

Item: Senate Minutes, May 2004
Call Number: Senate fonds, UA-5

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DALHOUSIE UNIVERSITY

APPROVED MINUTES

OF

SENATE MEETING

SENATE held a Special Meeting on Monday, May 10, 2004 at 4:00 p.m., in the University Hall, Macdonald Building.

Present with Mr. Fraser in the Chair were the following: Barlow, Ben-Abdullah, Breckenridge, Butler, Caley, Cercone, Cochrane, Corke, Coughlan, Das Gupta, Dauphinee, Dunphy, Earl, Farrell, Finbow, Finley, Fraser, Guy, Hamilton, Horackova, Houlihan, Jalilvand, Jost, Kwak, Leonard, Loudon, MacDonald, Maes, McGrath, McIntyre, McMullen, Neumann, Oppong, Pelzer, Precious, Pronk, Satish, Schroeder, Scully, Sommerfeld (Recording Secretary), Stone, Stuttard, Taylor, Traves, Wanzel, Whyte, Zalezsak.

Regrets: Barker, Beazley, Bond, Carroll, Cook, Danielson, El-Hawary, Hicks, Lahey, Livingston, McNeil, Meagher-Stewart, Murphy, Phillips, Richard, Russell, Scott, Scrimger, Stroink, Taheri, Zuck.

Absent: Grantmyre, Morgunov, O'Brien, Rajora, Rathwell.

Invitees in attendance: A. Power.

2004:035

Adoption of the Agenda

The agenda was ADOPTED as circulated.

2004:036

Chair's Remarks:

Mr. Fraser noted that a report of programme proposals recently approved by the Maritime Provinces Higher Education Commission would be presented at the next regular meeting of Senate.

Mr. Fraser thanked retiring Dalhousie Student Union (DSU) Senators: Kevin Wasko (President), Curtis McGrath (VP Education), Joanne Macrae, Michael Elliott, Sarah Partridge, and George Barnes (Graduate Student Representative).

Mr. Fraser welcomed the DSU Senators for 2004-05: Curtis McGrath (President), Jill Houlihan (VP Education), Nicholas Dauphinee, Jen Bond, Ashley O'Brien, and Kirsten Danielson (Graduate Student Representative).

2004:037

Policies and Procedures Related to the Labour Disruption Between the Dalhousie University Board of Governors and the Canadian Union of Public Employees as regards End-of-Term Grading and Evaluation of Students

Mr. Fraser stated that the purpose of this Special Meeting of Senate was to address issues related to the evaluation and grading of students in view of the continuing labour dispute between the Dalhousie University Board of Governors and the Canadian Union of Public Employees (CUPE). He invited Mr. Scully to present his report which was circulated earlier in the day via e-mail to Senators.

Mr. Scully thanked Senators for attending the meeting given the shortness of notice. In reference to his Report, he noted that as of that morning, there had been twenty-six classes where the instructor of record was a CUPE member and final grades had not yet been submitted to the Registrar, versus the thirty identified in the Report. Mr. Scully stated that the proposal as outlined in the Report was developed with the intent of drawing on guiding principles used in the past by the Senate regarding labour disruptions, and as stated in paragraph 3 of the Report, "with due regard for academic standards (including the integrity of Dalhousie degrees,) and for the equitable treatment of all students". He stated that there had been considerable discussion with the Office of the Registrar and the Deans of the Faculties most affected. He added that final numbers were not yet known in terms of how many grades would not be available for graduation purposes or for progression to other programs and institutions but that the action being proposed would enable graduation for students affected.

Mr. Scully stated that the motion being proposed was based on the assumption that necessary adjustments would be made to grade point averages when final grades were known. Students would also be informed that such adjustments might have consequences for their academic standing, including the entitlement to any degree that had been granted, with the Senate and the University reserving the right to revoke a degree or other recognitions in such situations. He added that the essence was to propose a course of action for those students in those classes for which submission of grades had been delayed because of the labour disruption and also a course of action for those students who did not attend examinations on April 23, 24, and 26, 2004, on conscientious grounds. Mr. Scully stated that those terms had been reviewed with the two officers of the DSU.

