Ms. Deanne Dennison, Mr. Charles Freeman, Mr. Eric McKee, Mr. Grant Morrison

Mr. El-Hawary thanked members for their willingness to attend what was an extraordinary meeting of Senate, called in accordance with the provisions of the Constitution to deal with important students matters arising from the labour dispute. Although members had not received the necessary 48 hours notice, he asked that they give the necessary two-thirds approve for the meeting to proceed in order to facilitate the resumption of classes. Hearing no objections, Mr. El-Hawary proceeded.

**2002:031.**

Adoption of Agenda

The agenda was adopted as circulated.

**2002:032.**

Chair's Remarks

Mr. El-Hawary recognized Mr. Andrew Wainwright, President of the Dalhousie Faculty Association. Mr. Wainwright was pleased to report that of the 591 Dalhousie Faculty

Association Bargaining Unit members who had voted, 92% had voted in favour of ratifying the tentative agreement and the back-to-work protocol.

Mr. El-Hawary asked members to consider the proposed policies regarding the resumption of classes and the arrangements for teaching and examinations during the month of April.

**2002:033.**

**Policies Regarding the Resumption of Classes, Teaching, and Examination**

Mr. El-Hawary explained that the document before Senators had been developed with input from Dalhousie Student Union Senators and Executive Members, Student Representatives on the Board of Governors, the Vice-President Academic & Provost, the Vice-President Student Services, the Registrar's Office, and the Officers of Senate. Its preparation had taken considerable time, and the Chair wished to acknowledge the time which the student members had devoted to the task.

The Chair noted that past practice had been to allow non-Senators to speak only if no Senator objected and providing no Senator was waiting to speak. Given the importance of the matters to be discussed, he proposed:

**That Senate deal separately with each of the five items as they were numbered in the document circulated, for a maximum of 30 minutes per item; and that 5 minutes at the end of the discussion of each item be set aside for comments from the visitors from the galley.**

Mr. Sastri suggested that given the unusually large number of visitors in attendance, half the discussion time for each item could be allotted to the visitors. Mr. Ugursal spoke in favour of the Chair's proposal.

The motion was **CARRIED**.

Mr. El-Hawary indicated that he would exercise his discretion to recognize individuals as necessary. He then invited members to consider the first item, the Schedule of Academic Dates for April.

It was moved by Mr. McGrath:

**That the current schedule of academic dates for April, including the prescribed examination schedule, be cancelled (except for the Doctor of Medicine and Doctor of Dental Surgery programs).**

**That classes continue according to the normal timetable until Thursday, April 25, 2002. That examinations or other evaluation procedures be conducted at the normally scheduled class time, except for multi-section classes which write a**

**common final examination for which, if requested by the instructor, the Registrar will schedule examinations on Saturday, April 27, Sunday, April 28 and Monday, April 29.**

**That, within this general framework and subject to the principles below, Faculties are authorized to develop specific arrangements for the completion of classes and the evaluation of students.**

Mr. Scully observed that the five items before Senate were interconnected. Under item two, the first two principles set out the need for fairness in dealing with students as a result of the strike and the responsibility of Faculties to ensure processes which guaranteed that fairness. Throughout March a primary concern of students had been how both teaching and examining could be squeezed into whatever time was available after the return to classes. In particular, students had seemed concerned that the examination period would be protected at the expense of classroom time. In Mr. Scully's view, students were anxious to receive instruction which would enable them to complete the year and also ready them for future studies and responsibilities in the workplace. With that in mind, the proposed schedule of academic dates maximized the teaching period and set aside a three-day examination period for those multi-sectioned classes which had requested examinations. A mock schedule run by the Registrar's Office had indicated that the 36 examinations required could be offered with a modest number of conflicts. Departments and Faculties would be responsible for ensuring that all other examinations were conducted during the scheduled class time.

Ms. Downe-Wamboldt favoured the proposed schedule because it would enable students in the fourth year of Nursing to be adequately prepared for their national examinations on June 5<sup>th</sup>, and would also allow those students in the first three years of undergraduate study to begin intersession on May 6<sup>th</sup>. Mr. Slonim pointed out that the proposed academic dates would provide students in the Faculty of Computer Science with the number of weeks instruction necessary to accreditation.

