

Motions to Amend SCAD's Proposed
"Recommended Procedures Concerning the Temporary Suspension of Admissions
to Academic Programs" (Senate Agenda, Mar. 2013, pp. 36-37) (with Comments)

1. Moved, that the word "recommended" be removed throughout, especially from the title, the sub-headings, and line 4 of the preamble.

Rationale: The mandate is a Senate Motion directing SCAD to draft "a procedure," not mere "recommendations" or "recommended procedures." The term "recommended" would make this a "recommendations" rather than a "procedures" document.

2. Moved, that the following paragraph be inserted as the beginning of the preamble (i.e., before "In considering..."):

Senate recognizes that the decision to temporarily suspend admission to academic programs is best made by the relevant Dean(s) in consultation with her/his/their respective Faculty Board(s) (or equivalent(s)) and Senate, and subject to any policies or requirements the affected Faculty or Faculties may have, or may institute, to govern their decision-making process. Therefore Senate delegates its authority *pro tempore* to the relevant Dean(s) to make final decisions concerning temporary suspensions of admissions to academic programs, subject to the following procedure.

Rationale: Makes explicit Senate's delegation of academic decision-making powers and its rights to resume them in this matter.¹

3. Moved, that the last two sentences of the preamble be revised as follows:

From:

Some of the recommended procedures in the decision making process below may not be appropriate in all situations, particularly those involving a privacy issue, sensitive or confidential staffing and/or personnel issues and/or issues related to a Section 13(1) FIPPA exemption. Consequently, it is not intended that the recommendations are to be followed in a prescriptive inflexible manner.

¹ See Justice Frank Iacobucci: "The Senate's delegation of the exercise of its authority to others within the University does not, as a matter of law, derogate from the Senate's authority over academic matters as set out in the *Royal Charter*. The Senate retains the legal authority to require any decisions falling within the Senate's jurisdiction to be brought back to the Senate for consideration and approval. At the same time, however, it is not unlawful for a body or person (such as a Faculty Board or Dean), that has received delegated decision-making authority from the Senate, to exercise that authority without seeking the approval of the Senate" (Opinion "re The Senate's Role in Queen's University Governance," Nov. 2012, pp. 11-12).

To:

Some parts of the procedure provided below may not be appropriate in situations requiring confidentiality regarding personnel or staffing or Section 13(1) FIPPA exemption; insofar (and only insofar) as such considerations render a measure provided below inappropriate, that measure shall not apply. In such a case the Dean(s) shall clearly indicate that some factors in the decision have been withheld for the sake of confidentiality.

Rationale: provides more precisely for exceptions to the procedure, and provides for notification in cases of confidentiality.

3b. [Should Motion 3 not pass]: Moved, that the final sentence of the preamble (“Consequently, it is not intended that the recommendations are to be followed in a prescriptive manner”) be deleted.

Rationale: “A procedure” should be regulatory rather than advisory.

4. Moved, that the sentence following the preamble, “Before the decision is finalized, it is recommended that the Dean(s):” be revised to read: “**In considering a proposal to suspend admissions to an academic Program or Plan, the Dean(s) shall:**” and that the forms of the ensuing verbs be revised accordingly, e.g., from “ensures” to “ensure.”

Rationale: (1) The current wording, “Before the decision is finalized,” would place emphasis only on final preparations for implementing the decision to suspend; the procedure should address the decision-making process as a whole. (2) The procedure should be regulatory rather than “recommended.”

5. Moved, that item 2 (on p. 1) be revised as follows:

From:

Ensures that alternatives to temporarily suspending admissions to the Program/Plan have been explored and explains, to the extent possible, the feasibility (or lack of feasibility) of these alternatives.

To:

Ensure that alternatives to temporarily suspending admissions to the Program/Plan have been explored and explain **to the affected individuals and groups, including Faculty Board(s) or equivalent(s) and Senate,** the feasibility (or lack of feasibility) of these alternatives.

Rationale: removes the vague and unnecessary “to the extent possible” and stipulates the addressees, including Senate.

6. Moved, that item 6 (p. 1) be revised as follows:

From:

Conveys his/her decision, and when possible, the reasons for it, to: students, staff and faculty most closely affiliated with the Program/Plan; the broader academic community; and the relevant Faculty Board(s) or equivalent.

To:

Convey his/her/**their** decision, **and the reasons** for it, to: students, staff, and faculty most closely affiliated with the Program/Plan; the broader academic community; and the relevant Faculty Board(s) or equivalent(s) **and Senate**.

Rationale: Removes “when possible,” which goes without saying (exceptions are provided for in connection with confidentiality, above); adds Senate to those to be advised of the decision.

