

## Minutes

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### MEETING OF THE SENATE

A meeting of the Senate was held on Tuesday November 27, 2012 in Robert Sutherland Hall, Room 202 at 3:30 p.m.

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**Present:** D. Woolf (Chair) **Senators:** H. Abdollah, M. Adams, A. Aulthouse, A. Bains, D. Bakhurst, E. Berkok, T. Bridges, K. Brohman, B. Brouwer, M. Brunner, A. Chowdhury, L. Colgan, E. De Souza, D. Detomasi, A. Dimitrakopoulos, W. Egnatoff, S. Elliott, P. Fachinger, G. Farah, W. Flanagan, D. Garvie, A. Gill, A. Harrison, P. Hart, M. Hird, G. Jerkiewicz, D. Johnson, M. Jones, R. Karmali, T. Krupa, I. LaFleche, C. MacDougall, A. MacLean, P. Martin, D. Maurice, N. McCormack, J. Medves, J. Morelli, C. Moyes, P. Oosthuizen, K. Pilkey, L. Purda, V. Remenda, R. Reznick, M. Scribner, K. Slobodin, A. Tierney, T. Trothen, N. Tsui, C. Ward, M. Whitehead, B. Yang, S. Yousefi; L. Knox (Secretary), G. MacAllister (Associate).

**Also present:** L. Acchione, T. Alm, J-A. Brady, J. Burge, S. Cole, Y. Cooper, R. Coupland, C. Davis, L. Faught, C. Fekken, N. Francis, A. Girgrah, D. Gordon, D. Hanes, J. Hill, D. Kelly, E. LeBlanc, Y. Levin, V. Matak, E. Murray, A. Naples, T. Noble, K. O'Brien, L. Peterson, J. Pierce, W. Praamsma, S. Rigden, C. Russell, T. Shearer, S. Shiels, H. Smith, C. Sumbler, M. Swartz, A. Vienneau, K. Wallace, B. Wandschneider, P. Watkin

### I OPENING SESSION

The Chair welcomed members and guests to the last Senate meeting of 2012. He noted that the times listed on the agenda were intended to be a guideline to facilitate the meeting process but should not be viewed as prescriptive. The intent of this introduction is to help manage the meeting, not to limit useful discussion or debate around matters of importance to Senate. This would also give guests of Senate an idea of when their items will be addressed on the agenda.

The Chair wished Senate members and guests a happy and safe holiday season. He also gave his best wishes for a successful examination period to students.

#### 1. Adoption of the Agenda

**Moved by Senator LaFleche, seconded by Senator Morelli, that the agenda be adopted as circulated.**

**Carried 12-59**

#### 2. Adoption of the Minutes of the Meeting of October 30, 2012 (Appendix A, page 1)

**Moved by Senator MacLean, seconded by Senator Berkok, that the minutes be adopted as circulated.**

**Carried 12-60**

Senator Morelli commended the Secretary of Senate for posting the minutes for review in draft form before the agenda was finalized and expressed his appreciation for the change in process.

Senator Berkok asked that the minutes clarify that his rationale for the motion at the October meeting of Senate to change the Rules of Procedures was twofold as he perceived both cultural and procedural issues at Senate.

#### 3. Business Arising from the Minutes

None.

**4. Principal's Report** (Appendix B, page 17)

a) Written report and schedule highlights October - November 2012

In addition to the written report included with the agenda, the Principal provided an update to Senate on three matters: convocation, government news and the strategic mandate agreement process.

**Convocation**

Queen's awarded honorary doctorates to President Jimmy and Rosalynn Carter on November 21, 2012. President Carter, whose humanitarian efforts since leaving office are legion, paid tribute in his speech to the Canadian role in the escape of six Americans from Iran during the 1979 Iranian Revolution. Mrs. Carter, a tireless advocate for mental health, praised the steps that Queen's is taking to address mental health issues. The Carters' convocation addresses spoke of the crucial role of human rights and peace and encouraged graduates to do something for others. The Principal indicated that it was a privilege to be able to be part of the ceremony and to honour President and Mrs. Carter's dedication to public service.

The Principal thanked those who worked tirelessly toward the preparations for Convocation and that they should be justifiably proud of their part in making these ceremonies a fitting celebration of the achievement of our graduates and the support of their families.

