



# OKANAGAN SENATE

MINUTES OF 30 AUGUST 2021

**DRAFT**

## Attendance

**Present:** S. Ono, K. Ross, L. Cormack, A. Mukherjee-Reed, H. Berringer, P. Simpson, B. Traister, J. Olson, S. Tomaskova, R. Sugden, J. Hare, G. DiLabio, G. Binsted, M. Evans, Campbell, Jakobi, J. Cioe, T. Ebl, J. Eikenaar, K. Hodges Y. Lucet, P. Lasserre, S. Hilton, P. Arthur, T. Forneris, J. Picault, S. Willis-Stewart, S. Cherkowski, M. Legault, B. Marcolin, R. Lalonde, S. McNeil, L. Markley, M. Libben. M. Reeves, R. Frost, S. O’Leary A. Alnaar, M. Arthur, M. Lunde, H. Khan, L. Prakesh, B. Heerema, R. Herzberg, J. Lee, K. Morgan, J. Low, A. Schatzko, J. Anderson, R Sharma,

**Regrets:** S. Point, P. Barker, J. Holzman, R. Campbell, R. Johnson, J. Jakobi, J. Udochi, D. Rogers, R. Somal,

**Clerk:** C. Eaton

**Guest:** R. Sadiq

## Call to Order

President Santa J. Ono, Chair of Senate, called the Senate to order at 10:02 am

## Chairs Remarks

The President noted that he called this meeting as soon as he learned of the request circulating from Senator Lalonde. 10 days’ notice was needed for such a meeting and the circumstances have changed in the past 10 days. Before turning to the substantive matter, the President reminded the Senate of where UBC and the Okanagan campus stood with regards to public health measures.

The President noted that COVID case counts have been rising this summer, both generally, but in particular in the Kelowna area. On 20 August, additional public health orders were brought in place for the region and the previous Tuesday, the Province announced that proof of vaccination will be required to access some events, services, and businesses. A first dose is needed by 13 September, and people need to be fully vaccinated by 24 October. The Province also announced that masks must be worn in all public indoor areas including classrooms and laboratories. In addition to the province-wide guidelines and those for Interior Health, starting on 7 September, students living in on-campus housing must provide proof of vaccination, and students in health science programs must be fully immunized to participate in student practica or clinical placements in long-term care or extended care facilities.



Dr Ono further advised that the Province has announced that the Return-to-Campus guidelines are being updated and new guidelines will be available soon, and that the Ministry of Advanced Education has noted that under the guidance of WorkSafeBC, all public post-secondary institutions have developed communicable disease prevention plans and as part of these plans, post-secondary institutions can implement their own proof of vaccination policies beyond what is provincially required for faculty and staff.

The President noted that the above did not fully address the largest demographic on our campuses: our students. He advised that for most of last week, he and his fellow research university presidents, and the Research University Council of BC have been working to achieve clarity on this matter of what ability the University had to take action here. There have been a lot of questions and concerns regarding the autonomy of UBC and other universities to make decisions regarding our community's health and safety, and how that intersects with the authority of Government and health officers. Dr Ono said that he knew that those questions will continue and need to be addressed. To the specific matter of keeping our people safe in this pandemic, Dr Ono said that he was pleased to say that UBC will require COVID-19 testing for all students, faculty and staff, with exemptions provided for those who are vaccinated against COVID-19, and we will implement a process for confidential self-disclosure of vaccination status for all those who access our campuses, including students, faculty, staff and visitors.

Dr Ono noted that this was a developing situation and this only became an option at the end of the previous week.

Dr Cormack said that it was clear that the situation in the Okanagan has been important to helping move this matter forward. We all wish that this conversation was happening in early July and not the end of August as there was little logistical time to set up a vaccine and testing mandate. Dr Cormack advised that a rapid testing program had been approved for the Okanagan and a vaccine clinic was occurring today.

Dr Mukherjee-Read said that we were planning to implement a twice-weekly testing program with the help of Nursing and Medicine. We estimate needing to test around 10% of our population.

Dr Ono noted that UBC was in a better position than the rest of the BC post-secondary system and due to a clinical trial over the summer we have useful data on tests and testing protocols. 83-92% test efficacy could be expected using rapid antigen testing. The question is how could we scale this up as we don't yet have data on UBC vaccination rates in the Interior, while we do have this for Vancouver.

Senator Cioe asked how exemptions from testing would work for those vaccinated: would this require one dose or two.

Dr Ono said that from a public health point of view, full vaccination would be a much stronger case, but we needed to determine this over the next week or so.



Senator Ebl asked if even vaccinated people could avail themselves of rapid testing given breakthrough cases and new variants.

The President said that testing should be available to anyone, not just required for those who weren't vaccinated.

In response to a question from Senator Ebl, the President said that he couldn't yet speak to enforcement. We need to show empathy and recognize that people need time to comply with rules learned very recently.

Senator Morgan said the students appreciated the work done by the University to protect the people of UBC, but said that it did not go far enough and said they would propose an amendment.

Senator Picault said that some faculty members in his department were immunocompromised and asked what could we do to support them.

The President said that we would provide medical accommodations for faculty, staff, and students. Conversations would need to occur with heads and deans as necessary.

The President reminded the Senate that the Public Health Orders were legally binding and we did not have autonomy to go against a legal order.

Senator McNeil asked if it would be illegal for UBC to impose a stronger vaccine mandate.

