

Item: Senate Minutes, September 1996
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DALHOUSIE UNIVERSITY

APPROVED MINUTES

OF

SENATE MEETING

SENATE met in regular session on Monday, 9 September 1996 at 4:00 p.m. in the University Hall, Macdonald Building.

Present with Mr. Colin Stuttard in the chair, were the following:

Adams, Andrews, Apostle, Archibald, Birdsall, Bleasdale, Bradfield, Brett, Cameron, Clark, Conrod, Dickson, Farmer, Fraser, Hartzman, Hobson, Hooper, Kay-Raining Bird, Kiang, Kimmins, Klein, Lee, Lovely, Lydon, MacInnis, MacKay, Maloney, McIntyre, Moore, Morrissey, Oore, Patriquin, Pereira, Ricketts, Rosson, Ruedy, Russell, Scassa, Shafai, Siddiq, Starnes, Sutherland, Tatton, Taylor, Tomblin Murphy, Traves, White, Wrixon.

Regrets: Camfield, Doolittle, Egan.

96:086.

Call to Order

Mr. Stuttard called the meeting to order, and welcomed Mr. Chris Adams, a new student Senator.

96:087.

Adoption of the Agenda

The agenda was adopted as circulated.

96:089.

a. Approval of Minutes of Previous Meeting

The minutes of the 8th July Senate meeting were approved as circulated.

b. Matters Arising

Mr. Mason's response to Mr. Bradfield's question concerning Wickwire Field was circulated with the agenda.

96:090.

Senate Nominating Committee

On behalf of the Senate Nominating Committee, Mr. Boran moved the addition of new members to six standing committees of Senate: to the Senate Academic Priorities and Budget Committee, Mr. Frank Lovely (1998); to the Senate Computing and Information Technology Committee, Mr. Keith Sullivan (1999), Mr. David McNeil (1999), and Ms. Elizabeth Sutherland (1997); to the Senate Discipline Committee, Kristin Janke (1999); to the Senate Committee on Instructional Development, Mr. Tim Lee (1998); to the University Committee on the Environment, Mr. Ray Cote (1999), Mr. Don Patton (1999), Ms. Edna Staples (1999), and Mr. David Sutherland (1999); to the Senate Library Committee, Mr. John Rutherford (1999) and Mr. Robert White (1999).

After the requisite calls for further nominations, Mr. Stuttard declared the proposed individuals elected.

Mr. Boran asked to withdraw the nomination of Mr. Eric Ricker to the Senate Academic Appeals Committee. Mr. Stuttard explained that the terms of reference for the Academic Appeals Committee implied that at least one member with a background in law should not be a member of the Faculty of Law. The Nominating Committee would bring to a future meeting the name of a suitably qualified individual.

96:091.

Faculty of Health Professions -- Guidelines for Suspension or Dismissal from a Program on the Grounds of Professional Unsuitability

Mr. Stuttard invited Ms. McIntyre, the Dean of Health Professions, to speak to the Guidelines which had been forwarded to Senate from the Committee on Academic Administration. Ms. McIntyre explained that since early 1994 the Faculty has been working on a broad policy statement, the purpose of which is to protect society by ensuring that all graduates of its professional programs not only meet the necessary academic requirements but also satisfy standards of conduct appropriate and suitable to the practice of the Health Professions. To this end, the proposed guidelines include a sample list of the kinds of behaviours which, if they were to continue or be repeated, would jeopardize public health and safety. The Faculty has been careful to ensure that the proposed guidelines are in line with the University's Policy for Accessibility for Students with Disabilities, and has received ample legal opinion during the drafting process. The proposed guidelines are not a discipline policy; they are separate from and supersede the Code of Student Conduct. They would be used by the Faculty's Committee on Studies, and appeals to the Senate would be heard by an ad-hoc Senate appeals committee. The guidelines are included (subject to Senate approval) in the Health Professions calendar and students have been made aware of their existence. Ms. McIntyre moved (seconded by Mr. Farmer) that Senate give final approval to the revised Guidelines.

Mr. Lee was unclear from the wording whether the behaviours listed would be grounds for suspension or dismissal if they occurred once or only if they were repeated. He was also concerned about the major difference between a criminal act such as drug trafficking on the one hand and being under the influence of alcohol or drugs on the other. The scope of sanctionable behaviour struck him as too broad, particularly when applied, as seemed to be the intent here, to any activity related to the study of the health professions. From his own recollection of student life, and his observation of contemporary students, he did not think it unlikely that students might occasionally be under the influence of alcohol in some activity related to their study. A sharper emphasis on activity related to client care seemed appropriate.

Mr. Andrews was also uneasy about the broad scope of the proposal. He appreciated the difficulties in attempting to spell out exclusively which offences could or would lead to the expulsion of a student; and he understood why a sample list might appear preferable. But we needed to consider the implications of leaving open the question of whether any behaviour which any member of the University community chose to bring to the attention of Directors and the Dean in Health Professions would be investigated. The present provisions seemed open-ended and open to abuse; they would benefit from language which protected against investigation of frivolous complaints and clarified that abuse of the guidelines would not be tolerated.

Mr. Tyrone Duerr of the Student Advocacy Service was granted permission to address Senate. Mr. Duerr and fellow advocate Doug Downey wished to speak to some of the issues which had just been addressed, in particular the vagueness which peppered the document and the fact that the list is not considered all inclusive. Equally troubling was the provision that the Committee on Studies could investigate an allegation, from any member of the University community, that a student had committed a criminal act, and then judge the student guilty on the balance of probability. That would substitute the Committee's verdict for that of the Courts. Given the gravity of accusations of criminal behaviour, that was a rather scary provision. Mr. Duerr also agreed with Mr. Lee that in (ii) the words "related to the study of" opened up a wide range of potential problems.

Mr. Downey addressed the issue in (iv) of unethical behaviour as specified by the code of ethics/standard of practice of a Health Profession. The Advocates did not have a problem with this but wanted it clearly understood that we would be asking students to fall within the provisions of the particular Health Profession. It was his understanding that, in contrast, law students did not have to follow the code of conduct of the Barristers Society, though that might be a good idea. In his final point, Mr. Duerr drew from the experience of the Advocacy Service to argue that giving evaluators considerable discretion leads to problems, some of which have taken years to resolve. Could we tighten up the document in an attempt to minimize problems?

