

SENATE MINUTES OF MEETING
Tuesday, May 3, 2022
Via Zoom Video Conference

MEMBERS PRESENT:

EX-OFFICIO:	FACULTY:		STUDENTS:
A. M. Brinsmead	S. Benvie	J. Schmidt	A. S. Ali
D. Cramb	T. Burke	T. Schneider	Z. Aurony
G. Craney	D. Checkland	D. Scofield	H. Brahmhatt
T. Duever	A. Clements-Cortes	J. Spaniol	C. Idzik
C. Falzon	M. Doxtater	C. Thompson	Z. Khansari
G. Hepburn	S. Farshadfar	K. Train	J. Rodriguez
R. Iannacito-Provenzano	N. George	K. Umpathy	P. Sivasundaram
M. Lachemi	E. Ignagni	I. Young	
S. Liss	L. Jacklin		
K. MacKay	A. Jamal		
J. McMillen	L. Kolasa		
I. Mishkel	A. M. Lee-Loy		
R. Parr	A. McWilliams		
A. Saloojee (<i>interim</i>)	D. Oguamanam		
C. Searcy	S. Rakhmayil		
C. Shepstone	H. Ramzan		
J. Simpson	R. Ravindran		STUDENTS' UNION
P. Sugiman	S. Sabatinos		REPRESENTATIVES:
D. Taras	I. Sakinofsky		M. Taylor (CESAR)
D. Young			

SENATE ASSOCIATES:

J. Dallaire	ALUMNI:
	M. Clarke Rodrigues

REGRETS:

K. Gharabaghi	ABSENT:
B. Jalayer	U. Abdhullah
A. Lee	S. J. Ali
L. Patterson	S. Alvi
H. Zarrin	J. Caribou
S. Zolfaghari	N. Chen
	L. Escandon
	C. Ferworn
	O. Gubych
	S. McFadden
	S. McCartney
	P. Moore
	H. Salih Makawi
	R. Ott
	L. Shuman
	A. Smith
	A. Surty
	M. Vahabi

5:00 p.m. Senate Meeting starts

1. Call to Order/Establishment of Quorum
2. Land Acknowledgement
"Toronto is in the 'Dish With One Spoon Territory'. The Dish With One Spoon is a treaty between the Anishinaabe, Mississaugas and Haudenosaunee that bound them to share the territory and protect the land. Subsequent Indigenous Nations and peoples, Europeans and all newcomers have been invited into this treaty in the spirit of peace, friendship and respect."
3. Approval of the Agenda

Motion: *That Senate approve the agenda for the May 3, 2022 meeting.*

R. Ravindran moved; H. Brahmbhatt seconded.
Motion Approved.
4. Announcements - None
5. Minutes of the Previous Meeting - None

Motion: *That Senate approve the minutes of the April 5, 2022 meeting.*

A. McWilliams moved; T. Duever seconded.
Motion Approved.
6. Matters Arising from the Minutes - None
7. Correspondence - None
8. **Reports**
 - 8.1 **Report of the President**
 - 8.1.1 President's Update

The President Reported:

1. Kelly MacKay - Last Senate Meeting

I'd like to start by acknowledging that this is Kelly MacKay's last Senate meeting as Vice-Provost, Academic. On behalf of the university, thank you, Kelly, for your commitment to the University and leadership of the Vice-Provost, Academic portfolio for the past 4 years.

2. University Renaming

As I'm sure you all know, on Tuesday, with unanimous support from our Board, we announced our new name - Toronto Metropolitan University. This marks the beginning of a new chapter for our university. I would like to thank everyone in our community who advocated for change, who attended a meeting, worked on a committee, responded to surveys, sent emails and letters, and helped us get to this new starting point.

We now have an opportunity to move forward together with a name that reflects our values and aspirations for the future. I look forward to embarking on this journey together.

The successful transition to our new name last week was the result of many units from across our university working very closely together. I would especially like to acknowledge the work of:

- the renaming committee, chaired by Jennifer Simpson and co-chaired by Tanya (Toni) De Mello, our assistant dean of law;
- the marketing department who have created so many impressive videos, tools and branding elements; and
- our central communications team who worked very hard to keep all of us updated and to help manage the incredible interest from media around the world.

Slide Presentation:

I would also like to share with you some of the preliminary results of their work.

This is a historical moment for our university. For an announcement of this magnitude, we were extremely strategic and thoughtful. We developed a detailed communications plan. As with all major communications and outreach efforts, our goals were:

- to inform our community;
- generate excitement and understanding for choice
- demonstrate a commitment to our core values
- enhance and protect the reputation of the university

We used every communications channel available:

- Personal phone calls to stakeholders distributed across our leadership group;
- Working very closely with the Globe and Mail and writing and scheduling an op-ed to run in the Toronto Star;
- Managing media requests and prioritizing key interviews; and
- Leveraging our social media channels to amplify and support.

