



A meeting of the Senate of Acadia University occurred on Monday, 18 June 2012 beginning at 8:30 a.m. with Chair Diane Holmberg presiding and 43 present.

- 1) Approval of Agenda

It was moved by J. Best and seconded by M. Snyder *that the agenda be approved as distributed.*

There were no objections to adding the Senate Curriculum Committee annual report, which was circulated on 15 June, as item 7 vii.

The Chair pointed out that when there is a break of three months or more between meetings, and/or new members join the voting body, then Robert's states that items carried over from previous meetings "fall to the ground"; i.e. they will not automatically be carried over, but must be placed again on the next agenda. She indicated her intention to carry over items 6, 7, and 8a, if they were not reached during this meeting, as they had not yet been discussed by Senate. However, items 8b and c (Budget Data and Town Hall Data) would not be carried over unless requested, as some discussion had already occurred, and the information was getting out of date.

MOTION CARRIED.
- 2) Minutes of the Meeting of 9 May 2012

It was moved by J. Hennessy and seconded by W. Slights *that the minutes of Wednesday, 9 May 2012 be approved as distributed.*

The Chair pointed out that the minutes were somewhat abbreviated compared to those of recent months; however, they are still in keeping with the motion that was passed at the November 2011 meeting of Senate *that, as was past practice, the minutes of Senate meetings be taken so as to convey the gist of Senators' arguments with regard to matters under discussion.*

MOTION CARRIED.
- 3) Announcements
 - a) From the Chair of Senate

Regrets were received from W. Brackney, E. Cochrane, M. Corbett, W. Elliott, A. Rice, M. Rios, and D. Sears.

The Chair welcomed David MacDonald, the new student representative for the Faculty of Theology. She also welcomed the following guests: Dr. Darcy Benoit, incoming Director of the School of Computer Science and guest of D. Silver; Jennifer Richard and Dr. Terrance Weatherbee, non-Senator members of the Academic Planning and Priorities Committee, invited by APPC co-Chairs T. Herman and P. Doerr; Duane Currie, present to speak to the Academic Technologies Committee recommendation; and Erin Patterson, invited by G. Poulter to speak to the motion from the Senate Library Committee. There were no objections to the attendance of the above guests.

The Chair reminded Senators that, as mentioned at the January meeting of Senate, the By-Laws Committee was asked to investigate discrepancies related to the composition of Senate as listed on different membership lists. She reported that B. Anderson agreed to form an ad-hoc committee with the Chair of Senate to investigate; they will report back at the September meeting.

With regard to meeting dates for 2012-2013, the Chair pointed out that the Senate Constitution specifies that where the second Monday falls on a holiday, which is the case in October and November 2012, the alternate date is to be agreed upon by the Senate Executive Committee. The dates were discussed at the Executive Committee in June. It was decided that the October meeting be held on the Tuesday following the second Monday of the month because the approval of the list of potential graduates is time-sensitive, and that the November meeting be held on the third Monday, as this is a regular timeslot for Senate. The 2012-2013 meeting dates will be posted on the Senate website later this week.

The Chair reported that, as suggested by G. Whitehall, she developed a draft of a Senate Annual Cycle document which will help Senators and incoming Chairs know what needs to be done when throughout the Senate year. It was reviewed by the Senate Executive Committee in June, and will be made available prior to the September meeting of Senate.

In addition to the above document, the Chair plans to compile a handbook for Senators.

The Senate Executive Committee discussed ideas to help Senate meetings run more efficiently. A suggestion was a ten-minute check during long discussions to ask whether Senators want to continue the discussion, set a time limit, etc.

b) From the President and Vice-Chancellor

President Ivany reported on the recent changes to federal immigration regulations, which Nova Scotia intends to use. These will likely have implications for the university sector, in that for international students, the Provincial Nominee Program would be replaced by the Canadian Experience Class and there would be a reduction in Canadian Work Experience from two years to one for International Graduates.

c) From the Vice-President Academic

T. Herman reported on the Acadia Centre for Rural Innovation (ACRI), which was announced last month. The Centre will be funded by the Atlantic Canada Opportunities Agency (ACOA) and will be located on the top floor of Patterson Hall. The goal of ACRI will be to facilitate industry engagement with Acadia staff and resources in three key sectors: tidal energy; agri-food, and information and communications technology.

4) Brought forward from 9 May 2012

a) Nominating Committee: Senate Vacancies

(APPENDIX A) J. Hennessy spoke on behalf of M. Corbett, Chair of the Nominating Committee. J. Hennessy agreed to chair the Committee next year. He noted that two positions require elections:

- Replacement on the By-Laws Committee - Senator, Professional Studies (2011-2014), nominee: Jim MacLeod;
- Replacement on the Students with Disabilities that Affect Learning Committee - Senator, Arts (1 Jan 2013-30 June 2013), nominee: Christianne Rushton.

The Chair called for further nominations from the floor. No additional nominations were forthcoming. J. MacLeod and C. Rushton were elected by acclamation.

It was moved by J. Hennessy and seconded by A. Smith *that Senate accept the slate of nominations.*

MOTION CARRIED.

- b) Notice of Motion from the Chair, Honorary Degrees Committee

(APPENDIX B) The Chair drew Senate's attention to the notice of motion from the Honorary Degrees Committee regarding a name change and other, minor, changes to reflect the new Terms of Reference and Guidelines, to be voted on at the September meeting of Senate. The Chair asked the By-Laws Committee to inform her of any issues with the proposed wording.

5) Discussion Items

- a) Report from the Academic Planning and Priorities Committee

(APPENDIX C) It was moved by P. Doerr and seconded by G. Bissix *that Senate receive the report of the Academic Planning and Priorities Committee.*

MOTION CARRIED.

P. Doerr, Co-Chair of the APPC, reported that the Committee met twice since the May meeting of Senate, during which a one-month extension of its mandate was approved. The meetings resulted in the report with two associated motions.

