

Item: Senate Minutes, June 2007
Call Number: Senate fonds, UA-5

Additional Notes:

This document is a compilation of Senate minutes, staff matters and miscellaneous documents for June 2007. The documents have been ordered chronologically and made OCR for ease of searching. The original documents and additional documents for this year which have not yet been digitized can be found in the Dalhousie University Senate fonds (UA-5) at the Dalhousie University Archives and Special Collections.

The original materials and additional materials which have not been digitized can be found in the Dalhousie University Archives and Special Collections using the call number referenced above.

In most cases, copyright is held by Dalhousie University. Some materials may be in the public domain or have copyright held by another party. It is your responsibility to ensure that you use all library materials in accordance with the Copyright Act of Canada. Please contact the Copyright Office if you have questions about copyright, fair dealing, and the public domain.

DALHOUSIE UNIVERSITY

Approved Minutes of **Senate Meeting**

Senate met in regular session on Monday, June 11, 2007, at 4:00 p.m. in University Hall, Macdonald Building.

Present with Mr. Mo El-Hawary in the chair were the following: Adshade, Barker, Bodorik, Breckenridge, Butler, Camfield, Chowdhury, Cochrane, Dunphy (Recording Secretary), Fraser, Gray, Haslam, Helland, Leon, Maes, McConnell, McLarney, McNeil, Nowakowski, Pegg, Poulton, Roberts, Rutherford, Saunders, Schroeder, Scrimger, Singleton, Slonim, Spence Wach, Sullivan, Sutow, Swanston, Tindall, Traves, Voegeli, Watters, Wheeler, Whyte, Yeung.

Regrets: Binkley, Cleave, Cook, Croll, El-Masry, Geldenhuys, Hicks, Jones, Kesselring, Khimji, Moukdad, Plug, Shaver, Sheng, Smith, Taylor, Tipping, Tschirhart, Wallace, Wanzel.

Absent: Allen, Gault, Grundy, Hubert, Johnson, Klein, Pelzer, Persaud, Precious, Scherkoske, Webster.

Guests: B. Awad, S. Brousseau, G. Horne, J. Neale, A. Power, C. Stuttard, S. Zinck

2007:74

Call to Order

The Chair called the meeting to order.

2007:75

Adoption of Agenda

Mr. Whyte **MOVED**, seconded by Mr. Singleton:

THAT item #7 be moved up on the agenda to become item #4.

The motion **CARRIED**.

2007:76

Draft Minutes of Special Meeting of April 25, 2007

a) Approval

The minutes were **APPROVED**.

b) Matters Arising

The CHEM 1022 matter will be addressed under item #7 on the agenda. There were no further matters arising.

2007:77

Draft Minutes of May 14, 2007 Senate Meeting

a) Approval

The May 14, 2007 draft minutes were **APPROVED** with one edit - Mr. El-Hawary's name be removed from the regrets.

b) Matters Arising

There were no matters arising.

2007:78

Senate Steering Committee: Formation of a Committee to advise Senate on Dr. Horne's Grievance

Mr. El-Hawary asked for approval that Mr. Brian Awad, Senate legal counsel, be permitted to speak when required. It was **AGREED**.

On behalf of the Senate Steering Committee (SSC) Mr. El-Hawary **MOVED**:

THAT the Senate Steering Committee recommend to Senate that the composition of the Special Committee to hear Dr. Horne's grievance dated April 20, 2007 be comprised of four members, two members each selected by the President and Dr. Horne, and the fifth member and Chair of the Committee chosen by the Committee. Senators from the Faculty of Medicine be excluded from the membership.

Mr. Whyte **MOVED** an amended motion, seconded by Mr. Singleton:

THAT, regarding the grievance of Dr. Gabrielle Horne set out in her letter to the Secretary of Senate, dated April 20th, 2007:

- a) pursuant to paragraph 7.2.1 of the Regulations Concerning Appointments, Tenure and Promotion 1987, as amended, Senate resort to a special committee on inquiry to:
 - i) hear the grievance of Dr. Horne set out in her letter to the Secretary of Senate, dated April 20th, 2007; and,
 - ii) reports its findings to the Senate on or before October 15th, 2007.
- b) the special committee of inquiry shall consist of five (5) members, two (2) named by Dr. Horne, two (2) named by the Faculty of Medicine, and a Chair agreed upon by the four so named, all five to be drawn from the membership of the Senate, but not to include any Senator who is a senior administrator, or from the Faculty of Medicine."