Mr. White moved an amendment:

**That "and those programs which were not formally suspended during the labour dispute" be inserted following "programs" at the end of the first paragraph.**

Mr. White pointed out that the amendment would include in the motion programs such as Community Health and Epidemiology which did not lead to a Doctor of Medicine or a Doctor of Dental Surgery but had been taught by non-members of the DFA and consequently had not been suspended.

Mr. Bradfield asked what "not formally suspended" meant. He had learned of at least three programs – Occupational Therapy, Pharmacy, and Nursing – in which attempts had been made to start classes during the labour disruption. Mr. White clarified that he was not addressing programs which had been partially disrupted or in danger of disruption. Mr. Tracey suggested

that the intent of the amendment would be clearer if the words inserted read: "except for those classes which were not disrupted during the labour dispute."

Mr. Bradfield wondered whether the amendment covered those classes which professors had continued to teach, despite the rule of Senate that students could not be penalized for not attending them. Mr. Scully noted that Mr. Bradfield's concerns were addressed in the 4<sup>th</sup> bolded paragraph of item two which spoke to the need to re-teach any material covered in classes which had continued informally during the strike, if that material was to be subject to examination. Ms. Bleasdale and Mr. Traves pointed out that for the purposes of the amendment the important distinction was between "programs" and "classes". If that was clear, the rest would follow.

In the interests of clarity, Mr. White reworded his amendment to read:

**That "and those programs which were not formally disrupted during the labour dispute" be inserted following "programs" at the end of the first paragraph.**

The amendment **CARRIED**.

Speaking to the main motion, Mr. Tracey noted that students were most concerned about the loss of teaching time. This concern varied depending on the nature of the class, but in all classes students required time with the instructor in order to learn the material.

Mr. Tindall referred to his email, circulated to Senate-list, in which he had proposed a longer formal examination period. In the short time available before the meeting, he had discussed the proposed academic dates with a number of colleagues in the Physics Department and with representatives of the Dalhousie Physics Society, all of whom had favoured an examination period which more closely approximated the original. Specifically, his email had suggested a teaching period extending from April 1<sup>st</sup> to April 19<sup>th</sup> and an examination period from April 22<sup>nd</sup> to April 27<sup>th</sup>. If no examination exceeded two hours, that would allow for four examination slots during the main part of the day and two slots in the evening for classes ordinarily held in the evenings. Those with whom he had spoken shared his concerns over in-class examinations: that the typical time available was only 50 minutes, or at most 80 minutes for classes that met on Tuesdays and Thursdays; that the teaching rooms were often so close to capacity that conditions were inadequate for examination purposes; and that scheduling of in-class examinations by professors would create a nightmare of conflicts for students, all within a very compressed time period.

Mr. Tracey thought it unlikely that one set of regulations or changes to procedure would be acceptable to all students. The proposals before Senate were an attempt to accommodate as many students as possible and to optimize the time students had with their professors. He anticipated some conflicts and difficulties; but if those could not be resolved, students could use the special appeal process set out in item five.

Mr. Bradfield moved that the motion be amended to read:

**That classes continue according to the normal timetable until Thursday, April 18, 2002. That examinations or other evaluation procedures be conducted at the normally scheduled class time, except for multi-section classes which write a common final examination or classes where class time is insufficient for an examination for which, if requested by the instructor, the Registrar will schedule examinations on Saturday, April 27, Sunday, April 28 and Monday, April 20.**

Mr. Bradfield believed his amendment would help to accommodate those classes, such as X/Y classes, which would be expecting and would require a three-hour examination. Some of those classes met on Monday, Wednesday and Friday, and consequently only had one-hour time slots available to them for examinations.

Ms. Bleasdale thought that more information about the mock examination schedule run by the Registrar's Office would help members assess the implications for students of condensing the examination period. For example, how many students would be required to write three or four examinations within two days if Senate adopted a three-day examination period? Mr. Scully did not have with him that type of detailed information.

Ms. Guppy noted that either option proposed classes end on a Thursday rather than a Friday. Since classes were resuming on Monday, that would disadvantage classes which met on Fridays, particularly senior classes which might meet only once a week on Friday.