Motion 1:

It was moved by P. Doerr and seconded by M. Snyder *that in accordance with the APPC's recommendation, the Chair of Senate be requested to contact the Chair of the Board of Governors, to begin discussions regarding the possible creation of an Acadia planning committee which would be a joint committee of Senate and the Board of Governors, using the Queen's University committee as an exemplar. The Chair of Senate is requested to report on the progress of these discussions to Senate on a regular basis. Any committee created would require the prior approval of Senate.*

P. Doerr pointed out that the motion was meant to convey the need for an integrated planning process involving both the Board of Governors and Senate.

A. Quéma stated that she did not object to the motion, but requested more information on the Queen's University model, and what the implications of following this model would be, budgetary and otherwise.

P. Doerr referred to page six of the agenda, which contained a description of the Queen's University Planning Committee. He pointed out that most universities have similar committees, and that the APPC considered this particular one a good example. G. Bissix agreed that of the models reviewed by the APPC, the Queen's University committee appeared to best capture the essence of a planning committee. The Chair agreed to provide a copy at the September meeting.

D. Benoit stated that academic planning was of no use without overall university planning, and that a joint committee would make it possible for the academic sector to have input in overall planning.

P. Williams agreed that the academic sector needed to be informed by overall planning, but questioned whether a joint committee with the Board was the right approach. He proposed striking the reference to a joint committee from the motion.

It was moved by P. Williams and seconded by W. Slights *that “which would be a joint committee of Senate and the Board of Governors, using the Queen’s University committee as an exemplar” be removed from Motion 1.*

W. Slights and J. Best agreed with P. Williams in that Senate should be informed by the Board of Governors, but that Senators should make academic planning decisions, rather than a joint committee.

In response to a question from A. Quéma regarding the functioning of a joint committee in relation to an Academic Planning Committee, T. Weatherbee pointed out that currently, there is no planning function matched up with operational planning, for which there is a need. He regarded an Academic Planning Committee as a sub-committee of Senate responsible for making recommendations to Senate regarding academic planning. A joint committee would be responsible for planning at a university-wide level, including all sectors. The APPC stressed the importance of an Academic Planning Committee being able to work with other sectors.

K. Power noted that the Board was keen on having more involvement in academic planning, and that a joint committee would mean an empowerment of the academic sector.

J. Stanley did not object to the amendment, but thought it important to keep a unified approach between the Board and Senate.

B. Anderson did not want to lose the APPC’s recommendation to use the Queen’s University model, but was supportive of the amendment if there was an ability to be flexible.

AMENDMENT CARRIED.

D. Kruisselbrink proposed removing the word “*possible*” from “*the possible creation of an Acadia planning committee*”, as he thought this weakened the intent of the motion. He also commented that reporting “*on a regular basis*” should be made more specific.

It was moved by D. Kruisselbrink and seconded by P. Doerr *that the word “possible” be removed from Motion 1.*

AMENDMENT CARRIED.

In response to a question from J. Best, P. Williams reported that there used to be an Academic Planning Committee and a University Planning Committee, but that these were neither Senate nor Board committees.

A. Quéma agreed with the amendment from P. Williams, but thought that the Acadia Planning Committee needed to be as broad as possible.

It was moved by A. Quéma and seconded by G. Bissix *that the word “pan” be inserted before “Acadia planning committee”.*

AMENDMENT CARRIED.

D. Silver agreed with D. Kruisselbrink that “*on a regular basis*” should be more specific.

It was moved by D. Silver and seconded by D. Kruisselbrink that “*on a regular basis*” be replaced with “*at the September meeting*”.

AMENDMENT CARRIED.

MOTION 1 CARRIED AS AMENDED.

Motion 2:

It was moved by P. Doerr and seconded by A. Quéma that *whereas*

- 1) *There has been a consistent call for academic planning over the past year*
- 2) *Virtually all universities have a standing Academic Planning Committee*

Be it resolved that Senate create an Academic Planning Committee (APC) as a standing committee of Senate.

Membership

VP-Academic - Chair

Dean of Arts

Dean of Professional Studies

Dean of Pure and Applied Science

3 faculty members elected by Faculty (staggered three year terms)*

1 student elected by the Student Representative Council (one year term)

Mandate

The Academic Planning Committee shall make recommendations to Senate on matters relating to academic principles and planning.

In carrying out its work, the Committee shall consult widely with all stakeholders and relevant bodies on campus. The APC shall report regularly to Senate, no less than two times per year.

**Faculty members include instructors, lecturers, librarians and professors. They shall be elected by a general call for nominations from the Faculty Elections Officer.*

P. Doerr spoke to the motion and pointed out that the APPC met eighteen times since September of last year, and that the report and associated motions were the result of many discussions around what it thought appropriate for future academic planning at Acadia. The original motion (on page 6 of the agenda) was passed unanimously. However, as the motion did not contain a mandate and was not in “motion-ready” form, it was agreed at the June Executive Committee meeting that P. Doerr revise the motion.

H. Kitchen noted that although she had voted in favour of the motion at the APPC meeting to get it on the floor of Senate, she did not support the motion.

It was moved by G. Poulter and seconded by A. Quéma that *Motion 2 be amended to add a representative of interdisciplinary programs to the proposed membership.*

D. Benoit and T. Weatherbee did not support the amendment. They pointed out that the APPC, after reviewing numerous models, agreed that the “Nimble

Model”, consisting of no more than eight members, was the most appropriate. It regarded this model as the smallest possible while remaining representative at the institutional level. D. Benoit pointed out that the three faculty members are to be elected across faculties. Difficulty organizing meetings of a larger committee was also taken into consideration. They pointed out that all business handled by the committee would come before Senate, and that the Recommended Start-up Activity Agenda (page 7 of the agenda) indicated that the committee can obtain input and information from across campus.

A. Quéma expressed support for the amendment and stated that it was important to emphasize different interests.

S. Major thought that the three Deans would represent all, if doing their jobs properly, but suggested adding the Dean of Research and Graduate Studies. D. Silver agreed that the latter should be added.

H. Kitchen supported the amendment; she thought it important to have a representative of interdisciplinary programs on the committee as the committee would be addressing the current financial restraints, making it necessary to move further into interdisciplinary relationships.

S. MacDougall and G. Phillips were in favour of the “Nimble Model” and were against the amendment.

AMENDMENT DEFEATED.

