

MINUTES OF THE MEETING OF SENATE

October 16, 2015

The meeting was held at 1:30 p.m. in Room 56, University Community Centre.

SENATORS: 76

E. Addison	A. Hrymak	G. Parraga
R. Anderson	T. Hunt	A. Rice-Hoyt
N. Bhatia	J. Knowles	S. Rodger
I. Birrell	G. Kopp	S. Roland
J. Capone	A. Kothari	L. Rosen
T. Carmichael	G. Kulczycki	M. Salvadori
A. Chakma	R. Kurji	V. Schwean
B. Cheadle	D. Laird	I. Scott
M. Cheesman	B. Leipert	K. Siddiqui
K. Clark	G. Lucas	Z. Sinel
K. Cole	S. Macfie	C. Sprengler
R. Collins	C. Manjunath	V. Staroverov
M. Crossan	S. McClatchie	C. Steeves
J. Cuciurean	M. McDayter	L. Sunseri
K. Danylichuk	M. McGlynn	M. Strong
J. Deakin	L. McKivor	A. Sussman
C. Dean	T. McMurrough	S. Taylor
G. Dekaban	K. Mequanint	M. Thomson
I. Diaz	R. Mercer	G. Tigert
G. Dresser	M. Milde	J. Toswell
N. Dyer-Witthford	J. Millaire	Z. Turner
J. Eberhard	J. Mitchell	M. Wilson
J. Faflak	K. Moser	N. Wolfe
C. Farber	V. Nielsen	B. Younker
A. Grzyb	V. Nolte	
B. Hovius	K. Olson	

Observers: K. Campbell, E. Chamberlain, J. Doerksen, L. Gribbon, S. Helpard, T. Hinan, K. Hoffmann, J. Luker, A. Weedon

S.15-173 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting of September 18, 2015 were approved as circulated.

S.15-174 **REPORT OF THE PRESIDENT**

The President reported on the tragic death of a student on campus as the result of a traffic accident. G. Kulczycki noted that once the police investigation was complete, a review of road safety matters would be conducted. The President also reported on his Priorities for 2015-16 and provided an update on the funding formula review. Overhead slides used to highlight the update on the funding formula review are attached as [Appendix 1](#).

REPORT OF THE OPERATIONS/AGENDA COMMITTEE [Exhibit I]

S.15-175

Notice of Motion: Thirty-Minute Discussion Period

The following notice of motion was presented at the September meeting by Senator Dyer-Witthford:

Under the Adopted Policies and Procedures of Senate, that Western's Senate institute a 30-minute open question/discussion period after the committee reports but before the report of the academic colleague and other business. This will serve as opportunity to bring to the attention of Senate issues that are of concern to our constituencies.

Senator Dyer-Witthford spoke in support of his motion, stating that the goal is to improve the flow of information and vitality of Senate. He noted that the current Enquiry Period does not meet the intent of his motion as it specifically prohibits debate and is focussed on questions for information only. The rationale for placing this session at the end of the meeting allows Senate to complete committee business. He acknowledged that there may be a period of experimentation before settling down to an established protocol. In answer to a question, he confirmed that he was seeking opportunities to discuss matters that would fall within Senate's mandate.

The Chair of the Operations/Agenda Committee suggested that the rules governing the current enquiry period could be revised to meet the intent of the proposal.

It was moved by N. Dyer-Witthford, seconded by K. Olson,

That the motion be amended as follows:

That Senate approve in principle that:

Under the Adopted Policies and Procedures of Senate, that Western's Senate institute a 30-minute open question/discussion period after the committee reports but before the report of the academic colleague and other business. This will serve as opportunity to bring to the attention of Senate issues that are of concern to our constituencies; and

That the matter be referred back to the Operations/Agenda Committee to consider the revisions needed to the rules governing the Enquiry Period.

The vote was taken on the amendment and carried. The motion as amended was CARRIED.

S.15-176

Notice of Motion: Creation of Pro-Chancellor Positions

The following notice of motion was presented at the September meeting by Senator Toswell:

That Western, following due procedures as established by Senate, approve in principle the appointment of four pro-chancellors with staggered terms to serve as Chancellor when the Chancellor is unavailable for convocation.

