

Senate
Senate Chamber
Room E3-262 Engineering Building
WEDNESDAY, March 7, 2012
1:30 p.m.
Regrets call 474-6892

AGENDA

- I **MATTERS TO BE CONSIDERED IN CLOSED SESSION** - none
- II **MATTERS RECOMMENDED FOR CONCURRENCE WITHOUT DEBATE**
1. Report of the Executive Committee of the Faculty of Graduate Studies on Course and Curriculum Changes [January 24, 2012] Page 3
- III **MATTERS FORWARDED FOR INFORMATION**
1. Report of the Senate Committee on Awards [January 18, 2012] Page 5
2. Report of the Senate Committee on Awards [January 25, 2012] Page 9
3. *In Memoriam: Dr. Lorne Reznowski* Page 11
4. Items Approved by the Board of Governors [January 19, 2012] Page 12
- IV **REPORT OF THE PRESIDENT**
- Presentation by Ms. Deborah Young, Executive Lead, Indigenous Achievement
- V **QUESTION PERIOD**
- Senators are reminded that questions shall normally be submitted in writing to the University Secretary no later than 10:00 a.m. of the day preceding the meeting.
- VI **CONSIDERATION OF THE MINUTES OF THE MEETING OF FEBRUARY 1, 2012**
- VII **BUSINESS ARISING FROM THE MINUTES**
- VIII **REPORTS OF THE SENATE EXECUTIVE COMMITTEE AND THE SENATE PLANNING AND PRIORITIES COMMITTEE**
1. Report of the Senate Executive Committee Page 13
2. Report of the Senate Planning and Priorities Committee

The Chair will make an oral report of the Committee's activities.

**IX REPORTS OF OTHER COMMITTEES OF SENATE,
FACULTY AND SCHOOL COUNCILS**

1. **Report of the Senate Committee on Appeals RE: Revised
Senate Committee on Appeals Policy and Procedures**

Page 14

X ADDITIONAL BUSINESS

XI ADJOURNMENT

Please send regrets to shannon_coyston@umanitoba.ca or call to 474-6892.

Report of the Executive Committee of the Faculty of Graduate Studies on Course and Curriculum Changes

Preamble

1. The Faculty of Graduate Studies has responsibility for all matters relating to the submission of graduate course, curriculum and program changes. Recommendations for new programs or changes are submitted by the Faculty Council of Graduate Studies for the approval of Senate.
2. In October 2007, the Faculty of Graduate Studies approved a process of *Streamlining Course Introductions, Modifications, & Deletions* which allows the Executive Committee to approve these changes in lieu of Faculty Council when the courses are not associated with a new program or program changes.
3. The Faculty of Graduate Studies Executive Committee voted via email on January 23rd to consider course introduction proposals from the Dept. of Computer Science.

Observations

1. The Dept. of Computer Science proposes the introduction of three courses, **COMP 7700 Graduate Workterm I (0)**, **COMP 7800 Graduate Workterm II (0)**, and **COMP 7900 Graduate Workterm III (0)** to correspond with the recent proposal for a co-op option in the M.Sc. degree (approved by Senate on Sept. 7, 2011).

Dept. of Computer Science

Course Introductions

COMP 7700 Graduate Workterm I (0)

Work assignment in business, industry, or government for students registered in the Computer Science Graduate Cooperative Option. Requires submission of a written report covering the work completed during the four-month professional assignment. Graded Pass/Fail.

COMP 7800 Graduate Workterm II (0)

Work assignment in business, industry, or government for students registered in the Computer Science Graduate Cooperative Option. Requires submission of a written report covering the work completed during the four-month professional assignment. Graded Pass/Fail. Prerequisite:

Jan. 24, 2012

COMP 7700.

COMP 7900 Graduate Workterm III

(0)

Work assignment in business, industry, or government for students registered in the Computer Science Graduate Cooperative Option. Requires submission of a written report covering the work completed during the four-month professional assignment. Graded Pass/Fail. Prerequisite: COMP 7800.

NET CHANGE IN CREDIT HOURS

0

Recommendations

The Executive Committee recommends THAT: the course changes from the units listed below be approved by Senate:

Dept. of Computer Science

Respectfully submitted,

Dean J. Doering, Chair
Graduate Studies Executive Committee

REPORT OF THE SENATE COMMITTEE ON AWARDS

Preamble

Terms of reference for the Senate Committee on Awards include the following responsibility:

On behalf of Senate, to approve and inform Senate of all new offers and amended offers of awards that meet the published guidelines presented to Senate on November 3, 1999, and as thereafter amended by Senate. Where, in the opinion of the Committee, acceptance is recommended for new offers and amended offers which do not meet the published guidelines or which otherwise appear to be discriminatory under the policy on the *Non-Acceptance of Discriminatory Awards*, such offers shall be submitted to Senate for approval. (Senate, October 7, 2009)

Observations

At its meeting of January 18, 2012 the Senate Committee on Awards approved one new offer and three amended offers as set out in Appendix A of the *Report of the Senate Committee on Awards* (dated January 18, 2012).

