



**SENATE ACADEMIC POLICY COMMITTEE MEETING
MINUTES**

Monday 22 November 2021 3:32-5:03 pm via Zoom

Attendees

Senators

M. Aronson
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

Senate Staff

C. Eaton
J. Iverson

**Call to Order and
Territorial
Acknowledgement**

The meeting of the Senate Academic Policy Committee (the “Committee”) was called to order at 3:32 pm on 22 November 2021 by K. Lo, Chair.

Agenda

THAT THE Senate Academic Policy Committee adopts the 22 November 2021 agenda as presented.

Moved: E. Bhangu
Seconded: C.W. Marshall
Carried.

Meeting Minutes

THAT THE Senate Academic Policy Committee approves the 25 October 2021 meeting minutes as presented.

Moved: E. Bhangu
Seconded: H. Zerriffi
Carried.

**Indigenous
Strategic Plan**

K. Lo suggested the Committee’s process for engaging with the Indigenous Strategic Plan (ISP) begin with each member completing the self-assessment tool individually, and to consider the Committee as the unit for which they are responding. From there, the Committee can discuss its collective response.

- J. Fox, as Chair of the Teaching and Learning Committee (STLC), said STLC is taking the same approach as a way to bring diverse perspectives together. STLC is considering having the ISP as a standing item for discussion. She suggested thinking broadly across the Senate about how and when ISP leadership is engaged in committee discussions, noting the toolkit is intentionally facilitative.

- A. Pratap Singh suggested setting up a Qualtrics survey to gather responses from members; that report could serve as the basis for conversation.
- **Action item: J. Iverson to create anonymous survey and circulate to members.**

M. Aronson said there is merit to completing the toolkit, and a facilitator could be helpful in that regard. She added the toolkit is meant to be done periodically; working through it the first time is key.

K. Ross said folks are doing the work in Enrolment Services, and it is a process. A key element is the lens that is applied. She said that is what the Committee needs to learn how to do.

C. Krebs, as Chair of the Curriculum Committee (SCC), said the SCC first discussed ideas for acting on the ISP, and have since invited Dr. Sheryl Lightfoot to an upcoming committee meeting for further discussion.

P. Harrison said it is difficult to know how effective policies have been in practice, citing Policy V-135: *Academic Concession* as an example. He said the Committee needs to find ways for determining the effect of what it is doing.

- K. Lo suggested collecting data after policies have been implemented to uncover unanticipated consequences. He added it would be a challenging project to determine outcomes of policies.

K. Lo reiterated the request for members to complete the self-assessment tool before the next meeting.

- H. Zerriffi suggested someone from outside the Committee facilitate the next ISP discussion so that all members can participate. He said it may be useful to have specific sessions on sections of the toolkit.
- J. Fox agreed a facilitator is necessary, and supported M. Aronson's earlier idea of revisiting the toolkit. She acknowledged the work takes time.

C. Eaton noted that when the Senate reviewed the draft ISP for endorsement *Goal 1: Leading at all levels* was found to be relevant to the Committee. He asked if this is still true, and how the Committee would attempt to engage with that goal. Meta-governance (e.g., the University Act, the organization of the University) aspects are relevant to the Committee.

Draft Academic Freedom Policy

P. Harrison explained some minor changes were made to the policy. The latest version also includes a procedures section in which a proposed joint-campus Academic Freedom Support Committee (AFSC) is the arbiter of disputes that cannot be decided through existing appeals or other mechanisms, though he said he was unsure if it is workable for the Senate to direct the Provost to establish such a group. Regardless, P. Harrison said if the Committee is going to bring forward a policy that engenders disputes it should proactively determine a way to provide guidance for how those issues can be addressed. He added the

Committee also needs to discuss engagement with the Okanagan campus on the draft policy.

- K. Lo said it might not be necessary to establish an AFSC. The Faculty Association would represent its members in cases that involve the Labour Relations Board, and for students, cases could be addressed via existing appeals mechanisms.
 - With respect to students, C. Eaton said that is possible if a student claimed their academic standing was harmed by academic freedom infringement.
- C. Eaton said it may be useful for there to be a finding of error so that the University can take redress. It is important to understand how concerns around academic freedom are addressed.
- J. Burnham asked if this proposed model exists elsewhere, to which P. Harrison could not confirm.

H. Zerriffi said he thinks the procedures make sense in principle. He noted there is the potential for both the University itself to infringe upon a member's academic freedom, and for external interference, in which case there should be processes for not only determining if someone's academic freedom has been violated but also recourse. He said what is missing from the policy is the onus on the University to protect a members' academic freedom. He would like UBC to be active in protecting the freedom of its members from external parties.

To an earlier question posed by J. Burnham, C. Eaton said the only U15 university with an explicit committee on academic freedom is the University of Manitoba, but five other institutions have assigned academic freedom to a committee of their Senates. A variety of ad hoc groups have been created over time, but those exercises are not normally from an investigative or procedural lens. There are various structural considerations for the Committee in terms of where such a group (AFSC) should be situated within the University, as well as how that group interacts with other units and members.