Mr. Whyte explained that the motion was an amendment that had been circulated last week and it was essentially a reproduction of the motion that Senate reached in the 2005 appeal for Dr. Horne. Mr. Whyte felt that the amended motion was more concise and differs in two areas - senior administrators are excluded from the selection on the Special Committee of Inquiry and the motion has a specific date by which the Committee must report to Senate, specifically October 14, 2007. Mr. Whyte indicated that Dr. Horne was present at the meeting and he requested the Chair's permission for Dr. Horne to participate in the responses if required. The Chair agreed.

Mr. El-Hawary then asked Senate for guidance on the exclusion of senior administrators. Mr. Whyte indicated that senior administration includes the President, Vice-Presidents, and Deans of Faculties. Mr. El-Hawary further clarified that this also included Associate Deans. Mr. Traves said he would like to speak to the issue of the exclusion of colleagues in the Senate, not so much his concern being related to the specifics of this case, but rather to the larger principle and the implications that are to be drawn from the exclusion and the motion. The Senate is organized on a principle of collegiality. Members of Senate come from different parts of the University and they occupy different levels of responsibility within the University. They are expected, as they walk through the doors of this room and come into this meeting, that they essentially drop their local identity to take up a sense of what is best for the University as a whole. Clearly, there are instances where people have apparent conflicts of interest and under those circumstances we have conflict of interest guidelines in the University to regulate that. Mr. Traves suggested that this aspect of the amendment should be considered carefully in the light of the larger implications of this particular issue as we may determine that we do not have anybody eligible on this body that is able to serve in the capacity as a Senator at the University.

Mr. Singleton noted that Mr. Traves has been a strong advocate for Dr. Horne during the last year and a half and the construction of the committee requires checks and balances. Mr. Singleton is of the opinion that the Senate is a reasonable body and needs to be fair and reasonable because it is one of our esteemed colleagues who has been caught in this for five years and there is a need to move forward as a Dalhousie community to not disenfranchise her, and also potentially future scholars that may get caught in this gap.

Mr. Whyte responded to the President's comments saying that this is a special case and the grievance is directed against the administrators of the Faculty of Medicine, the Vice-President of Research and as the most senior administrator, he thinks the grievance is directed to some degree against the President. Mr. Whyte is surprised to have the President respond in detail over this issue to this body and illustrates the problems that we face. He added that we have plenty of members of Senate who do not belong to what we have called the senior administration to make an available pool of relatively independent colleagues to make a decision on this issue.

There was a lively discussion on the various aspects of the amendment and Mr. El-Hawary ruled that Mr. Whyte had introduced a substitute motion to the two motions that SSC had brought forward. Senate will deal with Mr. Whyte's substitute motion, have a discussion of all the aspects and vote on it in totality. Mr. El-Hawary noted that Senate could rule his decision out of order.

Mr. Traves inquired as to whom the Faculty of Medicine is as the motion presented by Mr. Whyte states that it is supposed to name two members. The Faculty of Medicine is not the employer of Dr. Horne. The employer of Dr. Horne is Dalhousie University and under the University Act only the President is empowered to act in the name of Dalhousie University. Mr. Traves noted that he would appreciate some clarification because in the event that the motion was approved by Senate, he thinks we would have essentially a situation in which the committee could not be constructed because there would be serious objections imagined. Mr. Whyte responded that he would interpret the term Faculty as being represented by the Dean of Medicine as that was how it was written in 2005. Mr. Traves pointed out that this is a grievance between Dr. Horne and her employer and her employer is not the Dean of Medicine. Mr. Saunders reminded Senators that the Faculty of Medicine is not a legal entity. The only legal entity is the University and Dr. Horne on the other side. Dr. Horne clarified that in the wording of 7.2.1, she thinks you will find the grievance can be against a Faculty so the grievance was drafted specifically with respect to that wording and she thinks the Dean and the President can decide together on who answers as the respondent.

Mr. El-Hawary called for the question on the substitute motion.

The motion **FAILED**.

Mr. El-Hawary then called for further discussion on the main motion.

Mr. Whyte **MOVED** an amendment to the main motion.

THAT the words ‘and senior administrators’ be inserted after ‘Faculty of Medicine’.

Mr. Traves requested a ruling from the Chair as to whether or not Senate had already disposed of this matter. The substitute motion had been discussed, voted on and defeated. Now we are basically being asked to vote on the same motion again under a different procedural technique. Mr. El-Hawary ruled the amendment out of order.

Mr. Tindall **MOVED**, seconded by Mr. Bodorik:

THAT Mr. Whyte’s amendment to the main motion is in order.

