



**BOARD OF GOVERNORS**  
Special Meeting (via MS Teams)  
May 5, 2023  
**MINUTES**

**(Meeting #367)**  
**Adopted:**

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**In Attendance:** Maggie Marwah (*Chair*), Bill Barker (*Vice-Chair*), Bruce Sparks, Dave van de Wetering, Jim Horwich, Marco Chiarot, Anthony Novac, Kathryn Toope, Cheryl Hann, Sunil Sarwal, Gary Edwards, Sylvia Parris-Drummond, Peggy Shannon, Sarah McInnes, Mark Bovey, Rudi Meyer, Chris Parsons

**Regrets:** John Keating, Shelley Burke, Alexandra Butu

**Absent:** Fabienne Colas

**Invited:** Chief of Staff Bruce DeBaie (recorder)

**1. Call to Order and Establishment of Quorum**

Meeting called to order at approximately 3:03 p.m. by Chair Maggie Marwah with the establishment of quorum, noting the special meeting was being convened under Article II, Sec. [e] of the By-laws of NSCAD University. The meeting was held at the request of several governors to consider concerns about racism at NSCAD. The meeting was held to fulfil the Board's commitment to its oversight role as the university's governance body.

**2. Acknowledgement**

Sunil Sarwal read into the record the Acknowledgement, which acknowledges First Peoples on whose traditional territories we live and work as well as recognizes the loss of the community and heritage of the residents of Africville.

*"We are here today in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq and Wəlastəkwiyik peoples. I ask you to join us in acknowledging their communities, their elders, both past and present, as well as their future generations. NSCAD University also acknowledges that it was founded upon exclusions and erasures of Indigenous peoples, including those on whose land this institution is located. This acknowledgement reflects the university's commitment to beginning the process of working to dismantle the ongoing processes and legacies of settler colonialism. I also ask you to join us in recognizing the loss of the African Nova Scotian community of Africville, and its history of civic neglect and misappropriation. As an educational institution, NSCAD recognizes its ethical obligation to create truthful and factual representations."*

**3. Declaration of any Conflict of Interest**

There were no conflicts of interest declared.

#### 4. **Acceptance of the Agenda**

*Maggie Marwah, Board Chair*

The Chair asked for a motion to accept the agenda as presented.

**Motion:** To accept the May 5, 2023, Board of Governors special meeting agenda as presented.

*Moved by M. Chiarot [BOG 367/23-41]*

#### 5. **Overview of the Events Leading to the Special Meeting**

*Maggie Marwah, Board Chair*

M. Marwah acknowledged that the April 13, 2023, CBC story titled “*Students, ex-president raise concerns about racism at NSCAD*” directly led to the special meeting being convened. The purpose of the meeting included 1) determining the facts, 2) determining management’s plans, and 3) determining what, if any, liabilities exist and if so, what is being done by the Board (where relevant) and by management. While the CBC story prompted the meeting, the larger context is that the current situation is the result of various events and allegations that occurred in the preceding years.

#### 6. **Discovery of Current Situation Since the CBC Story**

*President Peggy Shannon*

President Shannon said it was important to hear from the faculty, technicians, staff, alumni (through the Association), Board members (through correspondence), the executive of both FUNSCAD and SUNSCAD, and students. Feedback and information from these groups was shared during a town hall hosted for faculty, staff and Board members, and a drop-in pizza lunch was hosted for students to allow them to share their feelings about the story and their experiences at NSCAD in general and in small group discussions with the president.

#### 7. **Actions Currently Underway**

*President Peggy Shannon*

President Shannon asked administration for documentation of any investigations of racist behavior by faculty to NSCAD students in the past five years. She was made aware of only one instance where the allegation was investigated followed by a disciplinary outcome (the faculty member is no longer employed at NSCAD). President Shannon noted this fact does not mean that things are going well, nor is it an indication that such matters show NSCAD is full of racist, misogynistic people who are bullying our students. She said it does mean that it is a reality NSCAD will continue to deal with for the foreseeable future.

President Shannon said she engaged Jude Gerrard, an Indigenous knowledge keeper, and Angela E. Simmonds, an African-Nova Scotian lawyer and equity, diversity, inclusion and access (EDIA) consultant, on the concerns of racism. She noted that the administration had created a job description for an ombudsperson with a safe space for NSCAD community members to share their

experiences. President Shannon added that the university was exploring ways to provide more resources for full-time academic advisors to better support students. She also noted that senior leadership changes were happening and would continue.

## **8. Considerations for the Board and Next Steps**

*Maggie Marwah, Board Chair*

A. Novac asked how he could learn more about the facts behind the allegations and the issues appearing in the CBC story. President Shannon said she reached out to the alumni featured in the story and did not get a response, although she remains committed to engaging these individuals. There was only one instance where an investigation confirmed wrongdoing, and that individual no longer works for NSCAD.

President Shannon noted that the reason there hasn't been more documentation of the same is that there is a lack (or perception thereof) of a safe space for students to go to someone with whom they can share their experiences. Students have been afraid to come forward and give their name, and this shouldn't happen to anyone regardless of whether it is widespread or not. There is no single or simple solution to the issue of discrimination, but simpler methods to connect with more trusted sources are a priority.

S. Sarwal said that President Shannon and her team were doing more to address the situation than what she shared, and said he was confident in the process going forward. He also agreed with her assessment of students' fear of reprisal while they are enrolled at NSCAD and said they sometimes contact him after they've graduated, including the alumni who appeared in the CBC story.