J. Hennessy supported Motion 2, but thought the mandate was too broad. He wondered whether duties of the Academic Program Review Committee and the Tenure-Track Teaching Complement Allocation Committee should be combined with those of the Academic Planning Committee.

T. Weatherbee noted that the relationship between these committees was discussed by the APPC, and that the need for a pan-institutional process to address these questions was recognized.

H. Kitchen did not support the motion and stated that a mandate cannot be “evolving”. She thought that if we were to move towards a non-representative model, we may have to rewrite our constitution in order to accommodate this committee as it is being recommended. There is an interpretive space in our constitution that suggests that committees necessarily be representative, and if you look at all of the standing committees, every single standing committee is representative.

A. Quéma also thought the model was not representative and unconstitutional, and expressed concern about the lack of a clear mandate as well. She did not support the motion and suggested it be referred back to the committee.

The Chair pointed out that the Constitution states that *“Standing and special committees of the Senate of Acadia University will be formed as needed. Faculty members on such committees in positions designated for a specific Faculty shall be elected by that Faculty, while non-ex officio members of such committees designated for Senate shall be elected by Senate”*. The Constitution currently does not specify election procedures appropriate for faculty members elected across Faculties. According to Robert’s Rules, if relevant election procedures are specified in an organization’s by-laws, then those procedures must be followed; however, if relevant procedures for a particular case are not specified in the by-laws, then

the election procedures may be specified through other means, such as in the motion to create the committee. Therefore, the proposed membership is not unconstitutional.

G. Whitehall did not support the motion and expressed concern that the proposed membership did not reflect proper representation.

S. MacDougall agreed that the mandate was broad, but noted that the APPC had thought it through extensively and that there was a need to move forward. She therefore supported the motion.

J. Best and J. Eustace also regarded the mandate as too broad. J. Eustace proposed that it be referred back to the committee.

D. Benoit pointed out that the APPC had thought it best for the new committee to flesh out the mandate once in place. It did discuss the start-up agenda, which was meant to push the committee in the appropriate direction.

It was moved by J. Eustace and seconded by A. Quéma *that Motion 2 be referred back to the APPC with the direction to come back with a more representative membership and a clear mandate.*

The Chair pointed out that the APPC would again need to be extended for it to be able to revise the motion, or that it could be referred to a different committee. She noted there were two parts to the motion: membership and mandate, and pointed out the option of a division of the question to refer either or both to a committee.

J. Eustace proposed to amend his motion to refer Motion 2 to the Senate Executive Committee, instead of the APPC. A. Quéma, as seconder, was in agreement with the amendment. (As the motion had not yet been opened up for debate, the mover and seconder were still free to amend it as desired).

It was moved by M. Snyder and seconded by J. Best *that the question be divided into two motions: one to refer the membership question to the Senate Executive Committee and one to refer the mandate question to the Senate Executive Committee.*

MOTION CARRIED.

C. Stanley proposed to call the question regarding the membership, as the issue had already been discussed at length. The required two-thirds majority was met, and the Chair therefore called the question *to refer the issue of membership of the Academic Planning Committee to the Senate Executive Committee to come back with a more representative membership.*

MOTION DEFEATED.

Discussion continued regarding the issue of referring the mandate to the Senate Executive Committee.

J. Richards stated she did not want the themes and implications listed in the May report of the APPC to be lost. A. Quéma also would want the Executive Committee to take this material into account, as well as the potential relationship between the new committee and the APRC and TTTCAC. The Chair pointed out that further discussion of these themes and implications these would be on the agenda of the September meeting of Senate.

G. Whitehall thought it prudent for the Executive Committee to consider a mechanism to approve the mandate, rather than to make the decision.

The Chair pointed out that all Senate Committees have the option of changing their mandates through a thirty-day notice of motion.

P. Williams did not support the motion to refer the mandate to the Executive Committee, as there was broad agreement at the APPC to have an evolving mandate, and as there is a start-up agenda. He expressed a need to move forward.

In response to a request for a deadline from A. Quéma, members of the Executive Committee agreed that it would be able to report back to Senate in September.

There being no further speakers, the Chair called the question *to refer the issue of the mandate of the Academic Planning Committee to the Senate Executive Committee to come back with a clear mandate.*

MOTION DEFEATED.

The Chair then called for a vote on main Motion 2.

MOTION CARRIED, thereby forming the new Academic Planning Committee.

In response to a point of order question from G. Bissix, the Chair responded that there was no need for a vote on disbanding the *ad hoc* APPC, as its term had expired.

b) Motion regarding Tenure-Track Teaching Complement Allocation Committee - Ranking

The Chair summarized the reason why the motion from the TTTCAC brought forward at the May meeting of Senate was referred back to TTTCAC for further consideration. She noted that although Senators understood the motivation of the TTTCAC to only wish to do the ranking if the VPA authorized tenure-track positions, they regarded the work of the TTTCAC as valuable in that it provides a historical record.

It was moved by D. Kruisselbrink and seconded by R. Murphy *that Senate approve the following revised motion pertaining to the operating procedures of the TTTCAC:*

1. *The TTTCAC shall gather relevant data from the Registrar and circulate it to Deans, Directors, Heads and program coordinators, on an annual basis, by May 31.*
2. *Units shall submit position requests to the Chair of the TTTCAC, and copied to the relevant Dean, along with a one/ two line rationale justified by demonstrated need, by June 15.*
3. *If the Vice-President Academic has notified the Chair of the TTTCAC, by June 30 of a given year, that tenure-track searches will be authorized:*
 - a. *Units shall complete a formal request which shall be submitted to Dean of their faculty.*
 - b. *Each faculty shall submit a ranked list to the Chair of the TTTCAC by September 1.*
 - c. *The TTTCAC shall complete its ranking process and submit the ranked list to the Vice-President Academic by September 15.*
4. *If the Vice-President Academic has notified the Chair of the TTTCAC, by June 30 of a given year, that tenure-track searches will not be authorized:*
 - a. *The TTTCAC will report the list of requests to Senate at its September meeting.*

D. Kruisselbrink clarified the various steps of the amended motion.

The Chair explained that Senate will first be asked to vote on the amendment to the original motion, then on the main question to adopt the amendment as a new procedure. She pointed out that the amended motion was not in keeping with the Senate By-Laws, which state that the ranking process is to take place on an annual basis. Acceptance of the amendment would require a follow-up motion for Senate to approve a temporary exception to the By-Laws until changes to the By-Laws are made to fit the new process.

