

McMaster University

SENATE MINUTES

VOL. XCVI

Wednesday, October 20, 2021 at 3:30 p.m.

Zoom

PRESENT: Dr. David Farrar, Dr. Anna Danielova, Dr. Chandrima Chakraborty, Dr. Chris Sinding, Dr. Dina Brooks, Dr. Doug Welch, Dr. Heather Sheardown, Dr. Jeremiah Hurley, Dr. Judy Fudge, Dr. Juliet Daniel, Dr. Karen Kidd, Dr. Khaled Hassanein, Dr. Kim Dej, Dr. Kim Jones, Dr. Laura Parker, Dr. Lia Bronsard, Dr. Lorraine Carter, Dr. Maikel Rheinstadter, Dr. Mark Walton, Dr. Martin Horn, Dr. Maureen MacDonald, Dr. Michael McGillion, Dr. Nikolai Penner, Dr. Pamela Swett, Dr. Patrick Bennett, Dr. Paul Faure, Dr. Phil Zylla, Dr. Rick Monture, Dr. Sherman Cheung, Dr. Susan Tighe, Dr. Todd Hoare, Dr. Wael El-Dakhakhni, Mr. Dalue Tang, Mr. Findley McSevney, Mr. Hasan Siddiqui, Mr. Jim McCaughey, Mr. Moustafa Naiem Abdel-Mooty, Mr. Tyler Woo, Ms Amanda Bakke, Ms Haleigh Wallace, Ms Saher Fazilat, Ms Sarrah Lal, Ms Shaden Ahmed, Ms Susan Galloway, Ms Zoe Tsai, Ms Beth Manganelli Staite, Ms Mary Williams, Ms Bernadette Corpuz, Mr. Keegan Johnson, Ms Andrea Thyret-Kidd (University Secretary), Ms Michelle Zheng (Associate University Secretary), Ms Alysha Sless (Governance Coordinator)

OBSERVERS: Ms Andrea Farquhar, Dr. Arig al Shaibah, Ms. Carolyn Brendon, Ms Esme Davies, Dr. Jean Wilson, Ms Maya Verma, Ms Melissa Pool, Dr. Peter Mascher, Mr. Sean Van Koughnett, Dr. Susan Denburg, Ms Vivian Lewis

REGRETS: Dr. Melinda Gough, Dr. Stephanie Springgay, Dr. Karen Mossman, Dr. Susan Reid

A. OPEN SESSION

OPENING REMARKS

Dr. Farrar welcomed members to the meeting and introduced the new alumni members Ms Bernadette Corpuz and Mr. Keegan Johnson.

Members were reminded of the Zoom protocols.

Dr. Farrar explained that as Senators will know, campus has been coming back to life over the last few weeks, with increasing numbers of students, faculty and staff back on campus. The MacCheck application and vaccine upload process has been implemented well, following a huge team effort from across campus. As reported earlier this week, more than 99 percent of faculty and 96 percent of staff have uploaded proof of vaccination to the MacCheck reporting tool and

approximately 96 percent of all students who are studying on campus have uploaded their proof of vaccination. Dr. Farrar thanked everyone for their support through this challenging time.

Plans are now being focused on the Winter term and we are expecting to see even more activity on campus from January onwards. The Provost is working with the Deans with regard to on-campus programming, and announcements about the winter term will be made very shortly. Dr. Tighe explained that they are working their way through the next steps with the vaccine mandate and planning for the winter term. The focus is on initiatives in the Strategic Plan and implementing many strategies related to the Teaching and Learning Strategy. Dr. Tighe will be giving a State of the Academy address on November 18 and encouraged all Senators to attend. Dr. Tighe advised that they are working with MUFA on a University wide initiative for the winter term and are aiming to be in person as much as possible.

A member asked if there was more information about the planning and whether mask wearing will be required. Dr. Tighe advised that they will be following the Public Health and Safety guidelines. At this time masking is still a requirement.

A member asked a question regarding face shields. Dr. Tighe explained that face shields are worn in some labs and encouraged faculty to speak with their department representatives as certain courses have different requirements. Dean MacDonald explained that there was a process and that instructors could have access to clear masks to be used to improve accessibility for students. A member added that faculty have to apply for an exemption to wear a shield instead of a mask for the classroom.

A member asked a question regarding people that access campus through walking their dogs or parents visiting and asked if it is concern that they may not be vaccinated. Dr. Tighe explained that anyone visiting campus should be registering on the app. There is a risk that some individuals may be ignoring that and not uploading information. Given that it is a requirement to do things such as go to restaurants and movies, the majority of the population are moving towards vaccination.

