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A meeting of the Senate of Acadia University occurred on Monday, 8 November beginning at 4:00 pm. with Chair Patricia Corkum presiding and 38 present.

- 1) Minutes of the Meeting of
12 October 2010

It was moved by R. Perrins and seconded by P. Doerr *that the minutes of Tuesday, 12 October be approved as distributed.*

The following amendment was made:
Page 3 Item 5)a)ii) to read *"In response to a question from L. Lusby, D. Holmberg noted that a request for a replacement position in Environmental Science would most likely be submitted by the Department of Earth and Environmental Science within the Faculty of Science."*

MOTION AS AMENDED WAS CARRIED.
- 2) Announcements
 - a) From the Chair of Senate
-re Senate Membership

P. Corkum welcomed Mr. John Whidden and Dr. William Slights to their first meeting as lay members of Senate.

Regrets were received from B. Anderson, W. Elliott, J. Eustace, H. Gardner, J. Hennessy, R. Ivany, and G. Phillips.

The Chair announced that the Senate Orientation meeting was held for new and any interested Senators on Monday, 18 October.
 - re Regrets
 - b) From the Chair of the Senate
Committee on Students with
Disabilities that Affect
Learning

D. Holmberg announced that the revised faculty handbook will be launched and available on the website on November 26th with information sessions offered that day at 11:30 am and 2:30 pm. at Disability Access Services. D. Holmberg thanked Suzanne Robicheau for her work on the handbook.

D. Holmberg reported that many of the issues identified in the 2005/06 accessibility audit have been addressed and the next steps include improving accessibility in the buildings on campus. In February, senior Recreation Management students under the supervision of Dr. John Colton will survey students with disabilities regarding their needs and perform assessments of the buildings not already audited. D. Holmberg invited those with suggestions for class projects surrounding accessibility issues to contact the Committee.
 - c) From the Vice-President
(Academic)

T. Herman conveyed regrets on behalf of President Ivany who was attending the Ontario Guidance Counsellors conference.

T. Herman noted that the government has not announced an official response to the O'Neill Report.

In response to the letter sent to NSERC expressing the university's concerns surrounding research funding at small institutions, Suzanne Fortier, President,

and Isabelle Blain, Vice-President Research Grants and Scholarships, will be visiting Acadia on December 2nd to meet with Drs. Herman, MacKinnon and Banks.

T. Herman notified Senate that the 2010 Maclean's University Rankings issue would be released on Thursday, 11 November.

- 3) Business Arising from the Minutes
 - a) Tenure-Track Teaching Complement Allocation Committee Motions for Changes to By-Laws

It was moved by D. Holmberg and seconded by H. Hemming that *the annual review by Senate of the functioning of the TTTCAC, currently in September of each year, be moved to January.*

D. Holmberg spoke on behalf of the Tenure-Track Teaching Complement Allocation Committee stating that a January date for the review by Senate will ensure that the report includes re-rankings due to late resignations.

In response to a concern by V. Zamlynny that a January review date will not provide sufficient time to hire faculty for the upcoming academic year, D. Holmberg clarified that the rankings will continue to be done in September but that the report to Senate will occur in January.

MOTION CARRIED.

It was moved by D. Holmberg and seconded by R. Murphy that *quorum for the TTTCAC shall be all six voting members.*

D. Holmberg spoke on behalf of the Tenure-Track Teaching Complement Allocation Committee stressing the importance of representation from all three Faculties at the TTTCAC meetings.

MOTION CARRIED.

It was moved by D. Holmberg and seconded by R. Perrins that

an alternate tenured faculty member shall be elected by each Faculty, to replace either the Dean or the Faculty's elected TTTCAC representative at the TTTCAC meetings, if necessary. These alternates shall serve three-year terms, staggered initially so as not to overlap completely with the term of the main representative they are replacing. To prepare to take the Dean's role, the alternates shall attend the meeting(s) where their Faculty ranks its applications.

D. Holmberg spoke on behalf of the Tenure-Track Teaching Complement Allocation Committee stating that since quorum requires full representation, alternates may be required.

D. Seamone and H. Kitchin suggested that given the possibility that they will be required to sit on the Committee with short notice, the alternates should attend the meetings and be prepared to take the Dean's role.

In response to a question from D. Silver about whether the alternate should be elected by Faculty or selected by the Dean, D. Holmberg stated that the alternate is to replace either the Dean or the elected representative.