Mr. Ricketts assumed the Guidelines would apply to graduate as well as undergraduate students and in the case of graduate students the normal appeal procedure is within the

Faculty of Graduate Studies. He was not sure the Faculty wanted to get into the business of judging professional unsuitability. Still, suspension or dismissal of a graduate student is ultimately the decision of the Graduate Faculty. Consequently how that Faculty would respond to a case which worked its way through these guidelines needed to be clarified.

Like the student advocates, Mr. Brett was worried about employing the balance of probability in investigating an alleged criminal act. Commission of a criminal act is a fairly serious basis for dismissal, and it would be deviant as far as the law is concerned to employ only the balance of probability in reaching a judgement. In fact Mr. Brett was not sure that doing so would be consistent with natural justice, which is endorsed in the document.

Mr. Bradfield agreed with earlier comments about the vagueness of the provisions, and perceived a strange mix of the vague and sweeping with the specific. Secondly, he noted that normally self-regulating professions which have boards designed to protect the public have members of the public on their boards. If these guidelines are to protect the public will the Committee on Studies have representation from the public? Thirdly, the issues addressed in the guidelines seemed to be disciplinary issues. Should the Senate Discipline Committee handle them?

Mr. Archibald admitted to being somewhat ambivalent about these proposals, in the same way he had been ambivalent about the earlier policy on Integrity in Scholarly Activity. But having previously adopted an open list of transgressions, doing so here would at least have the virtue of consistency. Key in this document is the word "may"; a case need not result in suspension or dismissal. This does allow for considerable discretionary power, but he felt we could have confidence in those who are applying the rules and in the appeal procedure. The balance of probability might be a bit of a red herring, and not a serious difficulty.

Mr. Starnes thought the premise of the whole proposal appeared to be that any student who is in the Faculty of Health Professions does indeed intend to become directly thereafter a health professional. If that were not the case would these apply? What if someone said they did not intend to practice in the health professions? Do we need provision for this?

Ms. Bleasdale joined those worried that the balance of probability was a considerably less rigorous standard than that used in the criminal courts. Protect the public, yes, but also protect the University against costly law suits, and, more important, protect students against irreparable damage to their reputations and lives. Can the application of these Guidelines be monitored carefully in the first few years? She also pointed out the inconsistencies in the way in which the professional schools handled such matters, and applauded the Medical Faculty's initiatives in providing proactive measures to counsel students and encourage them to deal with problems such as substance abuse. Would it be worth sending this back to SCAA with instructions that SCAA conduct a general

review of the standards and mechanisms for assessing and dealing with questions of professional unsuitability? It struck her as premature to make a motion to that effect.

As a member of SCAA, Ms. Hobson felt depressed at the thought of this going back to the Committee. The University lawyers and the Employment Equity Office had reached a comfort level with the wording here. Consistency was desirable, but the time for a broader review would be after this document was in place. The document could then be modified in light of that review. Three points stood out for Mr. Traves. The measure of discretion meant there was no barrier to remedial action as opposed to disciplinary sanctions if the faculty saw fit in particular cases. We must make sure justice is done to the students. At the same time the University must discharge its social responsibility to the community. Also important was Mr. Starnes' point concerning the possible distinction between the package of requirements for access to the professions as opposed to the package for access to the degree. In a case in which he had been involved at another University a student had been awarded a degree but had not been given credit for completion of the practicum, which was a requirement for gaining licence in the province. But if such neat distinctions cannot be drawn in Health Professions the University had to live up to its responsibility to the community.

Mr. Clark was torn. Ideally he would like us to provide a less harsh environment, and create an atmosphere in which students do not need to hide behaviour for which they might better seek help. Ms. Tomblin Murphy pointed out that in the School of Nursing, members confront these issues daily, as they are accountable to the public, signing on the dotted line that graduates are safe, competent, and of moral character. She accepted that there are going to be problems with any kind of guidelines and supported some of the comments previously made; however, in Health Professions it is often difficult to separate practice from the theoretical components of programs. Like Ms. Hobson, she was concerned about the delays involved in sending this back to SCAA. Mr. Kimmins argued the proposal did not lessen the rights of any individuals to whom it was addressed. It was necessary to put in place adequate measures to address community responsibility.

Mr. Klein was convinced it was useful to go forward with these Guidelines, and attempted to capture the concerns of members in an amendment to the motion (seconded by Mr. Andrews) that we strike "study or" from (ii). Ms. McIntyre argued the wording here meant that in a supervised teaching situation the Faculty expected students to exhibit professional behaviour. "Study" meant the clinical study of matters such as bedside approach; it did not mean studying at home the night before an examination. Mr. Ruedy thought the intent was to address the problem of students who were under the influence of alcohol or drugs while interacting with clients in learning or client care situations. He argued we would have to reconstruct the first part of this clause in order to capture that intent rather than just omit the last half. Ms. Sutherland followed up on Mr. Ruedy's point by suggesting that rather than delete "study or" we insert "the study in a clinical setting" or "learning experiences in a clinical setting or practice".

Mr. Stuttard cautioned that we were getting into rewriting by committee which was not a good idea, and suggested if that was the desire of the majority of members, a motion to refer might be appropriate. Mr. Andrews commented that the reading Mr. Ruedy wanted to give to (ii) did not stand up to scrutiny. If the words did not reflect the intended meaning they should be changed. That seemed to be another argument for referral to a committee.

Mr. Lydon suggested a friendly amendment to the amendment, "being under the influence of alcohol or drugs while involved in study of or participating in client care", but did not have a seconder. Ms. Raining-Bird argued that striking "study or" would maintain the intent of the document and prevent a broader and inappropriate interpretation. Ms. McIntyre would accept that as long as the minutes reflected that studying for the practice of the profession was part of the practice of the profession. The amendment that the words "study or" be deleted from the guidelines, was CARRIED.

Mr. Andrews then proposed that the 4th paragraph be deleted from the guidelines, but had no seconder for this amendment.