Mr. Ugursal indicated that the Faculty of Engineering would find the amendment categorically unacceptable. It would not allow for the number of teaching days necessary for accreditation.

Mr. McGrath reported that in his consultation with students he had found them almost unanimous in supporting the extension of classes until April 25<sup>th</sup>. Since students had been the ones most affected by the strike, their opinions needed to be taken very seriously.

Mr. Sastri pointed out that the Faculties had different needs, and he wondered if one schedule for the teaching and examining periods could be applied across the board. Could this be determined Faculty by Faculty? Mr. El-Hawary noted the provision, to be considered subsequently, which allowed for variation from Faculty to Faculty as to how the four weeks of April were structured.

Mr. Kwak thought he spoke for the graduate student constituency when he opposed the amendment. Graduate students were acutely aware of the importance of contact between professors and students. Teaching and learning should take precedence over examination time.

On the basis of her contact with students during the previous weeks, Ms. Binkley also opposed the amendment. Students had indicated their strong preference for teaching time. Some had gone so far as to argue for the elimination of examinations within the Faculty of Arts and Social Sciences. If Senators adopted the second principle which called for Faculties to "establish arrangements and processes around teaching and examination," each Faculty would be able to

structure the remaining time in the best interests of their students.

Responding to concerns over the teaching days necessary for accreditation, Mr. Tindall noted that the amendment left open the possibility that Saturdays and Sundays could be added as teaching days.

Mr. Jalilvand reported that within the Faculty of Management, the Directors of the four Schools and the student representatives appeared to be unanimous in their desire to extend the teaching period as long as possible, in the interests of covering the class material effectively.

Ms. Balkier thought the debate demonstrated the problems involved in trying to develop a one-size-fits-all solution in a complicated multi-versity. The proposed solution might make sense in some Faculties where examinations could be administered in the classes. It did not make sense in a Faculty such as Law where the examinations were administered in an entirely different three-week time period and where the teaching time slots were substantially shorter than the normal period for the examinations. It would have made more sense had the motion giving Faculties authority to tailor the academic dates to their unique situations, in consultation with their own students, come first. Those with different needs should have the power to create a model which reflected their situation. Members also needed to consider that some students would have religious problems with writing examinations on certain weekend days. Those problems would have to be accommodated. Ms. Balkier would favour the amendment were she a Senator, because it was more flexible. She doubted the students in Law would be willing to give up their break.

Speaking as a graduate student and a part-time instructor, Ms. Susie Waltham supported the amendment. From her experience, examinations were a very important part of the academic process. She would have been very stressed to have to write her examinations in the same period that she was attending other classes. The examination period was designed to produce a degree of focus in a student's life. Also, as a part-time instructor, she wanted her students to have the time to pull together the entire year of English 1000.

Ms. Ozier, a teacher of Psychology and Neuroscience, was delighted to be back on campus. From her experience, she cautioned that members not undervalue the role of examinations in education. Speakers appeared to be suggesting that face-to-face class time and examinations were alternatives to one another, and one was better or more important. Face-to-face teaching and learning was undoubtedly important, but the preparation and writing of a formal extended examination was also a learning experience.

Mr. Freeman, a student representative on the Board of Governors, recognized the importance of examinations. At the same time he trusted that he would be able to finish the current year with a base of knowledge to show for the \$5000 he had spent on tuition. Time in the classroom was the best method of acquiring that knowledge, and a 50-minute examination did not pose a problem.

Mr. Isaac Saney was in favour of maximizing the face-to-face time. He appreciated that some programs might have room to be flexible with classroom time; however, in the Transition Year Program, of which he was Associate Director, teacher-student time was critical for the transfer of

academic skills.

Ms. Cathy Stairs, a teacher in the Nurse Practitioner Program, was concerned about the loss of clinical time in that program. She did not consider it possible to use the remaining time to both make up clinical time and examine students. The only way she could guarantee safe practitioners would be to ensure adequate clinical time and examinations on real patients. Saturdays and Sundays could not be used for that.

Ms. Guppy emphasized the importance of establishing one clear framework of dates that applied across Faculties, since many students took classes in a number of Faculties. Faculties could be flexible within that framework. Mr. El-Hawary trusted that concerns about flexibility would be addressed under the next item debated by Senators.