J. Hennessy expressed his appreciation to TTTCAC for bringing a very satisfying compromise to Senate. He did comment that, having done this process several times, he disliked the faculty ranking procedure because of the positioning and politics involved with it.

It was moved by J. Hennessy and seconded by L. Aylward *that step 3b be removed from the amended motion.*

The Chair pointed out that this amendment to the amendment also would go against the By-Laws. She ruled the amendment in order, however, with the understanding that if this amendment to the amended motion passes, the entire TTTCAC ranking process needs rethinking.

J. Eustace requested clarification on the implications of the amendment to the amended motion.

J. Hennessy noted that under the current procedures, the ranked lists from the faculties cannot be overruled by the TTTCAC, and this constraint has led to issues. He pointed out, however, that all faculties were represented on the TTTCAC by the Deans and faculty members, and that there should be trust in the process.

C. Stanley concurred that the amendment was a result of frustration with the politics of the ranking process, but that the proposed amendment was not the solution.

D. Benoit did not regard having the TTTCAC do the ranking across all faculties as a solution to issues among faculties.

G. Whitehall was against centralizing all decisions and spoke against the amendment. He noted that it was up to the newly formed Academic Planning Committee to consider how the planning should happen.

A. Quéma spoke against the amendment and was of the opinion that the processes within faculties should be improved, rather than leaving the ranking to the TTTCAC.

D. Silver thought that the faculties should continue to do their ranking, but that the TTTCAC should not be constrained.

D. Kruisselbrink pointed out that if TTTCAC were to rank all position requests, it would need a framework for doing the ranking. Rather, the TTTCAC should oversee the ranking done within faculties. In striking step 3b, Senate implicitly states that there should be a plan to make the decisions, in which case the prioritizing would be more appropriately housed in the Academic Planning Committee.

AMENDMENT TO THE AMENDED MOTION DEFEATED.

D. Benoit suggested adding “*and the Vice-President Academic*” to “*copied to the relevant Dean*” under step 2. There were no objections to this addition.

AMENDMENTS CARRIED (including the addition of “*and the Vice-President Academic*” to step 2).

MAIN MOTION CARRIED.

The Chair reminded Senators that the revised TTTCAC procedures required a motion to revise the By-Laws.

It was moved by R. Murphy and seconded by B. Anderson *that Senate approve a temporary exception to the By-Laws to enable the TTTCAC to follow the new procedures while the TTTCAC consults with the By-Laws Committee regarding the required changes to the By-Laws.*

MOTION CARRIED.

The Chair asked the TTTCAC to consult with the By-Laws Committee on the required changes.

- c) Motion from the Senate Library Committee

(APPENDIX D) It was moved by G. Poulter and seconded by G. Whitehall *that*

“WHEREAS the Association of Universities and Colleges of Canada (AUCC) has signed an agreement with Access Copyright on a model copying license to cover the reproduction of paper and digital content on university campuses;

AND WHEREAS the Canadian Association of University Teachers (CAUT) and the Canadian Alliance of Student Associations have condemned this model licensing agreement for reasons including excessive fees to students, invasive provisions for surveillance, and a definition of copying (including “posting a link or hyperlink to a digital copy”) that contravenes “the Supreme Court of Canada’s ruling (Crookes v. Newton) that hyperlinks do not constitute the communication or publishing of content” (CAUT, “A Bad Deal: AUCC/Access Copyright Model License Agreement,” 17 April 2012);

AND WHEREAS Senate’s mandate is to determine, regulate and control the educational policy of the University, the Senate Library Committee

Senate rejects the unfair and unreasonable AUCC-Access Copyright ‘model license’ and instead affirms and abides by the right to fair and reasonable access to copyrighted works for educational purposes. Further, Senate hereby signifies its opposition to this agreement and advises and requests Acadia University administration not to formally sign said agreement.

G. Poulter spoke to the motion. She noted that the Senate Library Committee brought the motion forward because Library and Library policies are at the heart of the academic life of the university, and as such the decision whether or not to sign the agreement should be Senate’s decision. The decision should be based first and foremost on academic principles, not purely on financial or legal consequences. She reported that the SLC deemed signing the agreement to be the wrong decision, as it would have serious academic consequences: for students in terms of the way they access materials, what they access and how much they cost; for faculty members in terms of the way they teach and what

they teach; for Acadia as a whole in terms of how we assign and use resources; and lastly for scholars across Canada, in terms of how researchers conduct their own work. She had asked Erin Patterson, Copyright Coordinator, to provide more background and answer questions.

E. Patterson highlighted some of the parts of the agreement which the SLC deemed particularly negative:

- The definition of “Copy” in the license includes storage “on a local storage device or medium” (USB keys, I-Pads, laptops, etc.), “projecting an image”, “displaying a Digital Copy on a computer”, and “posting a link or hyperlink to a Digital Copy”; these are all considered compensable acts of copying under the license.
- She pointed out that “Copies of Repertoire Works shall not be stored or indexed with the intention of creating a library of Published Works” would apply e.g. to the use of EndNote.
- With regard to “Digital Copies of Repertoire Works shall not be transmitted to, posted or uploaded to, or stored on any computer network other than a Secure Network” she explained that as soon as two or more computers are connected, this constitutes a network.
- In signing the license, we agree to participate in a survey “to be designed by a group of experts comprising of no more than five representatives appointed by the AUCC and no more than five representatives appointed by Access Copyright”. No further information is available as to what the survey will involve.
- She noted that the statement “The Licensee shall take reasonable steps to ensure that it complies with the conditions” of the license would turn Library staff into enforcers instead of educators, whereas the Library’s role so far had been facilitating legal access to materials and educating staff, students, and faculty so that they can make their own prudent and informed decisions.
- “The Licensee shall immediately use reasonable efforts to prevent access to Digital Copies of Repertoire Works made under this agreement”: should we decide to terminate the license, we would have to remove any copies made under the license from our secure network, from ACORN, etc.