**Government News**

Senators were informed that John Milloy had been reappointed Minister of Training, Colleges and Universities following the resignation of Glenn Murray to seek the Provincial Liberal leadership. The new leader and premier of Ontario will be named following the Liberal Leadership Convention at the end of January.

**Strategic Mandate Agreements**

The process to develop the Strategic Mandate Agreements will go ahead as originally announced by the previous Minister. There will be a two-pronged approach. The Ministry will first assess the ability of individual universities and colleges to deliver what they have proposed and how the proposals meet provincial priorities. System-wide trends and themes will also be identified. Secondly, an advisory panel established by the Higher Education Quality Council of Ontario (HEQCO) will evaluate the submissions to determine which best advance the priority policy goals of Government, including considerations related to differentiation and productivity. HEQCO will be providing the evaluations to the government in February 2013 and the Ministry will consider HEQCO's advice as it moves to develop strategic mandate agreements with individual institutions.

**5. Provost's Report** (Appendix C, page 20)

a) Report to Senate

The Provost informed Senators that the process of annually appointing teaching chairs has been suspended due to a lack of applicants and the Centre for Teaching and Learning, which initiated the process, is currently undergoing an assessment of activities. He also reported that the 2011-2012 Annual Report of the Ontario Universities Council on Quality Assurance had been published recently. This second [annual report](#) summarizes the key activities of the Quality Council over the past year including its work on defining, developing and assessing learning outcomes for new and existing programs. The Quality Assurance Secretariat has also been exploring quality assurance in other jurisdictions to confirm if the processes that apply to international institutions are roughly comparable to those in place in Ontario. This past year, universities in China, France, Germany and Italy were examined. In the spring of 2013, Queen's will be undergoing one of the first audits of university compliance of its QUQAPs. Senate will be advised of the results of the audit when it is received.

### November 2012 Final Enrolment Report to Senate

Senate was informed that enrolment of full-time students has increased this year (2012-2013), and that this may be attributed largely to the planned increase of first-year undergraduate enrolment. Based on demand, a decision was made to offer a second section of the Master of Finance program, offered by the School of Business, to students in the downtown Toronto facility of the Queen's School of Business.

Overall targets in first-entry undergraduate and professional programs of studies were met but enrolment in the School of Graduate Studies is below target at the master program level.

Queen's overall headcount is down by approximately 1.3%, which is attributed largely to a decline in enrolments in Continuing Teacher Education. This is consistent across the sector. Queen's continues to retain its market share of teachers registering for additional qualification courses.

In response to a question regarding the composition of the Policy Advisory Sub-Committee (PASC), a sub-committee of the Vice-Principal's Operations Committee (VPOC), members were informed that it is an administrative sub-committee advisory to VPOC, and is not a governance committee of either the Board or Senate. The composition will be drawn broadly from across the University. It is anticipated that a website will be created that will become an authoritative source of approved policies. Policies under development will also be posted for the community to review.

It was questioned whether the Student Learning Task Force might be better placed as a task force of Senate rather than a task force of the Provost. The Provost stated that it may have been more appropriately named as an advisory committee on student learning as his intention was that this task force be advisory to him. The Provost informed Senators that he will report on the terms of reference when they are finalized. He anticipates that a considerable amount of work of the task force will be to examine internal processes for quality assurance. The AMS and SGPS were invited to recommend members to serve on the Task Force.

## **II QUESTION PERIOD (Appendix D, page 32)**

### **1. Inappropriate use of emergency phones on campus**

What does the University intend to do to discourage students from participating in the "blue light challenge," which violates the spirit of the Queen's community and might put people at risk?

Provost and AMS President response:

The Provost emphasized that the systemic increase in blue light infractions is being taken seriously by all members of the community as it adds to risk on campus. When Campus Security is able to identify a student who has vandalized the blue lights, the non-academic discipline system is invoked. Unfortunately, often it is not possible to identify the guilty party, and as a result, the Administration and the AMS have worked closely to run a campaign to discourage this activity. Senator Johnson, AMS President, stated that the AMS has taken this matter seriously and has made educating the student population a priority. Senator Johnson reminded Senate that the Blue Light program was initiated by the AMS. It continues to work hard on the extensive education campaign which started in the fall. They have already seen a decrease in the number of false alarms. As well, the AMS is working with student societies to discourage the 'blue light jacket bar'. The jacket bar is a badge that is available for purchase that signals to others that they have committed a blue light infraction. The bars are sold at the Campus Equipment Outfitters store, not at the Campus Bookstore. The current focus is on education and prevention, not discipline. A Senator noted that the blue light bar seemed to be associated with Applied Science students. The Provost noted that the Dean of Applied Science takes the problem very seriously and has been vigilant in exerting pressure on students to discontinue this activity. The Provost agreed with the AMS President that although progress has been made, there is still work to be done.