B. Sparks said that every institution would have the right to investigate complaints against instructors and if necessary discipline them up to termination. President Shannon confirmed this would be the case within a formal complaint, for which she only knows of one instance.

D. van de Wetering asked about feedback on the concerns beyond social media. President Shannon said she reached out to Advanced Education Minister Brian Wong and Deputy Minister Nancy MacLellan to advise them of the interview she gave CBC, which was appreciated with no specific concern. Fellow presidents at Nova Scotia universities shared they were experiencing similar issues, and that an EDIA task force led by MSVU President Joël Dickinson will look at what is happening with post-secondary students in Nova Scotia dealing with racism. President Shannon said she had not had direct feedback from any donors about the matter.

K. Toope asked whether so few formal complaints had been made because there had been no formal process to do so (or accountability from management). President Shannon said that was not the case and reiterated that students feel that there is no safe place to share their experiences for a variety of reasons, including repercussions. She said there are such venues, but NSCAD needs to do a better job of communicating the details to students in a way that is accessible and meaningful.

J. Horwich said if the Alumni Association and its members are hearing about incidents of racism or discrimination, the Board needs to be involved as quickly as possible within its responsibility to ensure action is taken by the administration to address reputational risk issues.

B. Sparks said that the reputational risk of stories related to racism spreads very broadly and very fast within university communities, regardless of how accurate the stories are, noting St. FX's faculty association's experience of increasing student complaints against faculty for various harassment matters.

S. McInnes said she viewed, from a legal perspective, the student union (SUNSCAD) website to determine how easy it would be for a student to find the course of action they could take to file a formal complaint. The Discrimination and Harassment Policy posted on the website was drafted in 2006, was last revised in 2013, and had a planned review for 2015. Regardless of whether that review happened, it needs to be reviewed in the current context, and keeping policies up to date is an important priority for NSCAD. She also noted that NSCAD should explore whether SUNSCAD needs help providing student advocacy.

M. Chiarot asked: to whom would the ombudsperson report; will the ombudsperson be completely independent of the institution; could the ombudsperson funnel all student complaints to the board for consideration? President Shannon said NSCAD was looking at best practices and ombudsperson job descriptions at a range of universities given it is a common role at mid-sized to large universities but less so at smaller institutions like NSCAD. She said prior to her arrival at NSCAD, there was some discussion about having such a role in a limited capacity (one day per week) and possibly within a shared capacity between universities. She said NSCAD needs someone more holistic to help with community/safe space building, and that she would look at what other universities are doing in terms of reporting structures for such a role and bring that information back to the board.

B. Sparks fully supported the idea of a student advocate as it would allow students to be more comfortable to talk to a peer who could bring concerns up with the administration as a third party. He noted the reluctance to speak out against injustice is not limited to students and affects faculty and staff with long tenure as well.

C. Parsons wondered if all students have the correct information about the processes to initiate a complaint given the cycle of new students, faculty and staff within a new academic year that puts people in different stages of situational awareness. She said that the current SUNSCAD executive would be eager to engage with administration in helping to update policies and she welcomes any advocacy and training that might be available for individuals at SUNSCAD to help students feel like they can safely share their experiences at NSCAD.

M. Bovey said he thought there was some measure of advocacy previously at NSCAD through the student union that would bring matters before the Provost or Dean, noting that he believes the Dean's role includes student advocacy to all levels of management up to the president. He added that NSCAD was without a Dean for some years and only brought one in just as the pandemic started in 2020, which itself exacerbated the challenge of starting a complaint process because everything went online. He also reiterated the need to ensure current channels and processes are updated and made easy to find and navigate.

President Shannon replied that an Academic Dean can be perceived as a person of power and authority versus a neutral advocate like an ombudsperson who would act in such a role for not just students but also faculty and staff. She said the feedback from her informal meetings with students indicated that it takes too long to go through the process, and it's not easy to understand the policies

and the practices necessary to move a complaint forward. They also don't want to be required to retell their stories multiple times to different people in the process.

## 9. In Camera

**Motion:** By motion of C. Parsons, the May 5, 2023, meeting of the Board of Governors moved **in camera** at approximately 3:50 p.m. [BOG 367/23-42]

**Motion:** By motion of B. Barker, the May 5, 2023, meeting of the Board of Governors moved **out of camera** at approximately 4:42 p.m. [BOG 367/23-43]

## 10. Out Of Camera Motions

None at this time. The Board will consider the proposed motion below reflecting the context and outcomes of the May 5 in camera discussion at its next general meeting, on June 22, 2023.

**Motion:** *The Board of Governors, following a deep discussion at its May 5 Special Meeting, extends support and confidence in President Shannon's plan and actions taken to address racism at NSCAD University. We acknowledge anti-racism work as an ongoing endeavour requiring collaboration with students, faculty, staff, alumni and others. We look forward to regular updates on progress in this area as reported through the Governance and HR Committee.*

## 11. Adjournment – Next Meeting

**Motion:** By motion of K. Toope, the May 5, 2023, meeting of the Board of Governors adjourned at approximately 4:45 p.m. [BOG 367/23-44]

The next regularly scheduled meeting will be held on June 22, 2023, at 4-6:30 p.m. as a hybrid (virtual/in-person) meeting at the Port Campus, P209.

*Recorded by Bruce DeBaie, Chief of Staff.*

*Approved for circulation to the Board of Governors by Maggie Marwah, Chair on June 12, 2023.*