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## Student Caucus of Osgoode Hall Law School

# Minutes

24 March 2020 (4:30pm – 6:30pm)

Zoom (Online)

**Present:** Bobby MacKenzie (Chair), Sara Omar, Jordan Crocker, Andrew Tebbi, Rachael Glassman, Marcel Beaudoin, Gaby Pellerin, Genevieve Giesbrecht, Chloé Duggal, Nora Parker, Alannah Marrazza-Radeschi, Sabah Kalim, Mihail Salariu, Madi Pulfer, Akshay Aurora, Fatimah Khan, Priyanka Sharma

*Note: The Caucus Executive suspended the usual rules of quorum and allowed for the meeting to take place online as well as in-person due to the COVID-19 pandemic. All members joining online or via phone were granted voting rights. This was the last meeting of the 2019 – 2020 Caucus.*

**CALL TO ORDER (4:33pm)**

**APPROVAL OF THE AGENDA**

*Motion: THAT the Agenda be approved. (Crocker/Glassman) CARRIED*

## APPROVAL OF THE PREVIOUS MINUTES

*Motion: THAT the Caucus Minutes of 22 January 2020 be approved. (Crocker/Glassman) CARRIED*

*Motion: THAT the Caucus Special Meeting Minutes of 18 March 2020 be approved. (Crocker/Glassman) CARRIED*

*Motion: THAT the Caucus Special Meeting Minutes of 20 March 2020 be approved. (Crocker/Glassman) CARRIED*

Note: The Meeting Minutes of the L&L and Caucus Synergy Meeting on 26 February 2020 can be found attached and are posted on L&L's website as they were ratified.

*Motion: THAT the Director of Communications send out the Caucus Minutes of 24 March 2020 for approval before 1 April 2020 and conduct an online vote so that they can be posted on the Caucus website and will not have to wait for approval until the new Caucus meets in August/September 2020. (Crocker/Khan) CARRIED*

## COMMENTS FROM THE EXECUTIVE

Bobby: Kudos for managing expectations with students during difficult period. Faculty Council tomorrow. Open to hearing any caveats and know there are no right answers and people are entitled to take positions as they will.

## REPORTS FROM COMMITTEES

APPC: Attendance Policy discussion moved to Fall 2020. Nora will help to tie off.

## BUSINESS ARISING

### *OLD BUSINESS*

1. ADVISORY SUPPORT FOR THE CDO (Bobby)

Bobby: will check in on this regarding licensing. Expect LSO and other streams will be in communication with students and with 2Ls. Offering support services. Wait and see.

## **2. WAGES FOR RESEARCH ASSISTANTS (Pri/Bobby)**

Pri followed up and were not able to get a hold of them. Rachael: sat at the Research Committee and wanted to raise it. Profs don't know where they get money, it would be difficult to get info. Try in September.

## **3. SPACE AUDIT (Bobby)**

Bobby: Needs to be picked up. Has counts for study space at Oz. Matter of doing frequency counts and getting a position. Have a Library in agreement.

## ***NEW BUSINESS***

### **1. TRANSITION MANUALS/NEW CAUCUS DRIVE (Bobby/Jordan)**

**Note: Items to include in the transition manual:**

1. Issues which arose during the 2019 – 2020 year which still require resolution (see Any Further Business at the end of these Minutes);
2. New Caucus Constitution (signed);
3. Procedures for the Appointment of Students to Faculty Council Committees;
4. Caucus Agenda & Minutes Style Guide as well as all 2019 – 2020 Minutes;
5. Any passwords or accounts associated with Caucus roles, including the website, Instagram, Facebook, and Slack;
6. Instructions on how to update the Caucus website;
7. List of Previous Caucus Boards and Members and Faculty Council Committee Members (as is available);
8. Information and link to the old Student Caucus drive;
9. Caucus list of Osgoode websites for distribution to the 1L students in August;
0. Osgoode Course list for assisting students with course changes in January; and,
1. Information on updating the Caucus Bulletin Board.

Jordan: Execs have started a new drive this year which has budget info and will have copies of the Minutes from this year. Encouraging everyone to contribute and provide their experiences so that future years have some knowledge.

