

Senate Committee on Non-Academic Discipline

Tabled Motion to Amend s.17 of the Senate Policy on Student Appeals, Rights and Discipline

Original Motion made October 20, 2005

Moved by Mr. Anderson

seconded by Mr. Oosthuizen

that Senate approve the motion that s.17 of the Senate Policy on Student Appeals Rights and Discipline (2004) be amended as described in this report.

Discussion on this Motion can be found on pages 6-7 of the October 20, 2005 Senate Minutes

Motion to Table made October 20, 2005

Moved by Ms. Deakin

seconded by Ms. Olney, and agreed

that the motion regarding amendments to s.17 of the Senate policy on Student Appeals Rights and Discipline (2004) as outlined on page 47 of the Agenda be tabled.

Carried 05-58

Procedure for the January 29, 2009 Senate Meeting

A Notice of Motion will be circulated with the January 29, 2009 Agenda to lift the Original Motion from the Table. This motion will be made by Senator Deakin. Please note that a motion to lift the Original Motion from the Table is not amendable or debatable.

The Original Motion belongs to Senate and once it is lifted from the Table there are two options:

1. **Motion to Withdraw** – A Motion to Withdraw the Original Motion may be made at this point by the original mover and seconded. To succeed the motion must be approved by unanimous vote of the members of the Senate who are present. One complication for this motion is that the original mover was a student senator who has since graduated.
2. **Consideration of the Original Motion** – If no Motion to Withdraw is made, or is such a motion should fail, the Original Motion must be debated, and may be amended, until it is finally disposed of in one way or another.



Senate Committee on Non-Academic Discipline
Report to Senate – October 20, 2005

Amendment to Senate policy on Student Appeals, Rights & Discipline

Introduction

Queen's University Senate policy on *Student Appeals, Rights & Discipline* (SARD) was passed by Senate on February 26, 2004. The intent of the policy is to ensure that students receive fair treatment and are aware of their rights and responsibilities, and to establish a fair, efficient method of resolving academic and non-academic discipline matters.

Senate approved the *Policy on Teaching Assistants at Queen's University* on May 25, 2005. This policy includes a section entitled "Protocol for Resolving Disputes between Teaching Assistants and Course Supervisors." This section was prepared in consultation with the Co-ordinator, Dispute Resolution Mechanisms and with the recommendation that SARD be amended as required to give effect to this particular section of the *Policy on Teaching Assistants*. This matter was referred to the Senate Committee on Non-Academic Discipline (SONAD) for review.

Analysis and Discussion

The *Policy on Teaching Assistants*, Part V (Protocol for Resolving Disputes between Teaching Assistants and Course Supervisors) provides that a TA may, after exhausting all other remedies and appeals under the Protocol, appeal to the University Student Appeal Board (USAB). The amendment to SARD s.17 is necessary to broaden the jurisdiction of USAB and to enable USAB to hear appeals by students who are not satisfied with the decision of the Head of a unit regarding a dispute between a teaching assistant and a course supervisor.

Incorporation of the mechanism into SARD

Amended sections are underlined.

17. Jurisdiction of University Student Appeal Board (USAB)

- a) There shall be a University Student Appeal Board with jurisdiction to hear appeals by students from the following decision-making bodies:

- i. AMS and SGPS Judicial Committees;
 - ii. faculty boards, or the final decision-making body of faculties or schools that have delegated final responsibility to a committee;
 - iii. Queen's University residences administration and tribunals;
 - iv. the head of a unit with responsibility for hearing employment-related disputes between a teaching assistant and his/her course supervisor;
 - v. decisions of the VP with responsibility for matters of safety and security to the University or his or her delegate regarding the issuing of a Notice of Prohibition or exercise of other emergency power.
- b) USAB has jurisdiction to hear appeals with respect to any of the following matters:
- i. decisions concerning academic standing, exigent circumstances meriting special consideration, or a requirement to withdraw;
 - ii. academic dishonesty;
 - iii. non-academic discipline decisions;
 - iv. employment-related issues between a teaching assistant and his/her course supervisor resulting in a decision by the Head of the unit;
 - v. notices of prohibition or exercise of other emergency powers by University administrators.
- c) USAB has jurisdiction to decide any other matter concerning a student referred to it by the Senate, a faculty board, or the AMS or SGPS Judicial Committee, or the Principal.