Recommendations

On behalf of Senate, the Senate Committee on Awards recommends that the Board of Governors approve one new offer and three amended offers as set out in Appendix A of the *Report of the Senate Committee on Awards* (dated January 18, 2012). These award decisions comply with the published guidelines of November 3, 1999, and are reported to Senate for information.

Respectfully submitted,

Dr. Philip Hultin
Chair, Senate Committee on Awards

MEETING OF THE SENATE COMMITTEE ON AWARDS

Appendix A January 18, 2012

1. NEW OFFERS

Murray and Susy Miller Scholarship in Medicine

Dr. Murray Miller (M.D./82) has established an endowment fund, with an initial gift of \$25,000, at the University of Manitoba to offer a scholarship for graduates of Grant Park High School and Gray Academy of Jewish Education who are admitted to the Faculty of Medicine. The available annual income from the fund will be used to offer one scholarship to a student who:

- (1) is a graduate of Grant Park High School or Gray Academy of Jewish Education;
- (2) has been admitted to the first year of the Undergraduate Medical Education Program in the Faculty of Medicine;
- (3) from among those who meet criteria (1) and (2), has ranked highest on the Admission Composite Score.

In any given year that no graduate of either Grant Park High School or Gray Academy of Jewish Education is admitted to the Undergraduate Medical Education program, the scholarship will not be offered.

The selection committee will be named by the Dean of the Faculty of Medicine (or designate).

The Board of Governors of the University of Manitoba has the right to modify the terms of this award if, because of changed conditions, it becomes necessary to do so. Such modification shall conform as closely as possible to the expressed intention of the donor in establishing the award.

2. AMENDMENTS

Arthur Buckwell Memorial Scholarship

The following amendments have been made to the terms of reference for the Arthur Buckwell Memorial Scholarship:

- Information about the amount of the initial endowment gift and the contribution made by the Manitoba Scholarship and Bursary Initiative has been added to the first paragraph.
- The amount of the scholarship is now determined by the amount of interest generated by the endowment fund and is no longer a set amount of \$1,500.
- Criterion (1) clarifies that students will be evaluated based on their “last 60 credit hours of study (or equivalent)”.
- Criterion (3) has been amended to read: “has, in the judgment of the selection committee, shown distinction in design in studio during their Bachelor of Environmental Design degree or while in the Architecture Masters Preparation program.”
- Information about the origin of the funds is provided that describes the relationship between the Royal Architectural Institute of Canada Foundation and the University of Manitoba.

- The description of the selection committee has been amended to read: “The Dean of the Faculty of Graduate Studies (or designate) will ask the Dean of the Faculty of Architecture (or designate) to name the selection committee for this award.”
- Standard wording about the Board of Governors has been included.
- Several editorial changes have been made.

Dr. Jon Stefansson Memorial Prizes

The following amendments have been made to the terms of reference for the Dr. Jon Stefansson Memorial Prizes:

- The name of the award has been changed to *Dr. Jon Stefansson Memorial Bursaries*.
- The terms of reference have been re-written to now read:

Miss Martha G. Stefansson established an endowment fund of \$5,000 at the University of Manitoba in 1949. The fund was originally used to offer the Dr. Jon Stefansson Memorial Prizes. Recipients of the prize each received an ophthalmoscope. Beginning in 1974, the annual income from the fund will be used to offer bursaries to students who:

- (1) are enrolled in any year of study in the Faculty of Medicine at the University of Manitoba;
- (2) have demonstrated financial need on the standard University of Manitoba bursary application form.

The selection committee will have the discretion to determine the number and value of bursaries offered each year.

The selection committee will be appointed by the Dean of the Faculty of Medicine.

Dr. T.J. Lamont Memorial Prize in Maternal and Neo-Natal Welfare

The following amendments have been made to the terms of reference for the Dr. T.J. Lamont Memorial Prize in Maternal and Neo-Natal Welfare:

- The terms of reference have been re-written to conform to the standard formatting for awards.
- Information regarding the donor, the initial gift amount, the person for whom the award is named and the purpose of the award has been brought together and forms the first paragraph of the terms of reference.
- Criterion (2) states: “has presented the best oral or poster presentation of an original work of investigation in maternal, peri-natal, and neo-natal welfare.” This is a shift in emphasis away from the publication of an essay “in a suitable Canadian Medical Journal” that “will prove of value to and be an incentive to the Medical Profession” as stated in the original terms.
- The revised terms do not include the sentence about publishing rights.
- The wording pertaining to unexpended money has been simplified to now read: “In any given year that presentations are judged by the selection committee to be of insufficient merit, the prize will not be offered and the unexpended money will be added to the capital.” In the previous terms, this information was detailed in a longer, more legalistic paragraph.

- The description of the selection committee has been amended to read: “The selection committee will be named by the Dean of the Faculty of Medicine (or designate) and will include the Heads of the Departments of Community Health Sciences; Obstetrics, Gynecology and Reproductive Health; and Pediatrics (or designates).”
- Standard wording about the Board of Governors has been included.
- Several editorial changes have been made.