The motion **FAILED**.

Mr. Fraser noted that Mr. Traves earlier commented about leaving our individual allegiances at the door when we enter the Senate discussions and deliberations. In 2005 when we dealt with the matter, we excluded certain groups because of a perception of bias, he thinks more so than a feeling that there was bias. It was a sensitive issue and we were concerned at that time as he recalled, the process be perceived to be without any bias whatsoever, and therefore, certain groups were excluded for that reason.

Mr. Fraser **MOVED** an amendment to the main motion, seconded by Mr. Singleton:

THAT the final sentence ‘Senators from the Faculty of Medicine be excluded from the membership’ be removed.

The amended main motion would then read:

THAT the Senate Steering Committee recommend to Senate that the composition of the Special Committee to hear Dr. Horne’s grievance dated April 20th, 2007 be comprised of four (4) members, two (2) members each selected by the President and Dr. Horne and the fifth member and Chair of the committee chosen by the committee.

Mr. Saunders **MOVED** a friendly amendment:

THAT the main motion begins with ‘**THAT** the composition of the Special Committee...’

The amended main motion would then read:

THAT the composition of the Special Committee to hear Dr. Horne’s grievance dated April 20th, 2007 be comprised of four (4) members, two (2) members each selected by the President and Dr. Horne and the fifth member and Chair of the committee chosen by the committee.

The amendment **CARRIED**.

Mr. Tindall **MOVED** an amendment to the main motion, seconded by Mr. Rutherford:

THAT the number “four” be changed to “five”.

The amendment **CARRIED**.

The amended main motion would then read:

THAT the composition of the Special Committee to hear Dr. Horne’s grievance dated April 20th, 2007 be comprised of five (5) members, two (2) members each selected by the President and Dr. Horne and the fifth member and Chair of the committee chosen by the committee.

The main motion as amended **CARRIED**.

On behalf of the Senate Steering Committee, Mr. El-Hawary **MOVED**:

THAT Senate approve the proposed Terms of Reference of the Special Committee of Inquiry into the grievance of Dr. Gabrielle Horne dated April 20, 2007, against the President of Dalhousie University.

1. To hear and determine:

- i) Whether the grievance is well founded or not well founded,
- ii) Any preliminary issues raised by either party including the scope of the grievance and the timing of the hearing and determination of the merits of the grievance.

2. To report to Senate its findings as to whether the grievance is well founded or not well founded.

Senate reserves to Senate the issue of what remedy should follow any finding that the grievance is well founded, unless and until that issue is referred to the Special Committee or another special committee.

Mr. Singleton indicated that there appears to be no timeline when this Special Committee should report back to Senate.

Mr. Singleton **MOVED** an amendment, seconded by Mr. Slonim:

THAT the words ‘by October 15, 2007’ be inserted at the end of #2.

The amended motion would then read:

THAT Senate approve the proposed Terms of Reference of the Special Committee of Inquiry into the grievance of Dr. Gabrielle Horne dated April 20, 2007, against the President of Dalhousie University.

1. To hear and determine:

- iii) Whether the grievance is well founded or not well founded,
- iv) Any preliminary issues raised by either party including the scope of the grievance and the timing of the hearing and determination of the merits of the grievance.

2. To report to Senate its findings as to whether the grievance is well founded or not well founded by October 15, 2007.

Senate reserves to Senate the issue of what remedy should follow any finding that the grievance is well founded, unless and until that issue is referred to the Special Committee or another special committee.

Mr. Scrimger inquired if a final or an interim report was being requested. Mr. Singleton said he would prefer a final report, but at least Dr. Horne would have an idea where the Special Committee was at that time. Mr. El-Hawary reminded Senators that the 2005 inquiry committee came back to Senate and requested an extension and this could be repeated again if the committee had not finished its work.

The amendment **CARRIED**.

Mr. Whyte requested a clarification of “*unless and until that issue is referred to the Special Committee or another Special Committee.*” Mr. El-Hawary asked Mr. Awad, Senate legal counsel, to respond. Mr. Awad indicated that he was in attendance to give legal advice and the only legal advice aspect of this question was simply to recognize that there is a difference between a hearing and a determination of a matter and a decision as to what to do about it, which he would describe as the remedial portion of the hearing and it appears that that is recognized. Beyond that, it is really up to Senate to decide whether or not it wants to separate them out or not. Mr. Saunders further noted that Senate will decide what the remedy is. ‘Unless and until’ allows for the possibility that Senate decide not to do that, but give it to a Special Committee to determine remedy as well. If Senate receives the report and if the report finds that it is well founded, the Senate decides on the remedy, which he thinks actually would have been the same situation under the wording of the 2005 motion, which did not specify the remedial power in the hands of a committee of inquiry, it would rest with Senate anyway. Mr. Saunders thinks the “unless and until” is just opening up the possibility that Senate could make its own determination and refer the remedial question back to a Special Committee.