In responding to the numerous comments, Ms. McIntyre quickly summarized. This was not just an issue of discipline; some students who would fall under (iii) would not have the judgement left to understand that their new disability impaired their performance. There was provision for suspension, during which time a student could seek rehabilitation; however, Faculty Council had voted explicitly that they did not have an obligation or duty to rehabilitate students, and they did not have the financial capacity to do so. An exhaustive list of grounds for suspension or dismissal was impossible, since we could not predict what problems might arise. The concept of repeatability or of predictiveness was central to the Guidelines since the Faculty needed to be able to rule on the probability that a behaviour would recur or an impairment continue. The balance of probability was employed in the Student Code of Conduct and in other procedures on Campus. The notion of reasonable doubt was not appropriate when one talked about protection of the public. The document is intended for the undergraduate, pre-licensing programs, which require signing for the students' eligibility to practice. Consequently a student's plea that he/she had not intended to practice could not be entertained. In conclusion, Ms. McIntyre reminded members that such guidelines were always problematic, witness the fact that the Medical Faculty's document had not yet been approved; but she assured the meeting that the procedures would be monitored with care, and that the student representatives on the Committee on Studies would have adequate input. Since it would be impossible to draft one document which could cover all professions, she hoped Senate would approve the proposed Guidelines and give Health Professions the ability to meet its responsibility to the public. The guidelines were all the more important because some established professions did not govern students, leaving no mechanism for careful peer review beyond something established within this University.

Mr. Hartzman became more worried the more he heard: worried that something like judging suitability for a profession might be subject to fashion; worried whether students received and understood the provisions of the Nova Scotia Human Rights Act; and worried that the Act and the codes of ethics by which students will be judged will be filtered by faculty members' perceptions, and possibly misconceptions. Ms. Bleasdale remained troubled that any group within Dalhousie could take onto itself the responsibility of not only judging, on the balance of probability, whether a criminal act had been committed, but going much further and judging, again on the balance of probability, the probability that the alleged act would be repeated. Perhaps the Committee on Studies would be willing to work with legal experts as the Guidelines were initially implemented. She also hoped that the University could find the resources to enable Health Professions to deal more adequately with rehabilitation of students.

Despite the acknowledged problems with implementing these Guidelines, Mr. Lee considered the alternative worse -- no mechanism to deal with the unsuitability of individuals for the practice of the Health Professions. Mr. Lee (seconded by Mr. Klein) moved that the question be put. The motion CARRIED.

The main motion, that the Faculty of Health Professions' Guidelines for suspension or dismissal from a program on the grounds of professional unsuitability (as amended) be approved, was CARRIED.

96:092.

Senate Standing Committees

Ms. Conrod took the Chair for this item, and explained that members would be asked to consider changes to the terms of reference of four Senate Committees in turn. Motions to adopt the proposed changes required a two-thirds majority to pass.

On behalf of the Steering Committee, Mr. Stuttard moved:

That amendments to the terms of reference of the Honorary Degrees Committee, as shown on the September 9, 1996 draft terms of reference, be adopted.

Mr. Stuttard laid out the significant changes to the terms of reference of the Honorary Degrees Committee. Mr. Lovely asked whether the addition of the wording "or post-retirement contract" in #4 was unambiguous. Ms. Hobson suggested, and Ms. McIntyre (seconded by Mr. Ricketts) moved that #4 read "whether holding full-time, part-time, or post-retirement appointments". The motion CARRIED.

Mr. Andrews asked whether information could be given to someone who was not a member of Senate, in particular someone who had nominated an individual and wished to know the disposition of his/her case? Could we relax the wording to give more latitude for responding to those who propose candidates? Mr. Stuttard explained that this wording was intended to make explicit the confidentiality which has cloaked the

deliberations of the Committee for a long time now.

Mr. Brett moved (seconded by Mr. Bradfield) to amend #1 to include "a member of faculty or a member of the student body". Mr. Travis moved a friendly amendment to include "a member of staff". The motion CARRIED. Mr. Kimmins (seconded by Ms. McIntyre) moved that in section 9 the word "staff" be added. That amendment also CARRIED.

The revised terms of reference of the Senate Honorary Degrees Committee were adopted as amended, without dissent.

On behalf of the Steering Committee, Mr. Stuttard moved:

That amendments to the terms of reference of the Senate Steering Committee, as shown on the September 9, 1996 draft terms of reference be adopted.

The motion was CARRIED without dissent.

On behalf of the Steering Committee, Mr. Stuttard moved:

That amendments to the terms of reference of the Senate Physical Planning Committee, as shown on the September 9, 1996 draft terms of reference, be adopted.

Mr. Stuttard noted the major changes: the procedures would now be explicit; the Committee would be a separate standing committee of Senate, reporting directly to Senate; the Committee would no longer necessarily be chaired by a member of SAPBC; the composition would be changed significantly. Mr. Stuttard moved an amendment (seconded by Mr. Lovely) that the membership include "the Chair of the Board of Governors' Buildings and Grounds Committee or designate". The amendment CARRIED. Mr. Stuttard (seconded by Mr. Lovely) moved an amendment to add to item 6 of the "Composition" the words "and shall exclude the Chair of the Board of Governors' Buildings and Grounds Committee or his/her designate." The rationale for this was that the Board's member was not under the authority of the Senate and may attend meetings only sporadically. The introduction of "or designate" was to allow for the possibility that the Buildings and Grounds Committee chair might not be available except on days when the Board of Governors was meeting; for example, the current chair resides in P.E.I. The amendment CARRIED without dissent.

Ms. Sutherland asked that, for consistency, we remove the words "ten members" under Composition. This was accepted as a minor editorial change. Ms. McIntyre congratulated the drafters, and hoped this would give new life to an important committee. The revised terms of reference for SPPC were then adopted as amended, without dissent.

On behalf of the Steering Committee, Mr. Stuttard moved:

That amendments to the terms of reference of the Senate Academic Priorities and Budget Committee, as shown on the September 9, 1996 draft terms of reference, be adopted.

