



## Minutes

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### MEETING OF THE SENATE

A meeting of the Senate was held on Tuesday February 28, 2012 in Robert Sutherland Hall, Room 202 at 3:30 p.m.

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**Present:** D. Woolf (Chair) **Senators:** Abdollah, Adams, Bassar, Beach, Bevan, Blennerhassett, Bowers, Brouwer, Burford-Grinnell, Campbell, Chapman, Cole, Colgan, Crowell, Culham, Dickey Young, Dimitrakopoulos, Dimitrov, Egnatoff, Elliott, Fachinger, Flanagan, Foo, Harrison, Hart, Johnson, Jones, LaFleche, Lamoureux, Liss, MacDougall, MacKinnon, MacLean, McCormack, Medves, D. Moore, Morelli, Newcomb, Oleschuk, Oosthuizen, Parker, Reid, Reznick, Shearer, Sienna, Sullivan, Tierney, Tripp, Walters, Wang, Whitehead, Yang, Young, G. Moore (Secretary), C. Russell (Associate)

**Also Present:** T. Alm, J. Arnold, M. Aubé, E. Berkok, G. Boland, J. Brady, M. Brunner, N. Chen, C. Christie, C. Coupland, R. Coupland, L. Daneshmend, C. Davis, M. Dineen, S. Dunn, C. Edington, H. Everson, N. Francis, L. Garnier, E. Hanson, R. Higgitt, J. Hill, J. Holmes, B. King, R. Lamb, R. Lemieux, G. Lessard, L. Long, D. Lowi-Merri, G. MacAllister, R. Marchildon, S. McFadden, K. O'Brien, C. Owsik, L. Peterson, S. Renaud, S. Rigden, K. Slobodin, H. Smith, A. Sproat, C. Sumbler, B. Surgenor, K. Wallace, P. Watkin

## I OPENING SESSION

### 1. Adoption of Agenda

**Moved by Senator LaFleche, seconded by Senator Culham, that the agenda be approved as circulated.**

Amendment to the main motion

Senator Fachinger referred to paper copies distributed to senators of a motion to add an ex-officio member to the Senate composition. She requested that it be added to the agenda under VII Matters Referred to Standing Committees.

“I move that the Director of the Four Directions Aboriginal Student Centre be added immediately to the Senate as an ex-officio member consistent with recommendation 10 of the Academic Plan, on an interim basis until such time as Senate has the opportunity to vote upon the much anticipated SORC recommendation(s) concerning the composition of Senate. This motion should be referred to SORC for consideration. SORC should report back to Senate in time for this matter to come before Senate for action at the March 2012 Senate meeting.”

The Chair noted that a vote of two-thirds in favour is required to add the item to the agenda.

**Moved by Senator Fachinger, seconded by Senator Morelli that a motion to add an ex-officio member to Senate be added to the agenda to be referred to the Senate Operations Review Committee for consideration.**

**Carried 12-12**

**Moved by Senator Colgan, seconded by Senator Beach, that the agenda be adopted as amended.**

**Carried 12-13**

**2. Adoption of the Minutes of the Meeting of 24 January 2012 (Appendix A, page 1)**

**Moved by Senator Jones, seconded by Senator Morelli, that the minutes be adopted as circulated.**

**Carried 12-14**

**3. Business Arising from the Minutes (Appendix B, page 9)**

Senator Morelli – regarding misinformation presented to Senate.

The Chair acknowledged and thanked Senator Morelli for his communication, in which he apologized to Senate for any confusion caused by his statements at the February 28, 2012 meeting.

Senator Burford-Grinnell requested a status update on an email list for senators, approved by Senate on January 20, 2011. C. Russell replied that a senator listserv had been created to address the concerns of some senators about the security of an email list posted on the web, and that the process had taken longer than anticipated due to a thorough examination of security risks by Information Technology Services. She noted that the listserv would be up and running within one or two weeks.