REPORT OF THE SENATE COMMITTEE ON AWARDS

Preamble

Terms of reference for the Senate Committee on Awards include the following responsibility:

On behalf of Senate, to approve and inform Senate of all new offers and amended offers of awards that meet the published guidelines presented to Senate on November 3, 1999, and as thereafter amended by Senate. Where, in the opinion of the Committee, acceptance is recommended for new offers and amended offers which do not meet the published guidelines or which otherwise appear to be discriminatory under the policy on the *Non-Acceptance of Discriminatory Scholarships, Bursaries or Fellowships*, such offers shall be submitted to Senate for approval. (Senate, April 5, 2000)

Observation

In an electronic poll conducted between January 18 and January 25, 2012, the Senate Committee on Awards approved one amended offer, the Dackow Family Bursary, as set out in Appendix A of the *Report of the Senate Committee on Awards* (dated January 25, 2012).

Recommendation

The Senate Committee on Awards recommends that Senate and the Board of Governors approve one amended offer, the Dakow Family Bursary, as set out in Appendix A of the *Report of the Senate Committee on Awards* (dated January 25, 2012).

Respectfully submitted,

Dr. Philip Hultin
Chair, Senate Committee on Awards

MEETING OF THE SENATE COMMITTEE ON AWARDS

Appendix A

January 25, 2012

2. AMENDMENTS

Dakow Family Bursary

The following amendments have been made to the terms of reference for the Dakow Family Bursary:

- All references to \$3,000 have been changed to \$3,500 in both the terms of reference and the Requirements for Renewal document that accompanies the terms of this bursary.

In Memoriam
Dr. Lorne Anthony Reznowski (1929 – 2011)

Dr. Lorne Anthony Reznowski passed away peacefully on Wednesday, November 9th, 2011 at his home in Winnipeg. Lorne taught in the English Department from 1966 until his retirement in 1993.

The son of Dr. Lorne William and Anna Angela Reznowski (Brokowska), Lorne was born in 1929 and raised in North Winnipeg where he attended Saint Nicholas Ukrainian Catholic School. In 1949, he obtained a BA in Philosophy at Loyola College in Montreal, where he was a prominent member of the debating society. Shortly thereafter, he traded in his textbooks to work as a longshoreman on the docks of Vancouver and on the CPR's passenger steamship the *Princess Joan*, sailing nightly between Vancouver, Victoria, and Seattle. In 1957, after 5 years of study, he graduated with a Licentiate in Sacred Theology from the Catholic University of America in Washington, D.C.

Lorne married Joan Heslop in 1959, after corresponding for a year while she worked in Germany. Lorne and Joan lived in Ottawa while Lorne studied and taught at the University of Ottawa, completing both his MA (1961) and PhD (1980) in English Literature there. His MA thesis was on H.G. Wells and his Ph.D. thesis dealt comparatively with the motif of contempt for the world in the Old Slavonic *Paterikon* and the Middle English *Katherine Group*. In 1966 Lorne moved to Winnipeg with his family to teach at Saint Paul's College, University of Manitoba. In 1970 Lorne was the first permanent Ukrainian Catholic deacon ordained in the Winnipeg Archeparchy and served at Holy Family parish. A talented orator, he was a courageous and outspoken apologist for the Catholic faith. Many at St. Paul's (including the custodial staff) still remember animated religious and political discussions with him and also the joy he took in festive events at the College, especially singing around the piano.

His father's concern for the "problem of poverty in the midst of plenty" during the Great Depression influenced Lorne dramatically so that he became active in the Social Credit movement from an early age, and by the time he was twelve he was doing radio broadcasts for the Social Credit party. For many years he spoke frequently on TV and in person throughout Manitoba on political and cultural topics. He ran twice federally in 1968 and 1978. At the 1978 convention in Winnipeg, Lorne was elected the party's national leader, resigning the following year.

Lorne was a polyglot who spoke and studied 9 languages. Together with his wife and children, he lived and travelled throughout Europe and North America, spending sabbatical years in Spain, Germany, Italy, and Tucson, Arizona.

Especially enjoying academic life at St. Paul's, story telling and camping with his family, Lorne always seemed to be experiencing life to its fullest and most complete. At his funeral on November 16th at Holy Family Ukrainian Catholic Church, his children and grandchildren spoke of the stories he told, the joy and faith he gave them, and the experiences they shared together. A staunch defender of life from conception until natural death, Lorne fought a brave battle with cancer in his final 30 months.

Lorne was predeceased by his wife Joan and his siblings. He is lovingly remembered by his children, his 14 grandchildren, and his many nieces and nephews.



UNIVERSITY
OF MANITOBA

Office of the University Secretary

312 Administration Building
Winnipeg, Manitoba
Canada R3T 2N2
Fax (204) 474-7511

MEMORANDUM

DATE: January 23, 2012
TO: David Barnard, Chair of Senate
FROM: Jeff M. Leclerc, University Secretary 
SUBJECT: ***APPROVAL OF MOTION, BOARD OF GOVERNORS MEETING –
January 19, 2012***

At its meeting on January 19, 2012 the Board of Governors approved the following motion:

THAT the Board of Governors approve eight new offers, eight amended offers, and one withdrawal as set out in Appendix A of the Report of the Senate Committee on Awards [dated October 24, 2011].