G. Whitehall noted that given the work of the Committee, consistency in an alternate is required.

A friendly amendment was accepted and is reflected in the motion above.

MOTION CARRIED.

- b) By-Laws Committee –
Notice of Motion –
Formalized Election
Process for Senate

That the by-law regarding the responsibilities of the Nominating Committee [VIII. (b) ii] be amended with the following addition:

d. When an election takes place at Senate the winning candidate is the one who receives the largest number of votes cast.

(1) Where there is only a single nominee, that nominee is elected by acclamation.

(2) Where there are two nominees, there shall be a single ballot to determine the winner.

(3) Where there are three or more nominees, the person with the most votes after a single ballot will be declared the winner of an election.

(4) In the event of a tie, the Chair of Senate will cast the deciding vote.

S. Markham-Starr spoke to the motion, outlining the recommendation for a procedure to conduct balloted elections on the floor of Senate and provided notice that the motion will be voted upon at the December meeting of Senate.

- c) By-Laws Committee –
Recommendation –
Membership of Senate
Executive

It was moved by S. Markham-Starr and seconded by W. Brackney that Senate is in favour of adding the Deputy Chair of Senate and the student Vice-President Academic or designate from among the remaining student Senators, as assigned by the Executive Board of the SRC to the membership of the Executive of Senate.

S. Markham-Starr explained that it is the position of the By-Laws Committee that the decision to alter the composition of the Senate Executive should come to the Committee from the Senate Executive and Senate. The first motion is to confirm the wish of Senate and if passed, a second motion provides the required 30-day notice of motion.

It was agreed that the motion is unnecessary and was withdrawn.

- By-Laws Committee –
Notice of Motion –
Membership of Senate
Executive

That the composition of the Executive Committee of Senate be altered by the addition of the Deputy Chair of Senate and the student Vice-President Academic or designate from among the remaining student Senators, as assigned by the Executive Board of the Student Representative Council.

The Chair of Senate will send a notice to all Senators that the motion will form part of the Agenda for the December meeting of Senate. The vote will be conducted by ballot. The Act of Incorporation states that this type of motion must be passed by not less than 2/3 of voting members entitled to vote as are present and voting at the meeting. If approved, the motion will be forwarded to the Board of Governors where a 30-day notice and the approval of 2/3 of voting members present and voting are also required.

- 4) New Business
 - a) Curriculum Committee
motion to accept proposed
curriculum changes in
Geology and
Environmental
Geoscience programs

It was moved by P. Williams and seconded by D. MacKinnon that the curriculum changes for the Geology and Environmental Geoscience programs be approved.

R. Jotcham spoke to the motion on behalf of the Curriculum Committee stating that the Department of Earth and Environmental Science has requested that GEOL 2080 Field Methods become a credit course. She explained that this course is a requirement for majors in Geology and Environmental Geoscience and should be reflected on the transcript with a grade. She further noted that the majority of schools in Canada give credit for this particular course and that the change would bring in line with other schools.

MOTION CARRIED.

- b) Senate Committee on Students with Disabilities that Affect Learning
- i) Motion – Policy and Appeals

It was moved by D. Holmberg and seconded by D. MacKinnon that *the attached Policy (Appendix A) regarding students with disabilities that affect learning, and its associated appeals procedure, be approved by Senate.*

D. Holmberg spoke to the motion on behalf of the Senate Committee on Students with Disabilities that Affect Learning stating that the suggested changes were made in response to legal advice.

S. Markham-Starr suggested that the policy contain position titles only and not include the names of the persons currently holding those positions.

L. Aylward questioned how this proposed policy compares with policies at similar institutions. She expressed concern that the policy would tie students to a particular costly assessment and not permit the use of resources that may be available at no or little charge. She also stated her unease with the legally defensive language.

H. Kitchin requested that the term “undue” be clarified. She also expressed concern in the change in language from that which is currently used in the calendar. She questioned whether the policy addresses those students with physical challenges.

D. Holmberg responded that the legal advice suggested that the phrase “undue hardship” be placed in the policy. She noted that the University is legally required to offer reasonable accommodation to those with learning disabilities and that mobility issues are within the Committee’s mandate.

R. Cunningham suggested that the word “financial” be added to the phrase “undue hardship”.

T. Herman noted that although financial hardship was the intent, there could be indirect costs in terms of increased staff time. D. Youden added that timeliness could also pose a difficulty in meeting a request to accommodate.