Mr. Tracey reminded members that each year Senate stipulated the last date for formal classes; however, every class in every program did not continue to that date. In that spirit, the last short paragraph authorized Faculties to use their discretion in making arrangements for the end of classes and for examinations. He also underlined that students came to Dalhousie to be taught, not to be examined, though examinations were a necessary part of the process.

Mr. Bradfield asked members to consider that it was first and second year students who were most likely to be enrolled in the multi-section classes, and consequently most likely to be required to take an unacceptable number of examinations within a condensed three-day examination period. The first year students were particularly vulnerable, and it struck him as unreasonable to deprive them of the comfort zone provided by an extended examination period. Some students might be required to write two examinations on one day, one of those perhaps late in the day, and then wake up for an early examination the next day. Some students could face as many as five examinations in three days.

The amendment was **LOST**.

Mr. El-Hawary asked members to vote on the motion, as originally amended.

The motion, as amended, was **CARRIED**.

Mr. El-Hawary asked members to consider item two, Withdrawals.

Mr. Scully moved:

**That students may withdraw without academic penalty from classes interrupted by the labour dispute up to April 19, 2002. Such withdrawals will not appear on students' transcripts.**

Mr. Scully reminded members that classes had been cancelled on March 4<sup>th</sup>, four days before the original deadline for withdrawals, March 8<sup>th</sup>, which meant that students had lost a full week during which they would have been able to withdraw from winter term classes. The proposed motion addressed the need to not only give students back that week but to be even more

generous in the amount of time students had to decide whether to drop a class. Under the circumstances, it seemed appropriate that students be given three weeks of classes in which to determine whether they would be able to complete their classes under the new conditions and constraints imposed by the labour disruption.

Mr. Tindall thought that the original date for withdrawing from winter term classes without a "W" was early February, and the date for withdrawal from X/Y classes, with a "W", was also early February, well before the commencement of the strike. The deadline in early March was the date for withdrawal from winter term classes with a "W".

Mr. Ugursal would vote in favour of the motion because the rules had changed half way through the term as a result of the labour disruption. Some students would be seriously affected by the disruption in their studies, and the University needed to be sensitive to those students.

Ms. Guppy wondered whether students who withdrew would be required to pay to take the classes again. She was also concerned that repeating a class might extend some students' studies beyond a reasonable time.

Mr. Traves responded that the Deans had discussed the question of refunds. Administrative policy would be that students who withdrew under the present circumstances would be eligible for a full refund of their fees, in the form of a credit to be used when they returned to the University to take the class from which they had withdrawn or any other class. In order to help protect students from making ill-advised decisions in anger or out of anxiety, the Faculties would provide appropriate counselling before authorizing their withdrawals and refunds.

Mr. Scott asked whether students who withdrew and then did not return would receive a cash refund. Mr. Traves indicated no.

The motion was **CARRIED**.

Mr. El-Hawary invited members to consider item three, Principles. He suggested members might wish to deal point by point with the principles and the enabling provisions highlighted in bold. Those which members wished to debate could be set aside and returned to at the end.

Mr. McGrath moved:

**That Senate affirms the following principles for academic decision-making in the month of April, 2002:**

**Fairness to students, in light of the effects of the strike on students;**

**Responsibility for the Faculties to establish arrangements and processes around teaching and examination that are fair to students;**

**Exercise of flexibility and common sense at the class and unit level;**

**Consultation and discussion in classes regarding the teaching and evaluation**

**process for the rest of the term (see Regulation 16.1 below);**

**Reasonable expectations as regards student progress on academic work during the strike, particularly as regards the completion of assignments and mastery of material without assistance;**

**Recognition of the abbreviated time-period available to faculty members and students, and of the workload students are facing, including the impact of assignments and examinations in numerous classes;**

**Understanding of the special problems for students who have off-campus obligations (e.g. family, work), learning disabilities or medical problems, or who have made travel plans based on the pre-strike academic schedule and negotiation of fair solutions for those individuals;**

**Rapid problem-solving assistance at the academic unit level for students who make claims of unfair treatment, and an expeditious special Senate appeal process.**

