

UNIVERSITY SENATEMINUTES OF THE OPEN SESSION MEETING OF SEPTEMBER 13, 2002ATTENDANCE

PRESENT: Dr. J. W. O'Brien (Speaker); Dr. F. Lowy; Prof. M. Danis; Mr. M. Di Grappa, Mr. L. English; Dr. J. Lightstone; Prof. C. Bayne; Dr. D. Boisvert; Prof. W. Bukowski; Prof. T. Byrnes; Mr. W. Curran; Dean N. Esmail; Ms. S. Friesinger; L. Healey; Prof. V. S. Hoa; Ms. M. Ishii, Dean C. Jackson; Prof. E. Jacobs; Mr. R. Lee; Mr. R. Luppisini; Mr. A. McAusland; Mr. W. Merhi; Prof. D. Morin; Dr. R. J. Oppenheimer; Prof. S. Panet-Raymond; Deab E. Sacca; Prof. H. Shulman; Dean M. Singer; Mr. A. Slater; Prof. T. Stathopoulos; Prof. P. Thornton; Dean J. Tomberlin; Prof. R. Tremblay; Ms. S. Virk; Prof. D. Vivian

ABSENT: Prof. A. English; Prof. J. Etezadi; Prof. M. Gourlay; Prof. A.H. Hanna

ALSO ATTENDING: Me Bram Freedman, Dr. Joanne Locke (Vice Dean, Curriculum and Appraisals, Faculty of Arts and Science)

Documents associated with the Minutes

US-2002-6-D1	Ballot for faculty election to Steering Committee
US-2002-6-D2	Committee appointments
US-2002-6-D3	Report from Academic Programs Committee
US-2002-6-D4	Major undergraduate curriculum changes – Faculty of Arts and Science to D6
US-2002-6-D7	Minor undergraduate curriculum changes – Faculty of Arts and Science
US-2002-6-D8	Minor undergraduate curriculum changes – John Molson School of Business
US-2002-6-D9	Motion regarding academic amnesty – student strike
US-2002-6-D10	Annual report from the Academic Hearing Panel

1. Call to order

The Speaker called the meeting to order at 2:08 p.m. Since this was the first meeting of the new academic year, he asked all members of Senate to introduce themselves.

2. Approval of the Agenda

R-2002-6-1 *Upon motion duly moved and seconded (Stathopoulos, Hoa), it was unanimously resolved that the agenda be approved as submitted.*

3. Approval of the Minutes of the Open Session meeting held May 24, 2002

Dean Singer pointed out an error and an omission in the first paragraph of page 2 of the minutes. Subject to those corrections, the minutes were approved.

R-2002-6-2 *Upon motion duly moved and seconded (Morin, Jackson), it was unanimously resolved that the Minutes of the Open Session meeting of May 24, 2002 be approved as revised.*

4. Business arising from the Minutes

In reference to Dr. Lightstone's report regarding the provincial government's intended claw-back of privatized tuition for international students, which would have amounted to as much as \$4.5 to \$5 million, the Provost was pleased to inform Senate that the government, upon presentation of their written statement expressly allowing such privatization, was apologetic and announced that there would be no such claw-back. However, the government is of the view that its entire policy regarding international students is out of date and needs revamping.

Mr. Slater queried Vice-Rector Di Grappa about the status of itemized student statements. Mr. Di Grappa asked Mr. McAusland, the Executive Director of ITTS, to respond, at which time the latter indicated that the itemized statement could be accessed through the new Concordia student web portal. The statement can also be printed and is updated as payments are made or changes brought to the student's account.

5. Election of the faculty members of the Steering Committee

Dr. O'Brien reminded Senators that only faculty members vote for faculty representatives on Steering Committee. Any faculty member having sat on Senate in a previous year is eligible for election and is required to be on the ballot. Faculty Senators must vote for two representatives from the Faculty of Arts and Science and one from each other Faculty. The ballots were distributed by the Interim Registrar and the Dean of Students, who acted as scrutineers. Dr. O'Brien pointed out that since Prof. Silvy Panet-Raymond was the only eligible Fine Arts representative, she was deemed elected. After the first round of voting, Profs. Clarence Bayne and Ted Stathopoulos were elected, while Profs. Harvey Shulman and Reeta Tremblay were declared elected after the second round of voting.