### III REPORTS OF COMMITTEES

#### 1. Academic Development (Appendix E, page 33)

- a) Proposal to introduce a Master of Management Analytics

**Moved by Senator Detomasi, seconded by Senator Brouwer, that Senate approve the establishment of a Master of Management Analytics in Queen's School of Business and the School of Graduate Studies, to Commence June 2013, pending approval by the Council of Ontario Universities Quality Council.**

**Carried 12-61**

In response to a question about \$25,000 allocated for scholarships in the budget section of the proposal. Eric LeBlanc, Director, Accreditation and Special Projects in the School of Business, responded that the funding is intended for students in financial need. This is primarily a professional program where many students will be funded by their companies and will not require funding assistance.

- b) Update on Procedures for Suspension of Admissions to academic programs  
The Chair drew Senators' attention to the report attached as Appendix Eb, noting that SCAD will review the Procedures for Suspension of Admissions in light of the Iacobucci Report. SCAD expects to report to Senate on the procedures early in the New Year.

#### 2. Academic Procedures (Appendix F, page 62)

- a) Convocation and School of Graduate Studies Graduates

**Moved by Senator Morelli, seconded by Senator Yousefi, that, beginning in Spring 2013, graduating graduate students will attend their individual department's or unit's Convocation ceremony and that a single ceremony held during Spring Convocation for the entire School of Graduate Studies be eliminated.**

**Carried 12-62**

In response to a question regarding the consultation process leading to this recommendation, T. Alm, Interim University Registrar, responded that she had held post-convocation discussions with a number of students and that they felt that their main affiliation was with their academic department. It was also believed that this change would strengthen student's alumni involvement post-graduation.

#### 3. Advisory Research (Appendix G, page 64)

- a) SNOLAB Institute Constitution

**Moved by Senator Jerkiewicz, seconded by Senator Morelli, that the revised SNOLAB constitution be approved effective February 1, 2013.**

**Carried 12-63**

The Chair recognized Anthony Noble, the Director of the SNOLAB Institute, indicating that he was available to answer questions. There being no questions, the Chair thanked Dr. Noble for attending Senate.

**4. Agenda** (Appendix H, page 83)

- a) Report to Senate – Proposed meeting date change

**Moved by Senator Ward, seconded by Senator Colgan, that Senate approve the change of date of the Senate meeting originally scheduled for Tuesday, January 15, 2013 to Monday, January 14, 2013.**

**Carried 12-64**

**5. Nominating** (Appendix I, page 85)

- a) Elections

The Nominating Committee Report included the recommendation of Senators to the Board/Senate Committee to Review the Principalship. The Principal left the room. Vice-Chair Oosthuizen assumed the Chair.

**Moved by Senator Dimitrakopoulos, seconded by Senator Berkok that on behalf of the Senate Nominating Committee those named in the Nominating Committee report be elected to the committees indicated, effective immediately.**

**Carried 12-65**

Senator Oosthuizen noted that there are still vacancies available on Senate committees and encouraged Senators to speak with him or University Secretary L. Knox if they are able to serve.

Principal Woolf re-entered the room and resumed the Chair.

**6. Operations Review** (Appendix J, page 32)

- a) Report to Senate

The Chair drew members' attention to the report attached to the agenda. Senator Colgan informed Senators that they would be receiving a survey from SORC and encouraged members to respond. The Chair thanked Senator Colgan and the committee for their work.

**7. Non-Academic Discipline** (Appendix K, page 87)

- a) Number of Non-Academic Discipline cases reviewed

The Chair drew members' attention to the report and as there were no questions, he thanked H. Smith, Coordinator of Dispute Resolutions Mechanisms for his report.