**4. Principal's Report (Appendix C, page 10)**

a) Written report and schedule highlights

In his oral report to Senate, Principal commented on:

- The recently released report by the Commission on the Reform of Ontario's Public Services, led by Don Drummond, Matthews Fellow in the School of Policy Studies. His report is posted on the Ministry of Finance website <http://www.fin.gov.on.ca/en/reformcommission>. The report reflects the importance of education at all levels; primary, secondary and post-secondary, as an engine for provincial growth, prosperity and quality of life. However, it also makes clear that a significant infusion of resources into post-secondary education or any other area of government is highly unlikely in the near future. The best that can be hoped for is a lower rate of cuts. Mr. Drummond recommends an annual 1.5 per cent increase in post-secondary education funding, but this is not close to covering the inflation rate in the sector, which has been running between 3 and 5 per cent over the last several years. He recommends that institutional costs be contained through efficiencies and that quality be improved and rewarded in other ways. It remains to be seen which part of these recommendations the government is going to follow. As austerity measures are implemented across the public sector, provincially and federally PSE will be under increasing scrutiny to deliver value to students, their families, future employers and to the taxpayers.
- The Principal and the Provost will be meeting with the Minister of Training, Colleges and Universities, in addition to meetings they have had with the Deputy and Assistant Deputy. A coherent and strong COU push is under way to support universities in the wake of Drummond and in anticipation of the provincial budget. The focus must remain on Queen's core strengths: teaching, learning and research.

- Taking Stock, a book of essays co-authored by Director of the Centre for Teaching and Learning, Professor Joy Mighty focusing on teaching and learning in higher education.
- The Back to Class event on March 9, where local politicians will visit the campus and spend some time in a classroom.

## 5. Provost's Report

Senator Harrison commented on:

- Incorrect information raised at the January 24 Senate meeting and noted that it was important to provide context to the comments that were made. He observed that the word "administration" can be interpreted in different ways. Regarding the statement that 20 per cent of the university's operating budget goes to administration, it should be noted that that figure includes all of Human Resources, Physical Plant Services, the University Library and Information Technology Services. More accurately, 5.4 per cent of the budget funds the offices of the Principal and Vice-Principals, including all of Advancement. Operating budget transfers to capital occur each year and include the Biosciences Complex, Richardson, Chernoff and Beamish-Munro halls, the School of Kinesiology and Health Studies, the Queen's Centre, University Avenue, the electrical substation, the co-generation facility and QUASR. Operating transfers to capital takes place in situations where full funding for building or renovation projects has not been received. The practice to pay for these costs over a period of years is common at post-secondary institutions such as Queen's. Queen's Advancement yielded \$1.8 million in unrestricted donations; however total donations to Queen's last year reached \$47 million.
- Inaugural presentation of the Equity Award to Research Associate Wendy Powley of the School of Computing, founder of Women in the School of Computing (WISC), an informal support, networking and social group for women faculty, staff and students. The group provides outreach to the Kingston community to inspire more girls to consider a career in computing.
- Presentation of the Human Rights Initiative Award to EQuIP for Queerorientation, an annual event that raises awareness about Queen's queer community among incoming students.
- Discussions with the VPs, Deans and others about the intersection of the Academic Plan with other planning processes at Queen's.
- The visit of AUCC President Paul Davidson to campus and his visit with fourth-year student facilitators in the first-year psychology course.
- Meetings with representatives from the University of Toronto and the University of Michigan about activity-based budgeting.
- Renewal process is under way for the Dean of Engineering and Applied Science and the Vice-Provost and Dean of Graduate Studies.

In answer to a question from Senator Morelli on public consultation on the Queen's budget, the Provost apologized that this had not happened yet for a number of reasons beyond his control, the foremost being a lack of information from the province on next year's tuition framework. The Provost said he hoped to announce consultation dates soon.

## 6. Other Reports requested by Senate

None

## II QUESTION PERIOD (Appendix D, page 14)

1. From Senator Young on Academic Freedom. Written response provided by the Principal (p.14).

Senator Young said that the response was not adequate in his view. The AUCC has narrowed the definition of academic freedom, removing protection for those who criticize their institutions or external governments. Stronger language should be adopted, similar to that contained in the Collective Agreement. He said that these faculty protections should apply to everyone on campus, including clinicians.