The main motion as amended **CARRIED**.

2007:79

Question Period

Due to time constraints question period was deferred to the next meeting.

2007:80

Senate Academic Priorities and Budget Committee (SAPBC) - Name Change Request – B.Sc. Major, B.Sc. Double Major, B.Sc. Combined Honours, B.Sc. Cop-Op, M.Sc. and Ph.D. Degree Programs Offered by the Department of Biochemistry and Molecular Biology be Changed from Biochemistry to Biochemistry and Molecular Biology

Mr. El-Hawary invited Dr. Richard Singer, Graduate Coordinator, Department of Biochemistry and Molecular Biology to the discussion on the proposed name change for the programs within the Department of Biochemistry and Molecular Biology.

On behalf of SAPBC, Mr. El-Hawary **MOVED**:

THAT Senate approve the proposed name change for the B.Sc. Major, B.Sc. Double Major, B.Sc. Combined Honours, B.Sc. Honours, B.Sc. Co-op, M.Sc. and Ph.D. degree programs offered by the Department of Biochemistry and Molecular Biology from Biochemistry to Biochemistry and Molecular Biology.

The motion **CARRIED**.

2007:81

Notice of Motion: Fall/Winter 2006/2007 – Chemistry 1022 Students

The status report on the Academic Dishonesty Allegations within a chemistry course provided by Mr. Keith F. Taylor, Dean of Science, dated June 6, 2007 was presented by the Chair of Senate.

Mr. El-Hawary invited Mr. Leon, Dean, Faculty of Engineering, to speak to the status report. Mr. Leon explained that things are progressing and most of the students (95 of the 109) have a finding of an academic offence and they accept the finding and their penalty assessed. There are a few cases which have been handled differently. Each case was handled independently and it has taken Dean Taylor a tremendous amount of time to go through them individually, but it is moving along.

Mr. Tipping **MOVED**, seconded by Ms. Gault:

THAT students who were taking Chemistry 1022 during the Fall/Winter 2006/2007 and who were accused of academic dishonesty and whose grades are currently registered as “incomplete” while their cases are considered by the Dean of Science or the Senate Discipline Committee be allowed to register for Fall 2007/2008 courses as if they had completed Chemistry 1022 with an acceptable mark for it to qualify as a pre-requisite.

Mr. Dunphy provided a brief update on the Senate Discipline Committee (SDC). Mr. Dunphy reported to Senate that there is no longer a backlog for the SDC. All cases have been booked in June apart from five students who want to defer until September 2007. The training has been set up for the Academic Integrity Officers, so that may be of some relevance whether any of these students need to come forward for a hearing, but there wouldn't be a delay in order to process their hearing.

Mr. Tindall asked what penalties had been assessed to the 95 students and if Senate could have a breakdown of the various penalties. Mr. Leon indicated that he did not have that information but Mr. Taylor would inform Senators at a subsequent meeting.

Mr. Singleton requested clarification of the number of individuals in the chemistry course who will be affected by the motion. Mr. Leon stated that Mr. Tipping's motion essentially speaks to the four students which have not been tracked down over the summer as they have not responded to emails.

Mr. Leon **MOVED** an amendment, seconded by Mr. Bodorik:

THAT in place of the words ‘...with an acceptable mark for it to qualify as a pre-requisite’ the following be inserted ‘provided the mark on the assessment components of the course are such that a finding of no penalty were to result in a sufficient grade to serve as a prerequisite. Should the SDC make a determination that affects their eligibility to register, then they will no longer be registered for such course.’

The amendment **CARRIED**.

The amended motion would then read:

THAT students who were taking Chemistry 1022 during the Fall/Winter 2006/2007 and who were accused of academic dishonesty and whose grades are currently registered as “incomplete”

while their cases are considered by the Dean of Science or the Senate Discipline Committee be allowed to register for Fall 2007/2008 courses as if they had completed Chemistry 1022 provided the mark on the assessment components of the course are such that a finding of no penalty were to result in a sufficient grade to serve as a prerequisite. Should the SDC make a determination that affects their eligibility to register, then they will no longer be registered for such course.

The main motion as amended **CARRIED**.