Copy: Shannon Coyston
David Collins

JML/sf

February 15, 2012

Report of the Senate Executive Committee

Preamble

The Executive Committee of Senate held its regular monthly meeting on the above date.

Observations

1. Speaker for the Executive Committee of Senate

Professor Paul Hess will be the Speaker for the Executive Committee for the March meeting of Senate.

2. Comments of the Executive Committee of Senate

Other comments of the Executive Committee accompany the report on which they are made.

Respectfully submitted,

Dr. David Barnard, Chair
Senate Executive Committee
Terms of Reference:

http://umanitoba.ca/admin/governance/governing_documents/governance/sen_committees/477.htm

Memo

To: Mr. Jeff Leclerc, University Secretary
From: Dr. Archie McNicol, Chair, Senate Committee on Appeals
Date: February 8, 2012
Re: Revised Senate Committee on Appeals Policy and Procedures.

Please find attached the revised Senate Committee on Appeals Policy and Procedures, which were approved by the Committee, on January 16th. I would appreciate if you could place this item on the Agenda for the Senate Executive meeting of February 15th.

The Committee has been working on these revisions for several years and has circulated previous drafts, for feedback, widely within the University community including to the Provost, the Vice-Provosts, Deans and Directors, the Office of Legal Services, Student Advocacy, Student Services/Student Affairs, and the Presidents of both UMSU and GSA.

The revised Policy and Procedures are significantly different from, and improved on, the current Policy.

- In keeping with current University practice, the Policy has been divided into two documents; the Policy and the Procedures;
- The Policy introduces the concept of Hearing Panels, which will expedite the Procedures;
- The Policy contains definitions notably including “Appellant”, “Respondent”, “Committee” and “Panel”
- The Policy now clearly defines the “Grounds for Appeal”;
- The Procedures clearly elucidates the process to be followed by the appellant, the respondent and the panel during an appeal. This includes deadlines, information to be submitted, Hearing procedures and disposition.

Please do not hesitate to contact me if you have any questions.

Comments of the Senate Executive Committee:
The Senate Executive Committee endorses the report to Senate.

UNIVERSITY OF MANITOBA POLICY

No. 34(1)d	Effective Date: _____
Title: Senate Committee on Appeals	Review Date: _____
Approving Body: <input type="checkbox"/> Board of Governors <input checked="" type="checkbox"/> Senate <input type="checkbox"/> Administration(specify): _____	
Authority <input checked="" type="checkbox"/> <i>University of Manitoba Act</i> Section # <u>34(1)d</u> <input type="checkbox"/> Other Legislation [name and section #] _____ <input type="checkbox"/> Bylaw [name and section #] _____ <input type="checkbox"/> Regulation _____	
Implementation: <u>University Secretary</u> Contact: <u>Policy & Appeals Specialist</u>	
Applies to: <input type="checkbox"/> Board of Governors members <input type="checkbox"/> External Parties _____ <input type="checkbox"/> Senate members [Specify applicable external parties] <input checked="" type="checkbox"/> Faculty/School Councils <input type="checkbox"/> Employees <input checked="" type="checkbox"/> Students [Specify applicable employee organizations and employment groups] _____	

1.0 Reason for Policy

The Senate Committee on Appeals Policy (“the Policy”) and related Procedures (“the Procedures”) provide guidance to those individuals charged with determining appeals from decisions of Faculty/School Councils or their Appeal Bodies, of Professional Unsuitability Committees, of Faculty/School Award Selection Committees and of the Comité d’appels de l’Université de Saint-Boniface upon application by Appellants except those pertaining to decisions on admission, tuition, disciplinary matters or human rights issues.

The Policy, and related Procedures, also provide guidance to Appellants and their right of appeal to the Senate Committee on Appeals (“the Committee”).

Definitions

“Appellant” - the student appealing a decision of a Faculty/School affecting the student’s own academic standing or receipt of awards at the University or another person with a viable, direct and substantial connection to the matter under appeal.

“Chair” - the Chair of the Senate Committee on Appeals or the Chair of a Panel of the Senate Committee on Appeals.

“Committee” - the Senate Committee on Appeals.

“Panel” – members of the Senate Committee on Appeals convened for the purpose of:

- 1) determining its jurisdiction,*
- 2) determining the Appellant’s standing and whether there are grounds of appeal; or*
- 3) hearing appeals.*

“Respondent” - a representative or representatives of the Faculty/School designated by the Dean/or Director to represent the Faculty/School in relation to an appeal.

“Faculty/School” - the Faculty/School Council or appeal body whose decision is being appealed. For the purpose of this Policy, and related Procedures, the Extended Education Division and University 1 shall be considered as though they were faculties.

2.0 Policy Statement

2.1 There shall be a Senate Committee on Appeals:

2.1.1 from which Panels shall be established to hear appeals as set out in the related Senate Committee on Appeals Procedures;

2.1.2 that shall make decisions on appealable matters that shall be final and binding;

2.1.3 that shall review the Senate Committee on Appeals Policy and related Procedures periodically and, if necessary, recommend changes.

2.2 The Committee shall hear an appeal by an Appellant against a decision by a Faculty/School affecting the academic progress, or the receipt of an award, only after all reasonable avenues of appeal within the Faculty/ School concerned have been exhausted.

