



York University Senate Notice of Special Meeting

Thursday, March 8, 2018, 3:00 pm
Senate Chamber, N940 Ross Building

AGENDA

Page

1. Chair's Remarks (L. Beagrie)

Committee Reports

2. Executive Committee (F. van Breugel) 1
 - a. Discussion of the Role of Senate and Senate Policy in a Strike
 - b. Report on Actions Taken Prior to and Since the Beginning of the Disruption Commenced on March 5

Note: Only items of business specifically identified in the notification of such meeting can be transacted at a special meeting (i.e., there is no "Other Business" on the agenda).
Senate Rule A, IV, 8m, C, ii.

M. Armstrong, Secretary

Meeting Note:

The Senate Chamber has capacity seating for 144, which is only slightly greater than the current membership of Senate. Members of the community who are not Senators are invited to listen to streamed audio of the meeting in Curtis Lecture Hall B. Normal Senate rules apply in the Senate Chamber and Curtis Lecture Hall B, and no audio or visual recordings of the proceedings are permitted without the express agreement of the Chair of Senate.

Executive Committee – Report to Senate



At its meeting of March 8, 2018

For Information

1. Special Meeting of Senate

This special meeting of Senate has been called by the Chair, in consultation with the Executive Committee, in response to a petition submitted by 27 Senators to hold a meeting to discuss “the role of Senate and Senate policy in relation to the...strike.” It was requested that the meeting be held on March 5, but a majority of the Executive members felt that it would be appropriate to hold the meeting at the normal meeting time of Thursday at 3:00 in order to maximize attendance.

2. Actions Taken by the Committee Prior to and Since the Outset of the Disruption

Attached as Appendix A is a chronology of actions taken by Senate Executive prior to and since the beginning of the disruption that began on March 5.

3. Notes of Senate Business

A document prepared by the Secretary was reviewed and the Committee recommended it be shared with Senate to assist with the discussion at the special meeting (Appendix B).

4. Motions Received

The Secretary received draft motions concerning aspects of the disruption. Senate Executive held a special meeting on March 7 to consider them. It was determined the motions should be deferred until Senate has the opportunity to discuss the underlying jurisdictional issues.

Lesley Beagrie, Chair
Franck van Breugel, Vice-Chair

Senate Executive – Chronology of Meetings and Actions, Disruption of March 2018

March 1	<p>With a strike appearing possible within days (“imminent” in the words of the <i>Senate Policy on the Academic Implications of Disruptions or Cessations of University Business Due to Labour Disputes or Other Causes</i>), the Committee held a special meeting. At this meeting the Committee</p> <ul style="list-style-type: none"> • reviewed the Policy • confirmed an understanding of the legislative framework governing the continuation of classes in the context of a disruption and agreed to issue a commentary explaining that understanding • signed off on communications to be issued when a strike appeared imminent (on March 2) and the first day of a strike if one commenced on March 5
March 2	<p>In accordance with the <i>Senate Policy on the Academic Implications of Disruptions or Cessations of University Business Due to Labour Disputes or Other Causes</i>, the Committee issued a declaration that a disruption appeared imminent. The communication was posted on a dedicated page on the Senate Website and distributed on Senate and Secretariat-Faculty Council listservs.</p> <p>The Committee also transmitted to Senators a “Commentary on the Continuation of Classes” in which it described the legislative framework governing authority to cancel classes in the event of a disruption.</p>
March 3	<p>The Chair of Senate received a petition signed by 27 Senators calling for a special meeting to discuss the role of Senate and Senate policy in the context of the disruption expected to commence on March 5. The petitioners asked that a special meeting be held on March 5.</p>
March 4-5	<p>In an e-mail canvas, the Chair of Senate sought the advice of Senate Executive members as to the timing of a special meeting as requested in the March 3 petition. A majority concluded that the special meeting should be held on Thursday, March 8 at 3:00, the normal meeting time of Senate, in order to maximize attendance.</p>
March 6	<p>On the first day of the strike by CUPE 3903, the Committee issued a formal declaration that there had been a significant disruption of academic activities. The Secretary received a draft motion to be presented to Senate with respect to suspending classes and a second draft motion to be presented in the event that the first motion failed.</p>
March 7	<p>The Committee held a special meeting to determine the status of the draft motions. The Committee decided the motions should be deferred recognizing the need for Senate to discuss the underlying jurisdictional issues before the central question could be properly considered. The Committee also agreed that the date by which to drop a course without receiving a grade (originally March 9) would be extended in those Faculties where the W term date has not already passed.</p>

Notes on Background and Policies

Legislation

The University, created by the [York University Act](#), defines the respective authority of Senate, the President and the Board of Governors. The Act specifically assigns to Senate responsibility for academic policy including the power to determine the requirements for graduation, to conduct examinations, and to confer degrees.