**8. Queen's University Planning Committee**

- a) Report to Senate

Senator Bakhurst reported that QUPC met on November 5th to discuss the Campus Master Plan, the Budget Strategy and the New Budget Model. An Advisory Committee has been established for the Campus Master Plan, under the leadership of Jo-Anne Brady, Vice-Provost (Planning and Budgeting), with broad membership, including members from the Campus Planning and Development Committee, all faculties and schools, and facilities. The committee will consider issues related to the University's strategic real estate holdings as well as financial stability. Care and stewardship of Queen's historical buildings is a key focus of the committee. The committee is targeting March 2014 for approval by the Board of the final Campus Master Plan.

The overview of the budget strategy and the new budget model included consideration of Queen's two largest sources of revenue, which are grants and tuition, and a discussion of the attribution of the cost of shared services. The primary shared services are occupancy costs (space), the Library, Undergraduate Student Services and Support, Advancement, Graduate Student Services and Support and IT Services.

The Provost's Advisory Committee on the Budget (PACB) will review all Faculty and shared services budgets in December and January. The Board will receive a preliminary budget report at its March 2013 meeting and a final balanced budget will be presented in May.

#### **IV REPORTS OF FACULTIES**

1. Orientation Reports (Appendix L, page 88)
  - a) Education
  - b) Graduate Studies
  - c) Medicine

The Chair drew members' attention to the reports attached in Appendix L, provided for information.

#### **V MOTIONS (Appendix M, page 93)**

1. Proposal to recommend designation of Queen's National Scholar as a position in Indigenous Studies – submitted by Senator Fachinger

Moved by Senator Fachinger, seconded by Senator Adams

That Senate recommend that the Provost, in consultation with the Aboriginal Council of Queen's University, designate one of the two 2013/14 QNS positions as a position in Indigenous Studies; and that units/groups of units wishing to propose the recruitment of a QNS in this specific area submit their proposals to the QNS committee.

**Defeated**

Senator Fachinger noted that she did not presume to speak on behalf of the Aboriginal Council, but instead felt that this recommendation was being put forward in response to the resumption of the Queen's National Scholar Program (QNS). She opined that there are a number of benefits arising from the designation of one position to Indigenous Studies:

- 1) A dedicated position in Indigenous Studies would provide quality assurance and added continuity and sustainability within the proposed minor and the QNS awardee could potentially consolidate and expand efforts around Indigenous Studies, providing guidance and serving as a mentor for Aboriginal students;
- 2) This is an opportunity for recruitment of a tenure track position to support the new Indigenous Studies minor, which is in its final stages of approval;
- 3) The current instructor in the core courses in Indigenous Studies (DEVS 220 and 221) will retire in the near future;
- 4) It is an opportunity for Queen's University to foster an enhanced scholarly and research experience in its programming, as few institutions are key players in indigenous studies. This also aligns well with the Strategic Research Plan as it promotes research and scholarly activities that provide transformative experiences for students;
- 5) There is a lack of aboriginal content in curricula and in the teaching of traditional knowledges and methodologies at Queen's
- 6) Recruitment in this area was a recommendation in the [Academic Plan](#) and this is an opportunity to support the recommendation.

Senator Reznick stated that there had been considerable work in resuscitating the QNS program. Although a meritorious cause, there are only two appointments available and he could not support earmarking 50% of the allotment to this specific area.

In response to Senator Abdollah's question regarding past practice in allocation of QNS positions, the Provost stated that the only restrictions in previous allocation have been with respect to which Faculty could participate, but not related to particular areas or disciplines. Senator Harrison also reminded Senate that the recommendation to the Principal will be made by a committee. Another important change to the QNS process is that the expressions of interest and the final submissions will be expected

to align closely with the Academic Plan and the Strategic Research Plan.

As a member of the Aboriginal Council, the Provost also reiterated that the Aboriginal Council had recently unanimously and enthusiastically endorsed an Indigenous Studies minor.

The Chair recognized J. Hill, Senate Observer and Director of the Four Directions Aboriginal Centre. She stated that she had discussed the matter with some members of the Aboriginal Council. Although they agreed in principle that the motion was important and should be tabled with Senate, those members felt that the motion was premature until such time that Aboriginal Council had an opportunity to consider it. J. Hill noted the desirability of hearing Aboriginal voices on the issue. J. Hill also expressed concern that the motion calls for a scholar in indigenous studies but not for a person of Aboriginal heritage.

C. Davis, Co-Chair of the Aboriginal Council, stated that she spoke with her Co-Chair, Marlene Brant Castellano, who felt that Aboriginal Council support for the minor in Indigenous Studies is the direction in which the Council wishes to proceed at this time.