Mr. Stuttard pointed out that the significant change was the detachment of SPPC from SAPBC. The terms of reference for membership on this Committee prompted Mr. Birdsall to raise the issue of the two classes of Senate members, the ex officio members who, with the exception of the President and Vice President and the Officers of Senate, were not eligible to serve on important committees such as SAPBC, and elected Senators who were eligible to serve. He disagreed with this, and asked whether the Steering Committee had considered expanding eligibility for Senate Committees in order to take advantage of a wider range of expertise, such as that offered by Deans? Mr. Stuttard responded that the terms for membership had been set by the Committee responsible for reforming the Constitution. Steering had not tinkered with these provisions since to do so would have represented a major change from the intent of the reformers and of the old Senate which had adopted reform a year ago. Steering had not wished to exceed its mandate. In answer to a question as to why the representative from the Board of Governors had a vote but would no longer be counted in the quorum, Mr. Stuttard explained that the rationale here was the same as that for SPPC, and appeared justified since over the whole of the last year the Board of Governors' representative had not attended a single meeting. He had raised this with the Chair of the Board of Governors who indicated that the Board's Executive would consider the issue. Picking up Mr. Birdsall's point, Ms. Hobson felt SAPBC would benefit from the participation of those managing the budget at the unit level, and moved an amendment (seconded by Birdsall) that under "Composition" the wording be "six members of Senate" rather than "six faculty members elected by Senate". Mr. Klein did not want to change the composition of the Committee in haste, and suggested we pass the motion presented by Steering, and refer back to Steering the suggestions concerning changes to the membership of SAPBC.

Mr. Andrews considered the suggested change in composition sufficiently serious that he would want further time to consider it. He moved (seconded by Brett) to table the proposed amendment. Since a motion to table was not debatable, Ms. Conrod called for the vote. Mr. Lydon interjected that because we were currently considering an amendment, the correct procedure would be to divide the main motion so that the section to which the proposed amendment referred could be considered separately. Ms. Conrod and Mr. Stuttard clarified that Mr. Lydon was suggesting Ms. Hobson could propose a new motion to amend the membership, after we have passed the remainder of the terms of reference as proposed by the Steering Committee. Mr. Andrews reminded members that it was not appropriate to interpose a motion to divide or refer before a vote on the motion to table. Ms. Conrod again asked members to vote on the motion to table Ms. Hobson's amendment concerning the composition of SAPBC. The motion CARRIED.

Ms. Sutherland wanted to know whether paragraph three under "Functions" limited this

to only the University's approved programs and priorities. Her concern was the often significant delay between Senate's approval of a program and subsequent approval by both the Board of Governors and MPHEC. Mr. Stuttard clarified that the wording here was intended specifically to ensure that SAPBC take into account those programs already approved by the University, but not necessarily yet implemented. The motion to adopt the revised terms of reference of the Senate Academic Priorities and Budget Committee was then CARRIED.

Mr. Lydon was concerned that according to his understanding of Robert's Rules of Order we could not revisit the tabled amendment under any circumstances, nor could we amend it. Ms. Conrod hoped that, after members had reflected on the issue, a new motion which was not simply the tabled amendment, might come forward. Ms. Conrod promised members that the Senate minutes would reflect the interest of some members in revisiting the issue of eligibility to sit on SAPBC, and SAPBC and Steering would also be asked to reconsider the composition of SAPBC.

Ms. Conrod thanked everyone for putting up with the tedious effort necessary to give shape to the Constitution, and assured members that their efforts would have a significant impact on the efficiency of Senate and its Committees. Resuming the Chair, Mr. Stuttard added his extreme gratitude for Senators' patience, and promised them their reward -- a brand new copy of the Senate Constitution in a three-ring binder. Mr. Ricketts asked if we might also receive companion copies of Robert's Rules of Order.

Mr. Andrews requested that reports from the Steering and the Academic Priorities and Budget Committees become standing agenda items for Senate meetings, in order to give members a place to ask questions which might arise from the electronically-circulated minutes. Mr. Stuttard responded that Steering had addressed this precise issue recently and had felt that dissemination of the minutes for all Senate committees would satisfy the information flow. The time to ask questions would be during Question Period.

Ms. McIntyre noted that the Senate July minutes indicated that there would be further proposals concerning procedures of the Senate Discipline Committee. Mr. Stuttard noted that those who wished to see changes should take appropriate steps to introduce those changes at the appropriate place in the terms of reference for the Committee, since any recommendations from Steering might not reflect clearly what had been intended by any individual Senator. He also assured Ms. McIntyre that the Senate Discipline Committee would be looking into the concerns raised at the July meeting.

Mr. Andrews returned to questioning the efficiency of information flow. He had not been in Senate when it had agreed to establish procedures to review the regulations concerning Appointments, Tenure and Promotion. He did get the Steering Committee minutes some time subsequently, but it was not clear that they had been available at the time Senators had to decide on establishing the Committee. They were quite revealing of the attitude of the President and the Vice President with respect to those procedures, and would have been helpful to Senators in their deliberations. In future, when there

was to be a recommendation from a committee, could we have in front of us the appropriate minutes of that committee's deliberations on that issue?

Mr. Stuttard pointed out that in this instance the lag-time in receiving and disseminating information had been the result of what he hoped would be a rare coincidence. Due to a lack of quorum the Steering Committee had been unable to approve the draft minutes of the meeting dealing with the issue to which Mr. Andrews referred. Only the approved minutes could be circulated. This issue, also, had been recently discussed in Steering.

96:093.

The President's Report

Quickly summarizing his circulated report, Mr. Traves promised broad and full consultation with the Dalhousie community on all of the planning issues related to construction of the new Faculty of Arts and Social Science Building. Actual construction would not begin until the fund-raising campaign for this project was completed. He was particularly excited about the tremendous increase (to 50%) over the last campaign in the participation rate of faculty and staff. To date, the capital campaign has reached slightly more than \$13 million dollars, not factoring in the \$6 million provincial grant. Mr. Traves also noted important initiatives for the pursuit of additional research funding: changes introduced over the summer, information about which had been circulated in electronic form; and additional proposed strategies for seeking increased support from other than traditional funding agencies.

96:094.