Except as to such matters specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University.

Decisions regarding the business and affairs of the University are vested in the Board even where they may have an impact on academic policy. The actions of each governing body must be within the authority given by legislation. Decisions and policies that are outside the scope of authority are of no force or effect.

The President's legislated responsibilities are to supervise and direct implementation of the academic policy and general administration of the university including the teaching staff, officers and students and has a range of enumerated powers.

Policy

Senate has passed two policies that are particularly relevant to the matter at issue; the Disruptions Policy and the Class Cancellation Policy.

a. Disruptions Policy

The [Disruptions Policy](#) recognizes that labour disputes can substantially impede or interrupt academic activities such that action may be required to remediate the impact. It recognizes that, in the event of a Disruption, the primary obligation of Senate is to ensure the academic integrity of all programmes. It expressly declares that no dilution of standards normally expected of students should be permitted and there should be as little diminution as possible in the instructional or supervisory support given to students.

The policy contemplates that, during the first six days of a strike, normal academic regulations will apply. It recognizes that, if a strike concludes within six days, individual faculty members can determine for themselves how best to address the impact. If a strike lasts longer than six days, a variety of remedial actions may be taken and a detailed process for doing so through Senate Executive is set out.

The policy grants students the right to choose not to cross a picket line without academic penalty just as students who are unable to continue with academic activities

due to a strike are also protected from penalty. The freedom to choose not to cross a picket line and receive alternative access to materials contemplates classes being undertaken during a strike. It also implies students also have the choice to cross the line and engage in academic activities during a disruption. Further, it recognizes an obligation on the part of the university to make appropriate accommodations for students including being provided with reasonable alternative access to materials, reasonable extensions of deadlines and other remedies. It does not guarantee students the same learning experience.

The policy does not give express authority to Senate or Senate Executive to take the action of cancelling all classes at the commencement of a disruption. It authorizes the Executive Committee to provide a range of remedial actions including extending a term and the rescheduling of exams. It limits the authority to reduce the length of the term to not more than seven days.

Class Cancellation Policy

The [Class Cancellation Policy](#) identifies certain days on which classes will not be held as well as the individuals/bodies who have authority to direct cancellation at other times. That authority must be exercised before the start of the term in which the cancellation is sought. Records indicate an example of this took place when Osgoode Hall Law School requested a one day cancellation of classes to celebrate an Honorary Degree recipient in moot court.

The class cancellation policy recognizes that cancellations may be directed by Senate, administration or the Board of Governors. They are effected by the Executive Committee, the Dean/Principal or the Chair. Except in stipulated emergency situations, cancellation must be approved prior to the commencement of the term. In emergency or exceptional situations, the Vice President Finance and Administration is authorized to suspend normal operations with consultation with the Chair of Senate.

Historical Events

Records indicate that in previous instances, Senate has not unilaterally invoked a blanket cancellation of classes at the commencement of a strike. It appears that the first time a pan-university suspension was undertaken after the President and Provost brought forward to the Chair of Senate an intention to suspend all classes (2000).

In 2008-2009 and 2015 the decision to suspend most classes at the outset of a strike by CUPE 3903 was initiated by the Vice-President Academic in concert with the Deans / Principal. They sought and received the agreement of the Chair of Senate or Senate Executive itself that most activities (except those in programs with distinctive characteristics) be suspended. During both of these disruptions, various units and Faculties returned to Senate Executive when circumstances changed. Given the Executive Committee's responsibilities for overseeing remediation and accommodations in a disruption, a key task was to ensure that remediation plans submitted were

satisfactory. For example, in 2015 following ratification by CUPE 3903 Unit 2 members, the number of active courses was significantly expanded and most Faculties provided remediation plans in support of their desire to resume as fully as possible.