2.3 To ensure that academic decisions are made by those within the University who have the academic or professional expertise in the discipline concerned, the Committee on Appeals should be careful not to substitute its own academic judgment or standards for those in the discipline concerned.

2.4 The grounds for an appeal to be heard by the Committee shall include:

- (a) failure of the Faculty/School or Dean/Director to follow procedures;
- (b) failure of the Faculty/School or Dean/Director to follow the rules of natural justice;
- (c) failure of the Faculty/School or Dean/Director to reasonably consider all factors relevant to the decision being appealed;
- (d) that a Faculty/School/Senate governing document has become inapplicable through lapse of time or was unfairly applied;
- (e) that there is an apparent conflict between a Senate governing document and a Faculty/School governing document; or
- (f) failure of Senate, the Faculty/School or Dean/Director to comply with applicable legislation.

2.5 The Committee shall hear an appeal from the same Appellant against the same decision only once.

2.6 In cases where two Faculties or Schools cannot determine jurisdiction to hear a particular Appellant's appeal, the appeal shall be directed through the Office of the University Secretary to the Committee which:

- (a) shall determine the appropriate Faculty or School to hear the appeal and shall normally refer the appeal back to that Faculty or School; or
- (b) may hear the appeal.

2.6.1 In the event that a decision cannot be reached regarding the appropriate avenue of appeal, the President shall decide where jurisdiction lies.

2.7 The composition of the Committee shall be:

2.7.1 one member holding academic appointment in the University appointed as Chair for a three year term by the Senate Executive Committee;

2.7.2 one member of the Committee, from those academic members appointed by Senate (sections 2.7.3, 2.7.4 and 2.7.5), to be appointed as Vice-Chair by the Senate Executive Committee for a three year term. The Vice-Chair shall not be from the same Faculty or School as the Chair;

2.7.3 three members from amongst Deans and Directors appointed by the President (considered academic members for the purpose of this Policy and Procedures);

2.7.4 three members of Senate, holding academic appointments in the University, nominated by the Senate Committee on Nominations and appointed by Senate;

2.7.5 four members holding academic appointments in the University, nominated by the Senate Committee on Nominations and appointed by Senate;

2.7.6 the President of UMSU (or designate);

2.7.7 four Students nominated by the Senate Committee on Nominations and appointed by Senate;

2.7.8 one academic member appointed by Université de Saint-Boniface and one Student appointed by Université de Saint-Boniface.

2.8 A quorum for a meeting of the Committee shall be one third of its membership including the Chair. The quorum shall consist of a minimum of 50% academics and at least one student.

2.9 If the Chair of the Committee is unable to sit for any reason, the Vice-Chair shall assume the Chair's duties. Should the Vice-Chair be unable to sit, another member of the committee shall be appointed by the Chair as an Acting Chair.

2.10 Vacancies on the Committee shall be filled by the original bodies that made the appointment or conducted the election.

3.0 Accountability

- 3.1 The University Secretary is responsible for advising the President that a formal review of the Policy is required.
- 3.2 The University Secretary is responsible for the communication, administration and interpretation of this Policy.

4.0 Secondary Documents

- 4.1 Senate may approve Procedures which are secondary to and comply with this Policy.

5.0 Review

- 5.1 Formal Policy reviews will be conducted every ten (10) years. The next scheduled review date for this Policy is _____.
- 5.2 In the interim, this Policy may be revised or rescinded if:
 - (a) Senate deems necessary; or
 - (b) the relevant Governing Documents are revised or rescinded.
- 5.3 If this Policy is revised or rescinded, all Secondary Documents will be reviewed as soon as reasonably possible in order to ensure that they:

5.3.1 comply with the revised Policy; or

5.3.2 are in turn rescinded.

6.0 Effect on Previous Statements

This Policy supersedes the following:

- (a) all previous Board/Senate Policies, Procedures and resolutions on the subject matter contained herein;
- (b) all previous Administration Policies, Procedures and directives on the subject matter contained herein;
- (c) all previous Faculty/School Council Procedures stemming from the Faculty/School Council Bylaw and academic and admission Regulations and any resolutions on the subject matter contained herein; and
- (d) The Senate Committee on Appeals Policy, February, 1st, 1989.

7.0 Cross References

<p>Cross References [Indicate names and numbers of other specific Governing Documents which should be cross referenced to this Governing Document. Include section # of other Governing Documents if appropriate.]</p> <p>Cross referenced to: (1) <u>Procedures: Senate Committee on Appeals</u> (3) _____ (2) _____ (4) _____</p>
--

2.1.3 Appeals involving a specific course should be formally initiated through the Department/Faculty/School giving the course, while appeals relating to a program should be initiated through the Faculty/School responsible for the program.

Filing an appeal

2.1.4 An appeal along with all relevant documentation must be filed in the Office of the University Secretary within twenty (20) working days from the date on the letter of decision from the Faculty/School or until such time as the Chair may allow if a written request for an extension is made prior to the deadline.

