

Item: Senate Minutes, September 1999

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DALHOUSIE UNIVERSITY

APPROVED MINUTES

OF

SENATE MEETING

SENATE met in regular session on Monday, September 13, 1999, 4:00 p.m., in University Hall, Macdonald Building.

Present with Mr. C. Stuttard in the chair were the following:

Alexander, Barnes, Bell, Benoit, Binkley, Bleasdale, Bradfield, Brett, Carlson, Connolly, El-Hawary, Emodi, Farrell, Flagel, Flood, Fooladi, Furrow, Galley, Girard, Gupta, Ipson, Jalilvand, Johnston, Lee, Lohmann, MacAulay, B. MacDonald, MacInnis, Maes, Maloney, McAlister, McConnell, McIntyre, Pacey, Palermo, H. Powell, Rathwell, Ricketts, Russell, Sastri, Scully, Shafai, Shepherd, Slonim, Starnes, Tindall, Traves, Ugursal, Wainwright, Wallace, White, Whyte.

Regrets: Coffin, Giacomantonio, Kipouros, N. MacDonald, C. Powell, Treves, Vohra.

Mr. Stuttard welcomed two new members for whom this was their first Senate meeting: Mr. Benoit and Mr. Alexander.

99:089.

Adoption of Agenda

Mr. Stuttard suggested that unless someone objected the notice of motion from Mr. Wainwright be considered during Question Period, the logical point for its insertion into the agenda. The agenda was then adopted.

99:090.

Minutes of Previous Meeting

The Registrar requested the following changes to the minutes: at p.3, para 4, 1.2 "for the fall of 1999" was inserted after "grades," and "guarantee" was replaced with "comment on"; at p.4, 1.1 "with implementing the baseline student information system" was inserted after "preoccupied"; and at p.4, para 2, 1.6 "for an increase in errors" was inserted after "possibility," and everything after "arose" was deleted. The minutes of the meeting of July 26, 1999, were then adopted as amended.

99:091.

President's Report

The President spoke to issues which he had outlined as part of his "President's Report" circulated to the University community on September 7, 1999. In the area of funding, the University still awaited its allocation from the provincial government for the current fiscal year. Were that allocation to fall short

of the amount committed for the second year of the previous government's three year plan, Dalhousie would face very serious problems. The extent of funding for the following fiscal year also remained uncertain, but the political rhetoric to date suggested the Nova Scotia Universities should not expect the amounts allocated for the third year of the previous government's funding plan. He encouraged members to use every opportunity to lobby the government for increased funding to higher education.

In the area of research opportunities and challenges, the President announced that consultation with Vice President Scully and the Task Force on Research Policy and Administration had led to their decision to change the title of the Associate Vice President (Research and International Relations) to Vice President (Research). The position would continue to report to the Vice President (Academic and Research), but the title of the latter would change to Vice President (Academic) and Provost. Neither of the job descriptions for the two positions would alter, but the changes in title would provide the Vice President responsible for research additional credibility in the external community; would symbolize the importance Dalhousie attached to research; and would reflect the seniority of the position now held by Mr. Scully. Any proposals for changes to the way in which we carried out the business of research and to the job description of the Vice President (Research) would await the Report from the Task Force on Research Policy and Administration, and would be dealt with in the appropriate fashion.

Also in the area of research, the President outlined steps which had been taken to expand the capacity of the University to contribute to the social and economic developments in the area of off-shore petroleum in particular. He was pleased to announce that Dalhousie had secured substantial funding from the federal and provincial governments and from a number of large corporations in the industry. That funding would go toward establishment of the Atlantic Petroleum Institute at Dalhousie University, the general purpose of which would be to encourage research and education in this important area of expansion and to provide a variety of services to the broader community. In this endeavor Dalhousie had two official partners, the Nova Scotia Community College and the University College of Cape Breton, and one, to date, unofficial partner, Memorial University of Newfoundland. The proposal to establish this Institute would come before Senate, and crafting that proposal would be one of the first tasks of the new Director, Mr. James Wooder, an individual with an impressive background in law and business who had been contracted to work at Dalhousie for a brief period. A memorandum on this issue would be circulated shortly.