6. Committee appointments

R-2002-6-3 *Upon motion duly moved and seconded (Lowy Lee), it was unanimously resolved that the appointments to Senate committees, as set out in Document US-2002-6-D2, be approved.*

7. Report from the Academic Programs Committee

7.1 Major undergraduate curriculum changes – Faculty of Arts and Science

Mr. Slater indicated that he was distraught with some course deletions in the Department of Economics, namely *Economics of Gender and Welfare Theory*, while some new courses, such as *Advanced Labour Economics*, were being added into the curriculum. Dr. Joanne Locke, Vice Dean, Curriculum and Appraisals, in the Faculty of Arts and Science, having been granted speaking privileges, informed Senate that the material in the deleted courses had been incorporated into other courses.

R-2002-6-4 *Upon motion duly moved and seconded (Singer, Esmail), it was resolved with a majority that the major undergraduate curriculum changes in the Faculty of Arts and Science, as set out in Documents US-2002-6-D4 to D6, be approved as recommended by the Academic Programs Committee in Document US-2002-6-D3.*

7.2 Minor undergraduate curriculum changes – Faculty of Arts and Science

7.3 Minor undergraduate curriculum changes – John Molson School of Business

The documents are distributed for information purposes only.

8. Motion regarding academic amnesty – student strike

A motion was moved by Mr. Lee, seconded by Mr. Slater, that students who participate in the October 31 – November 1 student strike be granted academic amnesty. Mr. Lee explained that on those dates, some ministers of Education and Finance would be meeting in Quito, Ecuador, to discuss the Free Trade Area of the Americas. Given the negative impact of free trade on public education and healthcare, this strike constitutes a hemisphere-wide initiative of students showing their opposition in a civil way. Ms. Friesinger added that besides the strike, teach-ins would be given on those dates to educate students about the impact of free trade. A number of CEGEPs and other Quebec universities will participate in the strike.

A discussion ensued during which time some Senators, while supporting student participation in peaceful demonstrations, were not comfortable with the motion, namely because of the use of the word amnesty. Difficulties in implementing such a motion and in enforcing it were also raised.

Rather than risking a split vote because of the aforementioned concerns, Dr. Lightstone came up with the following suggestion in lieu of the proposed motion. He would undertake to write to the Deans, asking them in turn to write to their department chairs, encouraging instructors, whenever possible, to exercise flexibility in allowing students to participate in the strike without any academic penalty. Dr. Lightstone was willing to commit to writing such a memo without a vote of Senate. Mr. Lee was quite amenable to the aforementioned suggestion and therefore he withdrew his motion. He asked, however, that Dr. Lightstone send out the memo as soon as possible.

Dr. O'Brien noted that while this issue now seemed resolved, it could be revisited, if necessary, at the October 6 Senate meeting.

9. Remarks from the Rector

Dr. Lowy told Senate that he had intended to report the many encouraging statistics but instead his report would focus on the events of Monday, September 9 and their consequences for the University.

Monday's disturbance, which some have called a small riot, resulted in further polarization of pro-Israeli and pro-Palestinian students on the campus, disruption of some classes in the Hall Building, anxiety, inconvenience and anger for the faculty, staff and students in classes and laboratories during the incident, destruction of University property, struggles between protestors and police, cancellation of the speaker invited by a student group, massive negative media coverage, portrayal of the University as a hotbed of tension and student activism, negative impact on fundraising and student confidence in choosing to enroll at Concordia, new faculty regretting having come here and dismay and anger on the part of professors and staff.

The Rector stated that the University's downtown campus is becoming increasingly dominated by the Israeli-Palestinian conflict, which is of high importance to only a minority of the 29,000 students who attend Concordia. The University must focus on its core activities and mission of promoting learning and teaching.

Dr. Lowy acknowledged that many things went wrong on September 9 and that, in retrospect, it was legitimate to question whether the administration erred in judgment in allowing Mr. Netanyahu to speak in the Hall building and whether the security was properly deployed. What is not questionable or arguable, however, is whether some of the pro-Palestinian protesters behaved in an acceptable fashion. They did not. While they had every right to peacefully protest Mr. Netanyahu's presence and his policies, they had no right to resort to intimidation, force and threats, and by doing so they behaved in a criminal fashion.