It was moved by R. Cunningham and seconded by L. Aylward that *the motion be amended to read “undue financial hardship”.*

L. Lusby expressed concern that the amendment would make the University responsible for any non-financial or impractical accommodations.

R. Cunningham spoke of the responsibility to deal with such difficult issues.

A. Margeson noted that accommodating one person could create hardships for others. R. Cunningham cautioned that imposing majority rule on students with learning disabilities and the need to be sensitive to their needs.

S. Markham-Starr stated that although the institution may have good intentions in accommodating students with disabilities, it is the legal system that is driving the issue.

In response to a question from J. Whidden regarding whether required accommodations are taken into consideration when admitting students, D. Holmberg replied that the University accepts those students who meet the academic requirements and that presence or absence of a disability is not a factor that is considered in admission, nor can it be by law. She also noted that external funding is available to cover some of the costs to accommodate students from Nova Scotia.

H. Kitchin stated that Human Rights legislation protects persons with disabilities and that there is an obligation to provide services and to protect students who might be disadvantaged.

H. Kitchin noted that the current absence of an Equity Officer makes it difficult for those who feel their needs for accommodation are not being met to know where to get assistance. T. Herman responded that a communication to the University community concerning the process for dealing with equity issues is forthcoming.

AMENDMENT DEFEATED.

G. Whitehall stated that a university policy cannot supersede the will of government and expressed concern that the policy does not offer guidance to students. Without a strong institutional culture surrounding disability rights, the proposed policy is insufficient to move the institution forward.

A. Mitchell stated that the policy must not conflict with academic rigour. In response to his questions about the decision-making process, D. Holmberg responded that the assessment includes recommendations from health care professionals and that Disability Access Services and the student consult to determine the accommodations that will be provided. She noted that the procedures are outlined in the Operations section of the policy.

S. Lochhead noted that students receive grants from their home province so that the funds used to accommodate students with learning disabilities falls outside the University's operating budget.

J. Best stated that occupational health and safety legislation outlines an employer's responsibility to accommodate an employee unless it can be demonstrated that doing so will cause undue hardship. She suggested rewording the policy for students so that the language mirrors that in the occupational health and safety legislation.

K. Power spoke of the obligation to students and noted that "undue hardship" will differ over time but the university's obligation should not shift as the financial situation of the university changes.

D. Youden suggested that the policy be reworded to more accurately reflect that the University is striving to be a welcoming place to students with disabilities and will make all reasonable accommodations.

D. Seamone noted that the purpose of a policy is to establish a line.

It was moved by H. Kitchin and seconded by L. Aylward that *the motions be referred back to the Senate Committee on Students with Disabilities that Affect Learning to reconsider.*

MOTION CARRIED.

With the approval of Senate, item 4 d) Endowed Chairs Policy became the next item of business.

d) Endowed Chairs Policy

T. Herman introduced the notice of motions for the two policies concerning Endowed Chairs; a revision of the policy on current named Chairs and the policy for Chairs established after 2010. He noted that Appendix A, which will list all current named Chairs and is cited in the draft motion, is independent of

the policy and will be provided before the December meeting of Senate.

c) Academic Sector Budget

P. Corkum reminded Senate that at its meeting in April 2010, Senate passed a motion requesting that the Vice-President Academic present the budget of the academic sector to Senate in the fall semester as an indication of projected priorities. She noted that this is an information item as Senate does not make budgetary decisions.

T. Herman outlined the budget process, provided an overview of the University budget as well as a summary of the academic sector budget allocated to salary and benefits, Article 25.54 and Other. He also spoke of the challenge of increasing the funds in the non-salary budget envelope in the academic sector in order to support the programs. He stated that greater detail of the budget by unit can be provided to Senators.

D. Youden noted that the process of negotiating the next MOU with the province has begun.

G. Whitehall suggested that additional details, such as amounts allocated to the office of the Vice-President Academic and to items such as lectures and supplies, be added to future reports.

8) Adjournment

On motion of R. Perrins, the meeting adjourned at 6:00 pm.

ORIGINAL SIGNED

K. Slater Padovani, Recording Secretary

APPENDIX A

Motions from: Dr. Diane Holmberg, as Chair of Senate Committee for Students with Disabilities that Affect Learning (SCSDAL)

Motion #1: That the attached Policy regarding students with disabilities that affect learning, and its associated appeals procedure, be approved by Senate.