**Under no circumstances shall individual assessment components be required immediately upon the resumption of a class or at the first meeting of the class. At the first class meeting, students and the class instructor will develop a schedule for individual assessment components, including those that were due during the strike.**

**Except in those classes where the pass-fail system was previously established, the pass-fail system shall not be introduced.**

**Students should not be expected to write more than two final examinations per day. Students who face this situation should contact the Dean of the Faculty, of their primary registration, who shall be responsible for resolving the problem.**

**For classes that were formally cancelled by the University during the strike, but were continued informally nonetheless, all class material must be re-taught, or it shall not be subject to examination.**

Mr. Scully drew attention to the second principle which reiterated the final point in item one. Those who had helped to draft the motions before Senate had attempted to keep in mind the concerns expressed by previous speakers that one size did not fit all. The document before Senate reflected the diversity of the University, while responding to both student interests and external factors, the latter related to accreditation. Faculties, through their Faculty Councils, would need to establish arrangements and processes around teaching and examination.

Ms. Bleasdale moved an amendment:

**That a ninth principle for academic decision-making be added which stated:  
"Under no circumstances will students suffer academic penalty because of their refusal to cross a picket line to attend a class that was continued during the strike.."**

Ms. Bleasdale spoke to the need to include this amendment in the published principles that all students and faculty members would be receiving in the next two days. It was unfortunate that the University found itself in a situation in which it appeared to have flown in the face of Senate policy that students had the right not to cross a picket line to attend classes in programs which continued during the labour disruption. However, it was not too late to clear up the confusion some students were expressing in this area.

Mr. White wished to hear some debate on this matter, since he was unclear as to what would happen to a medical student whose classes were on-going but who chose to not cross a picket line. Ms. Bleasdale responded that she thought the broad applicability of the principle had been made clear during the strike by the Dalhousie Staff Association a few years previous. That strike had not affected teaching services in any programs directly; however, even in that instance, Senate had been clear that no student could suffer academic penalty as a result of their refusal to cross a picket line.

Mr. Saunders saw the motion as redundant if this was already Senate policy. Ms. Binkley agreed that the motion was already dealt with elsewhere and consequently unnecessary. If the Special Senate Appeals Process passed, students who felt they had been unfairly treated could appeal.

Mr. Ugursal thought that if programs were not affected by the strike, then students in those programs would not be crossing picket lines. Mr. White noted that in some circumstances classes taught by the DFA went on in the same building as classes taught by non-DFA members, which meant that classes that were not strike-bound were held in the same building as those classes which were strike-bound. Ms. Guppy and Mr. Kwak also requested clarification as to whether a picket line could be said to be in effect where programs were continuing.

Mr. Traves saw many complex questions buried in the amendment. He assumed most members were sympathetic to the obvious principle, but the practical issues attached to the principle were not so straightforward. For example, what type of accommodation could the University provide for one student in the Medical School who chose not to cross a picket line? Another practical question related to the recent court ruling in the area of secondary pickets. Given the complexities, Mr. Traves thought it would be best to leave the amendment alone for now. At some later point the University might wish to return to examine the principle in light of the increasingly complex environment in which it found itself.

As a faculty member, Mr. Morgan was concerned that students who took a conscientious position not to cross a picket line be supported by the Senate. As a parent of a student who had been very seriously affected by discriminatory action taken by faculty members in a previous strike, he was doubly concerned that this amendment go through and this principle be reaffirmed.

Ms. Bleasdale noted that the first principle, fairness to students, was a long-standing University policy, but it was important that it be repeated in the communication going out to the students. Similarly, the right of students not to cross picket lines was long-standing policy, but important enough to be reiterated for students, particularly in light of the ambiguity as to whether classes had been resumed in some areas.

Mr. McGrath suggested that this question be divided out and dealt with at the end of the agenda. Mr. Tracey thought Senators should vote on the amendment.

The amendment was **CARRIED**.

Returning to the main motion, Mr. Wainwright found the wording of the first principle concerning fairness unfortunate.

He moved an amendment:

**That in the first principle "labour dispute" be inserted in the place of "strike".**

Mr. Wainwright pointed out that it took two parties to have and sustain a strike, in this case the Dalhousie Board of Governors and the Dalhousie Faculty Association; and the shared responsibility of the parties for the disruption of classes would be better conveyed by the term "labour dispute". He did not object to the use of "strike" in other parts of the document before Senate, but it was not appropriate in the context of fairness to students.