Our goal was to ensure that people heard our story first, further validated by the Globe and further explained by the Toronto Star.

- We arranged an exclusive story with the Globe and Mail to run immediately following the decision by the Board.
- An op-ed from me ran in the Toronto Star electronically on Tuesday and in print on Wednesday.
- I and other senior leaders made personal calls and emails to key stakeholders.
- In addition to the advance notice all Senators received, we sent emails to all faculty, students, staff and alumni - about 80,000 people in total.

The results are impressive.

- The Globe and Mail exclusive had the potential reach of over 7 million readers, was carried by one other media outlet, and generated 4,800 social media shares.

- My Toronto Star Op-ed was also picked up by 3 other media outlets and had a potential reach of over 6 million readers.
- Between April 26 and 27, our central communications team secured over 3,300 media stories (841 print/online and 2,290 broadcast) with a total combined reach of over 1.8 billion.

The announcement was also covered by many international media outlets, including the United States (189), India (21), UK (20), and Mainland China (19).

- An analysis of the coverage showed that the sentiment was overwhelmingly neutral. More importantly, only 1% of the media coverage was negative, and if you've done much work with the media, negative is often the norm.
- As you can see, we had a very high level of engagement on social media.
- The topic has received over 50,000 mentions across social media - and our marketing team worked to have great video content from leaders and community members to push across our social media channels.

Thank you for your support. This is a very exciting time for all of us. I'd like to share [a video](#) with you that introduces our new name and invites everyone to join us in writing our new chapter and reimagining a more inclusive future.

3. Honorary Doctorate Recipients

I would like to provide you with an update on this year's honorary doctorate recipients. We have a very strong and diverse group of people we will be honouring at our June convocation ceremonies. We have one more name to confirm and I'll be sharing the list with you electronically this week. It is an outstanding group covering a wide range of fields and achievements.

4. 2022-23 Budget

The 2022-23 budget was approved by the Board of Governors last week. This year, we once again find ourselves in a constrained growth environment - the Province continues to restrict our domestic enrolment levels. In addition, the government's fee framework for 2022-23 has been released. We are entering our fourth year of a tuition fee framework that decreased domestic fees by 10% below 2018-19 levels and has kept them frozen ever since. Despite these risks and challenges, we continue to be forward looking and support institutional priorities within a balanced budget framework.

I want to recognize all of you for the work that you have done in preparing your budgets for 2022-23. It has been a challenge, which you faced with determination and commitment to our institution.

Questions/Comments:

C: Congratulations for this monumental achievement and your phenomenal leadership. It is a very important milestone in the history of our great university. I have very happily discussed this with many professional and global societies and all their reactions were very positive. There's one point I'd like to make here is that when our university turned 50, we discussed here at the Senate about a Canadian postal stamp, now that this is phenomenal achievement – a great milestone – this is just a suggestion for you to consider.

A: M. Lachemi – Maybe this is something that we can consider for our 75th. Thank you for your kind words.

8.2 Communications Report – None (Quarterly report)

8.3 Report of the Secretary

8.3.1 Senate Election 2022-2023 Results

8.3.2 Standing Committees of Senate: AGPC & SPC Membership

The Secretary of Senate reported that the results of the Student Senate elections for 2022-2023 are included in the Senate agenda. In addition, the list of faculty members for AGPC and SPC membership for the 2022-2023 academic year are included in the agenda. The student senator membership for both of these committees will be filled in September.

8.4 Committee Reports

8.4.1 Report #W2022-4 of the Academic Standards Committee (ASC): K. MacKay

8.4.1.1. Proposal for Major Curriculum Modification – Faculty of Engineering and Architectural Science (Cairo Campus)

Motion: *That Senate approve the proposal for Major Curriculum Modification – Faculty of Engineering and Architectural Science (Cairo Campus).*

K. MacKay moved; T. Duever seconded.

Motion Approved.

8.4.1.2. For information: One-year follow-up reports:

i. School of Accounting and Finance

8.4.2 Report #W2022-4 of the Academic Governance and Policy Committee (AGPC):

J. Simpson

8.4.2.1. Provost's Update

We've completed one term and into another. Congratulations to faculty, staff and students who have finished up the Winter term and now we'll be moving this week into Spring term activities.

