



**SENATE ACADEMIC POLICY COMMITTEE MEETING
MINUTES**

Monday 25 October 2021 3:31-5:05 pm via Zoom

Attendees

Senators

E. Bhangu
J. Burnham
J. Gilbert
S. Gopalakrishnan
P. Harrison
C. Krebs
K. Lo (Chair)
C.W. Marshall
S. Matsui
J. Schumacher
A. Pratap Singh

K. Smith

R. Spencer (Vice-Chair)
H. Zerriffi

Ex Officio

J. Fox
M. Quayle
K. Ross

Regrets

M. Aronson

Guests

M. Crosbie
S. Reid

Senate Staff

G. DeVeaux
C. Eaton
J. Iverson

Call to Order

The meeting of the Senate Academic Policy Committee (the “Committee”) was called to order at 3:31 pm on 25 October 2021 by K. Lo, Chair.

Agenda

THAT THE Senate Academic Policy Committee adopts the 25 October 2021 agenda as presented.

Adopted by general consent.

Meeting Minutes

THAT THE Senate Academic Policy Committee approves the 1 September 2021 meeting minutes as presented.

Moved: C.W. Marshall
Seconded: J. Gilbert
Carried.

THAT THE Senate Academic Policy Committee approves the 27 September 2021 meeting minutes as presented.

R. Spencer advised the secretary of a single typographical error for correction.

Approved by general consent.

**Senate COVID
Health Academic
Regulation**

THAT THE Senate Academic Policy Committee recommends to the Senate the Senate COVID Health Academic Regulation, as presented.

Moved: K. Lo
Seconded: P. Harrison

M. Crosbie said the University has COVID-19 Campus Rules. Central to this program is an online vaccination status declaration (via Thrive) that all students, faculty and staff are required complete; if members are not vaccinated they must participate in rapid testing. To date, the rates of both declaration and vaccination have been high.

M. Crosbie said the University is now moving into the enforcement phase of the program. The proposal before the Committee is for students; a parallel process is in development for faculty and staff. The belief is that the regulation will serve as an effective enforcement tool to make students comply with all aspects of the program. There is a precedent for this sort of enforcement at UBC (tuberculosis, smallpox, healthcare programs).

The regulation is the least administratively-challenging pathway; M. Crosbie noted the student discipline process is bureaucratic and time-consuming. The University would employ the regulation only after students have been duly notified. The floor was opened for discussion.

C.W. Marshall spoke against the motion, stating the regulation was designed to scare students; had the University implemented a vaccine mandate it would be in the position of reassuring its members. He noted mandates are in place at higher education institutions in all provinces except British Columbia, and added no legal explanation for the difference has been provided to the UBC community. The medical information that has been provided indicates lecturing faculty present the highest risk for transmission, yet the regulation is only for students. He said education is considered an essential service and asked if the University could justify deregistering students under the regulation.

- K. Lo clarified the regulation is a requirement to either complete the declaration or undergo rapid testing.
- M. Crosbie said even if the University had a mandate it would still require an enforcement mechanism.

H. Zerriffi echoed some of C.W. Marshall's concerns, but said he would support the motion so that the full Senate could discuss the proposal. The fact that the Committee is reviewing the regulation in late-October continues a pattern of the University not adequately preparing for the term; he said the University needs to review the timeliness of decisions it has made.

J. Burnham voiced frustration. She said the Committee had been told vaccination requirements are not within the Senate's purview, but now it is being presented with an academic regulation. If this is indeed something for the academic body to consider, then why not mandate vaccines? She also asked

how the regulation intersects with the Return to Campus mandatory orientation students are required to take.

- M. Crosbie explained health and safety are Board issues, while course registration is a Senate issue. He added that not completing the mandatory orientation is in violation of the COVID-19 Campus Rules.
- K. Lo clarified deregistration would be the result of actions—other than vaccination—in which a student has or has not engaged. The regulation is about the requirement to declare. The Public Health Office has been clear UBC cannot mandate vaccines; this regulation is within the bounds of what the Senate can enforce.
- C. Eaton said it is a complicated jurisdictional matter. The Board has no control over a student's right to register. The regulation would serve as a tool to effect timely compliance. He acknowledged frustrations with the provincial government's authority over UBC. Nothing more authoritative than this policy could be brought forward to bring students in line with regulation; an amendment to mandate vaccines would be counter to provincial policy.