Dal-TUNS Transition

Mr. Traves advised Senate that the Steering Committees for Dalhousie and TUNS would be meeting in joint Committee as soon as possible to identify two categories of issues: those that required immediate attention, and those that it might be desirable to deal with before amalgamation, but could be dealt with after. This joint Committee would report back to Senate for advice, then issues would be funnelled to the appropriate Senate Committees. Mr. Traves hoped to bring to the next Senate meeting a proposal to create a Search Committee for a Dean of the Faculty of Computer Science, a new position which will be needed in the amalgamated university. Current work on which the President will report to Senate includes: review of legislation required to effect the amalgamation of the two universities; consideration of a range of personnel issues related to amalgamation; and discussion of the administrative organization of the amalgamated universities.

Mr. Andrews wondered who would award the degrees for students graduating in the Spring from what is now TUNS. Would Senate have to take responsibility for this? Mr. Traves said this was just the type of immediate issue with which the joint Steering

Committees, then Senate, would be dealing.

Mr. Bradfield had numerous concerns about the merger process because it implied significant changes in Senate, and thus required Senate involvement from the outset. It struck him as positive that the President's Report stated his "intention to keep Senators informed about all aspects of the amalgamation and to consult fully on all matters falling under Senate's mandate." However, he understood that in early August Senate Steering had been given the original draft proposal for the composition of the Search Committee for the new Dean of the future Faculty of Computer Science, with a request that it respond quickly, by August 16th, or its agreement to the proposal would be assumed. Mr. Bradfield trusted the President's report was a firm commitment that in future Senate would be consulted in advance of decisions in which it had a role.

Referring to #13 of the amalgamation process agreement, Mr. Bradfield asked whether the increased government grants would be part of the anticipated base budget of the merged university or only transition funds, and if the latter, what kinds of items was it anticipated they would be spent? Mr. Traves thought the last question had been covered fully when Senate discussed the amalgamation proposal last year. To summarize, the University received from the Provincial Government a budget that covered numerous items. That budget would be supplemented by government funds to facilitate expansion both in engineering and computer science at the amalgamated University. Since each year the government announced that we would be getting less than the year before, technically we could not have an established base budget. That meant we would have to adjust the budget as we became aware of both the amount of the base budget cuts for each year and the funds directed specifically towards the Engineering and Computer Science Faculties.

96:095.

Question Period.

Mr. Lydon began by thanking Mr. Traves, in particular, for speaking at Shinerama, and all others who had helped to make that venture, and Frosh Week in general, a success. During Frosh Week the Dalhousie Student Union had distributed to first year students a survey on academic issues. During the year the Student Union would be drawing up a document on academic priorities which hopefully it would present to Senate by the end of the academic year. Mr. Lydon then apologised for the harshness of a question he felt compelled to ask, in his capacity as a student, not as a representative of the Student Union. He could not vouch for the veracity of all of the information he had received; however, he understood that an individual who was charged with committing a serious physical assault had been admitted to Dalhousie with an athletic scholarship (which officially did not exist) to play for the Tigers. It was questionable whether this individual met the academic entrance requirements. Further, he might be carrying a class load below the minimum required for participation in varsity athletics. This was particularly troubling in light of item #10 in the Code of Student Conduct, which deals with contravention of the Criminal Code. Had this passed the desks of the President or the

Vice-President? Mr. Traves had not heard the details of this case, and would look into it personally.

Mr. Bradfield drew attention to a July 2nd memorandum from the Manager of Environmental Services which asked staff to transfer recyclables found in garbage to recycling bins. If they removed them from Campus personally they would be subject to disciplinary action, up to and including dismissal. Mr. Bradfield wished to know what grave situation had led to the threat of such serious disciplinary action? Secondly, since staff were being asked to perform extra work, presumably beyond that defined in the costly Ritchie study of a few years back, would staff be receiving additional remuneration? Mr. Traves promised to pursue the recycling memo and the issue which had given rise to it. He observed that expectations around work practices evolve continuously, in all professions and in all activities at the University, and that salary was not adjusted in every instance.

Mr. Andrews referred to a July 22nd memorandum addressed to University presidents from the granting councils, entitled "Integrity in Research and Scholarship". He did not know whether he, as a member of the Dalhousie community, should be worried about some of the concerns it raised. Had SAPBC received a copy, and if not would the President forward a copy for SAPBC's consideration and possible report to Senate? Or should it be circulated to all Senators? Mr. Stuttard had not seen it. Ms. Hobson explained that the document emanated from a small task force, of which she had been a member, which had reviewed all documents on integrity submitted by Universities, at the request of the Tri-Councils. Her understanding had been that along with the document each University would receive an individual letter indicating any deficiencies in its policies. Ms. Hobson was personally concerned that apparently those individual letters had not been forwarded to Universities; however, she could tell the meeting, informally, that Dalhousie's submission had met the criteria. Mr. Andrews requested that correspondence to that effect be circulated to SAPBC.

Mr. Clark informed Senate that Frosh Week had been an unqualified success, despite drastic rearrangements necessitated by the decision to coordinate starting university starting dates. He wondered whether any additional Metro Universities had planned to follow our example and coordinate starting dates for the 1997/98 academic year. Mr. Traves had received a report from the Registrar that next year all universities in the city would start classes on the same date, and their schedules would be fully coordinated. This included study break, which it was his understanding was already coordinated for this year.

96:096.

Adjournment

Ms. Conrod moved that we adjourn, as our quorum had slipped away.
The motion CARRIED.

DALHOUSIE UNIVERSITY
APPROVED MINUTES
OF
SENATE MEETING

SENATE met in regular session on Monday, 23 September 1996 at 4:00 p.m. in the University Hall, Macdonald Building.

Present with Mr. Colin Stuttard in the chair, were the following:

Adams, Andrews, Apostle, Archibald, Birdsall, Bleasdale (Secretary), Bradfield, Brett, Cameron, Camfield, Conrod, Dickson, Doolittle, Egan, Farmer, Hartzman, Hobson, Hooper, Kay-Raining Bird, Kiang, Kimmins, Klein, Lee, Maloney, McIntyre, Moore, Morrissey, Oore, Patriquin, Pereira, Ricketts, Rosson, Ruedy, Scassa, Siddiq, Sutherland, Taylor, Traves, White, Wrixon.

Regrets: Clark, Lovely, Russell, Shafai, Starnes.