Senator Harrison noted that he anticipates that there may be a number of applications for the QNS in the field of Indigenous Studies and he encouraged anyone wishing to make such a submission to discuss it first with the Aboriginal Council.

In response to the discussion, Senator Fachinger pointed out that her original motion submitted included an explicit statement requiring the recruitment of a person of Aboriginal heritage; however, she was informed that it raised concerns under the Human Rights Code if there were a stated intention to limit recruitment in this way. Consequently she modified her original motion to Senate before submitting it to the agenda. Senator Fachinger also noted that she consulted with individual members of the Aboriginal community prior to submitting the motion. She emphasized that she sent the motion by e-mail to both M. Brant Castellano and C. Davis at the time it was submitted for inclusion in the Senate Agenda.

She anticipates this would have been a one-time request to designate a QNS position. Senator Fachinger also opined that, had the members of the original Academic Planning Task Force been aware that the QNS would be reopened, they could have specifically noted the QNS position designation in Recommendation 11.

Senator Fachinger reiterated that she brought this motion forward because it was a timely measure and as a concerned member of Senate and the Queen's community and that thus far, there was no aboriginal representation on Senate.

## 2. Queen's University 175<sup>th</sup> Anniversary Planning

**Moved by Senator LaFleche, seconded by Senator Oosthuizen, that Senate endorse the establishment of the Queen's University 175<sup>th</sup> Anniversary Working Group, to be an advisory committee to the Principal on the celebration of Queen's 175<sup>th</sup> anniversary.**

**Carried 12-66**

The Chair noted that J. Burge, the co-chair of the Committee, was available for questions. As there were no questions, the Chair thanked Dr. Burge, Senator LaFleche and the rest of the committee for their work in setting the foundation for this working group.

## VI COMMUNICATIONS AND REPORTS SUBMITTED TO SENATE

### 1. The Senate's role in Queen's University governance (Appendix N, page 102)

Upon receipt of the legal opinion from Mr. Justice Iacobucci regarding the authority and responsibility of Senate with respect to matters that are academic in nature and more specifically, Senate's legal jurisdiction regarding decisions related to closure, merger and suspension of academic programs, the Principal stated that he felt that it was important to discuss this matter at Senate.

While Mr. Iacobucci has provided a legal opinion, the Principal stressed the importance of the Senate and Board working together in partnership in order to fulfil their joint, and not always distinct, responsibilities to the University.

The Principal noted that Queen's faces significant external challenges related to the present economic situation, to rapidly changing and evolving technology and to policy levers applied at both the provincial and federal levels.

He emphasized that a successful future requires innovation in the guidance of Queen's students through the learning experience, research and scholarship, and administrative processes. All universities, provincially, nationally, and internationally, face similar challenges. To maintain and enhance Queen's place in this landscape, the Principal said he believed that the University must continue to innovate. The ability to move nimbly and seize opportunities that arise is crucial in these times. It is his belief that Queen's can do this effectively when Senate and the Board work together.

Senator Jones observed that although Justice Iacobucci's opinion addresses the important relationship between Senate and the Board of Trustees, the historical contention giving rise to the request for the Justice's advice last February was between the Senate and Faculty Boards, on the one hand, and the Board of Trustees and upper Administration on the other. In particular, he said, questions had been raised since 2009 about the authority of the Dean of Arts and Science to close or suspend admissions to academic programs without the approval of Senate. Senate was told that the administration had received legal advice to the effect that the Deans, as "officers" of the Board of Trustees, had "managerial" rights in all decisions involving "resources," even when these decisions also had important academic impacts. The Dean of Arts and Science had relied on this advice to close academic programs in 2009 and freeze academic admissions in 2011 without Senate approval. The Iacobucci opinion, he said, implies that Administration does not have this right: the closure of academic programs and the amalgamation of academic units "require Senate approval." In the case of suspending admissions, Justice Iacobucci says the legality is less clear and the Dean would likely be found to have that legal right. But even here the Justice says Senate has the right, if it wishes to do so, to resume any authority it has delegated as past practice, and thus to reassert its authority over decisions that may result in the closure of an academic program. Senator Jones said that this means that Senate has a voice in academic decisions in principle, though not necessarily in fact. Although Faculty have a majority of seats in Senate, he noted that Faculty Senators are more often absent than present. Thus, he said, if they only chose to become more engaged in Senate, faculty and students could have a strong voice in academic governance. He urged faculty Senators to attend Senate and participate in the academic governance of the University.