2. From Senator Jones on the Principal's Report, January 24, 2012.  
Written responses provided by the Principal

The Chair drew attention to his written responses on page 15. Senator Jones suggested that the formal document "Where Next 2.0" to be produced by the Principal should strongly support writing as an essential skill. The Principal agreed.

Senator Jones expressed dissatisfaction with the Principal's written answers to his third question requesting clarification on the phrase that "money should follow the student." He asked whether the Principal would agree that a publicly funded university is duty-bound to allocate resources to the support of research and teaching in some disciplines that are socially necessary but lightly subscribed or unremunerative.

The Principal affirmed that the institution is an academy and not a business. It is, however, publicly funded. Trends in student enrolment patterns that result in a large number of students in one discipline and a few in another program are cyclical. The University must be responsive to these trends; this is what is meant by the money following the student. There are also other reasons for allocating resources, such as building of research excellence and graduate programs.

## III REPORTS OF COMMITTEES

1. **Academic Development Committee** (Appendix E, page 17)

- a) Proposal to introduce a Graduate Certificate in Community Relations for the Extractive Industries in the Faculty of Engineering and Applied Science and the School of Graduate Studies

**Moved by Senator Cole, seconded by Senator Brouwer, that Senate approve the introduction of a Graduate Certificate in Community Relations for the Extractive Studies, in the Faculty of Engineering and Applied Science in the School of Graduate Studies.**

**Carried 12-15**

**Moved by Senator Fachinger, seconded by Senator Morelli, to table the motion until the Queen's University Aboriginal Council has been consulted on the proposal and submit its comments to Senate.**

The motion was defeated.

Senator Brouwer, Vice-Provost and Dean of the School of Graduate Studies, noted that many of the questions raised in Senate were addressed in the 80-page report on QShare. Concerns were raised regarding some senators' ability to access this background material.

Prof. L. Daneshmend, head of the Robert L. Buchan Department of Mining, said that although there was no direct engagement with the Aboriginal Council, Professor M. Green (Civil Engineering), an advisor to the Dean of Engineering and Applied Science on the development of an Aboriginal Access to Engineering Program and former Chair of the Aboriginal Council was involved from the outset. In addition, discussion and negotiations have taken place with the Assembly of First Nations. The full submission includes a provision for an advisory council with representation from relevant stakeholder groups, on- and off-campus. The University of Queensland program has been running for five years and has produced about 150 graduates – practitioners who can both work in communities as well as mining companies and address a real societal need. The Queensland program is also self-sustaining.

Senator Cole, Chair of SCAD, assured Senate that a good and full discussion of the proposal took place at the SCAD meeting. There was enthusiasm for the proposal as it would fill a gap between two communities, which all too often do not have a way to speak to each other. She also noted that it was the first proposal to be presented through the new *QUQAPs* templates, which made it easier to capture the information.

A lengthy discussion ensued. The following highlights were recorded:

- The proposal is based on a five-year business case; as with all graduate and undergraduate programs, it would be subject to cyclical review. As long as it continues to be vibrant, it would be allowed to continue
- The salary of the faculty involved in the program will be paid by the Mining department from Buchan donation funds, and in perpetuity, if the program is renewed after five years
- The proposal represents only one third of the faculty member's responsibilities
- The adjunct will be in Canada for a one-week intensive program and as with the Queensland program will also participate online with students. All regular hiring procedures under the Collective Agreement will be followed
- The intent is to transition to a Canadian incumbent, potentially an aboriginal person
- It was suggested that phrases such as "local communities/stakeholders be replaced in the proposal with "Aboriginal communities" where appropriate
- The business case is comprehensive and well thought out.