96:097.

Call to Order

Mr. Stuttard called the meeting to order.

96:098.

Adoption of the Agenda

Mr. Stuttard noted that the nominations under item 4 were not directly from the Nominating Committee and would be presented by the Secretary. The Agenda was adopted as amended.

96:099.

Approval of Minutes of Previous Meeting

At page 13, line 6, the word "explained" was inserted after "Ms. Hobson", and the minutes of the 9 September Senate Meeting were adopted as amended.

96:100.

Matters Arising

Mr. Stuttard pointed out that, in response to Mr. Andrews' question concerning information flow, at 96:092 in the Minutes of the 9 September Senate Meeting, the Chair, or anyone else, could have noted that the relevant excerpts of the draft minutes of Senate committees are

frequently circulated with Senate agendas, as was the case for the issue under discussion. The Steering Committee minute 96:027 from the June 7 Meeting, referring to an ad-hoc committee on Senate Regulations, was included with material for the 8 July Senate Meeting.

Mr. Kimmins congratulated the new Secretary of Senate on the excellent minutes; Senate always seemed very fortunate in the quality of its secretaries.

96:101.

Senate Nominating Committee - Nominations

Ms. Bleasdale moved

that Senate approve the nominations of Tom Cromwell, Donna Meagher-Stewart, Frank Lovely, Hermann Wolf, Julia Wong and Gordon Beanlands to the University Tenure Panel.

After the requisite calls for further nominations, Mr. Stuttard declared the proposed individuals elected.

Ms. Bleasdale moved

that Senate, on the recommendation of the Dean of Law, appoint Candace Malcolm to serve on the Panel of Student-Discipline Officers for the term September 1996 to August 30, 1997.

After the requisite calls for further nominations, Mr. Stuttard declared Candace Malcolm elected to the Panel of Student-Discipline Officers.

96:102.

Annual Reports

Mr. Stuttard introduced the 1995/96 Annual Reports that had been distributed with the agenda for the 9 September Senate Meeting. Mr. Bradfield moved

that Senate receive the Annual Reports of the Senate Discipline Committee, the Senate Committee on Instructional Development, and the Senate Library Committee.

As a member of the Senate Committee on Instructional Development, Mr. Lee wished to express his personal disappointment that the student representative had not attended any of the Committee meetings. This Committee demonstrated Dalhousie's commitment to teaching and the enhancement of teaching, and both the University and the student body would benefit from regular student representations at its deliberations. Ms. Conrod voiced similar concerns

about the difficulty of getting the student member to attend meetings of SAPBC, a committee which regularly addressed issues with a direct impact on students, such as proposed tuition increases and teaching. Mr. Birdsall was equally disturbed that the student representative did not attend the Senate Library Committee meetings, since students were the biggest users of the libraries. He hoped the student government could encourage student representatives to turn out to all Senate committees. Mr. Adams, on behalf of the DSU, apologized for past attendance failures, and hoped to remedy the problem for the future.

In response to a question concerning that part of the Library Committee's Report dealing with the challenges facing scholarly communication, Mr. Birdsall assured Senators that what he called the crisis in scholarly communication was, indeed, a priority for the coming year. The libraries were preparing a strategy document concerning alternative methods for dealing with the problem at Dalhousie, and would be presenting their recommendations to the Senate Library Committee, he hoped in October, and subsequently to Senate.

The motion was CARRIED.

Senate received the Annual Reports of the Senate Discipline Committee, the Senate Committee on Instructional Development, and the Senate Library Committee.

96:103.

Dal/TUNS Merger

Mr. Stuttard drew attention to the notice of motion which had been submitted by Mr. Traves and circulated to members by e-mail. Mr. Traves moved:

that Senate approve the establishment of a Search Committee for a Dean of Computer Science, composed as follows:

- 1. Four members of the Computer Science Faculty (two from TUNS, two from Dalhousie), to be elected by each respective faculty.**
- 2. Two students (one from TUNS, one from Dalhousie) (nominated by each respective computer science student society).**
- 3. Two members representing the profession and industry -- one nominated by the Canadian Information Processing Society, and one nominated by the Software Industry Association of Nova Scotia.**
- 4. One member elected by and from the Faculty of Engineering at TUNS and one member elected by and from the Faculty of Management at Dalhousie.**

- 5. The Vice-President (Academic) of Dalhousie and the representative appointed by the President of TUNS will co-chair the Committee.**
- 6. The Search Committee will report to the President of TUNS and the President of Dalhousie.**
- 7. If the selection of the Search Committee is made before the date of amalgamation, the Presidents will forward their unanimous recommendation to the Boards of both Universities.**
- 8. If the selection is not made by the Search Committee until after the date of amalgamation, the Presidents will forward their unanimous recommendation to the Dalhousie Board and the TUNS College Board, in accordance with their respective terms of reference as agreed by the two Boards.**

Mr. Traves reviewed the key provisions of the motion. He explained that the architects of the proposed Search Committee, and of the whole search process, were attempting to find an ad-hoc method which would effectively operate, on the one hand, within the guidelines designated by Dalhousie Senate's regulations with respect to the selection process for academic officers and administrators, and, on the other hand, within the regulatory framework set out for a similar process in the TUNS Faculty Association Collective Agreement. Mr. Traves felt that after considerable consultation, particularly with the faculty members in the two Computer/Computing Science units, as well as with the TUNS Faculty Association, he could now propose a process which captured both the spirit of those documents and the wishes of those most directly affected by the process. He clarified that any additional arrangements respecting Board powers would be subject to subsequent agreements between the Board at Dalhousie and the Board at TUNS. The arrangements had been approved by our colleagues at TUNS, and now awaited approval by the Dalhousie Senate.