1. University Renaming

I want to thank everyone for your engagement, particularly those who opted to provide input during the latter part of the last calendar year (2020-2021). I think it's a very important move for Toronto Metropolitan University. This is an indication that universities can pick up these hard questions and opt for different ways forward when it comes to practices of colonialism and other forms of lack of equity. I would also like to mention that there are now 21 other recommendations that we will continue to work on and build on the strengths of our university in these areas. We look forward to working on these other recommendations.

2. Planning for Fall 2022

Just some announcements which have been already publicly announced, but just reminders that the mask mandates going into the university will remain in place until further notice. The vaccination policy, which was suspended as planned on May 1, will remain in effect. The health screening is no longer required to access campus.

I will also note my appreciation to Kelly for your service in your role as Vice Provost, Academic. You've done excellent work both supporting me as I came in and entered the role of Provost. I'll also note your critical contributions to expanding the work in your office, and the reach of your team, particularly related to Equity, Diversity and Inclusion (EDI).

Carol Shepstone, Chief Librarian, you will complete your term on June 30. I certainly appreciate your vision for the library and our conversations and your work on that. Your vision and understanding of university libraries as places for public reflection and deliberation, I've really enjoyed that vision and see you work at that in your role, so thank you for that as well.

We have processes proceeding for both roles - Vice President Academic, and Chief Librarian and we will share information about those appointments when that becomes available.

Also, I'd like to congratulate Robyn Parr who was recently appointed as University Registrar. Robyn was serving in an interim role since September 2021 and she brings extensive experience to this office. Thank you for stepping into the role and leading us forward in the Registrar's office.

There are also a couple appointments related to the School of Medicine – another large initiative for Toronto Metropolitan University. We are at phase 2 of that, moving towards a proposal. Andrew Padmos was appointed Head of the Establishment of the Medical School. He will serve as the Dean of Records for Phase 2. Marcia Moshé was appointed Senior Advisor to the Provost and Vice-President Academic, for Program Proposal Development. Both of those roles are critical and both individuals bring extensive experience with Phase 1. Marcia brings programming and curricular approval and development at the University, and Andrew brings administrative experience related to faculties of medicine at other institutions. Andrew, in particular, will work with the committee on accreditation at the Canadian Medical Schools Secretariat to facilitate the development of the MD program and accreditation processes and standards. For Phase 2, there are two central academic components of the Medical school program proposal. One of those is the link of this body to Senate, and program approval and then Andrew will be leading the components that are more external which he is approving the proposals through the accreditation processes. We look forward to a lot of activity on both of those areas over the next months.

8.4.2.2. Revised IQAP Policies (Policy 110: Institutional Quality Assurance Process, Policy 112: Development of New Graduate and Undergraduate Programs, Policy 126: Periodic Program review of Graduate and Undergraduate, Policy 127: Curriculum Modifications: Graduate and Undergraduate Programs) (K. MacKay)

Motion: *That Senate approve the revised IQAP Policies (Policy 110: Institutional Quality Assurance Process, Policy 112: Development of New Graduate and Undergraduate Programs, Policy 126: Periodic Program review of Graduate and Undergraduate, Policy 127: Curriculum Modifications: Graduate and Undergraduate Programs).*

K. MacKay moved; H. Brahmbhatt seconded.

Motion Approved.

8.4.2.3. Revised Policy 2: Undergraduate Curriculum Structure (K. MacKay)

Motion: *That Senate approve the revised Policy 2: Undergraduate Curriculum Structure.*

K. MacKay moved; D. Scoffield seconded.

Motion Approved.

8.4.2.4. Revised Policy 159: Academic Accommodation of Students with Disabilities
(K. MacKay & J. McMillen)

Motion: *That Senate approve the revised Policy 159: Academic Accommodation of Students with Disabilities.*

K. MacKay moved; J. McMillen seconded

K. MacKay spoke to this motion:

You will find the summary of the changes and updates in the agenda (pages 190-191). First and foremost, this policy was last reviewed in 2016, and so, in addition to a review of content for compliance with updated legislation, the format has also been updated to the new Senate template. I want to thank the policy review committee (whose names are listed in the summary page) who worked very diligently over the past couple of years to bring us a policy that has an updated approach to accommodation. It is also a summary with respect to the process, which was a multi-staged process beginning with education and information of this committee's information-gathering, updated legislation, literature in the field and how it stands with policies from other universities. Subsequent to that a first round of consultations occurred with key invested stakeholders, specifically people involved in the administration of the policy across the university or students engaged with the policy as users through AAS, and then with that a redrafting and an updating occurred. The second phase of consultation related to going back to invested stakeholders, checking the draft to see if we heard what they had said and bringing this draft to a broader community consultation that included calls for feedback through town-halls, policy feedback email and open call for feedback with the posting on the Senate website, and then with that feedback, we completed a final draft and this is what you see before you here at Senate today.