2.1.5 If an Appellant files an appeal beyond the (20) working day period, the Appellant must provide written reasons for the delay. The Chair shall have the discretion to extend the deadline for filing the appeal if it is determined that there are special circumstances which justify or excuse the delay. The Chair's decision is final and not appealable.

2.1.6 The Appellant must submit **all** documentation that will be relied on for the appeal and must include the following:

- (a) a **completed** and signed Senate Committee on Appeals - Appeal Form. The form is developed by the University Secretary with the advice of the Committee and is available at the Student Advocacy Office, the Office of the University Secretary and on the University of Manitoba website;
- (b) a letter to the Chair clearly explaining the grounds for the appeal, with specific reference to Section 2.4 of the Policy: Senate Committee on Appeals;
- (c) a copy of the letter of decision from the last appeal level;
- (d) a copy of all the documentation submitted to the last appeal level (no new documentation can be submitted at this time);
- (e) the names of any witnesses, recognizing that calling them is at the discretion of the Chair (see Section 2.3.15 (b) of these Procedures); and
- (f) if the Appellant intends to have a lawyer present at the appeal Hearing, the name and address of the lawyer shall be provided at the time of filing the appeal.

All submitted documents are considered confidential and will be subject to the provisions of *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

2.1.7 The remedy sought of the Committee shall not differ from that requested of the last appeal level unless extraordinary circumstances are presented.

2.1.8 It is the Appellant's responsibility to inform the Office of the University Secretary immediately of any change to his/her contact information. During the appeal process the Office of the University Secretary may be required to contact the Appellant by letter, phone or email. If reasonable attempts at contact are unsuccessful, notice will be given by registered mail at the last known address of the Appellant or to the Appellant's spokesperson that, unless contact is made within 30 days of the date of the notice, the appeal will be deemed to be abandoned and the file will be closed.

2.1.9 The Appellant shall have the right to be accompanied by a spokesperson.

2.1.9.1 The Appellant shall, by completing an Authorization Form, have the right to waive his/her appearance at the Hearing and be represented by a spokesperson. The Authorization Form is developed by the University Secretary with the advice of the

Committee and is available at the Student Advocacy Office, at the Office of the University Secretary and on the University of Manitoba website.

2.1.9.2 The spokesperson may be an advocate from the Student Advocacy Office, a representative from the University of Manitoba Students' Union, a representative from the Graduate Students' Association, a member of the university community not receiving payment for appearing, a member of the Appellant's immediate family or a lawyer. It is the Appellant's sole responsibility to ensure

- (a) that his/her spokesperson is familiar with the Senate Appeals Policy and Procedures,
- (b) the adequacy of his/her representation, if any, and
- (c) to pay for his/her own lawyer's fees, if any.

2.2 Panels

2.2.1 The Chair shall convene a Panel to determine whether the Panel has jurisdiction, whether the Appellant has standing, whether there are sufficient grounds of appeal and to hear the appeal.

2.2.2 The Panel shall be prepared to convene as quickly as possible in those cases that require prompt action and, in general, shall attempt to handle all appeals with due dispatch.

2.2.3 A Panel shall consist of at least four (4) members, including the Chair, one student and one academic member.

2.2.4 A quorum of the panel shall be a minimum of four (4) members, including the Chair, ensuring at least one student and one academic member are present.

2.2.5 If a member of the Panel informs the Chair that he/she is unable to sit on an appeal for any reason and quorum is compromised, a replacement will be sought from the remaining members of the Committee.

2.2.5.1 If this is an urgent matter and the Chair is unable to secure a replacement, then the Chair shall request the University Secretary to take appropriate action to fill the vacancy.

2.2.5.2 If quorum is compromised on the day of the appeal Hearing, the Chair will offer both the Appellant and the Respondent the opportunity either to waive quorum and continue with the appeal Hearing or to have the Hearing rescheduled as soon as possible. The appeal Hearing will be rescheduled if either party so requests.

2.2.6 The evidence before the Panel will be weighed on a balance of probabilities.

2.2.7 The determination of all matters before the Panel will be decided by a simple majority.

2.2.8 The Chair will vote only in the event of a tie.

2.2.9 A member of the Panel shall be disqualified who:

- (a) is an academic member of the Faculty or School in which the Appellant is registered for any course; or
- (b) is a student currently registered in any course in the Faculty or School in which the Appellant is currently registered for any course; or

- (c) is an individual who was involved in an earlier stage of decision making respecting the appeal; or
- (d) is a member of the committee which was responsible for making the decision appealed; or
- (e) is otherwise in a conflict of interest with either the Appellant or the Respondent.

2.2.10 Where a member of a panel is challenged by the Appellant or the Respondent on grounds such as conflict of interest, bias or malice, the remaining members of the panel shall consider the merits of the challenge and determine whether or not the member is disqualified from hearing the appeal. Should a challenge result in a loss of quorum, the panel shall adjourn and a subsequent Hearing shall be scheduled.

2.2.11 A staff member from the Office of the University Secretary will serve as a resource person and Recording Secretary for the Meetings and appeal Hearings. The Recording Secretary shall not have a vote.