Mr. Traves would soon be providing details concerning unfolding discussions as to how to marry the technology transfer capacity of Dalhousie's NuTech with the capacity of NovaCorp, the provincial agency responsible for encouraging commercial development and activity.

Mr. Traves' email communication to the University community had set out details concerning the Board of Governors' formation of a Task Force on a Strategy for Facilities Renewal. Problems with aging buildings could no longer be postponed and this Task Force would examine those problems and recommend financial strategies for the future. Ultimately, the Senate and the rest of the University would need to consider proposals for renewal. In the meantime, he welcomed the input of those willing to turn their minds to the variety of problems with classrooms, laboratories, heating and cooling.

Finally, Mr. Traves announced the receipt of \$100,000 in funding to go towards a new Fellowship in Political Science. Funding was from the estate of the late Margaret Meagher, a former undergraduate and graduate student at Dalhousie who had gone on to a distinguished career in the international

community, in particular as a Canadian Ambassador. Details would also be forthcoming concerning the promise of \$250,000 for undergraduate scholarships, this time in the Faculty of Management, focusing on the Commerce Program. Thirdly, the University had received substantial funding for a new Chair in Environmental Science in the Faculty of Science. The President congratulated Dean Kimmins and his colleagues on their efforts in that regard. He also congratulated Dean Slonim and the Faculty of Computer Science on confirmation of the receipt of the largest grant from the Canadian Foundation for Innovation, totaling \$8 mil. The President would also be releasing information concerning further funding of approximately \$1 mil from CFI to support the work of seven faculty members.

Mr. Stuttard noted Mr. Traves' memorandum concerning the abolition of the University Committee on Public Relations of which Mr. Traves was the Chair. Mr. Traves explained that this Committee had not met for a number of years, and not during his four years at Dalhousie, and it did not seem likely that it would meet in future. He was notifying Senate of the termination of this Committee, since Senate would be losing its right to nominate representation to the Committee.

Mr. Cadigan, the DFA President-elect and observer at Senate, had a series of questions concerning the process for establishing and filling of the Elizabeth May Chair in Health and Environment. He understood that the donor or donors were anonymous, but wondered whether they had attached any stipulations as to how that Chair would be appointed. Had there been a search process, and if not, how had the appointment decision been made? Was it a limited-term appointment, and if so would there be a competitive process for filling this Chair in the future? Mr. Traves responded that the donation of approximately \$1.6 mil for the Chair had come with no stipulation concerning the appointment of its occupant. The Chair was concerned with the broad themes of the environment and its relationship to women's health, and for the foreseeable future was viewed as an opportunity to attract to Dalhousie a regular flow of new people from a wide range of disciplines. In the first instance it seemed reasonable to appoint the individual for whom the Chair had been named, and Ms. May had agreed to join the University community for a one-year term. In future the Faculty of Health Professions would fill the Chair according to their internal regulations and the University guidelines concerning appointments.

Mr. Bradfield wondered how much money had been received for the Atlantic Petroleum Institute at Dalhousie, and how that money would be broken down between faculty salaries and other expenses. Mr. Traves responded that approximately \$4.5 mil had been committed primarily from three sources. Around the time of the merger TUNS had received a \$1.5 mil grant from a federal-provincial agency involved in oil and gas development. That money would go largely toward research-related equipment. A \$1.25 mil grant from the Economic Diversification Agreement regulated by the federal and provincial governments through ACOA would fund the Secretariat which was charged with coordination and facilitation, and would also pay for both salaries and operational expenditures. This was a rare instance in which we would be able to start an Institute with core operational activities properly funded. Approximately \$1.8 mil in undesignated funding had also been secured from a variety of oil companies. We would be consulting with the research community in order to establish priorities. He understood the importance of building up our faculty capacity and research capacity, and anticipated all or much of the funding would go to faculty appointments in a variety of disciplines.

Mr. Bradfield, received assurances that the change in title from the Associate Vice President (Research and International Relations) to the Vice President (Research) would not involve any increase in the cost of the Office.

99:092.

Question Period

Mr. Wainwright spoke to his notice of motion concerning the University's dealings with Indonesia.