## 2. CAUCUS BUDGET (Bobby)

Bobby: We have a surplus. Never had town hall. Traditionally, Caucus has this to provide resources (food) for Town Halls. Might be beneficial to roll over the amount to see if that works for a couple of years, could use it for other matters and could help Caucus to have more funds. Gen = probably would be possible. Will bring up at L&L meeting. If others have opinions, let the Exec

## 3. NEW CONSTITUTION AND BYLAWS SIGNING (Jordan)

*Motion: THAT the Director of Communications deposit a signed copy of the Constitution with the Chair of Faculty Council, the Office of the Associate Dean (Students), and the Legal and Literacy Society. Any changes made to the Constitution are considered unofficial until a new copy is deposited with these offices and the Legal and Literacy Society. Bylaws are not required to be deposited. (Crocker/Beaudoin) CARRIED*

Note: After the signing of the new Constitution on 24 March 2020, which was duly approved by the Membership on 18 March 2020, all documents created or drafted prior to this date, including but not limited to the previous Constitution, all Bylaws, Terms of Reference or any other document which was created or drafted by Caucus in association with the previous Constitution are declared null and void. The only administrative document in place as at 24 March 2020 is the newly approved Constitution.

## 4. INFORMATION/MANUAL FOR 1L REPRESENTATIVES (Jordan)

Jordan: Would like the 1Ls specifically to get a document for future 1Ls by September.

Chloe: will speak of doing so in the group chat and will follow up if elected.

## 5. NOMINATION BOOKLET (Jordan)

Jordan: There were some issues at the All Candidates Meeting this year and I decided to edit the document to answer concerns. Also included changes reflective of issues that happened last year. Plus included a statement that CEO must be neutral during elections because this doesn't appear in any of L&Ls bylaws.

Madi: There were some issues at the meeting. Should specify before what you want to run for and not be able to change it at the meeting only because you think you can win.

Pri: Strict regulations in Handbook. CEO seemed too flexible.

Akshay: Also disagreed with the decisions at the All Candidates Meeting. How is the CEO picked? Gen: had three candidates, L&L picks. Will discuss with President and new call for CEO will happen. There is a process.

Madi: one note to add "Nomination Forms must be submitted before the All-Candidates Meeting" at end of page 3

Pri: Might need better to advertise people to run and get people to read Handbook.

Mihail: Might want to consider write-in votes

Chloe: something to be said as well. Extending the deadline did not necessarily garner interest. Marketing/videos. Follow the President for a Day.

Nora: we extended the deadline last year and got gems, but not always the case.

Madi: deadline was extended before it had expired this year. Different than last year when it was extended afterwards. Properly done by CEO this year.

Gen: Can allow for SC Executive to have a say. Will discuss later.

Gaby and Pri can assist in changing elections handbook. Jordan will pass off and Gaby and Pri will have edits finished by August to pass to L&L.

## ***OTHER BUSINESS/UPDATES***

## 1. ANY FURTHER BUSINESS

### CREDIT/NO-CREDIT GRADING

Bobby: Questions?

Mihail: Can we amend the motions at the meeting? Bobby: you can make amendments for any motion.

Akshay: the other motion is being voted upon before ours. Marcel agreed. It would be ideal to have both motions discussed. Have to have the first one failed before going to ours.

Bobby: What will probably happen is both will be discussed at the same time (most likely). Puri will likely Chair to allow both motions and especially given preliminary support for second motion (ours). Can send an email to clarify that point.

Nora: can speak to if we don't think there was enough discussion as well. Will make sure both sides are discussed.

Madi: alternate and take turns to show that there are many students who have concerns.

Nora: Faculty will be helpful at the meeting.

Marcel: don't understand why the procedure was laid out. Probably had a purpose.

Nora: Not necessarily any intent. Madi: standard procedure to do this so might not seem beneficial but it is standard practice. Marcel: that's fine.

Gen: have spoken with L&L Exec. Almost 100% consensus on mandatory CR/NCR. Gen will be voting on behalf of L&L on Student Caucus motion. Hesitation: Bobby and Gen had conversation with Deans. Dufraimont: many faculty have brought forward that they think they want to distinguish students based on knowledge. Want to avoid 'Race to the Bottom'. Have expressed to Dufraimont that they are willing to fail students. Discretionary 10% which could be fails. Normally don't because they have curve. Dufraimont/Gen: appalled. But more faculty than expected are in that boat. Idea: if students don't have knowledge then they should fail. "P" does not stand for pandemic." If this adversely impacts students then opposed. Faculty might

threaten but bad repercussions if tons of students are failed. In practice not a good option for anyone, but in theory is a possibility. The equity of a mandatory scheme outweighs professors saying "we might fail you." Important consideration nonetheless.