E. Patterson went on to make the following points:

- The agreement would not, as one may think, provide us with licensing for digital works, in comparison to the old agreement that only provided licensing for photocopies. The extent of Access Copyright’s digital repertoire is unknown and they will not disclose it. The license refers to an “Inclusions List” which Access Copyright has not been willing to produce. Furthermore, we already have extensive electronic licensing and subscriptions for digital works, and the new copyright law also has a specific exception for importing digital works on the internet.
- The agreement does not provide security in the event the institution is sued, as the indemnification clause in the agreement is void if the licensee is “in breach of its material obligations under this agreement”, i.e. any violation of the agreement.
- The agreement would give us the certainty that we will be transferring large sums of money to Access Copyright, of which Access Copyright will use a substantive portion to advocate and possibly litigate against us and our sister institutions in the future, as well as certainty that there will be an enormous administrative burden on us in recordkeeping and reporting and possibly auditing.
- She pointed out that this is a model license and that Acadia could

- negotiate a better one.
- She addressed the concern about risk, but reminded Senators that we have been operating for the last eighteen months without problems, using materials that we have already licensed, that we already own the copyright to, open access materials, exercising our fair dealing rights, and securing permissions for copying that might exceed fair dealing. She pointed out that other universities have decided not to sign.
- She noted that although the Administration admitted to the egregious nature of the license, they want to sign it anyway, because they fear the risk of not signing. She assumed this to have been the advice from campus counsel, which she presumed to be general counsel rather than a copyright lawyer. She thought that Administration probably also consulted AUCC's lawyer, who, although a copyright expert, has a history of arguing against fair dealing, and is current counsel for the Canadian Recording Industry Agency. She argued that the risk is small; copyright cases at universities in Canada are extremely rare, and Access Copyright has never sued a faculty member or any university in Canada. This minimal risk is about to be reduced even further, because Bill C-11 is expected to pass today with changes to the Copyright Act that add education to the list of fair dealing purposes, and will reduce the risk of excessive statutory damages for non-commercial activities to \$5000. Also, the amount of open access material is growing.

In response to a question from A. Quéma about Administration's current position on the Access Copyright agreement, S. Lochhead explained that although it agreed that it was not a very good deal, there were considerations that suggested that signing was the more prudent route. The way the Library manages copyright, and the processes that are in place for the production of course packs, are very robust. The Achilles heel of Acadia and many other universities is the way individual professors handle copyrighted and non-copyrighted material in the classroom; the processes there need to be robust as well. The understanding is that Access Copyright will be approaching institutions that have made the decision not to sign and subject them to very intense interrogatories. She deemed the risk very high for the institution, as well as for individual faculty members. To put robust processes in place we need time, and a number of institutions that signed agreed to develop ideas and processes together. She acknowledged a need to move towards open access publishing. She asked whether there was any movement among faculty members who are represented by Access Copyright to contact Access Copyright to indicate they no longer wished to be represented, as they did not agree with their approach.

E. Patterson responded that she had contacted Access Copyright.

G. Whitehall reported that the Heads of Political Science passed a motion to make the Journal of Political Science an open access journal.

A. Quéma thought that CAUT had communicated with Access Copyright. She noted that signing the agreement would commit us to four or five years and a lot could happen during that time. Finally, she asked whether the Administration's decision would be affected by Senate voting in favour of the motion not to sign the agreement.

President Ivany responded to A. Quéma's question. He agreed with the comments regarding fair use, but deemed not signing to be too great a risk because of the potential for litigation. He noted that the Administration

certainly had a responsibility to protect the principle, but also to protect the institution from potential litigation. He also noted that those institutions not signing the agreement weighed the cost of signing versus the cost of litigation.

D. Benoit pointed out that any PDF document on a computer is indexed, and that the Acadia network is not a secure network and never will be. He was strongly against signing the agreement, as it would give us no protection whatsoever. He suggested that rather than paying \$100,000 per year to Access Copyright to possibly not sue us, we could hire someone to monitor the use of materials in the classrooms. He also pointed out that Access Copyright had never sued any institutions or individual faculty members, and that, although the music, movie, and gaming industry did often sue people, institutions had never been sued for allowing students to download materials.

L. Aylward asked whether she understood correctly that the University Librarian was listed as one of the people who supported the decision not to sign the agreement.

D. Youden explained that although there were many things about the agreement which the Administration did not agree with, some of which it even regarded as offensive, it nonetheless saw it as a far greater risk not to sign the agreement than to sign. Approximately two-thirds of what we do now is in accordance with the agreement (Library, Bookstore, course packs, etc.); however, the area of concern is use of materials by faculty in the classrooms. He explained that what the Administration is trying to do is provide faculty with a bridge to access materials. He pointed out that restrictions on what we do with other people's intellectual property will always exist, whether or not we sign the agreement. Either we need an intermediary such as Access Copyright to arrange appropriate access to copyrighted material, or we have to do this directly. Some of the larger institutions have the capacity to do the latter, and are able to opt out of the agreement, but we do not. He deemed it possible that Access Copyright would target the smaller institutions and individual faculty members.

K. Power stated that he was hesitant, as a student representative on Senate, to offer \$100,000 per year of student money for a promise that we will not be sued, and agreed with D. Benoit that the agreement does not offer any protection.

G. Whitehall stated that this was an academic issue and questioned why the Administration had not brought it before Senate before making a decision.

S. Lochhead responded that the discussions at the Senate Library Committee were thorough and that feedback from that committee was brought forward to the Administration.

G. Poulter and A. Smith noted that the agreement and its egregious nature were discussed at the Senate Library Committee, but that the issue of signing or not signing was not discussed.

J. Eustace spoke in favour of the motion and regarded it as a matter of principle as an academic institution to stand up for fair use policies, which Access Copyright is working against. He regarded most instances of sharing information in the classroom with students as disseminating information accumulated from years of research, which should be seen as fair use.

In response to a question from S. MacDougall as to whether there was an alternative to either signing or not signing the agreement, and whether the Senate Library Committee could provide suggestions, G. Poulter pointed out that although she thought we should not sign the license, we could at least request edits prior to signing.

