![Western University Canada logo]

MINUTES OF THE MEETING OF SENATE

January 20, 2017

The meeting was held at 1:30 p.m. in Room 1R40, Arts and Humanities Building.

SENATORS: 73

A. Abuhussein	Y. Huang	H. Orbach-Miller
R. Andersen	M. Jadd	I. Paul
E. Ansari	C. Jones	B. Paxton
A. Bachman	D. Jorgensen	W. Pearson
A. Bhatt	A. Katz	M. Pratt
I. Birrell	M. Knott	S. Rodger
P. Bishop	J. Knowles	L. Rosen
A. Bowlus	G. Kopp	C. Roulston
A. Chakma	A. Kothari	B. Rubin
C. Chambers	D. Laird	D.R. Sainani
A. Chant	S. Macfie	V. Schwean
K. Clark	E. Macpherson	D. Simmonds
R. Collins	M. McDayter	Z. Sinel
E. Comor	M. McGlynn	A. Singh
M. Crossan	L. McKivor	W. Siqueira
M. Crystal	C. Mcleod	V. Staroverov
J. Deakin	K. Mequanint	C. Steeves
G. Dekaban	M. Milde	G. Tigert
P. Doyle	D. Moser	J. Toswell
N. Dyer-Witheford	S. Mumm	S. Trosow
J. Garland	K. Myers	T. Tucker
A. Grzyb	V. Nolte	M. Viczko
C. Hardy	C. O'Connor	C. Wang
J. Hatch	C. Olivier	
A. Hrymak	K. Olson	

Observers: E. Avila, A. Bigelow, K. Campbell, E. Chamberlain, R. Chelladurai, J. Doerksen, L. Gribbon, T. Hinan, J. Luker

By Invitation: P. Barmby, J. Grieve, L. Logan, P. Simpson, P. White

S.17-01 **Land Acknowledgement**

D. Simonds read the Land Acknowledgement.

S.17-02 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting of December 9, 2016 were approved with the inclusion of the following amendment (shown in italics) to the last sentence in the last paragraph on page 7: "She confirmed that the add/drop dates for the summer quarter course are the same as those for *summer* half courses and this information will be included in the policy to make this clear for the students.

S.17-03   **REPORT OF THE PRESIDENT** [Exhibit I]

The President's report distributed with the agenda contained information on the following topics: extension of the tuition fee framework, the proposed establishment of enrolment funding corridors and their implications for domestic enrolment growth and revenue, Strategic Mandate Agreement (SMA) renewal update, recent revisions to the Sexual Violence Policy, and leadership update. He also reported on the Prime Minister's recent visit to campus for a town hall meeting and praised the members of the university's staff who worked very hard on very short notice to make the event a success.

Asked about the consultation process for the next round of SMA negotiations, J. Deakin reported that the technical government committee had met last week to work on a template. Bonnie Patterson, former President of the COU, has been appointed Special Advisor-Universities to support the negotiations. On-campus consultations will take place as part of the SMA renewal process and will begin once the government allows information to be public. The Ministry's target date for completion is June 2017.

S.17-04   **UNANIMOUS CONSENT AGENDA** [Exhibit II]

It was moved by B. Rubin, seconded by A. Chant,

> That the items listed in Exhibit II, Unanimous Consent Agenda, be approved or received for information by the Senate by unanimous consent.

> CARRIED

REPORT OF THE OPERATIONS/AGENDA COMMITTEE [Exhibit III]

S.17-05   **Open or Closed Senate Standing Committee and Subcommittee Meetings**

It was moved by M. Milde, seconded by A. Singh,

> That Senate standing committee and subcommittee meetings remain closed.

The following amendment was moved by S. Trosow, seconded by H. Orbach-Miller,

> That meetings of the Senate Committee on University Planning (SCUP), the Senate Committee on Academic Policy and Awards (SCAPA) and the Operations/Agenda Committee (OAC) shall be open to persons to attend as observers on a trial basis for the period of one year.

> That Operations/Agenda Committee (OAC) shall develop the rules under which such open meetings would be conducted and bring forward their recommendations to Senate for debate and final decision.

In answer to a question, the mover clarified that the use of the word "persons" was intended to mean that anyone could attend, whether a member of Senate or not.

Those in favour of the motion argued that

- Western is a publicly funded institution. Its meetings should be open to the public except in particular circumstances where they need to be closed.

- The issue of open meetings is being considered in response to a recommendation of the Senate *ad hoc* Committee on Renewal as one way of making Senate's work transparent and restoring trust in the process. The ad hoc committee had received input from a broad range of community members and while the views of the current members of the committees should be considered, they should not be paramount. The point of view should be what is to the benefit of the entire university community.