Mr. Kimmins laid before Senate a concern which had been brought to his attention by the Chairs in the Faculty of Science, and a concern which he shared: that the Faculty of Science was a stakeholder in the area of Computing Science, yet would not have representation on the proposed committee. The evolution of the discipline of Computing Science suggested the value of representation on the committee from the Faculty of Science. As a discipline at Dalhousie, Computing Science had begun in the early 1980s within the Faculty of Science, and continued to be housed within the Faculty of Science. In 1981, Computing Science became a division within the Department of Mathematics, Statistics and Computing Science. In contrast, at its inception at many universities, Computing Science had been seen more as a technical training, and consequently had been associated with Faculties and Schools of Engineering. Over the past roughly fifteen years, at most research universities, though not all, the discipline had become more closely associated with the liberal traditions of the academy, was now seen not so much as a technical training but as a partner within the liberal traditions, and was most often a constituent school or department of either a Faculty of Science or a Faculty of Arts and

Science. Out of respect for the tradition at Dalhousie and for the broader recent trend, and in the interests of both Dalhousie and TUNS, Mr. Kimmins moved an amendment to the motion **that item 4 be amended to read “Two members elected by and from the Faculty of Engineering at TUNS, one member elected by and from the Faculty of Management at Dalhousie, and one member elected by and from the Faculty of Science at Dalhousie”.**

Mr. Traves thought Mr. Kimmins' concern was legitimate and understandable, but argued that if we followed his logic we might conclude that we needed to add a representative from the Faculty of Arts and Social Sciences also, as the Computing Science discipline connected with more than the Faculty of Science. The proposed committee would already have twelve members; if we went to fourteen, or possibly sixteen, an already large committee would become hopelessly unwieldy. Mr. Traves explained that the suggestion for a representative from the Faculty of Management had come from Computing Science faculty members at Dalhousie, who anticipated a closer, stronger, and fruitful working relationship with the Faculty of Management. Mr. Traves was concerned that we keep sight of the purpose and proper functioning of a search committee. Historically, the rationale for having people from outside an academic department or Faculty participate in a search for a chair or a dean had been to inject into the process someone who reflected a set of academic intellectual interests, but not a particular Faculty position, and who might be slightly less emotionally involved in the selection process.

Mr. Traves added that another primary concern for him was the time that would be lost in taking an amended proposal back to TUNS for approval. Rather than delay the process further, would members please feel confident that the search process would involve full consultation with the affected parties and stakeholders. Short-listed candidates would tour both campuses and meet with interested groups. Would that be a sufficient method of addressing the concerns raised by the Dean?

Ms. Hobson addressed one of the trickiest parts of this search process: the fact that the TUNS's search was governed by their Collective Agreement, while Dalhousie's was governed by Board and Senate-approved policy. From our point of view, the relevant section of our Governance Document appeared to be the provision “that consultation should be at the Faculty level”, that “the decision on the precise size and composition of the Committee must ... be left to the Faculty”. In this instance, the Faculty in question was not the Faculty of Science, but the Faculty of Computer Science to be created by the two institutions, Dalhousie and TUNS. To be consistent with the spirit of our Governance Policy, we need to respect the advice of the computer scientists.

Mr. Kimmins understood the difficulties involved in modifying a motion at this stage, and accepted that the Search Committee would consult widely. But he remained concerned that the proposed committee would represent very well the interests of the technical side of the discipline, but would lack adequate input from those who represented the interests of a liberal education.

The proposed amendment was lost.

Returning to the main motion, Mr. Ruedy shared Mr. Kimmins' concerns, partly because he did not see anybody on the proposed Search Committee who explicitly represented the Faculty of Graduate Studies. Without moving a specific amendment, he asked that those involved in the selection of the Search Committee, and the Vice-President Academic in particular, remain careful to identify, and be sensitive to, the needs of that constituency. In response, Mr. Traves reminded members that we were not talking about the amalgamation of two downtown computer colleges. We were discussing two academic departments with established graduate programs, with faculty who engaged in the full range of scientific inquiry, and who taught both undergraduates and graduates.

Mr. Klein asked for clarification concerning the constraints imposed on this Search Committee by the TUNS Collective Agreement. Mr. Traves explained that the categories set out in the TUNS Collective Agreement were essentially the same as those outlined in our Governance Policy.

The question was called, and the motion was CARRIED.

96:104.

Meeting Times - October and November

Mr. Stuttard noted that less than 50% of members had responded to the e-mail request regarding their availability for Senate meetings at 10:00 a.m. on Friday, October 11 and 10:00 a.m. on Friday, November 8. Of those who had responded concerning October 11, eleven had indicated they could not attend, one had been uncertain, and ten had said they could. Was it safe to assume that the 50% who had not responded would all turn up on October 11? Would anyone who had not responded, but who would be unable to attend, please indicate so, now. A quorum for this meeting was crucial, since it was the session for approval of degrees for Convocation. The meeting scheduled for November 8 was not as crucial, and could be cancelled if Senators so wished. Fourteen had already indicated their inability to attend on November 8, including himself. We could revise the schedule of Senate meetings to include only the second meeting of the month for November, if necessary.

Mr. Lee thought it might be a little risky to proceed with the October 11 meeting, on the assumption that we would have a quorum. If we did not have a quorum we would not have a Convocation. He added that 10 a.m. was a peculiar time for a Senate meeting, given that it conflicted with the teaching schedules of many members. Mr. Kimmins asked whether we could schedule the October 11 meeting for the previous Monday. He suspected he could count on one finger the number of people from the Faculty of Science who would be free to meet on a Friday morning.

Ms. Conrod pointed out that the Registrar's Office probably would not be able to give us the names of graduands a week earlier. In this instance, the timeline for approving degrees gave Senate little flexibility. However, she hoped the present discussion would remind members of

the importance of sending their regrets in to the Senate Office when they did not plan to attend a meeting. That gave the Officers the opportunity to reschedule at the eleventh hour.

Mr. Bradfield suggested that he, and others like him who taught at 10:30 a.m., could come for the first twenty minutes of the meeting to help establish a quorum. It was agreed to advise all Senators that we would schedule the approval of degrees at the beginning of the meeting, and to request that they attend as much of the meeting as possible. Mr. Stuttard suggested we revisit the November 8 meeting at the next meeting.

96:105.

Notice of Motion

Mr. Stuttard asked members to consider the notice of motion submitted by Mr. Andrews, and distributed with the Agenda:

that the Senate of Dalhousie University opposes the application of the Federal Goods and Services Tax (GST) or Provincial Sales Tax (PST), or any harmonized GST/PST to the sale of books.