Given the seriousness of the situation in East Timor, the evidence that points to Indonesian government funding and training of the militias, and the denial of movement towards independence in East Timor (supported by 78% of the population), therefore be it resolved:

That there be immediate disclosure of all University dealings with government, business, and academia in Indonesia.

This was a request for information and was not intended to pass judgement on individual researchers or research teams, nor was it concerned with the attendance of Indonesian students at Dalhousie. But in light of the situation in East Timor which the Canadian Ambassador to the United Nations had described as obscene, and given the expressed concerns of the Secretary General of the United Nations over crimes against humanity in East Timor, the Senate and the faculty and students of the University needed information on which to make a reasoned assessment of Dalhousie's connections with Indonesia. Estimates indicated that in the past month over 100,000 East Timorese had been deported to West Timor; over 200,000 had fled to the hills outside Dili; and thousands had been killed. Mr. Wainwright did not think the University could consider itself to be above the fray. For these reasons he brought forward the motion.

In response to Mr. Scully's request for clarification, Mr. Wainwright explained that the words "all University dealings with" referred to institutional dealings and excluded individual contacts. Mr. El-Hawary understood this to mean that if he supported the motion it would have no impact on Indonesian students supported by Canadian organizations that had dealings with the Indonesian government, for example students supported by WUSC. Mr. Wainwright reiterated that this request for information contained nothing that could have any immediate impact on individuals. If Senate decided to consider action based on the information it received, that would be another thing; but the motion before Senators was not intended to harm or impact any individual faculty member or student. Mr. Traves suggested that a request for information required neither a motion nor a vote. The information was in the public domain, and whether or not Senate supported his request, Mr. Wainwright would receive it. Since Mr. Wainwright was not attaching any specific point to his request, Mr. Traves did not see why it could not be treated as other requests for information were treated. A host of complex issues were related to this type of matter. The President had been advised that the Task Force on Research Policy and Administration would be bringing forward a series of recommendations on the larger issues concerning the University's international involvements. Before acting on one area of the world, and tackling the policy issues implied in the motion, we should look at the Task Force Report and use it as a jumping off point. Since the President and Vice President Scully had agreed to provide the information, he suggested Mr. Wainwright withdraw the motion, and that Senate address the concerns underlying it.

Mr. Bradfield commented that he had requested information frequently over the last sixteen years, but often had not received it. The most recent example was his request for information concerning the endowment funds, which he still awaited. He also recalled similar requests for information on South Africa roughly twenty years ago, when the information had not been provided. Experience suggested

the wisdom of passing a motion to indicate broad concern about the issue in question. Mr. Ugursal would oppose the motion as presented because it did not make clear the motives of the mover and the seconder. If the mover and seconder could not secure the requested information from the administration they should pursue it themselves.

As seconder of the motion, Ms. Bleasdale noted that the key word in the motion was immediate. We all understood the importance of acting immediately on this issue. After speaking with a few Senators at the end of last week she had begun trying to collect information, and had learned that for various reasons an individual faculty member could not secure the necessary information quickly or easily. The Office of Research Services had been very helpful, but the person or persons tasked with securing information from disparate sources would find the job easier if they were acting at the behest of Senate. As for the fear of harming any individual or groups through this motion, were she personally involved in research or contracts in Indonesia she would welcome the concern of her University over the types of problems and dilemmas which she might face before the current situation was resolved.

Mr. Girard supported the motion partly for the reasons stated by the previous speaker. It was impossible to respond to Mr. Ugursal's concerns; Senators might support this motion for a variety of reasons, which made it difficult to try to identify a collective motivation. It would be useful to have the motion on the record. Personally, he considered it useful to have this motion on the record. Mr. Bell declared himself opposed to the motion on the grounds that he did not understand its purpose. One might speculate that individuals would collect such information in order to publish it in the newspaper or otherwise embarrass those with contractual relations with Indonesia which they were obliged to honor. Mr. Ugursal added that were the motion adopted, at the next meeting of Senate he would introduce a series of motions requesting the same type of information for countries such as Sierra Leone, Chad, the former Yugoslavia, Nepal, and Tibet, among others. He did not understand why Indonesia was being singled out and not the other countries. Mr. Wainwright was not sure where the question of embarrassment came in. Information might simply confirm or affirm Dalhousie's relationship with Indonesia on an institutional basis. He requested the information because over the last number of years he had heard about Dalhousie's important associations with Indonesia. He had personally been disturbed in 1997 when the Technical University of Nova Scotia had given an honorary degree to an Indonesian cabinet minister, without much prior public knowledge, but with much furor in the media after the fact. If the information was benign, let it come forward. If Mr. Ugursal was serious about his suggested motions for another meeting, Mr. Wainwright would welcome them, because the University could not distance itself from issues such as those raised by developments in East Timor.