Mr. Scully moved, seconded by Mr. McGrath:

THAT the Senate approve the following actions:

(a) Students in classes for which the submission of grades has been delayed because of the CUPE labour disruption:

- (i) EITHER receive a final grade based on term marks, where such marks are available; OR**
- (ii) where marks are not available, temporarily receive a pass grade on their transcripts, that temporary grade to be replaced by a final grade when the latter is available; AND**

(b) Students who did not attend examinations on April 23, 24 and 26, 2004, on

conscientious grounds :

- (i) EITHER write a replacement examination, as soon as one can be organized after the labour disruption is concluded, with a minimum of two weeks' notice of the date of that exam; OR**
- (ii) write the final examination the next time that the class is offered; OR**
- (iii) be permitted to withdraw from the class.**

The Chair opened the floor to discussion and questions noting that past practice had been to allow non-Senators to address Senate once the list of Senators wishing to speak had been exhausted.

Mr. Coughlan requested clarity as to the percentage of term work required to be included in Option (a)(i), noting that the text of the Report made reference to determining a final grade based on term work that constituted 80% of the assessment, yet the motion made no reference to any such percentage. Mr. Coughlan also asked whether the solutions proposed in the motion would apply only to those students who were eligible to graduate in May and to those who were applying to other programs and institutions, or whether the measures proposed would apply to all students for whom grades had not been submitted because of the labour disruption. He cautioned that we should not be seen to be compromising standards rather than waiting a month or two for the labour disruption to be settled and marks to be submitted. Mr. Scully responded by referring to the Report, page 1, and indicated that the reference to term work which constituted 80% of the class assessment applied specifically to two classes for which examinations had not been conducted on April 23, 24, and 26. He added that the motion was worded broadly due to difficulty in anticipating all circumstances, and that discretion was needed for the Instructor and Department Chairs, but that his expectation would be that at least 50% of the course material would have to have been completed and graded for this option to be appropriate. Regarding Mr. Coughlan's second point, Mr. Scully stated that the motion was designed to address the emergent circumstances where a student needed a grade for convocation or for progress, noting that it was unknown how long the labour disruption would continue, but in the interim, a course of action was needed so as to enable students to move forward as needed.

Mr. Jost noted that from his perspective, it appeared that a differentiation was being made between students who did not write an examination because it was not held, and students who did not attend an examination on conscientious grounds. Mr. Scully responded that the perception was correct.

Mr. Whyte asked if there was a provision being made for examination to be given via distance methods, and if thought had been given to the remedial process should failure in examinations occur. Mr. Scully responded that as per existing practice, students would be given the option of writing an examination via distance providing there was appropriate invigilation. In terms of re-mediation in the event of failure in an examination, normal procedures would apply.

Ms. Corke asked for the rationale for the motion as regards students who did not cross the picket lines, and which would not allow them to graduate. Mr. Scully responded that where students had elected not to attend an examination in spite of having been given notice, they did so in spite of the consequences such action might have for them. Ms. Corke commented that such action seemed to punish students who were supporting graduate students in their actions.

Ms. Stone commented that it seemed troubling to her to punish students who elected to exercise a democratic right after having been reassured by the Administration that it was a right to elect not to cross the picket line on conscientious grounds. She noted that the offer of allowing such students to write the final examination the next time the class was offered might not serve students well given that class offerings and details of class content change from year to year, and that after the lapse of a year or more, the content might not be as fresh for the student as would have been when they actually took the class.

Mr. DasGupta wondered why a 'blanket' measure was being proposed that would apply to all students, whether they were in a pressing situation or not.

Mr Stuttard commented that the University Calendar had provisions for dealing with unusual situations, specifically on pages 23 and 36. He stated that the intent of the motion being debated was to waive Academic Regulation 16.1 which required that "Changes to the [class] outline which affect assessment components, the weight of individual assessment components, or examination requirement with a value of ten percent or more must have the approval of at least two-thirds of enrolled students in order to be valid". He added that in view of Regulation 16.8, which referred to examinations which were postponed or not able to be completed, the motion at hand might not be necessary. He noted that assignments that were to be marked by Teaching Assistants as opposed to Examinations did not appear to be covered in the motion. Mr. Stuttard inquired if, under (b.)(iii) of the motion, being permitted to withdraw from the class included being able to withdraw without academic penalty. He stated that he preferred motions that specified what instructors would do rather than what students would do, whereby the instructor would assign grades for term marks, which would imply a waiver of Academic Regulation 16.1. He stated agreement with a previous speaker that the emergency situation, that is for graduation or progression to another program or institution, be dealt with rather than for all students. In terms of part (b) of the motion, he suggested that it should begin with "at the discretion of the instructor...". He stated that he was not inclined to support the motion as it was currently stated.