2.3 Process

2.3.1 A Panel shall be convened and will review, *in camera*, the Appellant's submission to determine whether the Committee has jurisdiction to hear the appeal, whether the Appellant has standing, and whether there are grounds for the appeal. The Chair, at his/her discretion, may invite the parties to make submissions on the question of jurisdiction or standing. The Chair shall direct the Panel that, in its consideration, the benefit of the doubt will always be given to the Appellant.

2.3.1.1 If the Panel determines that there is no jurisdiction to hear the appeal, and/or the Appellant has no standing, and/or there are insufficient grounds to consider an appeal, the file shall be closed, the appeal will be deemed dismissed and the Appellant and the Respondent will be informed by letter (Section 2.3.19.1 of these Procedures).

2.3.1.2 If the Panel determines that there is jurisdiction to hear the appeal, the Appellant has standing, and there are sufficient grounds the process shall continue.

2.3.2 The Office of the University Secretary shall inform the relevant Dean or Director in writing of the appeal, provide the Appellant's documentation, and request a written response within ten (10) working days or until such time as the Chair may allow if a written request for an extension is made prior to the deadline.

2.3.3 The Chair shall have the discretion to extend the deadline for filing the response if it is determined that there are special circumstances which justify or excuse the delay. The Chair's decision is final and not appealable.

2.3.4 If the deadline is not met, the appeal will proceed without the Respondent's written submission.

2.3.5 The Faculty/School must submit **all** documentation that the Respondent will rely on for the appeal Hearing and must include the following:

- (a) a letter to the Chair clearly outlining the response to the appeal;
- (b) a copy of the appeal documentation submitted by the Appellant to the last appeal level, unless already submitted by the Appellant;
- (c) a copy of the documentation the Respondent relied upon to make his/her decision at the last appeal level (no new documentation can be submitted at this time);

- (d) a recommendation on the preference of holding those parts of the appeal Hearing, receiving statements from the Appellant and others in closed or open session, and
- (e) a list of the names and responsibilities of those individuals representing the Respondent at the appeal Hearing.
- (f) the names of any witnesses, recognizing that calling them is at the discretion of the Chair (see Section 2.3.15 (b) of these Procedures); and
- (g) if the Respondent intends to have a lawyer present at the appeal Hearing, the name and address of the lawyer shall be provided at the time of filing the response.

All submitted documents are considered confidential and will be subject to the provisions of *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

2.3.6 The Appellant, his/her spokesperson, if any, the Respondent and Panel members will be provided with a written notice of the appeal Hearing date, place and time.

2.3.7 The Office of the University Secretary shall distribute the Appellant's submission and the Respondent's submission to the Appellant, the Respondent and the Panel members.

2.3.8 An Appellant may withdraw his/her appeal by completing a signed Withdrawal of Appeal Form. The form is developed by the University Secretary with the advice of the Committee and is available at the Student Advocacy Office, at the Office of the University Secretary and on the University of Manitoba website.

At the appeal Hearing:

2.3.9 An Appellant who fails to attend a scheduled appeal Hearing may have the appeal considered on the basis of the Appellant's written submission, the presentation of the Appellant's designated spokesperson, if any, and the verbal and written submissions made by the Respondent.

2.3.10 The Panel, *in camera*, shall decide whether to hear the appeal in open or closed session taking into account the preferences of both the Appellant and the Respondent. If there is any disagreement between the Appellant and the Respondent on this point, the Panel may ask both parties to present submissions or to answer questions. The Panel may, at the request of either party, or on its own initiative, decide to move from open to closed session or vice-versa at any stage in the appeal Hearing.

2.3.11 If the appeal Hearing is in closed session, no observers may be present in the room. If the appeal Hearing is in open session, any observers present will not be allowed to contribute in any way to the proceedings. Regardless of open or closed status, no electronic, or other, recording devices will be permitted.

2.3.12 All Panel members, the Appellant and/or the spokesperson, if any, and the Respondent and/or the spokesperson, if any, will have standing to speak during the appeal Hearing.

2.3.13 The Chair will invite both parties to enter the Hearing Room and announce whether the appeal Hearing is to be in closed or open session or request to hear from the parties if there is a disagreement (section 2.3.10 of these Procedures).

2.3.14 The Chair shall introduce all parties and outline the appeal Hearing process, including the identification of all individuals with standing. The Chair shall ask both parties if they have any questions about the process involved in the appeal Hearing and/or the guidelines under which the Panel operates.

2.3.15 During the appeal Hearing the Chair:

- (a) may limit oral evidence or oral submissions based on relevance, repetition or privacy;
- (b) will not normally permit evidence from witnesses;
- (c) determines all questions on admissibility of evidence and the appeal Hearing process;
- (d) may allow the submission of new information by the Appellant or the Respondent only with the consent of the opposing party;
- (e) may seek legal advice. However, the Panel will consider all matters relating to the interpretation of Senate, Faculty/School/Department governing documents.

2.3.16 The appeal Hearing must recess if any Panel member or individual with standing leaves the room temporarily. Either party may request a recess at any point in the appeal Hearing. Such a request shall not be unreasonably denied.

2.3.17 The Panel may, on its own initiative, decide to call, during the appeal Hearing, additional resource individuals for further clarification on any issue raised in the appeal.