E. Patterson added that we could continue to operate outside the license, as we had done for the past eighteen months under a fair dealing policy written by AUCC, and that we could learn from the Georgia State case.

J. Best spoke in favour of the motion and agreed with comments from other supporters of the motion about fair dealing, a principle that she practiced in the classroom. She stated that scholars rarely made money from their publications and that their intention was to share their ideas.

W. Slight spoke in favour of the motion and regarded the major fee increases from Access Copyright as grossly unfair to students.

In response to a question from A. Quéma, E. Patterson reported that Mount Royal was one of the institutions that refused to sign, as well as Athabasca. A. Quéma thought these would be the first smaller institutions that Access Copyright would go after. She questioned why e.g. the University of Toronto, as a large institution, had signed. She stressed the importance of universities getting together before signing.

President Ivany reported that it was his understanding that Mount Allison verbally agreed to sign, and that most of the smaller institutions would do so. In response to a question from B. Anderson about the impact of Senate's vote on the decision to sign, he indicated that Senate's views would be considered in formulating a position that protected the institution. In response to the question from A. Quéma and B. Anderson whether there had been a shared conversation between universities on this issue, he reported that there had been discussions and that UofT and Western signed for a higher rate. With regard to the ability of single institutions to negotiate variances from the model agreement he reported that to his knowledge, none were operating under anything other than the model agreement. D. Youden added that a direct effort from us in that regard had been rejected.

In response to a question from D. Silver, D. Youden reported that the minimum term of the agreement is five years.

C. Deal spoke in support of the motion and noted that as a student representative on Senate he did not feel comfortable with Acadia signing the agreement. He pointed out that there would be significantly increased fees for students and that Bill C-11 would offer more protection.

C. Stanley warned of the risk of "lying down with lions".

G. Whitehall asked when a decision had to be made and whether the nature of the conversation would change should the motion be passed. He also repeated the question about the relationship between a Senate decision on an academic matter and a Board of Governors decision on a financial matter, and the ability of the Administration to act contrary to these decisions.

The Chair responded to the latter question that it was her understanding that, although Senate is the body that is responsible for educational policy, some

policies, like this one, also have financial obligations, which are the responsibility of the Board of Governors. She stated that neither Senate nor the Board had sole power to direct what should be done in case of educational policies that have financial implications.

In response to G. Whitehall's first question, President Ivany responded that a decision to sign or not to sign had to be made by the end of June. With regard to the governance issue, he noted that the decision to sign or not to sign was only partly financial as it was also about risk. He reiterated that, should the motion be passed, the Administration would consider Senate's view in taking a position that protected the institution.

G. Poulter reported that CAUT had declared its intention to support individual faculty members should they be sued.

There being no further speakers, the Chair called the question on the motion from the Senate Library Committee to reject the signing of the AUCC/Access Copyright model license.

MOTION CARRIED.

- 6) Academic Program Review Committee Prioritized Recommendations
 - i. Ivan Curry School of Engineering
 - ii. Environmental Science
 - iii. English and Theatre
 - iv. Languages and Literatures

Carried over to the next meeting.

- 7) Senate Committee Annual Reports
 - i. Academic Integrity (2011-2012)
 - ii. Archives (2011-2012)
 - iii. Faculty Development (2010-2011)
 - iv. Timetable, Instruction Hours and Examinations (2011-2012)
 - v. Scholarships, Prizes and Awards (2009-2010 and 2010-2011)
 - vi. Academic Technologies (2011-2012)

Carried over to the next meeting.

- 8) Other Business
 - a) Possible review of Senate Standing Committees Carried over to the next meeting.
 - b) Budget Data Not carried over, unless requested.
 - c) Discussion of Town Hall Data presented by Vice-President Academic Not carried over, unless requested.
- 9) Tabled: Recommendation regarding Tenure-Track Teaching Complement Allocation Committee - Value-based Priorities **(APPENDIX E)** The Chair pointed out that this recommendation was tabled at the last meeting. As we did not get to it at the last meeting of the academic year, it will not be placed on the agenda again, unless a Senator asks for it to be brought back.
- 10) Adjournment On motion of A. Quéma, the meeting adjourned at 12:30 p.m.

ORIGINAL SIGNED

J. Postema, Recording Secretary

Nominations Committee Report

4 June 2012

Senate and Senate Committee Nominations for 2012-2013

The Nominations Committee filled a number of replacement positions as they arose through the year. Below is the final list of committee appointments elected at the 9 May meeting of Senate as well as nominees to be elected at the 18 June meeting of Senate.

1. Chair of Senate: 2012-2013 (1 year)

- replacing Diane Holmberg

NOMINEE: DIANE HOLMBERG - Elected at the 9 May meeting of Senate.

2. Deputy-Chair of Senate: 2012-2013 (1 year)

- replacing Paul Doerr

NOMINEE: PAUL DOERR - Elected at the 9 May meeting of Senate.

3. Faculty Elections Officer: 2012-2013 (1 year)

- replacing Paula Rockwell

NOMINEE: BRENDA TROFENENKO - Elected at the 9 May meeting of Senate.

4. Representatives on the Senate Executive: 2012-2013 (1 year)

- replacing Jeff Hennessy (Arts)

NOMINEE: JEFF HENNESSY - Elected at the 9 May meeting of Senate.

- replacing Shelley MacDougall (Professional Studies)

NOMINEE: SHELLEY MACDOUGALL - Elected at the 9 May meeting of Senate.

- replacing Marlene Snyder (Pure and Applied Science)

NOMINEE: ANDY MITCHELL - Elected at the 9 May meeting of Senate.

5. Representative on the University Senate: 2012-2015 (3 years)

- replacing Wendy Elliott (lay person)

NOMINEE: BARRY LESLIE - Elected at the 9 May meeting of Senate.

6. Replacements on the By-Laws Committee:

- Vacant (Senator ~Professional Studies): 2011-2014 (3 years)

NOMINEE: JIM MACLEOD – Election to be held at the 18 June meeting of Senate.

- replacing Barb Anderson (Senator ~ Pure and Applied Science):

2012-2015 (3 years)

NOMINEE: BARB ANDERSON - Elected at the 9 May meeting of Senate.