Mr. Andrews reminded Senators that when the Federal Government had introduced the GST there had been substantial opposition to the inclusion of books, particularly since they were not subject to the Provincial Sales Tax. That campaign had not been successful. Over the past months the Federal Government and the Governments of some Provinces have been discussing abolishing the GST by blending it with Provincial Sales Tax. The Premier of Nova Scotia and the Minister of Finance have agreed that they are not in favour of extending the blended Sales Tax to cover books. As a result of these on-going deliberations over new ways to tax books, the "Don't Tax Reading" coalition has revived across the country. The Senate of Dalhousie now has the opportunity to make its mark on a national issue, and an issue which directly affects Dalhousie's students and scholars.

Ms. Sutherland was in favour of the motion, as far as it went, but concerned that it was limited to books, and might better be broadened to include periodicals, what we call journals, which were separate from books under the GST regulations. We could support the abolition of the GST on books alone, in the interests of basic literacy. However, if we wanted to take a more self-interested approach and address the impact on scholarly endeavours, we needed to add periodicals to the motion. Since a major portion of that segment of the library's budget devoted to acquisitions goes towards periodicals, the motion would go much further in alleviating the pressure on libraries' budgets if it called for the removal of the GST and the non-imposition of the PST on both books and periodicals. Ms. Sutherland moved **that "and periodicals" be added at the end of motion.**

Mr. Lee was afraid the amendment might do what had been suggested, make the motion appear directed exclusively by self-interest. If we stuck to the original motion, we would give

our local Member of Parliament the moral support and the ammunition she needed to take this issue to the Federal caucus. In a meeting the previous week, Ms. Mary Clancy had been considering the question of how Minister Paul Martin could find the money to replace the roughly \$150 million loss of revenue which changes in the tax provisions would mean.

Mr. Birdsall was not convinced that adding "periodicals" would make the motion appear one of self-interest, and if he did, he was not sure that that would be a bad thing; the University already experienced extraordinary difficulties in providing materials for both students and faculty. Mr. Doolittle moved to amend the amendment to read "periodicals used for educational purposes". This would attach our motion more clearly to the laudable goal of encouraging literacy.

Mr. Birdsall thought we were becoming much more subtle than anyone who considered our motion would be; we would be lucky if an assistant to the Assistant Deputy Minister saw this letter. The key was to identify ourselves with the broad movement across the country. The motion should be as simple as possible. Mr. Brett supported the amendment to the amendment. Since we probably did not want to exempt Playboy and Time from the GST, "periodicals" seemed too broad. Mr. Farmer responded that periodicals such as Time might be useful at some level of the educational system, though he doubted the same could be said for Playboy or Penthouse. It would not be easy to draw the line as to what periodicals would be used for education, in which case it would be safer to leave off the amendment to the amendment.

The proposal to amend the amendment was lost. The amendment was then CARRIED.

Speaking to the main motion, now amended, Mr. Bradfield suggested that we might tell the Minister of Finance that simply removing the tax deduction for business lunches could save over \$200 million dollars. This was only one of a number of tax exemptions or loopholes that could be removed to help the Minister cover the anticipated shortfall in revenues that would result from supporting literacy and education.

The motion was CARRIED.

Mr. Andrews assumed that the Chair would convey a letter to the Minister of Finance, the Prime Minister of Canada, the Premier of the Province, Mary Clancy, MP for Halifax, the President of the Association of Universities and Colleges in Canada, and the President of CAUT. The Chair agreed.

96:106.

Call for Honorary Degree Nominations

Ms. Bleasdale asked members to consult the notice circulated with the agenda concerning nominations for Honorary Degrees, and highlighted the important provisions concerning the submission and vetting of proposals. Given that the Terms of Reference of the Honorary Degree Committee had been revised recently, members of the Committee would likely be

scrupulous in adhering to the correct procedures and rules. In particular, those submitting nominations should make certain they had two seconders and attempt to include all relevant information requested. The broader and more comprehensive the appended biography, the more likely that a candidate could be considered seriously.

96:107.

Report of the President

Mr. Traves reported that we have now completed the Senior staffing in the advancement area of the University. The Board of Governors had confirmed the recommendation of the Search Committee that Ms. Dale Godsoe be appointed the new Vice President for Development and Alumni Affairs. With this, and the recent appointment of Michelle Gallant as Director of Public Relations for Dalhousie, we were now in an even stronger position to press ahead with the general advancement and fund-raising efforts, and develop a more coherent communications strategy.

96:108.

Question Period

Mr. Bradfield asked whether the administration will follow past practice and put advertisements announcing this latest senior administrative appointment in the business section of the Globe and Mail and other newspapers. If so, how much would this cost? Mr. Traves would consult with the Globe and Mail and get back to Mr. Bradfield as to their advertising rates. As for the issue of disseminating this type of information, that would need to be looked at in the context of our broad communications' strategy.

Mr. Andrews returned to the question he had asked at the last Senate meeting: the implications of the Dal-TUNS merger on the conferral of degrees next April. The President's answer then had suggested that in discussions concerning the timing of the merger, little thought had been given to the significance of the date of the merger with respect to the academic year. He found it puzzling that two academic institutions whose formal academic year-end was June 30 would choose to merge on March 31. Was he right in thinking that in the discussions leading up to the merger there was no consideration given to effecting the merger at the juncture of the academic years?

Mr. Traves responded that at one point during discussion of the timing of the merger July 1 had been considered, for the reasons Mr. Andrews had outlined, though he was not sure that the date of amalgamation had a lot of significance in terms of normal academic functioning. Certainly, the implications for graduation had been considered. However, April 1 is the start of our fiscal year, and given the budgetary implications of the merger they had settled on March 31 for practical purposes. From his perspective it was desirable to bring the process to a close as quickly as possible. Concerning degree-granting, there was a clause in the memorandum of agreement between the two institutions which stipulated that we would "grand-parent the students". He assumed that any student who entered TUNS while it was TUNS, and wanted to get a TUNS degree, would be entitled to one. If students wanted a Dalhousie degree, after

amalgamation, the appropriate Senate Committee would need to examine the question.

96:109.

Adjournment

The meeting adjourned at 5:25 p.m.