## 2. **Nominating** (Appendix F, page 41)

### a) Elections

**Moved by Senator Oosthuizen, seconded by Senator Morelli, that Senate approve election of the name listed in the report in Appendix F, page 108, to the committee indicated.**

**Carried 12-16**

Senator Oosthuizen noted that few applications had been received to date for committee positions for 2012-13 and that many opportunities are still available. Senators and non-senators – students, faculty and staff – are encouraged to apply online at <http://www.queensu.ca/secretariat/senate/committees/vacancies.html>

## 3. **Academic Procedures** (Appendix G, page 109)

### a) Report to Senate on grading practices

The Chair said that he had received a request for speaking privileges and he invited fourth-year Engineering Physics student Ryan Marchildon to speak. Mr. Marchildon referred to documents emailed to senators, including a letter of support from Dr. Art McDonald, a professor in the Department of Physics, Engineering Physics and Astronomy and Director of the Sudbury Neutrino Observatory, about concerns regarding the current Grade Point Average system. Although he agrees with the change to a GPA system, he noted that this system, as

implemented, has been detrimental to a large number of students, not only in the Faculty of Engineering and Applied Science, but also many other schools and departments. By working together with the administration to address the issues, he felt optimistic that a solution could be found to benefit all parties.

Mr. Marchildon described three examples of how his classmates have been adversely affected by the change from percentage marks to GPAs:

- A classmate's application to an NSERC post-graduate scholarship was rejected because his GPA did not make the cutoff. At the time of application, his cumulative average was well-established in the 80s.
- Another classmate interviewed with an engineering consulting firm that sponsors several Queen's fourth-year design courses. In corresponding with the firm, he was told that the recent changes to his transcript containing both percentage marks and GPAs looked unprofessional and that it was difficult to contextualize his performance with those of other applicants.
- A third classmate recently applied to a Master's program at Dalhousie University. When he submitted his transcript electronically, he was told he did not qualify. However, upon examination of the percentages obtained in his first three years, he was told it was clear he was an 80s-calibre student and is now discussing admission offers.

He noted that:

- Averaging GPAs results in a lower mark than averaging percentages. A 3.7 GPA is supposed to correspond to 80 per cent. Supposing a student receives five marks – four at 84 and one at 79 per cent. Under the percentage system, the average of these marks is well into the 80s. Under the GPA system, these marks – four at 3.7 and one at 3.3 do not correspond to an average of 3.7 or 80 per cent
- Transcripts should unambiguously encapsulate student achievement; however, these examples show that the current system needs significant improvement
- In many areas, particularly in the sciences, there is a big difference between an 80 and an 84 and between a 90 and a 98; having these distinctions represented on the official transcript is absolutely necessary when students apply for acceptances and scholarships. Those who serve on such decision-making bodies, such as Dr. McDonald, say that students who apply with letter grades only are grossly disadvantaged
- The matter could affect the University's reputation as well as its enrolment.

He observed that many departments continue to keep an internal record of percentages and class averages. He suggested that:

- Departments use the GPA scale for internal matters, such as pass or fail
- Official transcripts be augmented with the raw percentage grade and the course average; this is done at the University at Toronto and similarly at McGill University
- If changes are not made, deserving students will continue to miss out on scholarships and acceptances; how the situation is rectified will show students how much their success is valued by the University.

The Provost referred to his own experience at three other universities which had made the transition to PeopleSoft and agreed that the points Mr. Marchildon raised were worthy of further investigation. The Provost said that he would consult the deans before the next Senate meeting to determine whether Mr. Marchildon's suggestions could be used to mitigate the problems. He noted that the grading system should be consistent across the institution.

Senator Beach, who was Chair of SCAP during the implementation process, commented on Mr. Marchildon's documents and noted that the options were excellent and worth further investigation. He would support efforts to investigate ways to include additional information such as percentage grades as well as the GPA. Some senators noted that concerns are not just

faculty specific and affect the work of the Senate Committee on Scholarships and Student Aid and the standards set for academic excellence. It was suggested that a representative from that committee be included in the discussions to be led by the Provost.

**4. Non-Academic Discipline** (Appendix H, page 116)

- a) Annual Report to Senate 2010-2011

There were no questions.

