

NOTICE OF MEETING

There will be a meeting of the Senate Governance Committee

on Tuesday, November 20, 2018 at 2:30p.m.

Room 209/211 Assumption Hall

AGENDA

- | | | |
|----------|--|---|
| 1 | Approval of Agenda | |
| | 1.1 Unstarring agenda items | |
| 2 | Approval of the minutes of the meeting of September 19, 2018. | SGCm180919 |
| 3 | Business arising from the minutes | |
| 4 | Outstanding Business/Action Items | |
| | 4.1 Convocation 2019 – Honorary Degrees
(In-camera) | Douglas Kneale-Approval |
| 5 | Bylaw Business | |
| | 5.1 Bylaw 31 – Revisions | Douglas Kneale-Approved
SGCa181109-5.1 |
| | 5.2 Proposed Revision to Bylaw 51 – Multiple Exams Clause | Douglas Kneale-Approved
SGCa181109-5.2 |
| | 5.3 Bylaw 51 – Revisions | Douglas Kneale-Approved
SGCa181109-5.3 |
| | 5.4 Bylaw 1 – Missing Three Consecutive Meetings | Douglas Kneale-Approved
SGCa181109-5.4 |
| | 5.5 Bylaw 40 and Bylaw 20 – Revisions | Douglas Kneale-Approved
SGCa181109-5.5 |
| 6 | Question Period/Other Business | |
| 7 | Adjournment | |

Please carefully review the ‘starred’ (*) agenda items. As per the June 3, 2004 Senate resolution, ‘starred’ items will not be discussed during a scheduled meeting unless a member specifically requests that a ‘starred’ agenda item be ‘unstarred’, and therefore open for discussion/debate. This can be done any time before (by forwarding the request to the secretary) or during the meeting. By the end of the meeting, agenda items which remain ‘starred’ (*) will be deemed approved or received.

**University of Windsor
Senate Governance Committee**

5.1: **Bylaw 31 – Revisions**

Item for: **Approval**

Forwarded by: **SGC Bylaw Review Committee**

MOTION: That the proposed revisions to Bylaw 31 be approved.

Proposed Revisions:

- 6.9.12 If a party, who has been notified of the hearing date, is absent without contacting, through the University Secretariat, the Chair of the Discipline Appeal Committee with a satisfactory explanation, the **Discipline Appeal Committee may determine how to proceed, including rescheduling the hearing or concluding that the party has abandoned the appeal and that no hearing is warranted, bearing in mind justice, fairness and efficiency** ~~hearing may proceed in his/her absence. If the appeal is deemed abandoned, the matter will be dismissed and the adjudicator's finding and sanction will be upheld.~~

Appendix A – Sanctioning Guidelines

[...]

6. **Censure:** A reprimand for violation of a specified University regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any University regulation within a period of time stated in the reprimand. This sanction shall normally result in a transcript notation for the specified period of time, ~~unless otherwise directed by the adjudicator, in the case of the Faculty of Law, the Discipline Committee of the Faculty of Law, or the Discipline Appeal Committee.~~
7. **Denial of Registration:** A decision to deny the student permission to register **in a course or a program**, or to cancel the student's registration in a course or a program. There shall be no transcript notation related to this sanction where there is no existing transcript. Where there is an existing transcript, this sanction shall normally result in a transcript notation for a specified period of time, ~~unless otherwise directed the adjudicator, in the case of the Faculty of Law, the Discipline Committee of the Faculty of Law, or the Discipline Appeal Committee.~~
8. **Community Service:** Community service work within the campus or wider community as set forth in the order of community service for a definite period of time. The student shall make appropriate arrangements with the intended agency, with which s/he may be serving his/her community service work, and shall submit proof of hours worked by the deadline stated in the order. The community service work setting shall be approved by the person or body responsible for adjudicating the matter. This sanction shall normally result in a transcript notation for a specified period of time, ~~unless otherwise directed by the adjudicator, in the case of the Faculty of Law, the Discipline Committee of the Faculty of Law, or the Discipline Appeal Committee, as the case may be.~~
9. **Suspension:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a specified period of time. This sanction shall result in a transcript notation for a specified period of time.
10. **Expulsion:** Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion. A notation shall be placed on the student's transcript for an indefinite period of time. A student may apply to the adjudicator or the Discipline Appeal Committee, as the case

may be, to request to have the notation of expulsion removed from his/her transcript three years after the imposition of the sanction.