Mr. Ugursal spoke against the amendment on principle. He was no "fan" of the Board, but the facts were that there had been a strike; the Board had not taken any action.

The amendment was **CARRIED**.

Speaking to what was now principle ten, Mr. Elder moved:

**That in the second sentence of principle ten, "students and the class instructor" be deleted and replaced with "the class instructor, in collaboration with students,"**

Mr. Elder agreed with the principle that the instructor should be flexible and work with the students to revise the class schedule; however, he believed this amendment would better reflect the fact that it was the normal purview of the instructor to determine methods of assessment.

Mr. Tracey noted that this provision was another way of underlining the requirement that the instructor receive the consent of two-thirds of the students in the class before making changes to the assessment components. The amendment clarified that the instructor would provide leadership in the collaboration over any changes to the syllabus.

Ms. Ozier pointed out what she saw to be a contradiction between this proposal that students have input and the sentence at the beginning of 16.1 which read: "Students will be provided a class outline by their instructor at the first meeting of the class. In order to complete a class satisfactorily, a student must fulfill all the requirements as set down in the class outline." It struck her that it was not possible to have both. Mr. Saunders clarified that the principle interacted with Regulation 16.1 by setting out how changes to assessment components were to be dealt with.

The amendment was **CARRIED**.

The motion, as amended, was **CARRIED**.

Mr. El-Hawary invited members to consider item four, Regulations.

Mr. McGrath moved:

**That Academic Regulation 16.2.1 be temporarily suspended for this term only. [This regulation, which affects the College of Arts and Science, and the Faculties of Architecture and Planning, Computer Science, Engineering, Health Professions and Management, speaks to the limitation on tests and examinations in the last two weeks of classes and in the interval between the end of classes and the beginning of the official examination period.]**

The motion was **CARRIED**.

Mr. El-Hawary invited members to consider the existing regulations which would remain in effect.

Mr. McGrath moved:

**That the following existing regulations will continue to be in effect:**

#### **16.1 Method of Assessment**

**Students will be provided with a class outline by the instructor at the first meeting of the class. In order to complete a class satisfactorily, a student must fulfill all the requirements as set down in the class outline. Changes to the outline which affect assessment components, the weight of individual assessment components, or examination requirements with a value of ten percent or more must have the approval of at least two-thirds of enrolled students in order to be valid. [Assessment Components include both the work to be submitted for assessment which will count towards the final grade and other work which may or may not be assessable which does not count towards the final grade, but which must be fulfilled to meet class requirements.]**

#### **Policy in Case a Formal Examination Cannot be Completed at Regularly Scheduled Time**

**In all cases in which a formal examination cannot be written at its scheduled time and special arrangements must be made, it is essential that faculty ensure that all students in the class are treated fairly and equitably and according to the procedures in the class description given to students at the beginning of the term.**

#### **Rescheduling of Classes, Tests, and Formal Examinations**

**No instructor or Office of the University shall reschedule make-up classes, tests and/or formal examinations in such a way that they overlap or conflict with any other class or classes being taken by a student or students in their class.**

### **Academic Accommodation for Students with Learning Disabilities**

**Members are reminded of the University's commitment to providing all reasonable accommodation to students with Learning Disabilities, and are asked to be particularly sensitive to the fact that the disruption of classes may have placed a special additional burden on these students.**

Speaking to Regulation 16.1, Method of Assessment, Mr. Jalilvand was concerned that when classes recommenced, faculty and students needed to be able to reach an agreement quickly on proposed changes to the assessment components. Since it might not be feasible to expect at least two-thirds of enrolled student to be in attendance at the first class back, Mr. Jalilvand moved an amendment:

**That in the last sentence of Regulation 16.1 "enrolled" be deleted and "present" be inserted following "students".**

Ms. Bleasdale thought Regulation 16.1 should remain unchanged. It was designed to ensure that, in the event changes to assessment components became necessary, a significant percentage of students agreed to those changes. More importantly, it was one of the few regulations of which students were likely to be aware, given that it had been well publicized during the strike.