I think the committee has worked very hard to put forward an updated approach, one that emphasizes access, meaningful access to education for students with disabilities rather than mostly focusing on the academic accommodation process. Also, an approach that recognizes the intersection of social, physical and virtual contacts, and in academic sense, setting, and the impact that has on students with disabilities, the collaborative effort that's needed to create an access accommodation, plan and create the conditions that enable access to inclusive learning environments, and also this overall approach that emphasizes our key values at Toronto Metropolitan University, and specifically highlights values related to Equity, Diversity and Inclusion (EDI), wellbeing, flexibility and shared responsibility, and all of that, I think, starts and is reflected with the very beginning of the policy and the updated purpose statement.

J. McMillen - Briefly, included is a proposed dispute resolution which is new with regards to the policy allowing there to be an outlined and ideally a timely process for there to be a resolution if there are any concerns during the accommodation process and ensuring that we are fully compliant and aligned with all current legislation and standards that we were required to operate by.

Questions/Comments:

C: First of all, with a brief apology – because I saw this a couple of weeks ago as a member of the Academic Governance and Policy Committee (AGPC), and I had read it but not carefully enough and so these are concerns I should have raised there but I didn't and that was the last opportunity; and they're ones that surprise me – a minor one by the way, just a very minor one – but I wouldn't recommend this has to be changed except in the guiding values. The old policy included academic freedom and the new one doesn't, and I'll just put that out there for people to think about.

My concerns revolve around section 5.2 on page 197. It's a very brief four lines and it is its brevity that raises concerns for me; it's the title "duty to inquire about Accommodation ...

"Duty to Inquire about Accommodation

Where faculty, instructors, or staff have a reasonable basis to believe that a student's academic performance is being negatively affected for reasons relating to disability, there may be a "duty to inquire" about the student's wellbeing and academic needs and to provide referrals to relevant offices at the University, including AAS, Student Wellbeing, and Student Care."

When I first read it, it seemed just fine, a nice thing, and no problems, but the more I thought about it, the more I have some serious concerns about it. First of all, it's a new duty. This duty to inquire about the need of a student, to inquire to the student about accommodation that was not in the prior policy, and in fact, we were discouraged from doing things like that, because we were discouraged from inquiring into anything that might hint they were inquiring about the nature of the disability. It has also been left very vague. The policy actually says there may be a duty to inquire, and I'm wondering why the vagueness there. Is it because of the particular circumstances? Is it because of something about human rights law? It is unclear and then trying to signal that to us it doesn't make clear at all what it says is where faculty instructors or staff have a reasonable basis to believe the student's academic performance is being negatively affected for reasons relating to disability, there may be a duty to inquire about the student's wellbeing and academic needs to provide referrals to relevant offices at the university, including academic accommodation and support student wellbeing and student care. It doesn't say the inquiry is to the student but I'm assuming that's what's meant. This would be a reaching out to the student, but I wonder what it looks like? It would be a necessary condition to have this duty that you have this reasonable belief that they're not doing well because of disability but that's not a sufficient condition because if they only may be. It's a vagueness of these things that is troubling to me. If it's not sufficient to establish duty, is it because there's other conditions that might need to be met? And what would those be? Just a fleshing out of the initial one, or are the other conditions?

If we're going to impose a duty, we should be clear about what the duty is and that this one at first glance doesn't sound problematic; but as I thought about it I wonder about it for this duty might actually expose an instructor to various risks, including ones related to employment; including claims that the instructor has violated a student's human rights simply by not inquiring. I'm wondering whether one of the questions you have to ask about any duty is, is it doable? Is it practical that somebody could actually live up to this duty, especially in the light of large classes, you have classes of 300 students and somehow you're supposed to be attuned to whether or not somebody's not doing well because of disability? Sometimes, that information might come to you, sometimes it might not. The policy says, if they have a reasonable basis to believe, but what is having a reasonable basis mean? Is it that they're aware of it, or just it's somehow in the massive information you get from and about students it's there and you should have noticed it. All of those things could be applied in such a way to raise concerns for an instructor, if in fact, what happens is they get accused of some form of bias against the students and violating their right, and that seems increasingly likely when I looked at the issue of wellbeing.