Senator Morelli agreed that this legal opinion is welcome news for Senate as it assists in protecting quality programs and the academic mission of the University. The report makes it clear that the best strategy is to avoid getting into situations of conflict; however, as stated by Senator Jones, Senator Morelli contended that the conflict was not between the Board and Senate but was between Senate and the Administration (in their capacity as Officers of the Board). While not dwelling on any specific past examples, he agreed with the view expressed by Senator Jones that the legal opinion of Justice Iacobucci refutes the earlier opinion which Senate was told had been provided by University Counsel D. Kelly, but which Senate was not permitted to see. It was this earlier opinion which the Administration had relied on in making the decisions that ultimately gave rise to the conflict between the Senate and the Administration; which conflict formed the motivation for seeking an external legal opinion. He expressed concern that Senators are not engaged at the committee level of Senate, and

urged faculty and students from across campus to consider getting more involved. As well, he felt collaboration on matters of mutual interest, such as the Grade Point Average issue, would have been an excellent opportunity for the Administration and the Senate to work together in the spirit of collegial and consultative governance advocated for by Justice Iacobucci, rather than the Provost striking an advisory task force that reported directly to the Provost rather than to Senate where, in Senator Morelli's view, the matter properly belongs.

Senator Colgan, Chair of the Senate Operations Review Committee (SORC) said that the committee is reviewing matters of attendance and proxies on referral from Senate. SORC also continues to review the activities and processes of all Senate standing committees. SORC will report its findings in the coming months.

Senator MacLean concurred with Senator Morelli's comment that it is better to avoid conflict rather than to sort it out later on. In response to comments by Senator Jones, Senator MacLean advised Senate that he did not close any academic programs unilaterally. It is accurate that in 2009, by his decision, admissions were suspended in some departments, but any closures resulting from suspensions were a result of presentations by departments to the Curriculum Committee and approval of the Faculty Board. The one merger of academic units was brought to and approved by Senate. None of these events occurred by the fiat of the Dean but were approved through the appropriate academic procedures.

Senator MacLean observed that the opinion does not directly address the questions around authority for the suspension of the Bachelor of Fine Arts program and the previous opinion that he was acting as an officer of the Board and not an officer of Senate. The opinion states that the Board has some authority over some academic matters, but Senate has no authority for financial issues. The opinion left several unresolved issues but Senator MacLean hoped that Senate can resolve them in the spirit endorsed by Senator Morelli.

## **2. Presentation on New Budget Model**

The Chair welcomed D. Hanes, faculty representative on the Provost's Advisory Committee on the Budget (PACB), to give a presentation on the new budget model. D. Hanes noted that his brief presentation would not be about technical details of the model or specifics to do with the various budgets on campus, but instead some reflections about his experience of the construction and development of the new model, with a preview of the upcoming process of budget allocation as we move forward. With respect to the former, he was pleased to be able to say that he had found the process enlightening and very positive. Although there were complex and contentious issues that engendered very serious discussions, the process was hallmarked by a spirit of genuinely constructive endeavour, with the best interests of the University first and foremost.

D. Hanes reminded Senate that the new model is an activity-based budget in which funding generated in the Faculties and Schools is apportioned to the shared services (the largest of which are Occupancy, the Library, ITS, Advancement and Student Support). The model is transparent by design, and allows for clear accountability, innovation and appropriate cost-cutting in order to come to terms with some of the fiscal challenges faced by the institution. This model is not, however, a mechanism to solve the current fiscal problems, and indeed cannot do so, but rather provides a clear and appropriate framework for prudent fiscal decision-making needed to meet the diverse needs of this academic institution. These needs include our commitment to teaching at all levels, but also the recognition that we are an institution with a strong yet balanced commitment to high-level research.

The new model makes provision (through the *University Fund*) for resources to assist units that will not generate enough funding for immediate sustainability under the new framework. This so-called 'hold harmless' mechanism will provide short-term protection against immediate disadvantages in the new model, which is being introduced in "shadow" mode in parallel to the more traditional budget-definition process; over the span of the next two years, it will gradually become the new operational reality. D. Hanes emphasised, however, that the new budget model is not itself cast in stone, but may require and will allow for refinement.