7. Replacements on the Research Ethics Board:

- replacing J. Boutilier (Community member with no affiliation with Acadia University and not currently engaged in scientific, legal, or academic work): 2012-2015 (3 years):

NOMINEE: Joan Boutilier - Elected at the 9 May meeting of Senate.

- replacing A. Hudak (Community member who has legal knowledge but with no affiliation with Acadia University): 2012-2015 (3 years)

NOMINEE: Anita Hudak - Elected at the 9 May meeting of Senate.

8. Replacement on the Students with Disabilities that Affect Learning Committee:

- replacing Marlene Snyder (Senator ~ Science): 2012-2015 (3 years)

NOMINEE: SONYA MAJOR - Elected at the 9 May meeting of Senate.

- replacing Janice Best (Senator ~ Arts): on sabbatical leave 1 Jan 2013 ~ 30 June 2013

NOMINEE: CHRISTIANNE RUSHTON – Election to be held at the 18 June meeting of Senate.

- replacing Michael Corbett (Senator ~ Professional Studies):

on sabbatical leave 1 Jan 2013 ~ 30 June 2013

NOMINEE: LYNN AYLWARD - Elected at the 9 May meeting of Senate.

9. Replacement on the Tenure-Track Teaching Complement Allocation Committee:

- replacing Darren Kruisselbrink (Senator – Chair): 2012-2014

NOMINEE: JOHN GUINEY YALLOP - Elected at the 9 May meeting of Senate.

Additionally, Dr. Jeff Hennessey has agreed to Chair the Nominations Committee for 2012-2013.

Respectfully submitted,

Michael Corbett
Nominations Committee Chair

Notice of Motion from the Chair, Honorary Degrees Committee:

That the Constitution and By-laws of the Senate of Acadia University, Article VIII. (h) be revised to reflect the new Terms of Reference as approved at the September 2011 meeting of Senate, as indicated below:

- VIII. (h) ~~HONORARY DEGREES COMMITTEE~~
AWARDS COMMITTEE FOR HONORARY DEGREES AND EMERITI DISTINCTION
(AWARDS COMMITTEE)
- i. The membership of the ~~Honorary Degrees~~ **Awards** Committee shall be elected in accordance with Article VI. 1. and shall be as follows:
- The President, Chair
 One member of the Faculty of Arts
 One member of the Faculty of Professional Studies
 One member of the Faculty of Pure and Applied Science
 One member of the **Acadia Divinity College**/Faculty of Theology
One member of the Library
 One lay member of either the Senate or the Board of Governors appointed by the Board
 One member of the student body to be designated by the Student Representative Council *
- ii. The ~~duties~~ **purpose** of the ~~Honorary Degrees~~ **Awards** Committee shall be **to**:
- a. ~~To solicit and receive suggestions for honorary degrees from the University community and to make recommendations thereon to Senate;~~
- b. ~~To receive, through the President, nominations for the appointment of Professores Emeriti and to make recommendations thereon to Senate.~~
1. **Invite nominations for Honorary Doctorate degrees and Professores, Librarian, and Archivists Emeriti awards.**
 2. **Adjudicate the nominations; and**
 3. **Recommend nominees thereon to Senate.**

Final Report from the ad hoc Academic Planning and Priorities Committee**June 18, 2012**

At the May meeting of Senate, the APPC requested a one-month extension of its mandate, in order to provide a set of options for Academic Planning at Acadia. The committee met on May 31 and June 4. An APPC sub-committee considered several different options for academic planning structures, which were then discussed by the full committee. The following two motions were passed unanimously by the APPC on June 4.

Motion 1:

“The Academic Planning and Priorities Committee recognizes that academic planning is more effective when integrated with a pan-university planning process which is transparent and representative. We recommend the establishment of an Acadia planning committee which would be a joint committee of Senate and the Board of Governors, using the Queen’s University Planning Committee as an exemplar. The mandate of the Queen’s committee is as follows: “The Queen’s University Planning Committee is a joint committee of the University Senate and the Board of Trustees. Its major responsibility is to ensure that academic planning and the management of resources (people, money, space) are fully integrated. It ensures that decisions reached in the academic sphere and initiatives from individual faculties and units are made with full knowledge of the fiscal and infrastructure implications for the University as a whole. Furthermore, it enables the Board of Trustees to have a full understanding of the academic endeavors of the University.”

Motion 2:

“The Academic Planning and Priorities Committee recommend that Senate adopt “Nimble Model (8 people)” as described in the sub-committee report as the basis for the new Academic Planning Committee of Senate”.

When these APPC motions were discussed at the Senate Executive meeting on June 6, the Chair of Senate requested that the recommendations they contained be translated into “motion-ready” form, to speed and facilitate the debate at Senate. Accordingly, the two motions that follow were drafted by Dr. Paul Doerr, co-Chair of the APPC. Because the exact wording of these two motions was not approved at a properly constituted meeting of the APPC, they should not be represented as coming from the full APPC; however, it is believed that these two motions do accurately reflect the spirit of the discussions held at the APPC.

With this report, the ad hoc APPC concludes its mandate, and unless otherwise directed by Senate, considers itself disbanded.