In certain cases, especially cases which are mentioned in the paragraph just before, of retroactive accommodation. I'm in favour of retroactive accommodation, just various ways that students can be disabled during a term that weren't foreseeable and so they have to ask later about it. The remedies for retroactive accommodation, is that you can do either – ask for a retroactive withdrawal, and I don't foresee any problems there, as long as the student

has got a substantiated disability. But the other one is you go for a grade appeal and that's where I'm concerned about what students feel they need to do to address it. This way they might end up feeling pushed into a certain kind of Human Rights Act accusation. There are four grounds under which you can apply for a grade appeal. One is Course Management. You can see that in some ways that could be course management issues about what's missing, but I don't think that's going to be the likely one. Procedural Error, doesn't look too likely. It will come down to the other two – Extenuating Circumstances – something's happened that my life got out of control for various ways related to my disability. For those, I don't see any particular problems with either, but the fourth one is Prejudice, and if you don't have a dramatic extenuating circumstance, the only way you get that grade appeal is by saying somebody violated your human rights. That's what I'm worried about, that's my concern and if that's the case, and one of the basis for violating it might simply be a failure to inquire to live up to this duty - but the duty isn't spelled out. For instance, it says that you're doing the inquiry about the student's wellbeing. That looks pretty dramatically different from the former prohibition to start asking students about disability or anything like that. If you're supposed to just inquire how are you doing, is there any way the university might be able to help? Have you thought about whether you're eligible for some kind of accommodation from the university? If it goes that far, I don't have any problem with it but it doesn't say that, it doesn't specify, and so I think we need clarity about what the nature of this duty is, and how far it goes, and if it doesn't specify, it should just explicitly say who's inquiring to whom, and about what? And set limits.

My final point is that it talks about referrals to academic accommodation services or student wellbeing or student care. Referrals make it sound awfully formal. If what you're doing is giving advice to students, these are the places that they can go, many of us, I think, most faculty include that now in their course outlines. But this could be reaffirming that we're letting students know that that's there and it would be an active reach. If that's as far as it goes, is that the way the duty plays out? But if it exposes people to new risks, I think we should see clearly about what those risks might be, including various kinds of things that in extreme cases might affect people's employment status. So this is an academic matter but it can have ramifications.

- C:** M. Lachemi – Those are excellent comments. Are you proposing any remedy to the policy based on this?
- A:** I don't like to do that on the spur of the moment. What I would suggest is that we might table this and give a little bit of time to think about this.
- C:** J. McMillen - I take all of your points. To your original comment about what wasn't there before, this is really the evolving legislation and evolving human rights processes that have started to find a greater obligation on the part of organizations to inquire about whether disability may be having an impact, in this case, on a student's ability to be successful. So that is why it's here now and wasn't there before. This type of legislation and process is constantly evolving as we've seen and certainly it has evolved a great deal in the years since it was last reviewed in 2016. This is a positive obligation on the members of the institution and it is one that is rooted in a legal obligation which is part of why even though, as you said, they are vague, the sort of words around reasonable, and may be are rooted in a legal standard. Reasonableness can be talked about and that's part of what a process would determine, and was there a reasonable basis to believe to inquire that isn't defined to the standard of an exact example of all of those circumstances. So, to take your point, I don't know of and I would suggest if there's a need, then certainly our colleagues and legal could articulate this in a way that is more precise. But this is an obligation that does exist. I hear all of the concerns about where it could go. It does exist on the basis that there is a need for us to contemplate. If there is a situation where there have been indications that were brought forward that were not acted on, or were not inquired, that could create an obligation for the

institution if the student brings a concern forward. So I would suggest, President Lachemi, that there may be value in a follow-up. I'm not a lawyer, but that is where this section comes from and why it's here now and was not there previously.

- C:** M. Lachemi - We cannot do it at the level of Senate meeting, but if Kelly, as the mover and you, Jen, as the seconder agree, we can table this motion, go back to the committee and definitely explain this better, especially in terms of legal context.
- C:** K. MacKay – It's certainly an important policy so we want to ensure that we're getting it right. This section would have gone through our legal department already. I hear what you're saying about the words "may be a duty to inquire" and I think that the spirit and intent is as you described it. It's what we do frequently in our classes and with our students; if we notice things we chat with them and say, how is it going? Is there some support at the university that we might be able to direct you to? It's, as Jen said, a duty to inquire.
- C:** J. McMillen – In this case, the words may and reasonable are still protective. The other option is that we could articulate this more in the procedures around what referrals might look like. There could be more opportunities for explanation but I don't know that there would be a change to the obligation through consultation with our General Counsel.
- C:** K. Mackay – Explanation could come in procedures.
- Q:** M. Lachemi – Do we need to put the motion forward to approve it or could we wait till next month's meeting?
- A:** K. MacKay – We could wait until next month's meeting noting that June will be the last meeting of this term.
- C:** M. Lachemi – We do not have the legal team here to explain this. We have an obligation, but that obligation has to be followed correctly.
- C:** Because this could end up as Human Rights complaint, the voice of the legal team is fine but CUPE and RFA should also be able to look at the legal side of it too because they have an interest in understanding it and communicating it to their members as to what they should and shouldn't do. It's not only just that you should do this, but there should also be some statement of the limits. Inquire after wellbeing is pretty vague. The last policy basically said, don't do any of this, and this is a big shift and so people need some guidance in carrying out the shift.
- C:** I would like to make a couple of points. First of all, I would like to acknowledge that the language of this policy has shifted in a direction that's very supportive of students. I understand that we need to prioritize accessibility and focus less on accommodation. I think re-centering this policy on accessibility would better serve the students and better allow them to succeed in their academia despite disability that causes inequity.