Following the last Senate meeting, there was a federal election. Dr. Farrar advised that not much has changed and they are continuing their advocacy efforts for research funding at the federal level and particularly in relation to Canada's Global Nexus. They are currently awaiting details of the new Cabinet and will continue to build partnerships in support of the University's priorities once the cabinet appointments are known. At the provincial level, they are continuing to work closely with peer institutions and COU around the advocacy priorities and strategy for Ontario universities, which will include working with the government to increase university revenue sources, supporting increases in institutional student financial assistance to enhance student access to higher education, and allowing the expansion of high-demand programs to ensure Ontario has the skilled workforce needed for in-demand jobs. Dr. Farrar advised that in response to the issues at Laurentian, we also continue to make the case that a financial sustainability plan for the sector is needed that provides predictable and stable funding over the longer-term. At the same time, we continue to emphasize the point that Laurentian was a unique situation and is not likely to be replicated at McMaster or elsewhere. The province introduced a Red Tape Reduction Bill earlier this month, which includes several initiatives that will have impacts on universities.

The most significant is that the government has indicated its willingness to explore increases to College degree-granting caps and degree-granting authority, including the potential for “applied” Master’s degrees. COU and others are watching this closely and continuing to make the case for the value and importance of universities to our province and society.

Dr. Farrar explained that the senior team is focused on pursuing a number of the key priorities laid out in the strategic plan over the coming year. This includes the ongoing focus on Inclusive Excellence, including increased hiring under the Black Excellence Cohort Hiring initiative, and the launch of the Indigenous strategic plan Indigenous Strategic Directions, which was formally launched on September 30. Alongside this, the development of the Digital Learning strategy and an enhanced focus on teaching excellence is a key priority; together with continued fundraising and revenue generation in support of research; building partnerships locally, nationally and internationally; and focusing on operational excellence, including advancing sustainability and environmental leadership across the campus.

Dr. Farrar alerted Senators to the publication of McMaster’s inaugural University-wide Sustainability Report 2020-2021. The report is available on the University’s website and demonstrates the ways in which the focus on environmental sustainability runs through every part of the University, from innovative teaching and research, to the campus environment and operations. Alongside this, a campus-wide sustainability survey has just been launched to gather feedback and opinions about McMaster’s sustainability efforts and areas of focus. The responses will help inform McMaster’s inaugural Sustainability Plan and further accelerate our work in this area. Senators are welcome and encouraged to participate and share their views and perspectives.

Dr. Farrar advised that the Secretariat is looking for two scrutineers for the Faculty By-Elections to Senate. Scrutineers will be needed for 10 minutes via Zoom on Friday, October 22 at 10:00 a.m. and asked if any members were available. Ms Lal and Ms Manganelli Staite volunteered.

1 APPROVAL OF AGENDA – OPEN SESSION

Dr. Farrar confirmed that no requests had been received to move items from the Consent to the Regular agenda of the Open Session.

It was duly moved and seconded,

that Senate approve the Open Session agenda for the meeting of October 20, 2021 and that item 2 be approved by Consent.

The motion was **carried**.

CONSENT

2 MINUTES of the Meeting of September 8, 2021 – Open Session

Motion:

that the minutes of the Open session portion of the meeting held on September 8, 2021 be approved as circulated.

Approved by Consent.

REGULAR

3 BUSINESS ARISING

There was no business arising.

4 ENQUIRIES

There were no enquiries.

5 COMMUNICATIONS

COU Update

This item was included for information.

6 REPORT FROM GRADUATE COUNCIL

This item was for information.

7 REPORT FROM UNDERGRADUATE COUNCIL

This item was for information.

8 REPORT FROM THE EXECUTIVE COMMITTEE

Dr. Farrar explained that on September 29, 2021, the Senate Executive Committee approved the establishment of the proposed Policy Framework for McMaster University.

It was duly moved and seconded,

that the Senate approve, for recommendation to the Board of Governors, the establishment of the proposed Policy Framework for McMaster University, effective October 28, 2021.

The motion was **carried**.

Dr. Farrar explained that at the same meeting, the Senate Executive Committee approved, on behalf of Senate, the establishment of the Graduate Expectations for McMaster Vaccination Policy. This item was for information.

9 REPORT FROM THE COMMITTEE ON APPOINTMENTS

Dr. Todd Hoare, Chair of the Committee on Appointments, presented the report. Dr. Rafi Kleiman, Chair of the Faculty Grievance Policy Drafting Committee, was in attendance to answer questions.