2007:82

Senate Nominating Committee

a) Slate of Nominees to Senate Standing Committees

On behalf of the Senate Nominating Committee, Mr. Mr. El-Hawary **MOVED**:

THAT Mr. Patrick Kelly, Faculty of Architecture & Planning, and Ms. Faith Wight Moffatt, Faculty of Health Professions, be elected to the Senate Committee on Academic Administration for the term July 1, 2007 to June 30, 2010.

THAT Ms. Nur Zincir-Heywood, Faculty of Computer Science, be elected to the Senate Discipline Committee for the term July 1, 2007 to June 30, 2010.

THAT Mr. Jose Gonzalez-Cueto, Faculty of Engineering, be elected to the Senate Committee on the Environment for the term July 1, 2007 to June 30, 2009.

After the requisite three calls for further nominations, the nominees were declared elected to their respective committees.

b) Election of Chair of Senate for the term July 1, 2007 – June 30, 2010

Mr. El-Hawary outlined the approved process for the election of the Chair of Senate and reminded Senators that the curricula vitae of the candidates had been distributed. The three candidates were Mr. Peter M. Butler, Faculty of Arts and Social Sciences; Mr. Bruce Dunphy, Faculty of Medicine; and Mr. Lloyd Fraser, College of Continuing Education. Mr. El-Hawary introduced the Tellers Committee – Mr. Jim Neale, Ms. Susan Zinck and Ms. Susan Brousseau.

Senators were given the opportunity to question the three candidates. The voting was conducted by preferential vote with the Teller's Committee tallying the results. Unfortunately, the election for a Chair of Senate was inconclusive and the Senate Steering Committee will be convening early next week to explore available options.

2007:83

Chair's Report

Mr. El-Hawary reported that had received notice that the following program proposals had been approved by the Maritime Provinces Higher Education Commission (MPHEC): New program – 20 credit BA in Music; Bachelor of Science, Double Major in Creative Writing; Bachelor of Science, Combined Honours in Creative Writing; and Modifications to the Bachelor of Science (Nursing).

Senators will find, for information, the approval of graduands for Dalhousie University where 3156 students graduated at the ceremonies from May 22 – 30, 2007 as well as the approval for additional Graduands at the Nova Scotia Agriculture College – Four additional 2007 Bachelor of Science

(Agriculture) graduates. Total Bachelor of Science (Agriculture) graduates - 72.

Mr. El-Hawary thanked those Senators who will complete their term as of June 30, 2007. From the Faculty of Arts and Social Sciences: Mr. David McNeil and Ms. Marcia Swanston; Faculty of Architecture and Planning: Mr. Michael Poulton; Faculty of Computer Science: Mr. Peter Bodorik; Faculty of Health Professions: Ms. Patricia Cleave; Faculty of Law: Ms. Moira McConnell, Mr. Mohamed Khimji; Faculty of Management: Mr. Keith Sullivan; Faculty of Medicine: Ms. Carol Camfield, Mr. Robin Whyte, Mr. John Rutherford; Faculty of Science: Mr. Raymond Klein, Mr. Carmichael Wallace, Mr. Jinyu Sheng, Ms. Patricia Lane. The Chair of Senate reminded Senators that at the end of the meeting there will be a reception to thank those Senators who have completed their terms.

Mr. El-Hawary informed Senators that all new Senate members as of July 1, 2007 will be welcomed at the fall Senate Reception and Orientation on September 10, 2007.

2007:084

Report of the President

Mr. Traves thanked members of Senate for their participation and work on Senate this year and for their larger contributions to the University over the course of the last 12 months. Mr. Traves noted that he had been writing several annual reports and he feels that it has been a very good year for Dalhousie University in general, both with respect to the quality of our students and the quality of the programs that they have enjoyed. This is only possible by the hard work of our faculty and staff to make all of that possible, so he would like to congratulate and express thanks for Senators efforts.

Finally, Mr. Traves wanted to recognize that this is the final meeting for the Chair of Senate, Mr. El-Hawary, who has served as Vice-Chair of Senate for one year and Chair of Senate for two 3-year terms. The role of the Chair is an important component in setting the tone of a body like this and on behalf of Senate Mr. Traves thanked Mr. El-Hawary and presented him with a plaque.

Mr. El-Hawary thanked Senators and stated that he has enjoyed the collegiality and the work together and noted that the quality of our deliberations is a function of how engaged each of us feels and how much we feel for this organization. Mr. El-Hawary respects and is very proud to be part of the Dalhousie tradition and thanks Senators very much.

The meeting **ADJOURNED**.