The Rector informed Senate that the police arrested five people, three of whom were not Concordia students. Further review of films by police and Concordia security will determine whether there will be other charges under the criminal code and the Code of Rights and Responsibilities.

Dr. Lowy apprised Senate of the actions that the administration had taken since Monday, namely the decision to use the provisions of the Code of Rights and Responsibilities to the fullest to discipline all those whose behavior calls for penalties, the establishment of a moratorium on organized activities relating to the Israeli-Palestinian conflict as a temporary action intended to permit a cooling-off period and the beginning of dialogue and reconciliation via meetings with representatives of various groups.

More specifically, the Rector stated that the administration has met twice with the CSU executive since September 9 and last evening a public meeting sponsored jointly by the CSU and University administration took place, moderated by CSU President, Sabine Friesinger and himself. Four speakers, two deans and one student each from Hillel and SPHR spoke, followed by comments from some of the 500 attendees. Though it was difficult to keep the focus on the advertised topic "Free speech, tolerance and diversity: where do we go from here?", the Rector stated that nonetheless, it was peaceful if not respectful but certainly an acceptable, intense university meeting.

In closing, Dr. Lowy said that the University's core missions must not be subverted by political activities that impinge on the majority of Concordia students who consider these undesirable. Intimidation or violence will not be tolerated. The Rector called on all members of the University community to help in this regard. Once clear cooling-off-period

regulations are approved and communicated to everyone, they will be enforced by any and all means necessary.

11. Question period

Mr. Lee stated his agreement with Dr. Lowy that the Middle-East conflict should not dominate the campus climate. However, setting rules that impede freedom of speech will only heighten the existing tension. Mr. Lee referred to a risk assessment done by the Security Department prior to Mr. Netanyahu's visit which concluded that it was preferable not to hold the event in the Hall Building. Mr. Lee asked the Rector if the latter would undertake to make public all documents and recommendations issued by the Director of Security.

Dr. Lowy acknowledged that when the University first became aware of Mr. Netanyahu's visit, it had been suggested that the Hall Building not be the venue. However, because of accessibility concerns brought up by Hillel, and given that most Middle-East activities take place in the Hall Building, a reassessment of the situation was made, which indicated that it would be possible to hold the event downtown if more security was hired and with police cooperation.

As a Jewish student, Mr. Slater was profoundly shocked that Hillel would invite, on behalf of all Jewish students, a person whom he considers to be so inflammatory. In his view, this invitation was a calculated act to provoke and he was disgusted with the University's decision to risk the safety of all students by not having the courage to stand up to Hillel and the Asper Foundation. Mr. Slater therefore wanted to know why the administration did not take a stand, while pointing out that the appalling events started even before September 9 began.

Dean Singer raised a point of order, at which time Dr. O'Brien asked Senators to compress the preamble which preceded their question.

Ms. Ishii said that she disliked the moratorium because it set a bad precedent for future debates. In her opinion, even the most naïve person could have predicted the outcome of the event. If the moratorium is implemented, there will be protests. Ms. Ishii asked that it be noted in the Minutes that she condemned the person who decided to hold the speech in the Hall Building, and queried the Rector on who exactly took the decision.

Dr. Lowy mentioned that the bad precedent was set by the outcome of the event itself, adding that Monday's events were a first. He reiterated the need for a period to reflect. The University should not be a hotbed of propaganda, and the Rector hopes that, through discussions that the administration will try to promote, Hillel and SPHR will find a way to constructive dialogue.

Dean Esmail cited last evening's meeting as an excellent demonstration of how Concordia can foster freedom of speech in a civilized way, and he commended Dr. Lowy on keeping a calm demeanor despite the emotional charge in the room.

Prof. Shulman was not in favor of the moratorium, stating that the emphasis should be placed on dealing with those few disruptive students who were responsible for Monday's events. He queried Dr. Lowy if the latter had apologized to Mr. Netanyahu, and if not, did he intend to. Prof. Shulman also asked for clarification about a quote in the newspaper regarding the expectation of violence, and lastly, whether a written copy of Mr. Netanyahu's proposed speech was available.