11. **Rescinding Degree:** Rescinding the student's degree, requires approval by the President of the University, based on a recommendation from the Discipline Appeal Committee. In cases where this may be warranted, the adjudicator shall forward the matter with his/her recommendation to the Discipline Appeal Committee for a hearing. The rescinding of a student's degree shall remain on his/her transcript permanently.

III Transcript Notations

In the case of #6 ~~and~~ **through** #9, the sanction shall be automatically removed from the student's transcript upon the expiration of the sanction. In cases where placement of a sanction on the transcript will have an adverse impact on employment or on applications to graduate programs, or other post-secondary programs, the student may ~~appeal~~ **apply** to the **adjudicator or the** Discipline Appeal Committee, **as the case may be**, to have the notation period shortened or the notation removed.

Rationale:

- 6.9.12: Deeming that an appeal has been abandoned differs from the withdrawal of an appeal. Withdrawing an appeal is something that the student does actively, while abandoning an appeal is something that is deemed on the basis of the student's conduct or failure to respond.
- Proceeding with an appeal with only one party present, particularly where the finding of misconduct is being challenged and not simply the sanction imposed, is disconcerting because only one side will be heard and the Committee will have to spend its time deciding a case that will not be fully argued. In the interest of fairness and efficiency, in cases where the student does not respond or is absent for the hearing, it would be better for the student to have been deemed to have abandoned the appeal for unspecified reasons than for the Committee to make a finding of fact that the student acted with misconduct based only on evidence provided by the Associate Dean and without any prior disclosure or evidence provided at the hearing by the student. Another option, depending on the circumstances, would be to reschedule the hearing.
- Transcript Notations: Since only an Adjudicator, the Discipline Committee of the Faculty of Law, and the Discipline Appeal Committee have the authority to impose sanctions, the qualifier at the end of the sanction descriptors is redundant. The use of the word "normally" will continue to provide the Adjudicator, the Discipline Committee of the Faculty of Law, and the Discipline Appeal Committee with the flexibility needed regarding the transcript notation.
- Removing ambiguity from sanction #7 which is about denying access to a course or a program, not denying access to all courses and programs at the university as is the case with suspensions.
- Minor correction in paragraph III to allow students to request earlier removal of any sanction that results in a transcript notation based on the reasons specified. The request would be considered by the individual or body that made the sanction decision, consistent with the language on expulsions.

**University of Windsor
Senate Governance Committee**

5.2: **Proposed Revision to Bylaw 51 – Multiple Exams Clause**

Item for: **Approval**

Forwarded by: **SGC Bylaw Review Committee**

MOTION: That the proposed revision to Bylaw 51 be approved.

Proposed Revision:

[proposed changes are in bold and strikethrough]

Add: In this Bylaw, “final examination(s)” shall mean “any final testing procedure (written test, oral interview, essay, take home test, etc.) that takes place or falls due during the examination period.”

1.5.2 A student ~~scheduled to write~~ **who has** three or more final examinations **scheduled or due** in consecutive time slots over a 24-hour period or three or more final examinations **scheduled or due** in one calendar day may apply, no later than the fourth week of classes, to have one of their examinations rescheduled on a supplemental examination day. [...]

1.5.3 A student who has three or more major in-term evaluations scheduled or due within a 24-hour period may apply, no later than the fourth week of classes, to seek an appropriate accommodation (such as a due date modification, alternative assignment, or rescheduled test). [...]

Rationale:

- The policy was first created in 2003. At that time, the rationale stated that it did not apply to “take-home exams”. Two years ago, when Senate extended the provision related to multiple exam to multiple in-term evaluations in a 24-hour period, a primary argument in support of the change was: “Given the many pressures on students, having more than two in-term evaluations [scheduled or due] in a 24-hour period arguably may result in an unfair and inaccurate assessment of a student’s knowledge. This policy recognizes that the purpose of evaluations is to assess student learning and acknowledges that there are times when the logistics of assessment load (and other factors) make it so that attaining this end is questionable.” Take home examinations are assessed the same as in-class examinations. Therefore, students must dedicate time and effort equivalent to any other examination they may have to write. Whether the final exam is due (take home) or scheduled (invigilated), the impact on student learning and the effectiveness of the assessment of student learning when a student has multiple finals in such a close timeframe is the same.
- The proposed revision would bring the provision in line with the provision for in-term evaluations (which include midterm exams, papers, etc.) by extending it to take home exams, as well as other types of exams such as oral exams. The definition provides additional clarity on what is meant by “final examinations”.
- The proposal was reviewed and unanimously endorsed by the Academic Policy Committee and the SGC Bylaw Review Committee.