Nora: in meeting this morning with Matthews/Ryder. Handbook has some guidance how credit should be awarded. Can mitigate prof concerns, we can also encourage students to achieve competency. Institutional repercussions are pretty dire. Profs can distinguish between them to hire RAs and write reference letters. Punitive not the right idea given circumstances. Administration can speak to compassion.

Andrew: Agree with how Gen has discussed risk vs benefit. Agree with Nora. Ought to highlight discussion around the possibility of NCR and include that when issuing statements to students. When a student fails do they get expelled? Bobby: No, they would have to petition and have it reviewed. Need to be mindful that there will be an increased use of the fail as a control mechanism. Sentiment is that profs will use fails more.

Pri: 1) Student Handbook: what role does it play as a governance tool? Can Profs diverge from it? Gen: Brought up 10% deviation. Dufraimont: 5% is still too much. 2) Appeal to profs around competency especially with limited capacity. Has the option to engage students as well, not just the control mechanism. 3) Appeals process — wants confidence that bodies have some mechanism to understand COVID-19 and is a special circumstance. Bobby: can't really restrict profs, but language in York Senate policy speaks to understanding core competence of subject matter. Experience is that students put in enough effort to avoid NCR. Can't really protect all students from failing.

Madi: To Gen, have you met with profs doing this?

Gen: Has met some.

Madi: can spiral out of control and other profs would not be on board. Need to make it clear who would do that. Probably a couple of hold outs, but shame too because not everyone wants that. Advocacy not done here. Recruit issues and Osgoode will address the system we did. Once we have mandatory focusing on details and putting pressure on admin not to fail students and get a handle on rogue profs.

Bobby: straw poll. Consensus for current SC proposal.

Akshay: Students in seminars should be noted. Would not discount Gen's fears, but there is still enough strength that would push back against the fails. Can't just fail at a higher rate than you would normally.

Bobby: other benefits in seminars (papers could be published)

Chloe: need statement of compassion collectively where we remind people what competency means. Deferral process would be helpful to discuss as well. LSO is being contacted about potentially moving back the OCIs.

Bobby: good idea to have a sentimental message. Mya will likely send communication on Wednesday about all the administration of exam components, we can share it. LSO so far away right now. Discussions are happening but until pandemic plays out no new info, same from Karen Mann, President of LSO. Put in request to defer April 15th articling fees. Crisis mode at LSO as well.

Rachael: Echos. A letter from us to faculty would be an important step. Especially that quality of work will likely be lower and that will hamper their ability even if they attended all classes. Profs should have some empathy. Might be useful to calculate standard deviation of each prof because concerned about NCR and people needing to repeat a year of law school. Mandatory should not be adding anxiety.

Bobby: deferral period is important as well and available and info on timing and when it should be done but emphasizing that it will help people. Should not be a top concern.

Rachael: when will the deferral period be? Bobby: last week of May and some flexible that may not push to August (in the supplemental period). Being discussed on admin side. Bobby to ask for more flexibility given circumstances.

Mihail: The reason to bring this fear forward is to dissuade students. To address concerns that pushes that students are aiming to meet these standards and that they are not trying to avoid work. Empathy is part of the conversation. Speaking to concerns around academic integrity and they are trying to hold onto this and still want students to try. Section D agrees with mandatory policy. LP had 80% of assignments done, what is the situation around that? Jordan: new motion would have LP be CR/NCR because of how important that 20% will be for the curve. Nora: Senate policy also does not apply to this.

Gen: a note to be careful around language. No promises to be made around student conduct. Can speak for yourself but not for everyone. Pri made a good point about the 'leveling'. Say, we would only expect you get NCR if you don't demonstrate core competencies. Like a letter tomorrow. Will defer to 1Ls and 2Ls on remember that admin can't speak to both sides of their mouth. Importance of recordings not supplementing for attendance, remember for future years with attendance policy.

Marcel: could also push against more fails because it would be against the purpose of a mandatory CR/NCR. Purpose is to help, not hinder. Would need to very strongly state that the purpose of the policy would be thrown at the window.