Dr. Hoare explained that on September 20, 2021, the Committee on Appointments approved the following recommendations:

1. Faculty Grievance Policy
 - a. Revised – Faculty Grievance Policy

It was duly moved and seconded,

that Senate approve, for recommendation to the Board of Governors, the amendments and name change to the Faculty General Grievance Procedure, as circulated, effective October 28, 2021.

A member noted that in section 4 it states what a grievance is and in section 112 it says that the onus is on the griever to establish that there has been a failure yet under the code of conduct, the onus is on the Dean to establish unacceptable behaviour has occurred. The member explained that at labour arbitration, the onus is on the person imposing the discipline. With individual contract law, the onus is on the employer. The member questioned why McMaster's policy around challenging discipline at stage 1, 2 and 3 is the reverse of Ontario Employment Law. Dr. Kleiman explained that the structure of these policies follow administrative processes and that the onus is on the employer when imposing discipline. The onus turns to the faculty member when challenging a decision against the faculty member.

A member requested a summary of what changed in the policy and noted that having the onus on the griever to prove something makes it difficult. Dr. Kleiman explained that the policy was 22 years old and required some cleanup, modernization and standardization to other policies. The key issue was who was the respondent. In the previous policy, individuals would bring a grievance about the Chair to the Chair which presented a conflict. This policy goes to a one up principle and now has an emphasis on mediation.

A member noted their belief that the proposed policy is contrary to Canadian labour laws by requiring the grievor to prove that the discipline was wrong. The member questioned why the onus would not be on the person assigning the discipline. Dr. Kleiman explained that the code of conduct stands on its own and that discipline can be applied. The grievance cannot change the code of conduct.

Ms Thyret-Kidd suggested continuing the discussion offline. Ms Thyret-Kidd explained that the onus for the Faculty Code of Conduct is on the University, and that the faculty member who is grieving would have an onus to bring forward an argument that something was unfair. At the grievance hearing stage, both parties are presenting their arguments and the hearing panel is making a decision. The member noted that there is profound ambiguity and they are worried about calling a vote on something that impacts employee employment status.

The motion was **tabled**.

Ms Thyret-Kidd advised that she will speak with the member and meet with the University lawyer. Members noted their interest in participating in the discussions.

- b. New – Faculty Respondent Option for External Recommendation of Sanctions Policy

It was duly moved and seconded,

that Senate approve, for recommendation to the Board of Governors, the establishment of the Faculty Respondent Option for External Recommendation of Sanctions Policy, effective October 28, 2021.

A member noted their concern of having a group of peers as tribunal members who are not trained in labour laws. Dr. Kleiman explained that all tribunal members are trained. Peers are presumed to be good colleagues but not experts. They can bring in an external person for expertise in the labour sector and this was a balance that needed to be struck.

A member requested a summary of the new policy. Dr. Kleiman explained that they were informed by the DeGroot School of Business case that the sanctions imposed on faculty members were not sensible. This policy proposes that at the hearing stage the respondent can ask that an external individual look at the case and make a recommendation on a sanction. It is a neutral person from arbitration or labour relations. The President cannot go beyond the maximum recommendation and will consider the external recommendation. It is a balance between binding arbitration and McMaster's approach.

A member questioned why we would have a policy where it is optional to get a review and questioned how this protects faculty. Dr. Kleiman explained that they have to strike a balance. It is optional because it has a cost and MUFA and the University have agreed to cost sharing. It is a recommendation and not binding. The member noted their concern that peers who do not have knowledge about appropriate sanctions are making sanctioning decisions. The recommendation is discretionary and the individual may have paid out of pocket and will have to pay again to take it to a judicial review.

The motion was **tabled**.

2. Terms of Reference

a. Distinguished Business Research Professor

It was duly moved and seconded,

that Senate approve the revised terms of reference for the Distinguished Business Research Professor.

The motion was **carried**.

b. Establishment of the Fairley Gadsby Research Chair in Fluvial Geomorphology

It was duly moved and seconded,

that Senate approve the establishment of the Fairley Gadsby Research Chair in Fluvial Geomorphology.

The motion was **carried**.

c. Establishment of the Ronald Barr Professorship in Pediatric Oncology

It was duly moved and seconded,

that Senate approve the establishment of the Ronald Barr Professorship in Pediatric Oncology.

The motion was **carried**.

d. AbbVie Chair in Education in Rheumatology

It was duly moved and seconded,

that Senate approve the revised terms of reference for the AbbVie Chair in Education in Rheumatology.

The motion was **carried**.

10 OTHER BUSINESS

There was no other business.