**University of Windsor
Senate Governance Committee**

5.3: **Bylaw 51 – Revisions**

Item for: **Approval**

Forwarded by: **SGC Bylaw Review Committee**

MOTION: That the proposed revisions to Bylaw 51 be approved.

Proposed Revision:

[proposed changes are in bold and strikethrough]

Bylaw 51 Proposed Revisions:

1.1.2 Two to three hour examination slots will normally be scheduled [...]

~~The Office of the Registrar will complete the foregoing scheduling for the Fall semester prior to September 1, and for the Winter semester prior to January 1, so that it is available to students before they finalize their course selections.~~

1.5.2 A student [...] may apply, no later than **October 31st for the Fall Semester, February 28th for the Winter Semester and June 30th for the Summer Semester** ~~the fourth week of classes~~, to have one of their examinations rescheduled on a supplemental examination day. The determination of which examination shall be rescheduled and the date of the supplemental examination (normally the last possible day of the examination period) shall be made by the Associate Vice-President, Student Experience, **by November 15th for the Fall Semester, March 15th for the Winter Semester and July 15th for the Summer Semester** ~~the end of the eighth week of classes~~. Where permission has been granted, instructors shall provide an alternate examination **at the rescheduled time**. Where other arrangements cannot be made, invigilation and administration of final examinations held on the supplemental examination day will be managed by the Office of the Registrar.

3 **Alternative Examinations** (applicable to students in all Faculties)
[...]

Students who are unable to write a final examination during the regularly scheduled time slot due to a conflict arising from a religious observance shall be given the opportunity to write an alternative examination during another time slot within the regularly scheduled examination period.

Students must submit an application for an alternative examination to the Office of the Registrar as indicated below:

One-term (~~twelve-week~~) course offered during Fall, ~~or~~ Winter, ~~or~~ Summer Semesters ~~Term - within four weeks of beginning of term~~ **by October 31st for the Fall Semester, February 28th for the Winter Semester and June 30th for the Summer Semester**

Two-term course - ~~within four weeks of beginning of the second term~~ **by October 31st, February 28th, or June 30th of the second term, as the case may be**

Three-week course offered during ~~Summer Term (Interession / or Summer Session)~~ - ~~within one weeks of beginning of session.~~ by May 12th for Interession or July 2nd for Summer Session

Six-week course offered during ~~Summer Term (Interession / or Summer Session)~~ - ~~within two weeks of beginning of session.~~ by May 30th for Interession or July 20th for Summer Session

Eight-week course offered during ~~Summer Term (Interession / or Summer Session)~~ - ~~within two weeks of beginning of session.~~ by May 30th for Interession or July 20th for Summer Session

~~Twelve week course offered during Summer Term (Interession/Summer Session) within four weeks of beginning of session.~~

The Office of the Registrar is required to contact the instructors involved for the preparation of an alternative examination, to reschedule the examination in another time slot within the regularly scheduled examination period, and to notify students of their new examination schedule **approximately three-quarters into the by the mid-point of each** semester.

Rationale:

- Final examination schedules for one-term (Fall, Winter, Summer) or two-term courses will not be published until October 15 (Fall), February 15 (Winter), or June 15 (Summer). The revised deadlines will allow affected students two weeks to request an alternative examination, with the exception of three-week courses where students will have between 6-11 days to request an alternate examination. In terms of course selection and enrolment, this means that students will not be restricted in their course choice based on exam scheduling.
- If possible, the system should send an automatic notification to students who have three or more final examinations scheduled or due in one calendar day, or three or more final examinations scheduled or due in in consecutive time slots over 24 hours.

**University of Windsor
Senate Governance Committee**

5.4: **Bylaw 1 – Missing Three Consecutive Meetings**

Item for: **Approval**

Forwarded by: **SGC Bylaw Review Committee**

MOTION: That the proposed revisions to Bylaw 1 be approved.