In hearing such an appeal, the powers of USAB remain unchanged. SARD policy is intended to ensure that students are treated fairly and that there has not been a clear error in the exercise of discretion, while recognizing that primary responsibility for making decisions about individual students rests with those who are closest to the students and who have knowledge of the context in which the decision is made.

Conclusions/Recommendations

After exhausting all other remedies and appeals under *Policy on Teaching Assistants at Queen's University*, Part V provides that a Teaching Assistant may appeal to the University Student Appeal Board (USAB). It is necessary to amend SARD to bring such appeals within the jurisdiction of USAB;

Accordingly, the Senate Committee on Non-Academic Discipline recommends that Senate approve the motion that s.17 of the Senate policy on *Student Appeals Rights & Discipline* (2004) be amended as described in this report.

Respectfully submitted,
Wendy Griesdorf, Chair
Senate Committee on Non-Academic Discipline (SONAD)

Committee Members:

Ian Anderson, BA (Hons) '06

Grant Bishop, Rector

Derek Cooper, Electrical and Computer Engineering

Wendy Griesdorf, Faculty of Law (Chair)

Vincent Paul Escanlar, MD '06

Georgina Moore, University Secretary

Adrienne Smith, AMS Designate

Nicole Stevenson, SGPS Designate

Senate Minutes Excerpt October 20, 2005

4. Non-Academic Discipline

- a) **Proposal to revise the Senate Policy on Student Appeals, Rights and Discipline (SARD)**
(Appendix I, page 46)

Moved by Mr. Anderson
seconded by Mr. Oosthuizen
that Senate approve the motion that s.17 of the Senate policy on Student Appeals Rights & Discipline (2004) be amended as described in this report.

Mr. Dave Thomas, President of the Society of Graduate and Professional Students, asked if the situation arose where the department head is also the course supervisor who would be responsible for hearing employment-related disputes between a teaching assistant and his/her course supervisor. Mr. Harry Smith, Coordinator of Dispute Resolution Mechanisms, replied that he expected this exact situation might not have been anticipated when the Teaching Assistant Policy was drafted. The proposed amendments to the SARD document simply outline a process that allows the TA to bring the complaint forward and positions the Student Appeal Board to hear the case. In the scenario described by Mr. Thomas, it would be best to examine each case on an individual basis to ensure due process.

Mr. John Holmes, QUFA President, commented that the proposed changes are linked to the recently introduced employment contracts for Teaching Assistants. There are ongoing concerns amongst some faculty members about these contracts because the wording of the contract implies that there is an employment relationship between the Teaching Assistant and the course supervisor. Many faculty members are of the opinion that the employment relationship should be between the Teaching Assistant and the University. Individuals and some departments are currently not using the contracts because of the controversy. Mr. Holmes reported that there are ongoing discussions about this issue between QUFA and the Administration and it is slated to be included on the agenda of a future Joint Committee to Administer the Agreement (JCAA) meeting.

Mr. Deane acknowledged that the concerns raised by Mr. Holmes presented a potential obstacle for voting on the Motion. He proposed two courses of action. Senate could adopt the amendments and then subsequently revisit the issue once the discussions between the Administration and QUFA had been finalized or Senate could table the Motion. After careful consideration it was agreed to postpone a vote on the Motion.

**Moved by Ms. Deakin
seconded by Ms. Olney, and agreed
that the motion regarding amendments to s.17 of the Senate policy on Student Appeals
Rights and Discipline (2004) as outlined on page 47 of the Agenda be tabled.**

Carried 05-58