J. Burnham said the "environment of tolerance" definition requires further work, noting a blurring line of calls for accountability. The right to research and speak freely comes with responsibilities and accountabilities. She said the policy needs to balance outlining specific behaviours within the definition and how those behaviours might be harmful with differing power dynamics at play.

- C. Eaton said knowing where that line is is a subjective determination; there needs to be a group to judge situations. He said the draft document is moving into the grey zone, whereas the existing policy language is black and white. He acknowledged the movement might be necessary, but it does make things more difficult.

K. Ross suggested that the proposed AFCS be established by both Provosts; currently the draft says only one.

C. Krebs said an AFCS might not be the best approach. The Provost already has a Senior Advisor on Academic Freedom. The policy needs to be clear enough

that adjudication is not required every time. In terms of responsibilities that come with academic freedom, she noted this policy does not exist in isolation; others come hand-in-hand and perhaps could be strongly cross-referenced. She then suggested an accompanying respectful environment policy (versus the existing Statement on Respectful Environment).

- J. Burnham noted that is the point of the joint Board and Senate Action Team, to which C. Eaton said that initiative is complicated and may take more time to develop than the academic freedom policy.
- C. Eaton said the “environment of tolerance” language speaks to the key functional aspects of the Statement on Respectful Environment. He said another aspect to consider are calls to sanction behaviour. Those happen frequently and become another subjective line to draw.

R. Spencer said it is his view that the policy is not intended to address expressions of opinion that may be harmful to the people who hear them or become aware of them, nor should it be written in such a way as to give those people who feel they have been harmed through the expression of an opinion the right to recompense. He noted the policy does allow the institution to prevent the expression of ideas, providing those ideas do not merit the protection of academic freedom. R. Spencer went on to say that it is not appropriate for an AFSC to be under the oversight of the Provosts or anyone in the administration since they may be the very people accused of violating a member’s academic freedom. He supported the idea of a tribunal, and suggested it be a Senate committee, noting it is difficult to imbed in a Senate policy the requirement for a non-Senate committee. He further suggested members be senators and the chair be an academic seconded from another institution (depending on case load).

- P. Harrison suggested exploring what kind of a tribunal structure would be helpful.
- C. Eaton said the University sees approximately ten cases a year, but may see more if there is a new policy. A higher profile could motivate others to use the mechanism.

With respect to comments on the “environment of tolerance” and the need for accountability and responsibility, P. Harrison said section 4 is key. Allowing for academic freedom means some people are going to feel they have been harmed in some way; if we do not allow for “ideas that might prove unpopular or contentious, dubious or repugnant,” then we will not such freedom. Limiting what one can say so that others are not made uncomfortable will be problematic. P. Harrison reiterated this area is grey; the law is black and white. People will be uncomfortable from time-to-time. He acknowledged members want that to be expanded but was hesitant to clarify further.

In response to C. Kreb’s comment, S. Matsui said it is impossible to cover everything, so there need to be guidelines and principles for applying the policy to individual cases. He called attention to a recent finding of the Supreme Court of Canada involving the Quebec Human Rights Tribunal and a comedian who mocked a singer with a disability. In that case the Court explicitly said being

offended does not give you the right to silence others. He agreed with P. Harrison that the essence of academic freedom is tolerating some offensive speech.

A. Pratap Singh said academic freedom and responsibility come hand-in-hand; however, an academic policy should focus on ensuring academic freedom rather than finding ways to stop people from making harmful statements. That is the context in which he thinks an AFSC might be a good idea, and said the structure is important. Membership should be intentional and broad to ensure the AFSC is truly neutral. He said in most cases the person seeking protection of their academic freedom will hold minority views. Nonetheless, it is the University's fundamental responsibility to protect its members.

K. Smith cautioned against creating an AFSC to adjudicate matters, noting the various unions on campus want their members to resolve issues via them.

Returning to J. Burnham's comment on "environment of tolerance," J. Fox suggested acknowledging the limits (i.e., the law). She said she sensed freedom of expression and academic freedom are being conflated. It would be useful to define where there are limitations in place.

J. Graham said the draft policy reflects a societal shift. He agreed with others that academic freedom is something to be defended. He said an AFSC is a good idea and suggested it stand outside the University.

P. Harrison said the key things are the procedures and what would be an effective and appropriate way to ensure that disputes can be adjudicated fairly. The University needs a mechanism for members who claim their academic freedom has been impinged upon to be heard.

- K. Lo suggested thinking about how the AFSC intersects with the unions and Faculty Association; what is left might be appropriately handled by the Provost's Office.

Next Meeting The next meeting of the Committee will be held on 13 December 2021 3:30-5 pm.

Adjournment ***THAT THE Senate Academic Policy Committee meeting be adjourned.***

Moved: C.W. Marshall
Seconded: S. Matsui
Carried.

The meeting was adjourned at 5:03 pm.