Recognizing that the proposal would be complicated to put into practice, Senator Toswell accepted the suggestion that Senate approve the motion in principle and refer it back to the Operations/Agenda Committee for further consultation with legal counsel, the Convocation Board and the Convocation Planning Committee.

It was moved by J. Toswell, seconded by M. McDayter,

That Senate approve the motion in principle and refer it back to the Operations/Agenda Committee for further consultation with legal counsel, the Convocation Board and the Convocation Planning Committee.

CARRIED

S.15-177 **2014-2015 Annual Report of the Senate Review Board Academic**

Senate received for information the 2014-15 Annual Report of the Senate Review Board Academic detailed in Exhibit I, Appendix 3.

S.15-178 **Candidates for Degrees and Diplomas – Autumn Convocation 2015**

On behalf of the Senate, the Provost approved the list of Candidates for Degrees and Diplomas upon the recommendation of the Registrar [S.96-124]. The list of Candidates approved by the Provost is appended to the official minutes of the October 16, 2015 Senate meeting.

REPORT OF THE NOMINATING COMMITTEE [Exhibit II]

S.15-179 **Senate Committee on Academic Policy and Awards (SCAPA)**

R. Moll (AH) was elected to the Senate Committee on Academic Policy and Awards (SCAPA) for a term to December 31, 2015 to replace J. Emberley who is on leave.

S.15-180 **Ballot Vote Results - Senate ad hoc Committee on Renewal**

M. McDayter was elected by Senate to the Senate ad hoc Committee on Renewal to replace G. Kopp.

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

S.15-181 **Ivey School of Business: Revisions to the “Eligibility for Honors Designations at the Ivey Graduate Programs” Policy**

It was moved by S. Macfie, seconded by V. Nolte,

That effective October 1, 2015 the “Eligibility for Honors Designations at the Ivey Graduate Programs” Policy be revised as shown in Exhibit III, Appendix 1.

CARRIED

S.15-182 **Faculty of Engineering: Withdrawal of the Technological Entrepreneurship Certificate (TEC)**

It was moved by S. Macfie, seconded by K. Mequanint,

That effective September 1, 2015 the Technological Entrepreneurship Certificate be discontinued, and that students enrolled in the program effective August 31, 2015 be permitted to complete the Certificate by August 31, 2018.

CARRIED

S.15-183 **School of Graduate and Postdoctoral Studies: Discontinuation of the Graduate Diploma (GDip) in Community Music Leadership**

It was moved by S. Macfie, seconded by M. Milde,

That effective September 1, 2015 the Graduate Diploma (GDip) in Community Music Leadership be discontinued.

CARRIED

S.15-184 **Brescia University College, Management and Organizational Studies: Introduction of the Specialization in Consumer Behaviour (BMOS)**

It was moved by S. Macfie, seconded by J. Mitchell,

That the Specialization in Consumer Behaviour (BMOS) be introduced at Brescia University College effective September 1, 2016 as shown in Exhibit III, Appendix 2.

CARRIED

S.15-185 **Revision to the “Undergraduate Admission Scholarships” Policy**

It was moved by S. Macfie, seconded by M. Milde,

That effective October 1, 2015 the “Undergraduate Admission Scholarships” Policy be revised as shown in Exhibit III, Appendix 3.

CARRIED

S.15-186 **Revisions to the Athletic Financial Awards Policy**

It was moved by S. Macfie, seconded by V. Nolte,

That the Athletic Financial Awards policy be revised for the 2016-2017 academic year as shown in Exhibit III, item 6.