Mr. Scully clarified that if students chose option (b.)(iii), to withdraw from the class, it would be without academic penalty. He noted that in addition to graduating students, the needs of a large number of students were at issue, those who needed to complete their academic year in order to progress to the next program of study either at Dalhousie or another institution.

Mr. Farrell commented that he was not in favor of giving a grade only to have it rescinded, or a medal and then to have it taken away. He suggested that the solution should be as final as possible and should apply to all students not just those graduating. Mr. Whyte, noting that he was unfamiliar with the process, asked who was responsible for assuring that examinations were set and marked. Mr. Scully stated that in the broad sense, it was the instructor of record, but noted that there was not wish to be seen as authoritarian in regards to that issue. He added that the numbers expected to be unavailable by the time of graduation were not expected to be much larger than was usual.

Mr. Neumann inquired if the motion being proposed could be viewed as unfair labour practice. Mr. Scully responded that from the perspective of the University Legal Counsel, it was acceptable. Mr. Neumann inquired if in the classes where the instructor of record was a DFA member, all grades would be submitted. Mr. Scully responded that it was unknown as yet for which classes grades would be outstanding. Mr. Neumann asked, in reference to the twenty-six classes for which grades were outstanding but for which grades should have been submitted by the April 23, 2004 strike date, how many had had an examination scheduled. Mr. Scully responded that of the twenty-six classes outstanding,

over half had not had a final examination scheduled.

Mr. Schroeder commented that, in reference to Mr. Farrell's comments, there was the possibility that a failing student might get a pass grade through the proposed motion. Mr. Farrell noted that for a student who was expecting to graduate, logistics about graduation itself such as inviting family to convocation, needed to be considered.

Ms. Stone inquired as to the rationale for the motion in terms of why students who elected not to cross picket lines were being treated differently from those who did. She added her agreement with Mr. Stuttard's comments that motions being put forth should speak to the agents. She noted that instructors of very large classes were often untenured and were being put in the difficult position of being told to do the marking that would normally be done by Teaching Assistants.

Mr. Traves commented that agency was assumed in the motion as proposed as 'someone' would have submitted the grade, and if the information was not available, then they would act accordingly with Senate dealing with the consequences for the students.

In the matter of differences in treatment of students, Mr. Scully proposed a friendly amendment, agreed to by Mr. McGrath, as follows:

That in the motion, the statement under (a.)(i) "either receive a final grade based on term marks, where such marks are available", be included under option (b).

Ms. D. Pothier stated that from her perspective as a labour law teacher, the friendly amendment potentially asked students who conscientiously observed picket lines, to be involved in strike breaking, as it proposed giving students marks. If it was viewed as one of several options from which the student could choose, the approach would be acceptable but if imposed by the instructor, it overrode the students' conscientious objection. She added that students who refused to cross picket lines made a conscious choice and perhaps should be held responsible for it. She added that it could be perceived that what the University was trying to do via the proposed motion was to escape the consequences of actions it had taken at the bargaining table.

Mr. Michael Earl, Secretary-Treasurer of the CUPE Local, commented that normally, such discussions of resolving class outcomes occurred after a strike was over rather than, as in this case, during the strike. He summarized perspectives and pressures of CUPE members as related to the situation under discussion.

Mr. Fraser reiterated that the focus of the discussion for Senate was on how to deal with the situation of grading and evaluation. Mr. McGrath commented that from the students' perspective the motion was intended to provide comfort to students who anticipated graduating in a few weeks, and urged Senators to air in the form of amendments any further concerns regarding the motion on the table and to communicate outcomes to students who could then proceed with graduation planning.

Mr. Scully clarified that under the amended (b) option, the student "elects". He stated that the intent was not to avoid the consequences of a strike and that he did not believe a settlement was likely to be negotiated within the next ten days, so there was need for some measure to allow eligible students to graduate. He did not anticipate that large numbers of students would be involved. He added that, as evidenced in a Report on Grading Practices that he would be bringing to Senate in the near future, failing

grades were infrequent at Dalhousie and to award a passing grade which would not be counted in averages or have long-standing effects except for graduating students, would be to allow those students to graduate. In terms of medals awarded, he expected few alterations to occur, noting that medals and honours were often shared and that the preference would be to err on the side of generosity.