- The students' research and that of SCUP showed that a significant number of Canadian universities operate successfully with open meetings. There is no reason that with proper use of *in camera* and confidentiality mechanisms that Western's meetings could not be open.

- Opening meetings for a trial period would test the claims that open meetings would be less efficient and that committee members would feel unable to comment freely.

Members speaking against the amendment argued that:

- Committee membership is drawn from Senate's membership. Those members had clearly indicated that they believed open meetings would hinder frank debate.

- There should be greater trust put in committee colleagues to do their work. Senate has full opportunity to debate and discuss proposals coming from committees in public session and can always challenge a committee decision.

- With respect to a trial period, it could prove very difficult to close meetings again once they are opened, even if the sense was that they should be closed.

- While some universities use open meetings successfully, many other universities operate as Western does with closed meetings.

- The committees had proposed and already instituted a number of alternate measures to enhance transparency and there should be opportunity for those to be tested before concluding that open meetings are necessary.

A member asked Senator Trosow whether he would support a change to his amendment to substitute "Senators" for "persons." Senator Trosow said that he would agree to that if that were the only way to achieve open meetings. However, limiting attendance to Senators would not allow faculty, staff and students who are not members of Senate to learn about Senate's work if they wished to do so.

It was moved by M. Jadd, seconded by A. Singh,

> That the amendment be amended by replacing the word "person" to "Senators."

The question on the amendment to the amendment was called and DEFEATED.

The question on the amendment was called and DEFEATED.

It was moved by C. Hardy, seconded by M. Jadd,

> That the motion be amended to read as follows:

> That meetings of the Senate Committee on University Planning (SCUP), the Senate Committee on Academic Policy and Awards (SCAPA) and the Operations/Agenda Committee (OAC) shall be open to Senators to attend as observers on a trial basis for the period of one year.

> That Operations/Agenda Committee (OAC) shall develop the rules under which such open meetings would be conducted and bring forward their recommendations to Senate

for debate and final decision.

The question on the amendment was called and DEFEATED.

The question on the main motion was called and CARRIED.

S.17-06   **Senate Membership – Undergraduate Students – Business, Education, Engineering and Law**

It was moved by B. Rubin, seconded by A. Chant,

> That the seat held by Zachary Turner, representative of the Undergraduate Students – Business, Education, Engineering and Law constituency, be declared vacant as a result of his resignation and that Kamila Mukherjee (Faculty of Engineering) be elected to fill this vacancy for the remainder of the term (June 30, 2017).

> CARRIED (By Unanimous Consent)

S.17-07   **Revisions to Adopted Policies and Procedures of Senate – Section 5: Procedures for Balloting/Nominations, Reports of Votes Cast and Mail Balloting for Senate Committees and Subcommittees, etc.**

It was moved by M. Milde, seconded by P. Bishop,

> That the revisions to Adopted Policies and Procedures of Senate - Section 5: Procedures for Balloting/Nominations, Reports of Votes Cast and Mail Balloting for Senate Committees and Subcommittees, etc., detailed in Exhibit III, Appendix 4, be approved.

It was moved by J. Toswell, seconded by A. Singh,

> That the recommendation be referred back to the Operations/Agenda Committee for further review with respect to the regulations governing selection of alternates and reporting numbers of votes cast.

Speaking to her motion to refer, J. Toswell noted that the sections on selecting alternates and reporting numbers of votes cast were unnecessarily complicated. While she recognized that these sections were part of the current rules, she thought Senate should take the opportunity to fix them at this point.

The question on the motion to refer was called and CARRIED.

S.17-08   **Senate ad hoc Committee on Renewal Recommendation 5(a)**

A member asked when OAC would report back on Recommendation 5(a) of the Senate *ad hoc* Committee on Renewal: "Change the information flow such that major institutional issues are brought to Senate first for strategic discussion and initial advice, then are directed to the appropriate Senate or administrative committee for detailed work, culminating in reports back to Senate for appropriate action." Referring to the update provided at the December meeting, M. Milde noted that it had been agreed that the vice-presidents would present a list of their ongoing or upcoming projects as suggested. However, this would be augmented by the use of the President's Report at the beginning of each meeting to frame some of the issues in the context of the strategic priorities, thus allowing for more in-depth discussion of them. The President noted that he had suggested that the first such presentation be focused on internationalization.

REPORT OF THE NOMINATING COMMITTEE [Exhibit IV]

S.17-09   **Senate Review Board Academic**

K. Mukherjee was elected to the Senate Review Board Academic to complete the term of
Z. Turner who has resigned (term to June 30, 2017).