We think that there's some parts of the policy that lack reference to students who are immunocompromised or have been disabled; for example, in the 6th wave of the pandemic, and students missing classes due to disabilities that haven't been anticipated necessarily yet related to COVID-19; and we think that adding some specific reference so to cover that demographic that potentially could be missing from some of the language being not quite specific.

One comment that we'd like to make is about challenges with asking instructors to initiate accommodation and accessibility processes - there's some instructors that have pride in making the academic space competitive in a way that it's intentionally exclusive – not necessarily intentionally with students with disabilities, but will exclude students, and will exclude many students because they want the most elite and capable students to succeed in the space. The problem with that approach is that students with invisible disabilities,

especially with students who don't have access to the learning materials in a way that is accessible to them, they are being weeded out in a way that doesn't actually reflect the spirit of what I'd hope the instructors have in mind, when they want to make the material challenging and interesting. I think that if we invite instructors to be more proactive about informing their students of avenues to better understand the material that they care about and that they're instructing on.

I want to acknowledge the addition of definitions of ableism, flexibility and shared responsibility. I know that there does need to be, in my opinion as well, some clarification on the language, but I feel that moving forward with more discussion, but also prompt implementation of this new revision, is very important because there are additions to the policy that already do some very important clarifying for the students that this policy is supposed to support.

C: I want to echo what has just been said about the move towards accessibility and away from accommodation. I'm speaking on behalf of the RFA executive and so we all support that but we also see, because of that, the need for most basic specificity and that's why I want to support that this be tabled for further discussion, and there was not an opportunity for comment on the final version following consultation. As far as we know, it only appeared about seven days ago and we had the executive committee review this policy and they have concerns with it. I also think it reverberates amongst faculty at large and both unions if it goes through without further discussion. They've asked me and urged me to convey that to Senate. I want to make some of the same comments made regarding the duty to inquire. It's not quite clear what process will be followed here nor to whom the inquiry would be made. What constitutes a reasonable basis, nor whether the faculty have an ability to actually make such inquiries? So we feel whether or not it is consistent with the law, this does need clarification. In placing this obligation on faculty members the way it has been, faculty members will be vulnerable and open to claims of discrimination, and also claims of disregard for students' rights. We have major concerns with this as it stands. We do think it needs further discussion.

There are other elements of the policy as well that are of concern. In item 4.3 of the policy, 1.3 of the procedures, it requires faculty members to provide reasonable accommodations in response to substantial requests to address any barriers that may still exist despite if it's to enhance accessibility through design. We wonder what does this mean? The prohibition on faculty members from consulting students' documents regarding the disability - Faculty members currently are not permitted to consult student documents and that's been removed from the proposed policy. This suggests that now faculty members will be confronted and not quite sure what a substantial request actually means. We presume it will include medical documents, things that faculty were prohibited from looking at before, now it is going to be put before them and we're not sure that they have the capacity to comment on these but now they'll be required to make assessments on ongoing accommodations or to possibly assess medical documents themselves, and in the face, of course, the policy concerns and any other form of substantial requests that's put before them.

I also want to make the same point made that in the values and principle, it no longer has a reference to academic freedom which the current policy has and that is also a requirement of our collective agreements that any changes to policies actually retain these references to academic freedom. So this policy removes the references to academic freedom but, at the same time, talking about curriculum design, academic standards, teaching methods, evaluation methods and pedagogy; but doesn't allow for the existence of academic freedom which we think has to be retained. Also, the policy requires faculty members to comply with standards of universal design with respect to their courses but these standards, often are not

supported by university resources. We have multiple concerns with the policy and we just think it needs more discussion. We never had a chance for input on these and we would like the opportunity to do so.