The principle of transparency will persist into the future - as indeed will the PACB itself. In the past, budget decisions were made largely behind closed doors, with Deans making separate and individual presentations to the Vice-Principals. In the new model, each Dean (or Head of a shared services unit, such as ITS) will make direct presentations to the PACB; that Committee will work in a continuing advisory capacity to the Provost in planning the University budget.

In response to a question regarding the long term prospects for funding allocated for the “hold harmless” provisions, the Provost stated that this funding is intended to be bridge funding as units adapt to the new model. In response to a question concerning the source of funding for the University Fund, the Provost advised that it was important to maintain a contingency fund in order to address circumstances that could lead to shortfalls in any particular year. In future, the University Fund is anticipated to be built through undesignated funds.

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**3. Fair Dealing Policy (Appendix O, page 120)**

The Chair drew Senate’s attention to the draft Fair Dealing Policy that will be presented for approval to the Board of Trustees in December. He noted that the fair dealing provision in the Copyright Act permits the use of protected work without permission of the owner or the payment of royalties when two “tests” are passed. First, the “dealing” must be for research, criticism, review, news reporting, education, satire or parody. Second, the dealings must be “fair”. The AUCC has recommended that all Canadian universities outside Quebec adopt this policy. It will be consistent with the fair dealing policy being recommended for adoption by all Canadian Colleges and being considered by K-12.

The Chair invited D. Kelly, University Legal Counsel, to provide background on the policy. D. Kelly stated that the University currently has a fair dealing policy but it worked as a companion to the Access Copyright licence agreement. The University did not renew its licence last year for a number of reasons including cost. In the summer of 2012, the Supreme Court expanded the fair dealing provisions of the Copyright Act and, in November, amendments had been made to the Copyright Act. These changes resulted in a revised and more flexible fair dealing regime for education. This new model policy, which had been endorsed by AUCC, was likely to be adopted by most educational institutions across the country.

It was recommended that the policy be widely disseminated and posted in a highly visible site, such as Moodle, to ensure that all members of the Queen’s community have access to, and are aware of, the policy.

**4. Research Report (Appendix P, page 122)**

The Chair drew members’ attention to the Research Report and informed Senate that Cynthia Fekken, Interim Associate Vice-Principal (Research), was available for questions. There being none, he thanked Dr. Fekken for attending Senate to answer questions about the report.

**5. Student Affairs – 2011-2012 Annual Report (Appendix Q, page 125)**

The Chair drew Senate’s attention to the 2011-2012 Student Affairs Annual Report and informed Senate that Senator Tierney was available to answer questions. There being none, he thanked Senator Tierney for the report.

**6. Campus Planning and Development Report to Senate (Appendix R, page 134)**

The Chair drew members’ attention to the CPDC report attached to the agenda and recognized David

Gordon, Vice-Chair of the CPDC and the Senate Representative to that Board committee, who was available to answer questions. In response to a question regarding unfunded projects, D. Gordon reassured Senate that there will be no transfers from the operating budget to fund any capital projects at this time. He informed Senate that the launch of the consultation phase of the Campus Master Plan would be on December 4<sup>th</sup> and he encouraged Senators to engage in the process and give their opinion about the Campus Master Plan.

**7. University Council on Athletics and Recreation Annual Report September 1, 2011- August 31, 2012 (Appendix S, page 136)**

Senator Tierney highlighted the inaugural Academic All-Star Ceremony, noting that of the 978 varsity student athletes, 288 achieved an ‘All-Star’ status by earning 80% or higher while participating in a varsity sport. She expressed her pleasure in the recognition of student accomplishments and commended the Director of Athletics and Recreation, Leslie Dal Cin for her initiative in this matter.

**VII MATTERS REFERRED TO STANDING COMMITTEES** (Appendix T, page 148)

1. Five-year review of the RMC Fuel Cell Research Centre [Referred to the Senate Advisory Research Committee (SARC)]
2. Grade Point Average Review [Referred to the Senate Committee on Academic Procedures (SCAP)]
3. Course variants [Referred to the Senate Committee on Academic Procedures (SCAP)]
4. University Student Appeal Board Decision [Referred to the Senate Educational Equity Committee (SEEC)]

**VIII OTHER BUSINESS**

None.

**IX CLOSED SESSION**

Not required.

The meeting adjourned at 5:28 p.m.

Lon Knox  
Secretary of the Senate