7. Moved, that “This shall be done prior to the decision coming into effect wherever possible.” be inserted as the last sentence of item 6 (p. 1).

8. Moved, that the first paragraph of the “Procedures Following a Decision” (p. 2) be revised as follows:

From:

Once a decision is made to temporarily suspend admissions, it is imperative that there is a well-articulated plan in place that will ensure that students currently enrolled in the affected Program/Plan will be able to meet graduation requirements. Every effort must be made to communicate this plan in a timely fashion to the students, staff, faculty, and academic administrators affected by the decision to temporarily suspend admissions.

To:

Before a decision is made to temporarily suspend admissions, it is imperative that there **be a well articulated plan to** ensure that students currently enrolled in the affected Program/Plan **can** meet graduation requirements. **As soon as the decision is announced,** this plan **should be communicated** to students, staff, faculty, and academic administrators affected by the decision to temporarily suspend admissions.

Rationale: corrects grammar and style; also, clarifies the timing of the planning and its announcement. (The plan should be made in advance to ensure feasibility, and should be communicated immediately upon the announcement of the decision to prevent undue distress.)

9. Moved, that the second paragraph on p. 2 be revised as follows:

From:

If admissions to a Program/Plan are temporarily suspended, it is recommended that the suspension be time-limited (for up to 2 years) and the Dean (or Deans) should provide an interim report to Faculty Board (or equivalent body) after the first year, and each year thereafter. At the end of the initial specified time of temporary suspension, it is further recommended that the Dean (or Deans) should advise the Provost and Senate (with reasons) of his/her further decision regarding the temporary suspension which may be one of the following:

To:

Temporary suspensions of admissions shall be time-limited (for up to 2 years) and the Dean (or Deans) **shall** provide an interim report to Faculty Board (or equivalent body) after the first year and each year thereafter. **At least six months before** the end of the initial specified time of temporary suspension, **the Dean (or Deans) shall** advise the Provost and Senate (with reasons) of his/her/**their** further **intentions** regarding the temporary suspension which may be one of the following:

Rationale: (1) The “if” clause is superfluous, given the section-heading. (2) “Recommended” is removed on the rationale given above. (3) It is critical that the Dean(s) inform the Provost and Senate *before* finalizing such a decision in order to allow for input and discussion.

10. Moved, that the “existing protocols” referred to in item (d) (p. 2) be identified.

Comments

SCAD’s “Recommended Procedures Concerning the Temporary Suspension of Admissions to Academic Programs” responds to a Motion passed in Senate in January 2012 (not Nov. 2011), which tasked SCAD with outlining “a procedure for the suspension of admissions.”

SCAD presented an earlier draft in May 2012; Susan Cole (then Chair of SCAD) invited “written input” and noted that “Input and discussion [would] continue in the fall, with a November target to present the report to Senate” (Senate Minutes, May 2012, p. 9). QUFA sent SCAD a detailed [response](#) and a suggested revision in August 2012. But there has been no substantive discussion of this matter in Senate since then, and SCAD makes no reference to its “input” in its prefatory Report; nor is it clear that it has taken QUFA’s concerns into account.

Though QUFA expressed concern that the word “‘Recommended’ may suggest that the procedures are optional,” the prominence of this word has in fact increased in the new draft.

The hedging of procedures as merely “recommended” is not acceptable. What Senate mandated was a procedure, not a set of recommendations. The procedural steps enumerated 1-6 in the current SCAD draft should all be mandatory requirements, providing for exceptions in cases of confidentiality. They are not overly prescriptive, but merely provide for an appropriate level of consultation with relevant stakeholders. Why should these not be required, as opposed to “recommended”?

QUFA also expressed concern “that the proposed involvement of Faculty Boards and Senate is slighter than it should be.” But in the current document Senate is not mentioned until the end, under the “recommended procedures following a decision.” While Senate may delegate its decision-making authority to the Deans, it should not be cut out of all prior information / consultation on decisions that are properly under its authority. It should be specifically mentioned among those “groups” to be advised and allowed to advise at the beginning of the process (i.e., at step 1) and among those advised of the decision and its “reasons” at step 6. The Senate Motion of Jan. 2012 calls for a procedure that pays “due attention . . . to the question of the appropriate governance bodies that should be involved.” Another Senate Motion, passed in February 2013, provides that “until Senate has approved the Procedure... no suspensions of admissions...shall be made without prior consideration and approval by Senate” (Feb. Minutes, p. 7). This Motion is, among other things, an expression of Senate’s determination to retain some involvement in these decisions. It may delegate its *decision-making authority* in this matter to the Deans, but that does not necessitate that it be cut out of the advisory discussion.