I just want to make a couple of final points. Under the existing policy, we've encountered situations where students have appealed their grades after the fact based on the fact that they're not getting accommodation during the course, even when they didn't request such accommodations or when they didn't engage with faculty about accommodations. Faculty members have been found to have discriminated against such students and in other cases faculty members have complied with accommodation requirements as directed by the academic advisory services. So faculty members are now being required to make their own judgements including medical assessments which they are not qualified to make and invest in and implement any required adjustments and be honest with their own decisions because they now have to deal directly with the situation at hand. There appears to be a downloading of responsibility from the institution to the individual faculty members and exposes the faculty members to unfair charges of discrimination and to discipline due to the institution's unwillingness to properly assess the needs of students. So again, this proposed policy needs more buffing up in order to explain how this is going to be implemented. Some of the principles that it puts forward can be properly exercised. Our concern is that the faculty members are going to be on their own in the face of student requests. They might find themselves in situations where they are damned if they do and damned if they don't, academic standards are not valued and student needs are probably not met either. So we think that with this proposal, faculty members are vulnerable and it is not consistent with our collective agreements.

I just want to support the proposed motion or suggested motion that this be tabled for further discussion and that we have an opportunity for further input.

- C:** M. Lachemi – Given all the comments, I think it's safe for this important policy to go back to AGPC for further work and what I am suggesting is that the whole group or units, submit your written comments directly to AGPC before we take it back to Senate. I don't think we can resolve all of the comments here. The legal framework is definitely an important one so I think it's important for us to continue this conversation. Of course, if other senators would like to add anything if we agree to table this motion, please submit your comments to the review committee and AGPC at policyreview@ryerson.ca and let AGPC do their best to bring the best policy forward.
- C:** One of the things we're actually asking for is the opportunity to work with the policy-makers because we're really concerned about the duty to inquire and the capabilities of our members (lecturers and teaching assistants) to be able to do that proficiently. We love the definition by the way, it's great that it is an expansion and disability is considered so comprehensively, but that provides challenges. CUPE would very much like to sit and have some discussions about how this can really work effectively with their students.
- C:** As a student with a disability myself, usually it is those students with disabilities who are consulted and they are usually the ones who do most of the work. At the Senate Learning and Teaching Committee, I expressed that we need to be thinking if a policy or the inclusion of a policy of accessibility & accommodation is just a stopgap. We keep talking about the legislation. The first legislation, the Ontario Human Rights Commission says, do not exclude, and the most recent legislation that will be affecting us is in the recent report with the final report of the post-secondary education by 2025. So I don't know if we want to work this and then rework it again. I'd rather see a slower pace with thorough consultation with stakeholders but not those consultations that are called on Friday to meet on Monday, but

actually full consultation where people can understand. The one point that I really want to emphasize and I've said this many times before that this policy, unlike, for example, the plagiarism policy (Policy 60 – Academic Integrity) is really emphasized by professors. Everybody says to students, 'don't plagiarize'. You get it very clearly from day one. In the same way, this policy should be emphasized, it is your right to ask for accommodation and in the legislation that is upcoming, they actually said that the training shall employ best practices in pedagogy and all staff of the university should engage in this type of training. So yes, staff, clerical administrators, instructors, they will need to have accessibility training on how best to accommodate the students, but also on ableism. So just by trying to do the good thing they may actually be harming the student. We know visibility is highly stigmatized in our mists and if a student within the invisible disability is struggling, then by someone intervening, they may actually take agency from the student, worse yet, out them. So yes, it would be a good idea to have a richer conversation.

M. Lachemi – call for Motion to Table

N. George moved; D. Taras seconded

Motion to table approved.

C: I think this obviously is really important and I just wanted to share my personal experience from one of the courses so that could possibly help senators make a firm decision and make a more comprehensive policy. There was a petition signed against one of my professors and most of the students were failing. As a result, the criteria was changed for the exam after the exam was done, which resulted in uneven grade changes. I know many peers in the course had disabilities. So I think when it comes to accommodating students with disabilities it's important to consider this factor as well and having a more comprehensive policy which could help to accommodate students in certain situations. What I saw was there was no standard procedure taken. It was just based upon the instructor as to what they wanted to do and there was no such standard to be followed. So I think if there was a policy which could incorporate taking into consideration the student's wellbeing and student care, and taking into consideration students with accommodations, I think that would be much more helpful.