REPORT OF THE SENATE COMMITTEE ON ACADEMIC POLICY AND AWARDS [Exhibit V]

S.17-10   **Faculty of Arts and Humanities, Department of English and Writing Studies: Revisions to
the Admission Requirements of the Theatre Studies Modules**

It was moved by B. Rubin, seconded by A. Chant,

> That effective September 1, 2017, the admission requirements of the Theatre Studies
> modules be revised as shown in Exhibit V, Appendix 1.

> CARRIED (By Unanimous Consent)

S.17-11   **Faculties of Arts and Humanities and Social Science, Interfaculty Program in Linguistics:
Revisions to the Admission and Module Requirements for the Honors Specialization in
Linguistics**

It was moved by B. Rubin, seconded by A. Chant,

> That effective September 1, 2017 the Honors Specialization in Linguistics be revised as
> shown in Exhibit V, Appendix 2.

> CARRIED (By Unanimous Consent)

S.17-12   **School of Graduate and Postdoctoral Studies: Introduction of the new Master of Data
Analytics (MDA) Program**

It was moved by S. Macfie, seconded by B. Rubin,

> That, pending Quality Council approval, the new Master of Data Analytics (MDA) program
> be introduced effective January 1, 2017, as set out in Exhibit V, Appendix 3.

A member asked whether the introduction of this program would have impact on the resources
available for current programs. P. Barmby, Associate Dean, Graduate & Postdoctoral Studies,
Faculty of Science, explained that programs change from time to time and it is not possible to
guarantee that every program will have the same level of ongoing resources. This program would
incorporate many of the courses currently offered. Specialty courses would be a mix of new and
existing courses. It is anticipated that additional sections may be added if needed.

S.17-13   **Information Items Reported by the Senate Committee on Academic Policy and Awards**

The Report of the Senate Committee on Academic Policy and Awards, detailed in Exhibit V,
contained the following items that were received for information by unanimous consent:

- Revisions to the "Adding and Dropping Courses" Policy
- New Scholarships and Awards

REPORT OF THE SENATE COMMITTEE ON UNIVERSITY PLANNING [Exhibit VI]

S.17-14   **Renaming and Revisions to MAPP 1.13 – Computing, Technology and Information Resources**

It was moved by D. Laird, seconded by A. Bachman,

> That Senate approve the renaming and revisions to MAPP 1.13 – Computing, Technology and Information Resources, provided in Exhibit VI, Appendix 1.

J. Grieve, Executive Director, Information Technology Services, presented an overview of the Policy on Computing, Technology and Information detailed in Exhibit VI, Appendix 1. The new policies consolidated and streamlined a number of existing policies and gives formal recognition to the Data Classification Standards published in 2014-15. Most of the changes were editorial, reflecting updates to processes and new technologies not available at the time the original policies were written. Notwithstanding the attempts to streamline and simplify, the document was still quite detailed and dense. A communications plan was being put in place to roll out the new policy to the community and provide members an opportunity to review and understand the key principles already in place.

He noted that in advance of the meeting he had received written questions from Senator Rubin. Before addressing each of them specifically, he clarified that:
- The requirements for monitoring, notification, and access in the revised Policy are fundamentally the same as in the current policies – no substantive changes were made in these areas
- It is important to highlight Policy clause 11 which defers to provisions in Collective agreements (e.g. Privacy Clause 4 in the Faculty Collective Agreement)
- Monitoring is a critical requirement for defending the University against increasingly frequent and sophisticated Cyber Security attacks. Monitoring is done principally at an aggregated activity (system) level rather than an individual person's content level. Some examples of monitoring would be: scanning total email activity looking for extraordinary in/out bound volume from particular accounts; network scanning for presence of malware (ransomware) files on Laptops, PCs, Servers; scanning for unusual login activity to key corporate systems (e.g. attempted HR access from multiple geographic locations in a short time period).

Following are the specific questions that had been provided in advance of the meeting.

The phrases "necessary to the proper functioning of the university's business" and "to protect the integrity, security, or functionality of university" seem to allow the University to read email of union leaders during times of legal strike or threat of legal strike. Is that interpretation correct?

J. Grieve responded that this would not be permitted. The provisions in the Policy and Code of Behavior only permit access and/or monitoring in express and limited circumstances such as accessing a critical email in a deceased person's account or to detect anomalous activity at a system level for Cyber Security defense purposes. Access to union leader emails about union activity, whether during the course of a strike or not, would not fall within these circumstances. In any event, the Privacy Article in the Faculty Collective agreement would prevail.

The Policy and the Code of Behavior seem to contradict each other with respect to the requirements for notification. The Policy states that "wherever practicable, affected persons will be notified promptly when their systems and/or records have been accessed."   Whereas, the Code of Behavior indicates that the university may monitor "without notice" under a broader range of conditions.