Proposed Revision:

10.2 An elected Senator shall be deemed to have resigned if ~~s/he~~ **the elected Senator** is absent from three consecutive regular meetings of the Senate, **with the exception of meetings missed due to serious health circumstances, or other extenuating circumstances, as approved by the Senate Governance Committee on behalf of the Senate.**

Rationale:

- This current regulation applies regardless of the rationale for missing the meetings, including deaths in the family, serious health diagnosis, *etc.* This clause has been reviewed in the past, and the original rationale was supported. The rationale was that, regardless of why a Senator misses meetings, if the individual misses three consecutive meetings the individual is not providing the representation or perspective, thereby impacting Senate.
- Senate recently requested that the Bylaw Review Committee review the clause and propose alternatives.
- The Bylaw Review Committee suggests allowing for a case to be made in exceptional circumstances. This would strike a balance between the need to ensure accountability of elected members and providing for exemptions to the automatic resignation on compassionate grounds.
- A similar provision can be found in the Board bylaw.

**University of Windsor
Senate Governance Committee**

5.5: **Bylaw 40 and Bylaw 20 – Revisions**

Item for: **Approval**

Forwarded by: **SGC Bylaw Review Committee**

MOTION: That the proposed revisions to Bylaws 40 and 20 be approved.

Proposed Revisions:

Bylaw 40:

4.1.6 [...] Members of Councils under 4.1.2 [*sessional lecturers*] shall not participate in appointment procedures for new faculty, or in renewal, promotion and tenure procedures, or selection procedures (including committee size, composition and membership) for ~~Appointments Committees and RTP Committees.~~

Bylaw 20:

2.1.1 An AAU appointments committee shall be composed as follows:

- [...]
- Three or more faculty members/**sessional lecturers** elected by and from all regular faculty members/**sessional lecturers** in the AAU
- student representation which shall equal the number of voting faculty members/**sessional lecturers** divided by three and rounded to the nearest whole number. The students shall be elected by and from the students in the AAU.
- [...]

2.1.2 For joint appointments the appointments committee shall be composed as follows:

- [...]
- two faculty members/**sessional lecturers** elected by and from all regular faculty members/**sessional lecturers** in each AAU (four total), one of whom in the case of an AAU that is also a Department shall be the Head
- [...]

2.1.3 For hybrid appointments the appointments committee shall be composed as follows:

- [...]
- two faculty members/**sessional lecturers** elected by and from all regular faculty members/**sessional lecturers** in the AAU, one of whom in the case of an AAU that is also a Department shall be the Head, and two representatives of the other body in which the appointment is held one of whom shall be the academic leader of the other body, or designate

2.1.5 Both genders shall be represented among the non-student voting members on all appointment committees. Where necessary a faculty member/**sessional lecturer** from a non-represented gender shall be elected to the appointments committee by the AAU Council(s) from a list of eligible faculty members/**sessional lecturers** provided by the university.

Rationale:

- The current bylaws allow for sessional lecturers to participate in head searches but not appointment for new faculty. A question has arisen in the case of an external head search.
- The exclusion of sessional lecturers in Bylaw 40 is more ambiguous in its applicability, in this case, than is their inclusion in decision making processes of the AAU (for Head appointments) as a permanent member of the University under Bylaw 5. Thus, it is fairer to permit them to participate fully in the appointment of a new AAU Head, even though this is an external search. There is also the issue that, while it may be an external search, an internal member may apply and may be appointed, in which case it could be argued that they ought never to have been excluded. In the end, it is better practice to err on the side of affirming rights when an ambiguity is concerned as opposed to excluding those rights.
- The proposed revision aims to remove the ambiguity.
- When arriving at this proposal, the Bylaw Review Committee considered the intent behind the inclusion and exclusion of sessional lecturers in different appointment procedures, based on the feedback provided to Senate last academic year. While there was concern about permitting sessional lecturers to participate in appointments processes when their appointments did not follow the same procedures, there was strong agreement that they ought not to participate in RTP procedures because they are not subject to the same procedures for promotion through the ranks.
- Allowing sessional lecturers to participate in appointments committees only means that they are now eligible for nomination. In the end, it is up to the Council whether they are elected to the committee.