2.3.18 The appeal Hearing shall proceed as follows:

- (a) the Chair shall ask the Appellant, or his/her spokesperson, if any, to make an oral statement to the Panel. If the Appellant wishes to make such a statement it may be used to summarize, elaborate upon, or explain the Appellant's written submission;
- (b) the Chair shall invite members of the Panel to ask questions arising from the Appellant's oral statement and submitted documentation. Cross examination will not be permitted. The Respondent is allowed to ask questions for clarification pertaining to the statement through the Chair;
- (c) the Chair shall ask the Respondent, or his/her spokesperson, if any, to make an oral statement summarizing or elaborating his/her response;
- (d) the Chair shall invite members of the Panel to ask questions arising from the Respondent's oral statement and submitted documentation. Cross examination will not be permitted. The Appellant is allowed to ask questions for clarification pertaining to the statement through the Chair;
- (e) after both parties have presented their statements, Panel members may ask further questions of either party seeking clarification or additional information;
- (f) when the Panel is satisfied that it has acquired all of the necessary information, the Chair shall ask each party to make a closing statement;
- (g) after both parties have presented their closing statements, the Chair shall temporarily dismiss both parties and the Panel shall commence its deliberations, *in camera*;
- (h) once the Panel enters its deliberations, it shall be polled by the Chair to determine if they have sufficient information to arrive at a decision or if additional information is required;
- (i) if the Panel determines that it has received all of the necessary information to come to a decision, the Chair shall release both parties;
- (j) if the Panel determines that more information is required, the Chair will recall the parties into the Hearing room. Normally, the Panel will receive the additional information through further questions posed to either the Appellant or the Respondent. However, if more detailed information is required, the Panel may reconvene at a later date at which time both parties have the right to be present;
- (k) the Panel shall complete its deliberations and voting *in camera*.

2.3.19 The Chair of the Panel shall, after a decision has been made, report the results of that decision in writing to the Appellant and the Respondent, and/or their spokespersons, if any. The letter shall include either:

2.3.19.1 that there is no jurisdiction to hear the appeal, the Appellant has no standing and/or that there are insufficient grounds to proceed to an appeal Hearing; or

2.3.19.2 a brief summary of the following:

- (a) the facts of the appeal;
- (b) the issues of the appeal; and
- (c) brief reasons for the decision of the Committee with specific reference to Section 2.4 of the Policy: Senate Committee on Appeals.

2.3.20 All members of the Panel will keep all materials and information used for the appeal in strict confidence and, following the appeal Hearing, surrender such materials to the Recording Secretary who will arrange to have the materials destroyed in a confidential manner.

2.3.21 Files on completed cases shall be retained by the University Secretary and shall remain confidential.

3.0 Appeal decisions requiring subsequent Senate Approval

3.1.1 If the Panel, upon hearing an appeal regarding "graduation notwithstanding a deficiency", wishes to recommend that Senate award a degree, the Appellant shall be informed of the decision but with the explicit warning: "It is Senate's prerogative to agree or disagree with the adequacy of the reasons given by the Committee for such action. You must, therefore, await the final decision by Senate to award or not award your degree."

3.1.2 If the Panel, upon hearing an appeal regarding the selection of awards requiring Senate approval, wishes to recommend that Senate confer the award, the Appellant shall be informed of the decision but with the explicit warning: "It is Senate's prerogative to agree or disagree with the adequacy of the reasons given by the Committee for such action. You must, therefore, await the final decision by Senate."

3.1.3 In time-sensitive circumstances where the presentation of the award would occur at a Convocation before the next scheduled Senate meeting, a special meeting of Senate may be convened to consider the recommendation of the Committee.

4.0 Periodic Reports to Senate

4.1 The Chair shall report the action taken, if any, on each appeal to Senate in such a manner as to preserve confidentiality.

5.0 Accountability and Review

5.1 Accountability

5.1.1 The University Secretary is responsible for advising the President that a formal review of the Procedure is required.

5.1.2 The University Secretary is responsible for the communication, administration and interpretation of this Policy.

5.2 Review

5.2.1 Formal Procedure reviews will be conducted every ten (10) years. The next scheduled review date for these Procedures is xxxxxxx .

5.2.2 In the interim, these Procedures may be revised or rescinded if:

- (a) the Senate deems necessary; or
- (b) the relevant Bylaw, Regulation(s) or Policy is revised or rescinded.

6.0 Effect on Previous Statements

6.1 This/these Procedure(s) supersede(s) the following:

- (a) all previous Board/Senate Procedures, and resolutions on the subject matter contained herein;
- (b) all previous Faculty/School Council Procedures stemming from the Faculty/School Council Bylaw;
- (c) academic and admission Regulations and any resolutions on the subject matter contained herein; and
- (d) policy: Senate Committee on Appeals (February 1st, 1989).

7.0 Cross References

<p>Cross References [Indicate names and numbers of other specific Governing Documents which should be cross referenced to this Governing Document. Include section # of other Governing Documents if appropriate.]</p> <p>Cross referenced to: (1) <u>Policy Senate Committee on Appeals</u> (3) _____</p> <p>(2) _____ (4) _____</p>
--