The motion was then put to a vote and was **CARRIED**.

In response to Ms. Binkley's request for updated information on enrolments, Mr. Traves indicated that we awaited the final statistics. We appeared to be close to our target for this year, which had been to maintain enrolment levels. In areas such as Graduate Studies, data on registration came in later; however, in the next two weeks he expected to have reasonably accurate information. In response to a question from Mr. Shafai, Mr. Traves clarified that there would be no change in the duties of the Vice President (Research) and the Vice President (Academic) and Provost. The Lester Pearson International would continue to provide support to the Vice President (Research) in the area of international relationships and contracts.

99:093.

Annual Report of the Senate Discipline Committee

On behalf of the Senate Discipline Committee, Ms. Bleasdale moved:

That Senate adopt the Annual Report of the Senate Discipline Committee.

The motion was **CARRIED.**

99:094.

Annual Report of the Senate Library Committee

On behalf of the Senate Library Committee, Mr. White moved:

The Senate adopt the Annual Report of the Senate Library Committee.

The motion was **CARRIED.**

99:095.

Annual Report of the Senate Physical Planning Committee

On behalf of the Senate Physical Planning Committee, Mr. Bradfield moved:

That Senate adopt the Annual Report of the Senate Physical Planning Committee.

Mr. Bradfield appreciated that many members would not have read the Committee's Report for several months, and reminded them that the Report reiterated the continuing problem the Committee faced in securing information in sufficient time to have an impact on important decisions. The Report cited the example of the new Computer Science building. Last summer Mr. Bradfield had learned only by coincidence because of his membership on SAPBC that major changes were being made in the building's design. Subsequently, the Committee had been given three different reasons for the changes. Under such circumstances the Committee felt impeded in carrying out its mandate by the lack of necessary information delivered in a timely fashion. The Report recommended the institution of some mechanism to facilitate greater communication between the Director of Facilities Management and the Chair of SPPC, so that the Chair would be able to assess the significance of developments and determine whether SPPC input was necessary. Relying on the Director of Facilities Management or the Vice President (Finance & Administration) Management, also a member of SPPC, was not working.

The motion was **CARRIED.**

99:096.

Annual Report of the Senate Committee on Instructional Development

On behalf of the Senate Committee on Instructional Development, Mr. Scully moved:

That Senate adopt the Annual Report of the Senate Committee on Instructional Development.

The motion was **CARRIED**.

99:097.

Ethics in Research involving Human Subjects

Mr. Scully drew attention to the memorandum dated September 2, 1999, which had been circulated by the Chair of Senate. He moved:

That the Tri-Council Policy Statement, "Ethical Conditions for Research Involving Humans", and the procedures document circulated for this meeting, "Administration of the Policy `Ethical Conduct for Research Involving Humans at Dalhousie University'", be adopted.

Mr. Scully noted that the work on this document had been initiated during the past year by Mr. Fournier, working closely with a variety of groups and individuals within Dalhousie and within the teaching hospitals to create continuity in standards. The final drafts had been pulled together by Mr. Howard Dickson, who regretted his inability to attend the Senate meeting. Mr. Dickson had asked that Mr. Scully stress that the document was a work in progress. We were not free to amend the Tri-Council Policy Statement which set conditions for funding by the three research Councils. The Administration document set out the procedures which would be followed and was a response to the new Tri-Council Policy Statement. It reflected expectations as to how the Policy would be implemented. For example, the creation of a single Human Research Ethics Board informed by a Central Council, and the regional Human Research Ethics Boards across the institutions, were the recommendation of the Tri-Council, which had itself gone through a lengthy public consultative process for establishing its guidelines. This brought under the Policy areas of Dalhousie which had had little if any prior experience in working with this type of policy. Consequently, much of the work before the structure and Policy became operational in January 2000 would involve both the attempt to come to grips with the changes put in place, as well as a process of education for all those working with the Policy. Mr. Scully requested patience as Mr. Dickson and Ms. Pat Lindley, the Human Research Ethics Integrity Coordinator, led us through what would inevitably be a challenging process.