J. Grieve responded that the two provisions do not conflict. The Policy gives the University a right to access records in two specific situations, and states the intention to notify the affected person. The Code of Behavior provides that the University may monitor activity and accounts without notice in five specific situations. There is no inherent conflict to these provisions, but there may be some overlap. The issue of notice to the affected person will depend on the specific facts and circumstances. Typical examples would include situations where Public safety is in question or a legal court order is in effect. Notice might not be given in a situation where illegal activity is suspected and access is required by court order. The notification provisions in any collective agreement would also apply.

The Policy says that the university reserves the right to access records where "legally required" but the Code of Behavior says the University may monitor where "required or permitted by law or university policy". Since the Policy never explicitly prohibits monitoring the Code of Behavior implies that the University may monitor without notice whenever it is not explicitly illegal. Is this interpretation correct?

J. Grieve responded that the interpretation was not correct. The Code of Behavior only permits monitoring where it is authorized by either policy or law.

In response to question about whether access would be granted to police without a warrant, J. Grieve said that any such approach would be referred to senior leaders and legal counsel but his expectation would be that a warrant would be required.

With respect to the number of request for access to individual accounts, J. Grieve noted that such requests were rare and that protocols would be followed. Reasons for access might include a life threatening issue, receipt of a court order, or the sudden termination of a member of staff.

The question was called and CARRIED.

S.17-15   **Report on Recruitment and Retention**

Senate received for information the Report on Recruitment and Retention detailed in Exhibit VI, Appendix 3. K. Campbell, Vice-Provost (Academic Planning, Policy and Faculty), provided an overview of the report referencing slides contained with the agenda. She reviewed the data on probationary and tenured faculty, limited-term faculty, part-time faculty and full-time clinical faculty. Discussion on the report included hiring practices, specifically the need to hire more women. K. Campbell explained that when a search committee decides to recruit and submits an advertisement for posting, it is a requirement that the department has done its due diligence and reviewed the potential applicant pool. Information is available on the Faculty Relations website to assist committees with searches. Employment equity guidelines are updated regularly and are circulated to appointment/search committees. After a decision is made regarding an appointment, a report is submitted to Faculty Relations from a search committee explaining the search results. Faculties, including Ivey and Engineering, are working towards increasing the number of female hires. However, for some disciplines/fields, the applicant pool is small and the hiring of women is very competitive.

In response to a question about what measures are being taken in faculties that have traditionally had difficulty in improving gender equity, the Dean of the Faculty of Engineering enumerated some of the measures put in place in his faculty including: hiring in clusters, making sure candidates meet with senior women in the Faculty, enlisting the women in the science and engineering group for support, and careful phrasing of the wording of job listings.

J. Deakin said that the government is concerned about the small number of women in the CRC/CERC programs. She noted that it is important to have a diverse applicant pool as well as a diverse hiring committee. It was noted that retention of women faculty is also a challenge.

S.17-16 **Update on Bus Rapid Transit**

Senate received for information an update on Bus Rapid Transit detailed in Exhibit VI, Appendix 4.

P. White and L. Logan provided an overview of the update on the Bus Rapid Transit initiative, referencing slides contained with the agenda package, including vision and objectives, technical assessment criteria, evaluation metrics, routes through campus and next steps. The preferred route is Lambton Drive. The presenters noted that a key imperative for the University is providing a safe campus environment for students by limiting vehicular traffic. This initiative will see LTC buses going to a hub at a location to be determined and not through campus. It was noted that the City's timeline is tight but that there is interest on both sides in finding a solution that works for all.

Discussion about the initiative included concerns about maintaining existing shuttle services and providing others to ensure accessibility, potential LTC routes around the campus and leading to the BRT, and the location of BRT stops through campus. The presenters noted that the project is at stage where there are still a great many unknowns and much more discussion would be needed as it progressed. In answer to a question about the membership of the Open Space and Landscape Plan Committee, L. Logan noted that staff on the committee had been appointed because of particular expertise or because of their professional responsibilities. However, she acknowledged that the lack of a non-managerial staff member was a gap that she would seek to fill.

S.17-17 **Information Item Reported by the Senate Committee on University Planning**

The Report of the Senate Committee on University Planning, detailed in Exhibit VI, contained the following item that was received for information by unanimous consent:

- Chairs Approved by SCUP for Senate

S.17-18 **REPORT OF THE ACADEMIC COLLEAGUE** [Exhibit VII]

Senate received for information the Report of the Academic Colleague, detailed in Exhibit VII.

S.17-19 **ANNOUNCEMENTS** [Exhibit VIII]

Exhibit VIII, Announcements, was received for information by unanimous consent.

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

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A. Chakma   I. Birrell
Chair   Secretary