CARRIED

S.15-187 **SUPR-G Report: Cyclical Reviews of Visual Arts, Nursing, Public Administration, Sociology, and Social Work (King’s University College) Programs**

Senate was informed that the following cyclical reviews were approved by SCAPA:

Faculty/Affiliates	Program	Date of Review	SUPR-G recommendation
Arts and Humanities	Visual Arts	March 31 – April 1, 2015	Good Quality
Health Sciences	Nursing	June 25 – 26, 2015	Good Quality
Social Science	Public Administration	March 9 – 10, 2015	Good Quality
Social Science	Sociology	March 30 – 31, 2015	Good Quality
King’s University College	Social Work	April 28 – 29, 2015	Good Quality

The detailed Final Assessment Reports for each of these reviews is found in Exhibit III, Appendix 4.

S.15-188 **SUPR-U Report: Cyclical Review of the King's University College Childhood and Social Institutions Program**

Senate was informed that the following cyclical review was approved by SCAPA:

Faculty/Affiliates	Program	Date of Review	SUPR-G recommendation
King's University College	Childhood and Social Institutions	March 18, 2015	Good Quality

The detailed Final Assessment Report of the review is found in Exhibit III, Appendix 5.

S.15-189 **New Scholarships and Awards**

SCAPA approved, on behalf of the Senate, the Terms of Reference for the new scholarships and awards shown in Exhibit III, Appendix 6 for recommendation to the Board of Governors through the Vice-Chancellor.

REPORT OF THE UNIVERSITY RESEARCH BOARD [Exhibit IV]

S.15-190 **Introduction of MAPP 7.15 – Post Approval Monitoring (PAM) Program Policy**

It was moved by J. Capone, seconded by M. Strong,

That Senate recommend to the Board of Governors approval of the new MAPP 7.15 – Post-Approval Monitoring (PAM) Policy as shown in Exhibit IV, Appendix 1.

CARRIED

S.15-191 **Revisions to MAPP 7.12 – Policy and Procedures for the Use of Animals in Research, Testing and Teaching**

It was moved by J. Capone, seconded by C. Dean,

That Senate approve and recommend to the Board of Governors, the revised Policy and Procedures on Use of Animals in Research, Testing and Teaching (MAPP 7.12) as set out in Exhibit IV, Appendix 2.

CARRIED

S.15-192 **Revisions to MAPP 7.10 – Policy and Procedures – Standardized Training in Animal Care and Use**

It was moved by J. Capone, seconded by D. Laird,

That Senate approve and recommend to the Board of Governors, changes to the policy and procedures on Standardized Training for Animal Care and Use (MAPP 7.10) as set out in Exhibit IV, Appendix 3.

CARRIED

S.15-193

Vice-President (Research) 2015 Annual Report

Dr. Capone presented his 2015 Annual Report using the slides contained in Exhibit IV, Appendix 4.

In answer to questions, Drs. Capone and Deakin noted the following:

- Citation scores should be looked at from an individual basis rather than an area basis; P&T committees need to focus on quality, not just numbers.
- There is nothing to show that the rebranding affected the citation scores. Soon after the rebranding was approved, the Department of Communications & Public Affairs made sure that all variations of Western's name were being captured by the rankings.
- The proposed second AVP position would, in principle, be held by an SSHRC-related researcher, but that would be up to the selection committee which would make the recommendation with respect to the best candidate. With respect to whether this was a good use of funds, it was clear that support and resources were needed across a range of areas.
- In terms of performance indicators, it is clearly easier to identify metrics in the STEM fields than in the social science/arts/humanities disciplines. One of the goals of the URB research task force is to determine appropriate metrics, and also to determine how these metrics are viewed by those who do the rankings.
- A member sought clarification with respect to the Western Research Chairs (WRC) awarded as a result of the research cluster process. The slide indicated that all of the unsuccessful submissions (four in total) had received a WRC, but in his remarks Dr. Capone said that three WRCs had been awarded. The member noted that the cluster proposal on global inequality in which he had been involved had not been granted a research chair. Dr. Deakin and Dr. Capone explained that, after the adjudication of the research cluster proposals, the deans who were involved in those not selected were asked if they wished to continue to put the proposals forward for support through the budget planning process. Three of the four proposals (big data, sustainability of the environment, and global inequality) were put forward in this way and chairs were awarded. Notification of these awards came through the planning and budget letters that went to the deans. Dean Carmichael clarified, further, that FIMS had been granted a research chair in data curation. That proposal had arisen in part through the deliberations on the clusters, but also came out of a proposal supported by the deans of FIMS, Arts & Humanities, and Social Science in 2011-12. A search committee for the chair was still to be struck. Dr. Capone added that in awarding the three WRCs, the administration had left it to the proponents to determine the best use of the resources being given by the university to push forward a strategically focused area. He confirmed the member's statement that there is a WRC associated with the proposal on global inequalities and building stronger societies.