C. Krebs also took issue with the policy. She said the University would be penalizing the most vulnerable, and yet there is no penalty for faculty members. Deregistration is a heavy-handed approach. The University talks about the mental health of its students, but the policy would work against it.

- M. Crosbie said there will be a parallel process for faculty and staff. The process is different because faculty and staff are employed by UBC. Whether or not they lose their employment for failure to comply is a matter for Human Resources to confirm.

R. Spencer disagreed with the previous speakers; he said this is the only policy, and if the Committee votes against it there will be no policy. He asked how easy is it for a student to comply with the regulation and avoid being deregistered? He added it must be possible for students to access rapid testing within a reasonable timeframe.

- S. Reid said the University would take a phased approach that gives students every opportunity to comply. With respect to rapid testing, the requirement is once a week.
- M. Crosbie said the Thrive system was chosen, in part, because it allows for scheduling a rapid test.
- R. Spencer said requiring one test and providing a scheduling tool removes reasonable obstacles, and thus supported the regulation.

P. Harrison agreed with R. Spencer but raised concerns about the timing. If the regulation is approved, there should be clarification for students regarding how long they have to comply. He noted there are many grounds on which students could appeal the application of the regulation; the lack of a vaccine mandate is just one.

- C. Eaton said the initial decision for student discipline takes many months; this process is much faster. It would make for a quicker first

decision, which students could then appeal. Both technical and philosophical debates from students are expected.

K. Lo noted the volume of cases is a consideration; presently, 3,000 people have not declared their vaccination status on Thrive. After the regulation is implemented, there would presumably be a smaller number of cases.

A. Pratap Singh asked a set of clarifying questions: 1. Of the 3,000 people who have not declared, what is the breakdown among students, faculty and staff? 2. When a smallpox vaccine was mandated, what were the penalties for noncompliance for faculty and staff? 3. Are clinics prepared to handle an increased volume of rapid testing?

- To the first, M. Crosbie said a breakdown could not be provided because of how the Thrive system interacts with UBC's own records system.
- To the second, C. Eaton said he would need to confirm dates, but there was a time when vaccination was required for faculty and staff.
- To the third, S. Reid said the University has the resources to meet the requirement that students be tested weekly.

J. Schumacher said that for some students, deregistration would also mean loss of income, which is concerning. He, too, opposed the motion but would like the full Senate to discuss the proposal.

- C. Krebs said mental health issues might be preventing students from declaring their status. These are the same students who are struggling to book their rapid tests, and the same students who would be deregistered with resulting negative impacts on their transcripts, scholarships, etc. She said there is a reason discipline takes time; the regulation seems like a quick reaction to a vaccine mandate that was never in place.

S. Matsui asked a set of clarifying questions: 1. What are the consequences of blocking registration? 2. How would the regulation apply to distance education students? 3. Is the Dean the appropriate person to provide exemptions to the regulation? 4. What happens if there is a conflict between/among various sets of regulations by which students must abide? C. Eaton responded:

- To the first, noncompliant students would be deregistered from courses, not programs; once in compliance, those students could reregister. In the interim, it would be as if the student did not register in courses that term. There are negative repercussions for students in some situations, including eligibility for varsity athletics, financial aid, scholarships, bursaries, etc. Those are known consequences.
- To the second, the regulation is for students physically on campus.
- To the third, he asked if not the Dean, who is the appropriate officer of the University to exercise discretion?
 - S. Matsui noted there is no direction or criteria for exempting students from the regulation.

- To the fourth, the third-party language in the regulation is for students who must follow other rules as part of their studies.

K. Ross said if the University had a COVID-19 regulation like it did for smallpox students would not be admitted or registered. She said she sympathizes with students but situations exist, and the University supports students throughout the process. M. Crosbie added that as the University works through the implementation of the policy things will evolve.

K. Lo asked about the timeline of enforcement, to which M. Crosbie said the most likely scenario would be Winter Session 2021 Term 2. C. Eaton added communications would commence this term to give students an opportunity to comply with the regulation; deregistration would happen in Term 2.