Mr. Slonim was concerned that teaching time would be lost if instructors and students had to wait until two-thirds of those enrolled in each class were present and able to reach an agreement on how to proceed.

Mr. Traves supported the amendment because while Regulation 16.1 was designed to protect students from arbitrary changes to class outlines, it did not take into account the type of time constraints under which students and faculty would be working in the coming week. Mr. McGrath also supported the amendment. He was confident that students would be checking their email and monitoring the web over the next two days, and would be aware of their rights when they returned.

Mr. Ugursal thought the amendment was dangerous because many faculty members and students would not even be aware of the motions passed by Senate until they returned to the campus on Monday morning. Similarly, many students might not know about the change to the two-thirds rule; and if they did not know about the change, would they be bound to comply with it? What would be the reaction of those students unable to attend the first class back?

Mr. Traves explained that the principles and regulations adopted by the meeting would be communicated quickly to all students and faculty via email, the University website, and the DSU website. Advertisements in the local press would also advise students to check their email and

the web for information.

Mr. Tindall considered the change too sweeping, and suggested an amendment:

**That "and 50% of those enrolled" be inserted after "at least two-thirds of those present".**

The mover and seconder agreed to this change.

Mr. Wainwright suggested that Regulation 16.1 be corrected or amended, whichever was appropriate, by the removal of the second comma in the second sentence. That would clarify that student approval was necessary for changes in the weight of examination requirements, not for changes in examination requirements alone. He was assured that the comma was a typographical error and would be corrected in the motion when it was circulated and in the University Calendar.

The motion as amended then read:

**Changes to the outline which affect assessment components, the weight of individual assessment components or examination requirements with a value of ten percent or more must have the approval of both a) at least two-thirds of those present and b) 50% of those enrolled in order to be valid.**

Mr. Faulkner thought that Regulation 16.1 should remain as it was published and known by students and instructors. If in his first class he did not have two-thirds of those enrolled present, which was possible since students were not required to attend classes at Dalhousie, he would contact his students and ensure that the necessary two-thirds were in agreement with suggested changes. It was important that students feel ownership of any changes.

Mr. Bishop hoped members appreciated that the multi-section classes would run into greater problems and take longer in reaching agreement on necessary changes.

Mr. Chan, Director of Student Advocates, asked whether changes to the timing and due dates of assessment components and examinations would require student agreement. Mr. Saunders, Mr. Neumann and Mr. El-Hawary assured Mr. Chan that they would, given the interaction of the various principles and regulations being adopted and affirmed.

Ms. Ozier asked for confirmation that it would be acceptable for her to go into her first class, make no changes to the assessment components or examinations, quickly come to an agreement with her students, and then begin teaching. That seemed to her the cleanest and fastest way of proceeding. Mr. El-Hawary thought that method of proceeding was in keeping with the principles taken as a whole.

The motion, as amended, was **CARRIED**.

Mr. El-Hawary invited members to consider item five, the Special Senate Appeals Process. In

particular, he wished to acknowledge the advice provide by the Student Advocates on this item.

Ms. Bleasdale moved:

**Be it resolved that Senate establish a special appeals process to adjudicate appeals brought by students concerning academic matters arising from the disruption of classes (March 4, 2002 to March 28, 2002), including any subsequent arrangements for completion of those classes; and**

**That the function, procedures, and composition of a Special Appeals Committee described in the proposed terms of reference (see below) be adopted.**

**Proposed Terms of Reference of the Ad Hoc Committee to Adjudicate Appeals by Students on Academic Matters Arising from the Disruption of Classes.**

**Function:**

**1. The Committee shall hear appeals brought by students on issues of an academic nature arising out of the disruption of classes (March 4, 2002 to March 28, 2002) and which occurred before, during or after the period of the disruption of classes.**

**Procedures:**

**1. A student shall discuss the matter with the faculty member or instructor directly involved. If the matter cannot be resolved by the faculty member or instructor, or by the relevant Department Chair, Dean, or Faculty Committee, within 48 hours, the student may proceed directly to the Special Appeals Committee, with the understanding that once a panel is struck, in the interests of fairness, the panel will advise the faculty member of the substance of and grounds for the appeal.**