Background: This policy was approved last year at Senate. We asked the VPA to have a lawyer review the policy, as it is not uncommon for universities to be sued regarding such policies, and committee members were not legal experts. The additions (noted in bold) stem from the lawyer's suggestions.

Policy

Acadia University recognizes that it has a legal obligation to ensure that students with disabilities that affect learning are not discriminated against, in accordance with the Nova Scotia Human Rights Act (<http://www.gov.ns.ca/legislature/legc/statutes/humanrt.htm>). Acadia University recognizes that students with disabilities that affect learning have met the University's standards for entrance, and are entitled to support and appropriate accommodations that enable them to pursue their academic programs. Acadia University offers accommodations designed to support students with disabilities that affect learning to achieve the same curricular outcomes as their peers (e.g., changes might be made to the mode of presentation of course material, or to the administration of a test, without changing the material being taught, or the constructs being tested. For example, students might complete an oral exam with the same questions other students respond to in a written exam). Accommodations will be based on the recommendations in the current assessment of the student's disability. Accommodations must not conflict with the faculty member's requirements for academic rigour, autonomy in educational relationships, and flexibility in assessing student progress. No actions taken in such accommodations will contravene the University's Academic Integrity policy. No actions taken in such accommodations will advantage or disadvantage students with disabilities that affect learning in relation to their peers. **Making an accommodation for a student must not produce undue hardship on the University.** This policy should not limit faculty members from exercising pedagogical judgement to support students with disabilities that affect learning.

Appeals Process

Concerns regarding this Policy or its implementation may be raised with the Academic Support Coordinator (jill.davies@acadiu.ca; 585-1127), and/or taken to the Senate Committee for Students with Disabilities that Affect Learning (Chair: diane.holmberg@acadiu.ca; 585-1226). Appeals may be taken to the Senate Admissions and Academic Standing Committee (Appeals). **In cases where the cost of providing accommodations might be a factor in deliberations, the Vice-President Administration or delegate may attend relevant meetings of the committees, as a non-voting member.**

Motion #2: That the attached Principles and Operations regarding students with disabilities that affect learning be received by Senate.

Background: Last year, this same material was presented to Senate, in the form of the Policy, Appeals Process, plus a list of 20 recommendations. It was not clear exactly to whom the recommendations were being made. Also, the recommendations contained a mix of general guiding principles that SCSDAL and Disabilities/Access Services use when making their decisions, and more concrete “how things work” statements. For clarity, we decided to reorganize. The principles set out the basic guidelines we use when trying to go from the Policy to Operations. The Operations section lays out the more concrete statements of how things will normally work. The material is largely the same as last year, just rearranged. Changes (noted in bold) reflect input from the lawyer and/or committee members.

Principles

1. Students with disabilities that affect learning must not be discriminated against based on their disability.
2. Students with disabilities that affect learning shall be supported by Acadia University with programs that are in keeping with the University’s commitment to “rigour and flexibility in learning.”
3. All accommodations shall be undertaken in keeping with the University’s Academic Integrity Policy.
4. Accommodations shall be designed to assist students with disabilities that affect learning to learn the same material, and complete the same assessments of learning, as their peers.
5. Making an accommodation for a student must not produce undue hardship on the University.
6. Professors shall honour the student’s need for appropriate and available accommodation.
7. The right to an accommodation cannot be withdrawn based on a student’s failure to take full advantage of learning opportunities presented.
8. The privacy of students with disabilities that affect learning shall be respected. Although students are encouraged to discuss their disabilities and their needs openly as a matter of self-advocacy, in the end students must make the decision as to when, whether, and to whom they wish to reveal details regarding their disabilities.
9. Self-advocacy and independence shall be encouraged in students with disabilities that affect learning. As adults, the responsibility lies with students to request available supports, and to follow through on the necessary steps to acquire those supports. A primary role of the Academic Support Coordinator and the Disability Resource Facilitator shall be promotion of self advocacy and independence in students with disabilities that affect learning.
10. Students with disabilities that affect learning who have received accommodations shall not have this recorded on their transcripts.