The President said that we were not allowed to have our own stronger vaccine mandate; the President said that he personally supported a stronger mandate.

Senator Reeves noted that the Ministry of Advanced Education said on 24 August said that we could issue stronger mandates, so there seemed to be some dispute between ministries on what was allowed if the Ministry of Health said otherwise. She also noted that currently the mask mandate expired at the end of September and that it would be concerning if UBC was not free to extend these. The Senator went on to note that BC seemed to be controlling what its universities should do more than other provinces and this was concerning in a city with only 19 ICU beds and where UBC couldn't provide 2-meter physical distancing based on class capacity and hallway dimensions. In light of this, UBC needed to explore what ability UBC had to implement our own health measures.

Senator Lalonde said that other universities in Canada have gone against provincial guidelines and the law faculty at the University of Victoria has issued an opinion saying that universities could make their own decisions here. He said that it was important for the Senate to articulate strong support for action by UBC.



The President said that despite their law faculty's opinion, the University of Victoria has not acted contrary to Provincial direction.

### Motions Regarding COVID-19

Robert Lalonde	}	That the Okanagan Senate urges the President and Board of Governors to require students who will be living in residence, and students, faculty and staff that will be attending, supporting or delivering in-person classes, tutorials, or laboratories to be fully vaccinated against the Covid 19 virus prior to doing so.
Margaret Reeves		

### AMENDMENT

Kristen Morgan	}	That the Okanagan Senate direct the faculties to require Instructors to offer their courses of instruction for the 2021 Winter Session either online or in hybrid format.
Rhys Herzberg		

Senator Cioe spoke against the amendment noting that some students wanted in-person instruction and signed up for their courses on that basis.

Senator Mukherjee-Reed noted that we knew some students couldn't attend in person but since the spring we have been planning for options for them. She noted the collective agreement complications and the need to respect local collegial decision making.

Senator Traister spoke against the amendment noting that he agreed with the previous speakers and additionally arguing that it was too broad in its scope.

Senator Low asked if students would be required to self-isolate for two-weeks during the term if they tested positive for COVID.

The President said that we couldn't yet say.

The Provost said that we would have to follow Interior Health protocols but we have equipped every lecture room with lecture capture technology and students would be accommodated as needed.

*By general consent, the time to adjourn was extended by 30 minutes.*

### GERMANENESS OF AMENDMENT



Senator O’Leary raised a point of order arguing that that the amendment wasn’t germane to the call of the meeting.

Senator Cioe said he would argue that the amendment was germane to the call of the meeting as it related to COVID-19 health and safety.

Senator Cormack said that the relationship was tangential in text they were related in logic.

*The Senate resolved that the amendment to the motion was germane.*

Senator Hilton said that the amendment would assist international students and that there weren’t that many concessions available to them other than academic leave for a term or two, and this was a penalty rather than a concession.

The Provost said that we started from a position with 20% of courses online and when further issues were raised by international students, we removed capacity controls and equipped classrooms with lecture capture. We have given advice to faculty members and deans on more specific faculty-level accommodations available including course substitutions.

Senator Herzberg spoke in favour of the motion, saying that we could not force students to attend an unsafe environment.

Senator Picault spoke against the amendment and said that we should allow rather than require such options.

Senator Tomaskova said that the Faculty of Arts and Social Sciences built in a lot of flexibility into its scheduling for this year in the interests of equity and access.

Senator Cioe noted that Senate had a formal policy on academic concession that should be used to address concerns.

Senator Sugden spoke in favour of the amendment noting that Management courses are already online or hybrid. He said that the motion allowed for online or hybrid approaches and that we should be creative and flexible.

Senator Hare noted that accreditation and regulatory matters required some programs to have face-to-face instruction.

*By general consent, the amendment was amended to add “Except where in-person instruction is required by external regulatory requirements.”*

Senator Picault asked who decides what mode of instruction is used for courses.



Senator Mukherjee-Reed said that we have respected our usual ways of determining how a mode of instruction was set within departments.

**MOTION TO CALL THE PREVIOUS QUESTION**

Bryce Traister } *That the previous question be so put.*  
Margaret Reeves

Approved

**AMENDMENT**

Kristen Morgan } *That the Okanagan Senate direct the faculties to*  
Rhys Herzberg *require Instructors to offer their courses of*  
*instruction for the 2021 Winter Session either*  
*online or in hybrid format except where in-person*  
*instruction is required by external regulatory*  
*requirements "*

Amendment Not  
Approved

**EXTEND TIME TO ADJOURN**

Karen Hodges } *That the time to adjourn be extended by a further*  
Margaret Reeves *30 minutes.*

Approved

Senator Hodges clarified that the motion before Senate was to give the President and the Board of Governors the Senate's endorsement of a vaccine mandate for the Okanagan campus, what they did with that was between UBC and the Province. She noted that everyone has suffered in this pandemic and the stakes were high. There was an effective vaccine for this disease and this was the cleanest, fastest and strongest way to protect our community. She encouraged UBC to strike a moral claim and to say to the Province that we want to protect the health and safety of everyone.

Senator Lalonde said that this was a legally-grey area and UBC should force the issue by acting unilaterally.



## Motions Regarding COVID-19

Robert Lalonde  
Margaret Reeves

}

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Approved

## Adjournment

Seeing no other business, the meeting was adjourned at 11:30 a.m.