Respectfully submitted,

Tom Herman and Paul Doerr

Co-Chairs, APPC

Recommended Start-up Activity Agenda

1. Academic Principles

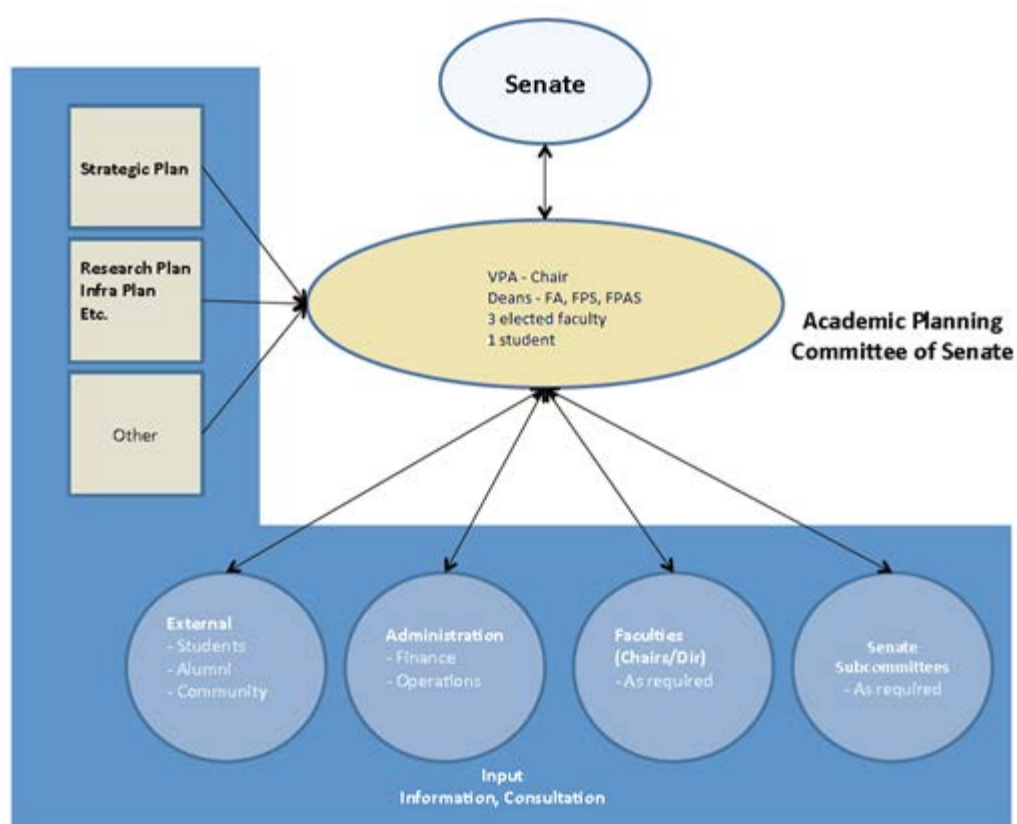
- identify principles/values at the core of the Academic Sector ("essence of Acadia")
- develop transparency /accountability framework
 - internal and external frameworks
 - information push/pull mandates

2. Academic Sector Plan

- remedial guides for planning processes and activities
- develop Academic Strategic Plan (min 5 – max 10 year window)
- establish rolling horizon processes

3. Academic Sector Exchange

- processes for input into Strategic Plan
- processes for input into Institutional Research Plan
- processes for input into other supporting plans



Motions from Paul Doerr:

Motion 1:

(Track changes reflect amendments made at Senate)

That in accordance with the APPC's recommendation, the Chair of Senate be requested to contact the Chair of the Board of Governors, to begin discussions regarding the ~~possible~~ creation of an pan Acadia planning committee ~~which would be a joint committee of Senate and the Board of Governors, using the Queen's University committee as an exemplar.~~ The Chair of Senate is requested to report on the progress of these discussions to Senate on a regular basis at the September meeting. Any committee created would require the prior approval of Senate.

Motion 2:

Whereas

- 1) There has been a consistent call for academic planning over the past year
- 2) Virtually all universities have a standing Academic Planning Committee

Be it resolved that Senate create an Academic Planning Committee (APC) as a standing committee of Senate.

Membership

VP-Academic – chair

Dean of Arts

Dean of Professional Studies

Dean of Pure and Applied Science

3 faculty members elected by Faculty* (staggered three year terms)

1 student elected by the Student Representative Council (one year term)

Mandate

The Academic Planning Committee shall make recommendations to Senate on matters relating to academic principles and planning.

In carrying out its work, the Committee shall consult widely with all stakeholders and relevant bodies on campus. The APC shall report regularly to Senate, no less than two times per year.

*faculty members include instructors, lecturers, librarians and professors. They shall be elected by a general call for nominations from the Faculty Elections Officer

MOTION FROM SENATE LIBRARY COMMITTEE

TOPIC: Access Copyright

BACKGROUND: Acadia University has declared its intention to sign the Association of Universities and Colleges of Canada (AUCC) model Access Copyright agreement on June 30th. The AUCC agreed to pay \$26 per student, which would total something like \$90,000 per annum for Acadia.

The SLC has been monitoring the situation with Access Copyright for the past two years. At meetings during that time, Sara Lochhead, the University Librarian, Erin Patterson, the Copyright Coordinator, and other librarians have pointed out the deficiencies and negative consequences of the agreement and have supported Acadia's decision not to sign, along with other Atlantic universities and universities across the country. The SLC has previously circulated information and links to faculty regarding the requirements of the Access Copyright contract, not least of which is that it is expensive, duplicates rights we already have through case law and previously purchased digital licenses, requires a burdensome level of record keeping, and allows Access Copyright to surveil faculty email.

Library resources and policies are fundamental to the academic work of the university, and as such come under the auspices of Senate, therefore the SLC puts forward the following motion:

MOTION:

"WHEREAS the Association of Universities and Colleges of Canada (AUCC) has signed an agreement with Access Copyright on a model copying license to cover the reproduction of paper and digital content on university campuses;

AND WHEREAS the Canadian Association of University Teachers (CAUT) and the Canadian Alliance of Student Associations have condemned this model licensing agreement for reasons including excessive fees to students, invasive provisions for surveillance, and a definition of copying (including "posting a link or hyperlink to a digital copy") that contravenes "the Supreme Court of Canada's ruling (Crookes v. Newton) that hyperlinks do not constitute the communication or publishing of content" (CAUT, "A Bad Deal: AUCC/Access Copyright Model License Agreement," 17 April 2012);

AND WHEREAS Senate's mandate is to determine, regulate and control the educational policy of the University, the Senate Library Committee

MOVES THAT Senate rejects the unfair and unreasonable AUCC-Access Copyright 'model license' and instead affirms and abides by the right to fair and reasonable access to copyrighted works for educational purposes. Further, Senate hereby signifies its opposition to this agreement and advises and requests Acadia University administration not to formally sign said agreement."¹

Gillian Poulter
Chair, Senate Library Committee

¹ The motion duplicates, in part, wording used in motions passed recently by Queen's University Senate and Trent University Senate.

Tabled: Tenure-Track Teaching Complement Allocation Committee

The TTTCAC recommends that:

Senate outline a value based framework of academic priorities for the university for the short and medium term.