Ms. McIntyre suggested a friendly amendment which might capture Mr. Scully's description of the document as a work in progress. She appreciated the enormous work which had already gone into the proposed procedures; however, that work had necessarily been compressed into a very short time frame, and the issues addressed were extremely complex, particularly in the area of health ethics. An additional clause stating that this was a working document for the coming year, or that it would be reviewed over the course of the coming year would convey the reality that the procedures would require modification as they were implemented. Mr. Scully suggested that rather than diminish the clarity of the motion, we write clearly into the minutes that the procedures would be given a timetable for their review and continuing revision. Ms. McIntyre was concerned that a minuted commentary would not be as effective as an amendment to the motion. Should the motion pass, perhaps a second motion could indicate who would be responsible for bringing the procedures back to Senate, under what conditions, and when.

Mr. Stuttard noted that any policy or procedures adopted by Senate could be reviewed at any time. Mr.

Ricketts supported the suggestion that Senate approve a separate motion indicating that within six months or a year it would receive and review a formal report on the procedures. This would satisfy the Tri-Council that we had adopted its Policy and had administrative procedures in place. At the same time, we would have addressed the reality that the procedures would require revisions. Mr. Brett understood the amount of work which had gone into the procedures, but it was clear that much more was required. He was troubled by a number of clauses in the document which lacked clarity and were open to broad interpretation, such as the section on Appeals, on page 11. Mr. Scully accepted Mr. Brett's concerns as excellent illustrations that this was a work in progress; however, he would be uncomfortable agreeing to specific changes at this time because this was part of a broader process of review within the framework of the Tri-Council.

Mr. McAlister was concerned about the apparent loss of reciprocity between the University and the QEII Health Sciences Centre. The Tri-Council Policy and the proposed Administrative Procedures significantly underestimated the work involved in reviewing current and future projects. Even with expedited review by the Dalhousie Research Ethics Board, those at the QEII Health Sciences Centre would be prevented from being involved in many projects in which they had previously participated, because they could not meet the stipulated time frames. Most of the funding for their research came from the Medical Research Council, and extended from clinical trials into areas such as laboratory science research. Thus the potential impact of possible double reviews and appeals would be great. There were many loopholes and any review should be done as soon as possible after implementation. Ms. Lindley had only been with the project over the past six weeks, but her understanding was that proposals that went through the hospitals faced a very rigorous process, and she thought the intent was not to duplicate that process. We were trying to achieve the standard which they had already set. Ms. Lindley noted that Mr. McAlister's concerns went beyond the medical community. The University was now tasked with undertaking ethical reviews for projects at the undergraduate level. That meant they were anticipating a three-stage process: investigating the activities for which they had not been responsible to date; educating those who would be involved in the ethical review process at a lower level; then implementing the Policy. Dalhousie would not be able to bring the entire process on stream until January 2000, and some academic processes would not be fully operational until September 2000. Problems could only be identified when the Policy was up and running.

Mr. Whyte found the discussion of the two Review Boards, one run by the hospital and one by the University, a little unrealistic because the two bodies had slightly different goals. The hospitals often had to address resource requirements as well as their contractual obligations to their patients which the University would not overturn. He noted that in one of the more recent drafts of the Policy reference had been made to education of the reviewers through presentations to Review Committees by researchers. In his experience this was an excellent practice, and one he hoped had been retained in the final version.