The Vice-Chair of Senate took the chair during the remainder of the meeting.

ENQUIRIES AND NEW BUSINESS

S.15-194

Goudge Report

Senator M. Wilson, one of the Board of Governors' two representatives on Senate and Chair of the Board's Governance Review Task Force, responded to the questions that were provided in advance of the meeting with respect to the Goudge Report. The questions were presented to and responses were discussed with the Senior Operations Committee of the Board. Senator Wilson referred Senators to the statement, approved by the full Board, that was distributed with the Goudge Report which makes clear that the Board accepts the report and is committed to implementing the report. Before turning to the specific questions that had been asked, Senator Wilson made a statement in which he outlined the following:

- In 2009, the Board agreed to match the terms of the contract Dr. Chakma had at the University of Waterloo as Provost, which included the clause that permitted monetization of

administrative leave. The terms of the 2009 contract were carried over when he was appointed to a second term. Chirag Shah was not on the Board in 2009 and was not chair in 2013 when the contract was renewed.

- As has always been the practice when dealing with presidential contract matters, in 2014 the Chair sought advice of an outside legal firm when asked to implement the administrative leave clause. That advice was that the clause was a standing provision in the contract and had been approved by the Board, so further approvals were not needed. Mr. Goudge disagreed and said in his report that the decision to monetize should have gone to the Senior Operations Committee. He also clearly stated that all those involved in the decision acted "entirely in good faith."
- There have been questions asked regarding the timing of the release of the report. This report is very significant and will guide future Boards in negotiating presidential contracts for years to come. It was important, therefore, that the Board take the time to fully understand the implications of the report before formulating a statement about its intentions to the university community.
- In April of this year, Dr. Chakma made a personal decision to repay the funds he received. He is doing so by not taking a salary this year.
- At the end of the report, Mr. Goudge said his work left him with the impression that the campus community was ready to move forward and "to make Western even stronger than it has been." It's the desire of Western's Board of Governors to work in partnership with Senate to help accomplish that goal.

Senator Wilson responded to the following questions:

Senator K. Clark: What kinds of mechanisms will be put in place for consultation, and what members of "the university community" would be consulted? Will this consultation extend beyond senior administrative faculty and staff?

Response:

While the report specifies that it should be the role of the university secretary to identify people who should be consulted, the secretary would be looking to the Board of Governors -- which has representatives elected by faculty, staff and students -- on how best this can be accomplished. Dr. Chakma is only in the second year of his five-year term, which means there is time for the Board to give this matter careful consideration.

Senator K. Olson: 1) Who will be determining "the purpose of administrative leaves," and 2) why does the provision for Presidential administrative leave differ from established provision for these elsewhere on campus?

Response:

- 1) Mr. Goudge's report notes that while 15 of the 16 Ontario universities he reviewed had a form of a presidential administrative leave, very few universities delineate the purpose of a presidential leave. It will be the responsibility of a future Board of Governors to determine whether to continue the tradition of providing an administrative leave as part of the negotiations with Western's future Presidents -- and to set out the purpose of any leave.
- 2) While Mr. Goudge found that the presidential leave after a five-year term was in keeping with other Ontario universities, that does not mean the Western cannot look at alternatives. It is important to remember, however, that the leaves are part of negotiations Western undertakes to attract top leadership. In President's Chakma's case, the negotiation included matching the existing contract he had with Waterloo.

Ms. K. Hoffmann: 1) How does the Board of Governors intend to take responsibility for this violation of proper procedure, which has so dramatically affected the entire university and its reputation? 2) Have there been any other contract amendments or special deals that the Senior Operations Committee doesn't know about?