**2. Any student wishing to appeal will provide the Secretary of Senate with a written request for an appeal, including a brief, written description of the matter under appeal and the grounds for the appeal, and his/her mailing address, email address, and telephone number(s).**

**3. The request for an appeal hearing will be forwarded to Senate Office as soon as reasonably possible, to ensure timely resolution of any problem.**

**4. The Senate Officers shall determine whether the matter is within the jurisdiction of the Committee, or whether it should be referred to other Departmental, School, Faculty, Senate and/or University procedures. If the Officers determine that the matter is not within the jurisdiction of the Committee, it shall not proceed to a hearing by the Committee. Committee members are committed to acting as quickly as reasonably possible to ensure a speedy resolution of any problem.**

- 5. If the Officers determine that the matter is within the jurisdiction of the Committee and cannot be resolved informally, they will strike a panel as set out under "Composition". Committee members are committed to acting as quickly as reasonably possible to ensure a speedy resolution of any problem.**
- 6. Appeals will be decided on the basis of majority vote.**
- 7. The decision of a panel will be conveyed to the student and faculty member, with a request for the appropriate remedy, if any.**
- 8. The Officers of Senate will ensure that any requested remedy is implemented. Any request for a change of grade arising from a decision will be processed by the faculty member/instructor involved, through the normal process of requesting grade changes.**
- 9. In all of its proceedings, the Committee and each individual panel shall be bound by the principles of fairness and natural justice.**
- 10. This special academic appeals process shall be available for a period of 8 weeks following the recommencement of classes. Thereafter, all appeals shall be dealt with by the normal processes established by Departments, Schools, Faculties, and Senate.**

**Composition:**

- 1. The Ad Hoc Academic Appeals Committee comprises the three Officers of Senate; 10 faculty members chosen from the standing University Tenure Panel and broadly representative of the University Community; and 10 students chosen by the Dalhousie Student Union and broadly representative of the University Community.**
- 2. For each appeal, the Officers of Senate will choose a panel of three Committee members appropriate to that appeal.**
- 3. Each panel will comprise a student; a faculty member; and an Officer of Senate (as Chair and voting member).**

Mr. Slonim suggested, and the mover and seconder agreed, that in Provisions, clause 1, "48 hours" be changed to "two working days".

In response to questions from Mr. Kwak, Ms. Bleasdale clarified that in Procedures, clause 1, reference was made to Department Chairs, Deans, and Faculty Committees in order to cover the varying structures of governance from Faculty to Faculty, and not to suggest that students would have to work their way up through each level of appeal within a Faculty before being able to appeal to the Committee described under Composition. The process was intended to expedite appeals. For graduate students, the Faculty of Graduate Studies was considered the relevant Faculty and the Dean of Graduate Studies the relevant Dean.

Ms. Bowie pointed out that the date of the end of the labour disruption should be inserted into

the motion.

In response to questions from Mr. Jalilvand, Ms. Bleasdale explained that appeals which were not related to the strike would be dealt with in the normal way at the Faculty and Senate level. She agreed with Mr. Jalilvand that ideally a Professor or Chair or Faculty Committee would be able to handle any matter related to the strike quickly and to the satisfaction of the interested parties. But if after two days the problem had not been resolved at the lower level, the student could decide to appeal to the Special Senate Committee.

Ms. Ozier raised concerns that the proposed process would open the door to an enormous number of complaints that were not legitimately related to the strike, in part because the jurisdiction of the Committee was not clearly spelled out. Ms. Bleasdale responded that the three Officers of Senate would filter out those issues that would normally be heard by another body or funneled through another process. From her experience in the last strike, she anticipated that a very limited number of students would come forward, and most problems would be resolved informally by the Professor, Department, or Faculty, never reaching the Senate level.

The motion, as amended, was **CARRIED**.

Mr. Andrews asked when the Board of Governors would be voting on the tentative agreement and the back-to-work protocol and whether Mr. Traves would be recommending ratification. Mr. Traves responded that the Board was attempting to schedule a meeting for Tuesday, April 2<sup>nd</sup>. He would be recommending ratification.

Mr. Scully thanked Mr. El-Hawary for the way in which he had Chaired the meeting.

**2002:034.**

Adjournment

The meeting adjourned at 6:01 p.m.