Mr. Coughlan supported the notion of addressing the emergency nature of the situation but suggested that the motion might state that term marks might be a specific percentage, and that in terms of the emergency nature of the matter, that it be applied to graduating students; in the case of other students, perhaps the Registrar's Office could be delegated to determine those for whom an emergency exists, requiring grades on the transcript.

Mr. Scully responded that he had no disagreement with those points but to re-draft motions on the floor was a difficult process and instead, suggested that the following be recorded in the minutes of the meeting: That the motion as stated be based on the following assumption:

- That in the case of reference to term marks that those marks constitute not less than 50% of the assessment as agreed to by students in that particular class; and
- The action of assigning the grades be delegated to the Registrar for those students who sought to convocate in May 2004 or who sought transcripts or confirmation of academic progress before June 30, 2004.

Mr. E. McKee, Vice-President of Student Services, stated that as students needed proof that they have completed a certain number of classes in order to maintain their student loan status, there would be many students seeking transcripts of progress which may prove difficult to deal with on a case-by-case basis.

Ms. Rita Henderson who identified herself as a Teaching Assistant and Graduate Student, commented that in regards to moral bounds being put on students, there had been experiences where pressure had been put on TA's to submit grades. She asked about the moral bounds for a graduate student who must continue to work with faculty upon resolution of the dispute, and if these students who are TA's would be expected to pay tuition during the period of the strike.

Mr. Fraser reminded the assembly that the discussion was intended to focus on grading processes but that there were clearly other issues involved.

Mr. Christopher Hoy, a Master's student in the Department of English and a TA, commented that since acceptances into graduate programs were often conditional, he wondered if the motion to have grades available for students for progression to another program or institution was necessary. He noted that giving pass grades in courses might affect averages as regards scholarship consideration and for continuing studies where differences in one or two courses might make a difference. He wondered why patience through the strike process might not be the better option.

Mr. Stuttard referred to Academic Regulation 16.3: *Submission of Grades* which specified that it was the instructor who submitted grades and the motion being discussed constituted a waiving of that regulation. He stated preference for a motion that recognized the issue in terms of academic freedom, that is with the instructor assigning grades versus the Registrar. Mr. Scully suggested another choice of words, that is, the Registrar would assign a Pass grade only, with any other being submitted by the instructor—adding that there was no intent to remove formal authority of the instructor in assigning grades. He added that the approach was in keeping with the guiding principle regarding academic integrity. Mr. Stuttard

indicated that he was concerned that if the intent was not specified in the motion, it might not be noted, as the detail of discussion was not always included in meeting minutes.

Mr. Farrell noted that the word “assign” as regards grades was used throughout the Calendar, and that the assigning of grades was what instructors did and that those grades were not official until placed on Banner.

Ms. Corke inquired if a degree would be rescinded if, after the Registrar assigned a pass grade, subsequently it was found that the grade should have been an F. Mr. Scully confirmed that this would be the case. He added that he expected any such situations to be few in number.

Mr. Fraser re-stated the motion:

THAT the Senate approve the following actions:

(a) Students in classes for which the submission of grades has been delayed because of the CUPE labour disruption:

- (i) EITHER receive a final grade based on term marks, where such marks are available; OR**
- (ii) where marks are not available, temporarily receive a pass grade on their transcripts, that temporary grade to be replaced by a final grade when the latter is available; AND**

(b) Students who did not attend examinations on April 23, 24 and 26, 2004, on conscientious grounds :

- (i) EITHER receive a final grade based on term marks, where such marks are available; OR**
- (ii) write a replacement examination, as soon as one can be organized after the labour disruption is concluded, with a minimum of two weeks’ notice of the date of that exam; OR**
- (iii) write the final examination the next time that the class is offered; OR**
- (iv) be permitted to withdraw from the class.**

Mr. Scully re-iterated that in grades based on term marks [Option a(i) and b(i) above], the term marks must constitute no less than 50% of the intended assessment as outlined to students at the beginning of the term, and that the motion was intended to apply to graduating students and those who require transcripts prior to the end of June.

The motion was CARRIED.

Mr. Scully stated that he would provide an updated report on the implementation of the motion at the June meeting of Senate.

2004:038

Adjournment

The meeting adjourned at 5:10 P.M.