Response:

- 1) Before the Board Chair approved the request to monetize Dr. Chakma's leave, he sought advice from a highly respected legal firm with expertise in executive compensation in general, and compensation at Western in particular. The advice he received was that that Dr. Chakma's contract contained a provision to monetize his leave, therefore, there was no perceived need to take Dr. Chakma's request to the Senior Operations Committee for further approval. Mr. Goudge, a respected former jurist, disagreed with that advice, saying the matter should have gone to the Senior Operations Committee. The Board has accepted that finding, and has said categorically that it will implement the recommendations in Mr. Goudge's report to improve its procedures going forward. The Board has also initiated a review of its procedures and processes and its relationship with the larger campus community.

Mr. Goudge also says clearly in his report that all the parties involved acted entirely in good faith.

- 2) To reiterate, there was no "special deal" – there was a decision taken to activate a provision in an existing contract. The Board appreciates the way in which Mr. Goudge sets forth the facts with respect to the original contract in 2009 and the renewal of that contract. There is no other information that has not been made available.

Senator V. Nolte: 1) Can the Senate expect an explanation from the Board of Governors regarding the revelations that the Chair of the Board negotiated amendments to the President's contract by himself in contradiction to Board Policy and 2) What were the reasons to accept contract clauses that are not common to comparable contracts?

Response:

- 1) The Hon. Stephen Goudge's report clearly sets out the facts. Before the Board Chair approved the request to monetize Dr. Chakma's leave, he quite properly sought advice from a highly respected legal firm with expertise in executive compensation – the same firm that has provided legal support for this and other presidential contracts at Western.

The advice he received was that that Dr. Chakma's original contract contained a provision to monetize his leave, therefore there was no need to take Dr. Chakma's request to the Senior Operations Committee for approval. Mr. Goudge disagreed, saying the matter should have gone to Senior Operations.

Mr. Goudge also says clearly in his report that all the parties involved acted entirely in good faith. The Board and the current chair also agree with Mr. Goudge's advice that, in future, Western's internal legal counsel also be consulted because of their expertise in Western's governance. This would be on top of any external legal counsel requested by the Chair, the Senior Operations Committee or the Board.

- 2) In recruiting Dr. Chakma in 2009, as part of the contract negotiations Western agreed to match what he had as Waterloo's Provost, including a leave and the option to monetize the leave. The Board at that time approved the terms of the agreement reached with Dr. Chakma.

Senator N. Dyer-Witthford. Why was "external counsel" hired to advise on the presentation of the President's amended contract to Senior Ops; who was the "external counsel"; who hired and paid for this counsel; in whose interests was this counsel acting; why was University counsel not consulted instead; and, above all, why did the Chair of the Board and the President not take the obvious, elementary, 'better safe than sorry' route of simply presenting the amendment to Senior Ops, the committee with oversight in regard to the President's contract?

Response:

It has always been the practice at Western to use external counsel with respect to executive compensation matters and presidential contracts. It avoids potential conflict of interest with internal legal counsel. Hicks Morley is the firm the university turns to most commonly for this type of legal matter as they have significant experience and expertise in this area of compensation law. They were hired by Human Resources and paid for through the university's regular legal budget. As noted in response to other questions, the advice given to the chair was that the implementation of the leave monetization clause did not require further approval. Senator Wilson noted, with respect to the last question, that he was not in a position to speak to what precisely was in the minds of the President or Chair at that time.

Senator M. McDayter. Justice Goudge has, in his report, set forth very clear and common-sense guidelines for the monetization of administrative leave, noting that this is not the usual practice at peer institutions, and that it is not defensible in most circumstances. Why has the Board of Governors chosen to 'review' its policies on circumstances under which administrative leave might be taken as salary rather than simply adopt Justice Goudge's excellent recommendations concerning the monetization of leave? Will this 'review' involve public consultations, and how will the results be made public?