**5. Operations Review**

- b) Oral report from the Chair

Senator Culham reported on the priority focus of SORC meetings about Senate standing committees and how they align with the functions of Senate. SORC mapped committees' terms of reference to the new functions. It is in the process of gathering further information from committee chairs and community members about the primary functions of the committees. The committee is making good progress and work is anticipated to continue for the remainder of the term. As discussed at previous Senate meetings, SORC considers this step to be very important in rationalizing the composition of Senate. SORC will work within the framework of the Functions of Senate approved last April. It is hoped that SORC will bring recommendations to Senate before the end of the current session, but it is important not to sacrifice process and meaningful consultation to meet a particular timeframe. Senate's patience is appreciated as SORC works with the community to ensure that the standing committees of Senate and ultimately the composition of Senate accurately reflect the purpose and function of Senate.

**IV REPORTS OF FACULTIES AND AFFILIATED COLLEGES**

None received

**V MOTIONS** (Appendix I, page 117)

**1. Establishment of the Academic Planning Task Force (2012-2013)**

- submitted by Senator Morelli

**Moved by Senator Morelli, seconded by Senator Fachinger that:**

**1. The Senate Nominating Committee be tasked with soliciting and selecting the Academic Planning Task Force members and presenting the slate to Senate for approval by the May 2012 Senate meeting.**

**2. Membership of the Academic Planning Task Force is to be composed of three faculty members, one staff member, two students (one undergraduate and one graduate/professional), and one dean. Consistent with Senate Rules governing standing committees, a Chair will be appointed by the Principal from among the Task Force members.**

**A majority of the Task Force members shall be Senators.**

**Membership terms shall be for one academic year beginning on September 1.**

**3. The Task Force, using the consultation process established by the 2010-2011 APTF (including but not limited to sponsoring a series of widely accessible town-hall meetings to address specific key issues, and the use of an interactive website) shall consider, as recommended by the 2010-2011 Academic Planning Task Force, the issues of: (1) virtualization and online learning, and (2) faculty renewal as a starting point.**

**The Academic Planning Task Force shall submit its Report, including recommendations and observations concerning the implementation of previous recommendations, to Senate for approval before the May meeting of the Senate. In order to ensure the continuous cycle of Planning, Implementation, and Monitoring of the Academic Plan endorsed by Senate, the APTF shall also recommend a new planning issue or set of issues to be investigated by the task force of the subsequent year.**

**Carried 12-17**

**2. Senate authority on academic decisions - submitted by Senator Jones**

Prior to the discussion, as Chair of Senate and as and the only member of the University who is both a member of the Board of Trustees and the Senate, the Principal provided context to allow for a fruitful discussion. He noted the importance of clarity in what the University is doing and how it is doing it. He added that the first and third questions are answered by existing practice and by Senate policies as laid out in the purpose and functions of the Senate [www.queensu.ca/secretariat/senate/functions.html](http://www.queensu.ca/secretariat/senate/functions.html) which include approving the establishment or closure of any academic unit, centre or institute, subject to ratification by the Board of Trustees, and approving the establishment or closure, on the recommendation of Faculty Boards and Schools, of all programs of study leading to a degree, diploma, or certificate, as well as cyclical review of all such programs. He suggested that the issues raised in the second question will be elucidated in SCAD's deliberations. He noted as well that only the Board of Trustees can approve the expenditure of funds, including the expenses of retaining legal counsel. This authority is delegated to the Principal and through the Principal to the Provost and Deans.

**Moved by Senator Jones, seconded by Senator Morelli:**

**Whereas the legal opinions of Ms. Diane Kelly and of Professor David Mullan are in disagreement concerning the authority of Queen's Senate with respect to decisions that are intrinsically academic in nature or that have significant academic impacts (see Senate Minutes for April 2009 and for November 2011, and David Mullan, "Discussion Paper for Queen's University Faculty Association on Responsibility for Academic Programs" (Nov. 2009));**

**That the Senate obtain independent legal advice from a law firm with experience dealing with public law issues that answers the following questions:**

**In general, what is the authority and responsibility of Queen's Senate with respect to decisions that are intrinsically academic in nature or that have significant academic impacts?  
And in particular,**

- 1. Whether the Senate is legally required to consider and approve any decision that will result in the closure of an academic program;**
- 2. Whether the Senate is legally required to consider and approve any decision which may result in the closure of an academic program, including a suspension of enrolment; and**
- 3. Whether the Senate is legally required to consider and approve any decision to merge academic units or that will result in the merger of an academic program with an academic unit.**

**Note: The law firm retained shall be provided with any legal opinions on these academic issues prepared by Professor David Mullan and Ms. Diane Kelly, and any other relevant opinions in the possession of Queen's University.**

**Carried 12-18**

28 in favour; 20 opposed.