Mr. Emodi was concerned with the amount of work the implementation of this Policy would involve for the Faculty of Architecture. The Faculty had no capacity to develop the type of information or responses which appeared to be required here. Had there been an assessment of the size of the undertaking, and if we had to choose priorities how would we go about that? Mr. Scully recognized the problems Mr. Emodi posed. But at the end of the day, we would have to be pragmatic. Getting money through the Tri-Council Agencies was contingent on having a Policy in place. Ms. Lindley added that we were institutionally required to be compliant in all our research, not just research funded by the Tri-

Council.

Mr. McAlister noted that one of the issues under consideration in the hospitals was the issue of indemnifying committee members with respect to the decisions rendered by them. Dalhousie should consider this given that we had little sense of what the workload would be.

The motion was then **CARRIED**.

Ms. McIntyre moved:

That the Vice President (Academic) return to Senate within twelve months with any proposed necessary revisions to the Procedures.

The motion was **CARRIED**.

99:098.

Update on Revision of Senate Regulations

Mr. Stuttard reported that the current Senate Regulations Concerning Appointments, Tenure and Promotion had last been revised in 1988, and were obsolete. There was a requirement that after each Collective Agreement with the Dalhousie Faculty Association had been reached the Senate Regulations be updated to reflect any changes in the Collective Agreement. Such a revision should have taken place many years ago after ratification of the 1988 and 1990 agreements. Members would recall that the next round of the negotiations had been delayed by the government for a number of years and had only been completed in April of 1998. At present the Steering Committee had in its hands a draft revision of the Senate Regulations. The Committee's intention was to make explicit in the Regulations that provisions in the Collective Agreement would apply to academic staff members who were not members of the Faculty Bargaining Unit. Once the Steering Committee had received comment from the Professional Officer of the DFA and the University's Assistant Legal Counsel, who were currently reviewing the document, it would discuss in detail the draft document and when they were satisfied with a draft they would bring it forward to Senate. Ideally it should be in place in time for the next round of consideration of tenure and promotion.

99:099.

Associate Principal for Graduate Studies and Research, Dal-Tech

As a result of difficulties in convening the Academic Council of DalTech over the past year, the review/search process for the Associate Principal's position was not initiated. Therefore, Mr. Scully requested that Senate adopt the following motion:

That the term of the current Associate Principle for Graduate Studies and Research, Dr. Feridan Hamdullahpur, be retroactively further extended from July 1, 1999 to June 30, 2000.

The motion was **CARRIED**.

99:100.

Update on Task Force on Research Policy & Administration

Mr. Scully advised Senate that the Report of the Task Force on Research Policy & Administration would be ready by the end of September 1999.

99:101.

Report on Status of Agreements between Dalhousie University and the NS Agricultural College

Mr. Stuttard noted that the Report from the Vice President dated July 12, 1999, had been circulated with the agenda for the meeting of July 26, 1999. Mr. Coffin was unable to be here, but in his place Mr. Bruce Gray, the Acting Vice Principle (Academic) of the Nova Scotia Agricultural College would answer any questions. Mr. Scully explained that this was a response to a request in a motion approved by Senate in May 1999 which required the President to report before June 30, 1999, on the content and status of existing agreements between Dalhousie University and the Nova Scotia Agricultural College. Since the Report was submitted, Officers of Dalhousie and of the Agricultural College had held various meetings intended primarily to consider the recommendations that had come out of the Faculty of Graduate Studies Review and the Senate Review of the relationship between the two institutions. There was general agreement that we should be consolidating the various agreements described in the July 12th document and Mr. Scully expected to bring forward to Senate a revised consolidated agreement by the end of the calendar year.

99:102.

Search Committee for the Vice President (Research)

Mr. Scully noted that the Senate Regulations Governing Senior Administrative Appointments required that the Search Committee for the now to be Vice President (Research) include a Dean appointed by Senate. Until his resignation from Dalhousie, Mr. Daniel Woolf, then Acting Dean of Graduate Studies, had served as the Dean. Mr. Scully wished to moved:

That Mr. Warwick Kimmins, Dean of Science, be appointed by Senate to fill the position vacated by Mr. Woolf.

The motion was **CARRIED**.

99:103.

Adjournment

The meeting adjourned at 5:40 p.m.

Secretary

Chair