Response:

We agree that Mr. Goudge's recommendations provide clarity and the Board has committed to them. His report provides guidance with respect to administrative leave. He does note at least one instance in which monetization of leave might be a consideration. He also notes that he has only addressed three scenarios with respect to administrative leave at the end of a term and admits that there could be different circumstances that would need to be dealt with that he has not anticipated, thus, the need to review our practices. The use of the word "review" does **not** imply that the Board is not committed to making changes with respect to administrative leave.

Senator C. Sprengler. What was the cost to the university of Justice Goudge's review and report?

Response:

While the University has not yet received a final invoice, it is anticipated the total cost will be about \$79,000. The final cost will be communicated to members.

S.15-195

Budget Process

Senator A. Grzyb said that at the orientation meeting for new Senators, the President suggested that Senators should be engaged with the budgeting process at the faculty level. She asked for more details about what role Senators can play in faculty budgeting and what mechanisms are in place to facilitate their involvement. Dr. Deakin suggested that Senators could meet with their deans on how the budget planning process works locally and how to become involved. Each faculty carries out its budget planning processes in different ways.

Senator Grzyb noted that at the same orientation meeting, a discussion occurred surrounding a revised process in which Senators might have longer than one week to reflect on the university budget. She asked whether it would be possible for the Provost to present a draft budget and/or key budget indicators at the Senate meeting at least one month prior to Senate's formal review of the budget.

Dr. Deakin replied that a working document could be sent to Senators earlier. However, she cautioned that budget planning meetings with the divisions continue until the end of January.

ADJOURNMENT

The meeting adjourned at 4:00 p.m.



A. Chakma
Chair

I. Birrell
Secretary

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Council of Ontario Universities

Universities funding re-design proposal to the Ministry of Training Colleges and Universities (MTCU)

October, 2015

The funding review

- March 2015, Ontario government announced a review of the university funding model
- The review led by Sue Herbert, retired Deputy Minister
- Scope of review the allocation of the Ministry's operating grants, totaled \$3.5 billion in 2014-15
- Out-of-scope items include:
 - tuition
 - collective bargaining
 - pension reform
 - adequacy of funding

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MTCU objectives for the funding review

- Ministry's objectives for the review are:
 1. Enhance quality and improve student experience
 1. Support the existing differentiation process
 2. Financial sustainability
 3. Increased transparency and accountability.

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Context: Operating Revenue of Ontario Universities

Category	Percentage
MTCU Grants	40%
Domestic Tuition	36%
International Tuition	10%
Miscellaneous Fees	6%
Investment Income	3%
Other Funding	2%
Other Ontario Grants	2%

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Overview of the MTCU funding formula

- Ontario's current formula model is primarily enrolment, based, with elements of performance and special purpose funding.

MTCU operating grants to universities (\$3,478M)

Core model: Enrolment-based funding, \$3,086.7M, 89%

Basic Operating Grant	\$2,669M, (77%)
Undergraduate Access Grant	\$170.2M, (5%)
Graduate Expansion Grant	\$87.3M, (3%)
Medical and Nursing Related	\$150.2M, (4%)

Performance funding

General Quality Grant and Performance	\$154.3M, (4%)
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Special purpose and other grants

First Gen, French, Aboriginal, Disabilities	\$100M, (3%)
Institution specific grants	\$31M (1%)
Northern Ontario Grant	\$16M, 0.5%
Other Grants	\$89.9M (3%)

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Two phases of the review

1. Consultation phase with stakeholders (faculty, students, universities, employers and other groups) and with experts in the university sector
 - The consultation process is complete and Sue Herbert is in the process of preparing a document reflecting what was heard and addressing design issues
 - Outcome: report from her to government Fall 2015 ; expected to be public
2. Modelling and design of the new funding model
 - The detailed design phase anticipated to start early in 2016
 - COU is recommending that design and modelling be done in collaboration with COU's Task Force on the Funding Formula and its Technical Advisory Group

The COU proposal

Current funding to be realigned into three major funds:

1. Performance-based Differentiation Fund (5.2% of funds)
2. Priorities Fund (3.3% of funds)
3. University Mission-based Fund (91.4% of funds)