In presenting the motion, Senator Jones made several points. First, the object of the exercise is to determine whether the Board of Trustees and upper administration can make unilateral decisions on



issues with financial implications, even when these have academic impacts, despite the fact that the Royal Charter of 1841 gives to Senate authority over all matters of an academic character that affect the university as a whole. He cited several recent cases in which the administration had asserted, citing the opinion of the University lawyer, that it had unilateral authority over resources, despite motions to the contrary in Arts and Science Faculty Board. Given that virtually all issues of academic character affecting the University as a whole have resource implications, the result is that Senate's role becomes fictitious. It is in this context that arms-length advice is important. He added that the advice provided by the University Counsel is an opinion rather than a ruling and that a contrary opinion has been expressed by Professor David Mullan, one of the nation's foremost experts on public and administrative law. The motion does not seek to decide between these opinions but rather to clarify the issue. With respect to the issue of cost, he argued that the University has the necessary resources and suggested that the Board itself has an interest in this issue being clarified. He argued that the motion should be approved by Senate and that, if this is done, the Principal should be asked to appeal to the Board for approval of the expenditure.

Additional observations recorded during the lengthy discussion:

- That asking a flat, static question devoid of context guarantees a static legal opinion unconditioned by context, a consideration by SCAD, with input from legal counsel and senior administration, is a better course of action
- That a ruling in favour of Senate might lead to paralysis by a "no cuts in my backyard" mentality
- That the motion pre-empts the work of SCAD
- That the motion be defeated to allow SCAD to do its work as requested by the Senate – to create a policy document which outlines a formal procedure for the suspension of academic programs and/or suspension of admissions to academic programs. A subcommittee of faculty, staff and students has been struck to do this work and report back to Senate on April 17.
- That there is no value in getting yet another lawyer's opinion because it will not be a ruling but rather another opinion and this would be of no value to Senate
- That the motion is not a wise course of action because Senate has no spending authority
- That the motion is important as an opportunity for review and close examination of academic implications on the budget
- The University should not be micromanaged by the Senate or the Board; any body that can make independent and binding decisions should be able to get independent advice
- The issues give rise to a grey area between the authority of the Board and of the Senate and how it is interpreted
- SCAD is examining a process whereas the motion is jurisdictional; whatever SCAD determines about process is moot if the process interferes with financial imperatives
- The motion obviates the deliberations of SCAD
- SCAD is looking at an in-house solution
- The Senate should not be denied access to advice, however, once legal counsel is hired by the client, they cease to be independent.

**Moved by Senator Reid, seconded by Senator Burford-Grinnell to extend the meeting to 6 p.m.**

**Carried 12-19**

Senator Campbell observed that there were strong arguments on both sides but noted that student senators were hesitant and wished to table the motion and come back to it later. She suggested looking for answers on campus via SCAD and only then seeking an outside opinion to deal with the jurisdictional issue.

**Moved by Senator Campbell, seconded by Senator Sullivan that Senate table the motion.**  
The motion was defeated.

The Chair noted that the mechanics of implementing the motion would have to be considered and that he would report back to the Senate on its matter.

## **VI COMMUNICATIONS AND REPORTS SUBMITTED TO SENATE**

1. **Honorary Degree recipients for Spring and Fall 2012** (Appendix J, page 119)
2. **Research Report** (Appendix K, page 120)

There were no questions.

## **VII MATTERS REFERRED TO STANDING COMMITTEES**

1. Motion to add to ex-officio membership of Senate [referred to the Senate Operations Review Committee (SORC)]

## **VIII OTHER BUSINESS**

None received.

## **IX CLOSED SESSION**

Not required.

There being no further business, the meeting adjourned at 5:51 p.m.