C: I wanted to just give some context to the duty to inquire, which is extremely important to understand. The duty to inquire only arose in the employment setting. It arose from employment or supervisors who had close contact with employees and understood when they saw deterioration. In the university's context, where there are very large class sizes, sporadic contact with students and so on, there is a completely different context. The other thing is that the duty to inquire is actually matched by the legal duty on employees to inform. So they actually go hand in hand. With the duty to inquire without a duty to inform, we're going to create tremendous mischief. I would suggest that the course outlines really press on what are the resources and professionals available. Where can you direct these cases and take it out of the hands of individual professors? I worry that we will create unbelievable mischief by drafting a duty that came out of employment into a sort of wild and woolly area of university teaching in a place like ours. So we already have professionals. I think the duty is to tell the students and direct them to where, and we already do a lot of that in our course outlines.

C: I heard the vague unsubstantiated accusation of professors who allegedly used some teaching techniques that were violating students' human rights. I want to voice that this violation of human rights of students is a serious accusation and I'm concerned that such serious accusations are thrown around the Senate without specifics and just being kicked around like it's no big deal. I'm concerned when professors are accused of this, because I don't believe it's fair.

C: Thank you for that excellent commentary on the duty to inquire. I really appreciated that. As I read through the document, the other area that I have questions and concerns about, and I look forward to the opportunity to maybe address that to the committee is the issues around interim accommodations and that's basically why I supported or initiated the motion to table this because I think we do need more discussion around aspects of this policy.

C: I heard the comments from the student representatives around the listing of different impairment groups, and, actually, the committee took some pains not to do that. The only place where you'll find different impairments or just different disabilities mentioned is in the Human Rights definition. The other thing I wanted to say is that I think this policy is incredibly important and I appreciate the congratulations around the broadened definition, but there is a recent survey of students with disabilities that suggest that in high school in Ontario and across other Canadian provinces, students with disabilities feel as if they have access to their learning environments – 80% of students feel as if they have access to their learning environments and good accommodations but that drops dramatically when students come to universities. So this policy, I think, is instrumental in changing the experience of our students. So I'm hopeful for the next steps in the discussion.

C: M. Lachemi – That's the end of this discussion. We will send the policy back to AGPC before it comes back to Senate. Again, please send your comments to policyreview@ryerson.ca

C: If you would allow, I would just challenge all of us and invite everyone to use language that's legitimizing to the needs of students. I've heard some language that was delegating to delegitimizing, such as calling students' desire to access learning as mischief and it just being something that's thrown around. We are really thinking about the students and our contributions to this conversation are not just things that are thrown around. I would just appreciate that we respect each other enough to avoid that type of language.

8.4.2.5. New Policy 172: Student Names (R. Parr)

Motion: *That Senate approve the new Policy 172: Student Names.*

R. Parr moved; H. Brahmhatt

R. Parr - This proposal is to formalize the first Student Name policy at the University. It outlines the use of the students' chosen name for display in the University systems without the requirement to change their legal name.

Comments/Questions:

C: This is a great step for safety and security for trans students. I think that we should avoid using a name for a trans person that they are no longer using. I'm appreciative that we are moving in this direction to avoid compromising safety and access to education.

Q: I would say it's about time. If the students who have already graduated and meet requirements for their new name, will there be accommodations for them to have their diplomas reissued under that name? Apparently, we might be reissuing a large number of diplomas with the new name change of the University.

A: R. Parr – Yes, if a student changes their legal name at any point in time, they can request a document to be reissued like a parchment or a degree so that process has always been in place, so I'm happy to support that.

C: Thank you very much for bringing this forward. There is some confusion around legal names versus the preferred name so when we do consultation perhaps we need to educate the community at large – that would be very helpful.

A: R. Parr – We definitely do have a robust list of definitions to help clarify that so we'll make sure that this is clear in the Procedures of this policy.

Motion Approved.

8.4.3 Report #W2022-1 of the Yeates School of Graduate Studies Council (YSGS):

C. Searcy

8.4.3.1. Periodic Program Review for the PhD in Policy Studies (C. Searcy)

Motion: *That Senate approve the Periodic Program Review for the PhD in Policy Studies.*

C. Searcy moved; R. Ravindran seconded.

Motion Approved.

8.4.3.2. For Information:

- i. One Year Follow Up Report - Physics (PhD/MSc)
- ii. One Year Follow Up Report - Spatial Analysis (MSA)

9. Old Business - None

10. New Business as Circulated - None

11. Members' Business - None

12. Consent Agenda

12.1 SRCAC Report to Senate –

https://www.ryerson.ca/senate/senate-meetings/reports/SRCACReports/SRCAC_Report_May3_2022.pdf

C: M. Lachemi – We've had very interesting discussions today. It's very important that we have those types of conversations on the Senate floor. Thank you very much.

13. Adjournment

The meeting adjourned at 6:42 p.m.