J. Fox said the University needs accurate data on actual cases. She also noted international students must maintain continuous enrolment.

- C. Eaton said that requirement is being considered. A missed term for failing to comply with this regulation would have the same result as a missed term for suspension.

H. Zerriffi suggested: clarify physical attendance; strike or amend clause F so that students are not targeted. He noted the parallel process for faculty and staff remains unknown, which makes deciding if this regulation is an appropriate sanction challenging. He then asked: 1. Can the Committee recommend the regulation to the Senate with dissent? 2. If a student appeals their deregistration, do they maintain registration during the course of the appeal process or is registration reinstated later? C. Eaton responded:

- To the first, the Committee can recommend the regulation for consideration, not approval, so that the full Senate can discuss.
- To the second, deregistration is deregistration. That decision stands while the decision is being appealed.

R. Spencer suggested: forward the regulation to the Senate with a request that the proposed sanctions for faculty and staff be known by the time the Senate is to discuss; clarify that deregistration takes effect in Term 2.

- C. Eaton said Human Resources' process is that noncompliance for faculty and staff will result in a letter of expectation, escalating from there if still noncompliant. There will be severe consequences for faculty and staff, though what they are is currently unknown.

J. Burnham said students need to be aware of what deregistration entails; clear communication is required. She supported forwarding the proposal to the Senate for consideration.

J. Schumacher supported J. Burnham's comments and suggested the submission to the Senate list potential repercussions of deregistration for different types of students. He then asked if the University had considered less severe penalties.

- M. Crosbie said other options were considered, but deregistration was thought to be the appropriate approach. While it would be difficult to police the presence of noncompliant students in classrooms, once students are deregistered the incentive to be on campus would be diminished.

C. Krebs noted refusal to comply and failure to comply are different, but the consequence is the same.

- C. Eaton said there will be circumstances in which complying with rapid testing is difficult, and the regulation should not be applied in those cases.
- M. Crosbie said the University has a system for addressing any human rights protected grounds. There are exemptions to rules for people who have protected grounds under the Human Rights Code.

P. Harrison said the options for students need to be better explained. He noted the regulation does not stipulate when students need to comply. He suggested additional language be added to explain there is an intermediate step before deregistration.

- C. Eaton said an explanatory note could be added at the end, but the policy language is functionally correct.
- M. Crosbie said he could add language around human rights violations, but was reluctant to add procedural steps. The regulation is intended to be an expedient process.
- C. Eaton said if the number of noncompliant students can be reduced to the 100s, then it would be possible to connect with each one. The regulation is a mechanism for reducing numbers.
- C. Eaton said fair procedures are needed to enforce the policy, but those should be stipulated outside the policy itself.

K. Lo summarized the friendly amendments made by members, all of which were acceptable to the Committee:

- Strike or amend clause F so that students are not targeted (and change to “all members of the UBC community” throughout the regulation)
- Policy is effective Winter Session 2021 Term 2 (1 January 2022)
- Clarify physical attendance

C. Eaton provided procedural advice, suggesting two motions: one to recommend the regulation for approval, and a subsequent to recommend the regulation for consideration.

The Committee voted on the motion on the floor, which had been amended to read:

THAT THE Senate Academic Policy Committee recommends the Senate COVID Health Academic Regulation, as amended, to the Senate for approval.

Failed.
For: 3
Against: 12

C.W. Marshall made a second motion that would allow the Committee to recommend the regulation to the Senate for discussion, which many members supported, with the added requirement that the results of the previous motion be made known.

THAT THE Senate Academic Policy Committee brings forward the Senate COVID Health Academic Regulation, as amended, to the Senate for consideration and THAT THE results of the previous motion be conveyed to the Senate at the same time.

Moved: C.W. Marshall
Seconded
Carried.
For: 10
Against: 4
Abstain: 1

**Indigenous
Strategic Plan**

The Committee did not have time to discuss this item.

**Draft Academic
Freedom Policy**

The Committee did not have time to discuss this item.

Next Meeting

The next meeting of the Committee will be held on 22 November 2021 3:30-5 pm.

Adjournment

THAT THE Senate Academic Policy Committee meeting be adjourned.

Moved: P. Harrison
Seconded: H. Zerriffi
Carried.

The meeting was adjourned at 5:05 pm.