Dr. Lowy responded that he had not thought of writing to Mr. Netanyahu to apologize. With respect to the report in The Gazette, Dr. Lowy expected vehement but peaceful protest but he did not expect that Concordia students would be capable of resorting to violence. As for the last question, the Rector indicated that the speech had been published in the Globe and Mail and was therefore readily available.

Ms. Friesinger stated the CSU's point of view that all student groups have a right to express themselves. As a result, the CSU will not respect the moratorium. She wondered if the University had apologized to the faculty members and students who were subjected to tear gas in the Hall Building. She agreed that the students bore some responsibility but so did the administration of the University to ensure security measures.

Ms. Virk pointed out that Ms. Ishii's previous question had not been answered about who decided to use the Hall Building as the venue. Secondly, she referred to an article published in the September 11 edition of The Link, in which Ms. Elaine van der Geld, who has a history of near fatal asthma attacks, stated having emailed her concerns to Dr. Lowy prior to the event about planned blocked exits in the Hall Building. The response she received indicated that her information was incorrect and that students would be allowed to leave by all exits. However, Ms. Van der Geld greatly suffered from the gas that day and was unable to exit the building. Ms. Virk reiterated Ms. Van der Geld's request for a public apology from Dr. Lowy and also requested that an apology be made to those protesters who, she alleged, were sexually assaulted by the attendees.

In response to the aforementioned question, the Rector indicated that the Rector's Cabinet, composed of the Rector, the Vice-Rectors and the Deans, agreed that the speech be held in the Hall Building. The Cabinet has a collegial governing style by which it tries to reach a consensus. Dean Esmail added that there had been some objection among the members of the Rector's Cabinet to allow Mr. Netanyahu to speak downtown.

With regards to the information in the article, Mr. Di Grappa stated that when Ms. Friesinger called him there were no plans to seal or lock the doors. Had the event gone smoothly, no doors would have been locked. However, after the incident began some doors were locked, namely the McKay exit. Mr. Di Grappa added that the pepper spray was used when the protesters broke the window on the first floor, creating a backdraft throughout the building. Dr. Lowy added that if there were instances of sexual assault that had occurred, they should be immediately reported to the police and to the University authorities.

Some faculty members requested assurance from the administration that the University is a safe place to work. Several faculty members spoke adamantly against the moratorium while a few supported it in light of the present context.

Dr. Lowy assured Senate that he will do whatever he can to counteract the negative consequences of Monday's events and to restore calm on the campus.

10. Items for information
10.1 Report from the Academic Hearing Panel

Dr. O'Brien stated that this report is submitted, for information purposes, as required by Article 69 of the Code of Conduct (Academic) and no action is required.

However, Me Freedman pointed out that this report shows a substantial increase in the number of incidents reported under the Code. As a result, the number of hearings has greatly increased and more faculty member panelists are needed to keep up with the

number of hearings. He therefore asked that a motion be put forth to increase the size of the faculty tribunal pools.

R-2002-6-5 *Upon motion duly moved and seconded (Tremblay, Jacobs), it was unanimously resolved that Senate recommend to the Board of Governors that it amend article 6 of the Policy on the Establishment of Tribunal Hearing Pools (BD-6) so that it reads as follows:*

“The Council of the Faculty of Arts and Science shall nominate six (6) faculty members, the Council of the John Molson School of Business and the Council of the Faculty of Engineering and Computer Science shall nominate five (5) faculty members each, and the Council of the Faculty of Fine Arts Faculty Council and the Council of the School of Graduate Studies shall nominate three (3) faculty members each, for a total of twenty-two (22) faculty members, to comprise the Faculty Tribunal Pool (FTP).”

12. Other business

Mr. Lee was pleased to announce that the CSU had recently opened a student advocacy center and encouraged all students to use its services. A flyer was distributed to all Senators for their information.

13. Next meeting

The next meeting of Senate will be held on October 4, 2002, at 2 p.m.

14. Adjournment

The meeting was adjourned at 4:33 p.m., on a motion by Mr. Lee and seconded by Dean Singer.

Danielle Tessier
Secretary of Senate