Operations

1. Programs for students with disabilities that affect learning shall be accessed through the offices of the Academic Support Coordinator and the Disability Resource Facilitator.
2. Students with disabilities that affect learning are expected to identify themselves to the office of the Academic Support Coordinator.
3. **Students with disabilities that affect learning shall provide** the office of the Academic Support Coordinator with current (**i.e., within the last five years**) assessments of the student’s disability. **These**

assessments are to be done by a qualified external assessor with appropriate knowledge of the disability in question (e.g., a physician for a physical disability; an audiologist for a hearing impairment; a physician, psychologist, or psychiatrist for a psychiatric disability, etc.). The student is responsible for any costs associated with obtaining this assessment.

4. The assessments shall include recommendations that will provide a framework for accommodations for each student. The appropriate and available accommodations will then be negotiated between the student and Disability/Access Services. The accommodations that can be provided by the University include, but are not limited to: alternative locations for examinations; extended periods of time for examinations, tutors, note takers, scribes and assistive technology.
5. At the beginning of each term, students with disabilities that affect learning who desire accommodations shall provide each of their professors with an Information Sheet outlining their accommodations, and have instructors sign the Instructor Verification Form.
6. Students will arrange with Disability/Access Services if they wish to write tests or exams in an alternate location. Professors will be contacted by Disability/Access Services with the names of students in their courses who have asked for testing accommodations. Professors will ensure that a copy of their test is delivered to Disability/Access Services, who will provide invigilation of tests. Professors will be consulted regarding the location of alternative examinations.
7. **The latest version of the University's Policy on students with disabilities that affect learning, along with the associated Principles and Operations, will always be posted on the Disability/Access Services website. These materials shall be reviewed regularly by the Senate Committee for Students with Disabilities that Affect Learning, normally on an annual basis.**
8. **Individuals desiring more information about issues regarding students with disabilities that affect learning, or with questions regarding this policy or its implementation, are encouraged to contact the Disability/Access Services office (902-585-1823 or disability.access@acadiau.ca), and/or the Senate Committee for Students with Disabilities that Affect Learning (see http://senate.acadiau.ca/Senate_Comm_Membership.html for information on the current Chair and committee membership).**

Motion #3: That the attached changes be made to Acadia University’s Calendar.

Background: The lawyer noted that we must be particularly careful of the wording in the Calendar, as it is considered a contract with the student. We (unfortunately) felt that the first sentence in the current calendar had to be removed, and the part about “ensuring an inclusive living arrangement” had to be softened, as they are promising more than we can currently deliver. The rest represents minor rearranging and rephrasing.

Current:

Acadia University is committed to creating and maintaining a universally accessible learning environment. Staff members at the Student Resource Centre provide academic counseling and mentoring and facilitate a variety of learning supports including tutoring, note taking, assistive technology and accommodations for tests and exams. As well, they liaise with staff in Residence Life to ensure an inclusive living arrangement and to accommodate individual needs.

Prospective students with disabilities that affect learning* are invited to contact Jill Davies (jill.davies@acadiu.ca), Academic Support Coordinator, to arrange a campus visit. Prior to beginning classes they are encouraged to discuss any required learning supports with Jill.

Students who wish to live on campus are advised to include in their Residence Application a letter outlining any pertinent special needs. Those requiring help to complete the registration process are invited to contact the Registrar’s Office.

*Students with disabilities that affect learning are asked to provide recent (within the past 5 years) documentation of their disabilities.

Proposed:

Prospective students with disabilities that affect learning* are invited to contact Jill Davies (jill.davies@acadiu.ca), Academic Support Coordinator, to discuss any required learning supports, and to arrange a campus visit. Staff members at the Disability/Access Centre provide academic counseling and mentoring and facilitate a variety of learning supports including tutoring, note taking, assistive technology and accommodations for tests and exams.

Students who wish to live on campus are advised to include in their Residence Application a letter outlining any pertinent special needs. Staff from Residence Life and Disability/Access Services will then consult to determine the best available living arrangements to accommodate individual student needs.

*Students with disabilities that affect learning are asked to provide recent (within the past 5 years) documentation of their disabilities.

Proposed:

Prospective students with disabilities that affect learning* are invited to contact Jill Davies (jill.davies@acadiu.ca), Academic Support Coordinator, to discuss any required learning supports, and to arrange a campus visit. Staff members at the Disability/Access Centre provide academic counseling and mentoring and facilitate a variety of learning supports including tutoring, note taking, assistive technology and accommodations for tests and exams.

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