Bobby: can 'understand' concern, but that profs won't unnecessarily give out NCR. Expect communication and also comms around accommodations available.

Marcel: can't have NCR creep to 'D's'

Bobby: may not always be the typical students either. Look at CR/NCR and normal curves: reason would suggest that a student most likely wouldn't write the graded exam in the hopes of achieving a B. Look at percentage of high grades among students that would be around 30%. 300 students are losing the opportunity to get the high grades. Nobody is guaranteed anything anyhow, but tempering balance between compassionate (facing an artificial choice) vs 300. If you have any information put it into Slack. Stories, powerful things. Will have Slack open and keep to things that are necessary.

Gen: lead on statement from Caucus? Could see a 1L being appropriate.

Sabah: in terms of statement put out yesterday, many questions about previous proposal. Bobby: gone. The 50% was too problematic and too arbitrary. Difficult to assign it and then participation grades inclusion made it difficult. Discussion but no policy. ELGC has grades.

Bobby: administration of exams. Checked in with Mya on feedback. Mya = not going to alter timetables of exams, appreciating time differences. Some concession might be nice. Exchange students and for those with 12 hour time difference will have exceptions. BC people will have to write it early and there is enough time to get ready. 15 – 30 minutes before to get set up now. Discretionary fund might need to be opened up for printing. Dean can offer support and reimburse people who buy printer or spend additional resources (not unlimited). Students can

make request to Student Caucus Reps and would sent to Courtney. Students shouldn't be the intermediary especially around exam time. Counseling and mental health resources. Asking Examplify to trial what it will be like for students.

Bobby: to ask more flexibility for students around the exam time. Printing seems sufficient.

Mihail: can profs be more flexible with exams?

Bobby: Something to be communicated to profs and questions around deferrals. Also looking for times offered at both 9AM and 7PM for people to write might be necessary. What do we think?

Mihail: seems like they need to work out some details.

Rachael: have L&L site where we can get receipts and such. Admin could use the site and vet things rather than getting students to do so. Bobby: brought up. They also have surplus because they sent money back from 1L formal.

Nora: note for people to use for bursaries down the road.

Bobby: probably want just to have a credit on an account.

### Statement of Compassion

Pri happy to help draft it. Mihail: single Dad and quarantined with family. Andrew: statement would be most effective using testimonials. Bobby: tending to disassociate in these circumstances so taking a step back to understand what is happening and how it touches everyone.

Akshay: ITLIP seminar today and many just escaped from where they were. Had to scramble. International students as well facing pressures. Would like to have in there.

Jordan: We need to have two statements prepared for what happens tomorrow and get ready to send out

Nora: can help write this up.

Chloe: what is that process for Senate?

Jordan: There will be a Senate meeting on Thursday at 3:00PM which could approve this.

Bobby: Chloe could speak on this. Andrew/Pri can help draft.

Mad: how are we getting this statement out?

Bobby: get it out at the opening and have Chloe present. Akshay = might need to bring up before hand. Whoever gets their say in first, give to Chloe. Pri: faculty can get very emotional and it'll be important to create the narrative we want before someone else takes over.

Nora: we all agree that everyone wants to maintain the academic integrity of the school.

Marcel: shows strength and knowing that your school will survive CR/NCR. Students will be fine because job market will allow for that.

Bobby: ask also what are we doing? We are one of the last movers here. Send Chloe or into the group chat anecdotes (anonymous) phrases which are manageable and share them.

Jordan: Finished with a couple of words to thank everyone for their work this year.

**Note: The 2019 – 2020 Caucus will be passing along the following issues to the Caucus Board-elect for monitoring and potential action:**

1. CDO Advisory Support;
2. Provision of Equality/Inclusion Training for Caucus Members;
3. Assessment of the quality of student study space at Osgoode (Space Audit);
4. Striking an Alumni Relations Committee in association with L&L;
5. Finalization of the "Equality Resolution";
6. Introduction of extended 1L midterm library hours;
7. Osgoode Attendance Policy (APPC);
8. Wages for Research Assistants;
9. Osgoode Budget; and,
0. Osgoode Waste Audit.

## **ADJOURNMENT (6:28pm)**

### **Addendum to the Minutes**

An online quorum Caucus vote was held which passed the following motion on 30 March 2020:

***THAT the Caucus Minutes of 24 March 2020 be approved. (Crocker/MacKenzie) CARRIED***