

**MINUTES OF THE OPEN SESSION**  
**MEETING OF THE BOARD OF GOVERNORS**

Held on Wednesday, October 16, 2002, immediately following the Closed Session,  
in Room GM 407-1, SGW Campus

Attendance

Present: Mrs. Lillian Vineberg, *Chairwoman*, Dr. Steven Appelbaum, Dr. Louise Brunette, Mr. Normand Beauchamp, Me Gerald C. Burke, Dr. William Byers, Mr. Alexander Carpini, Dr. June Chaikelson, Mr. Baljit Singh Chadha, Mr. Youri Cormier, Mr. Howard Davidson, Mr. Chae Dickie-Clark, Mr. Brian Edwards, Dr. Terrill Fancott, Me Pierre Frégeau, *Observer*, Ms. Sabine Friesinger, Mr. George Hanna, Mr. Peter Kruyt, Dr. Loren Lerner, Dr. Frederick Lowy, *Rector and Vice-Chancellor*, Peter G. McAuslan, Sister Eileen McIlwaine Ph.D., Mr. John Parisella, *Vice-Chairman, Vice-Chairman*, Mrs. Miriam Roland, Mr. Jacques St-Laurent, Mr. Ivan Velan, Ms. Sobia Virk, Mr. Jonathan Wener

Officers of the University: Prof. Marcel Danis, Mr. Michael Di Grappa, Mr. Larry English, Dr. Jack Lightstone

Absent: Mr. Alain Benedetti, Mr. Charles G. Cavell, Me Rita de Santis, Mr. Leo Goldfarb, Ms. Suzanne Gouin, Mrs. Judith Kavanagh, Ms. Christine Lengvari, Mr. Rocci Luppicini, Mr. Eric Molson, *Chancellor*, Mr. Desmond O'Neill, Mr. Alex G. Potter, Mr. Richard Renaud, Mrs. Mackie Vadamchino de Massy

Also present: Me Bram Freedman (Assistant Secretary General and General Counsel), Mr. Garry Milton (Executive Director, Rector's Cabinet)

Documents associated with the Minutes

BG-2002-7-D7	Proposed revised University By-Laws
BG-2002-8-D2	Revised membership of the Standing Committees of the Board
BG-2002-8-D3	Memo from Dean of Students regarding fees passed at the student referendum
BG-2002-8-D4	Report of the Rector
BG-2002-8-D5	Senate recommendation regarding the Rector's emergency powers
BG-2002-8-D6	Senate recommendation regarding the moratorium on Middle-East issues
BG-2002-8-D7	Memo from the Concordia Council on Student Life
BG-2002-8-D8	Memo from the Commerce and Administration Students' Association
BG-2002-9-D9	Copies of the Policy on the Treatment of Student Disciplinary Matters in Exceptional Cases, A Cooling-Off Period at Concordia University and the resolution regarding the tables in the Hall Building

1. Call to Order

The Open Session was called to order at 8:15 a.m.

1.1 Chairwoman's remarks

Mrs. Vineberg informed the assembly of the election to the Board, in Closed Session, of Mr. Youri Cormier and Ms. Sobia Virk as undergraduate student representatives. She welcomed them both as well as Mr. Normand Beauchamp and Mr. Peter McAuslan, representatives of the community-at-large, who were attending their first meeting.

The Chairwoman also conveyed congratulations to Governor Jacques St-Laurent on his recent promotion to Vice-President and General Manager of Bell Helicopter Mirabel.

1.2 Approval of the Agenda

Mrs. Vineberg mentioned that the Concordia Centraide Campaign presentation, Agenda number 3, was moved to the end of the Agenda.

Upon motion duly moved and seconded (Byers, Davidson), it was unanimously RESOLVED:

R2002-90 *THAT the Agenda be approved as revised.*

1.3 Approval of the Minutes of the Open Session of the previous meeting (September 18, 2002)

Mr. Dickie-Clarke requested that on page 6 of the Minutes the name of the other members of the Jewish community who requested the change of venue, together with Hillel, be indicated.

Upon motion duly moved and seconded (McIlwaine, Velan), it was RESOLVED with one abstention:

R2002-91 *THAT the Minutes of the Open Session of the previous regular meeting of the Board, held September 18, 2002, be approved as revised.*

2. Business arising from the Minutes not included on the Agenda

There was no business arising from the Minutes.

3. Concordia Centraide Campaign

This item is deferred to the end of the meeting.

4. Revised membership of Standing Committee of the Board

Mrs. Vineberg informed the Board that Document BG-2002-8-D2 had been distributed at the meeting.

Upon motion duly moved and seconded (Lowy, Byers), it was unanimously RESOLVED:

R2002-92 *THAT the revised membership of the Standing Committees of the Board of Governors be approved, as set out in Document BG-2002-8-D2.*

5. The Concordia Newspaper fee

6. CJLO Radio/Broadcast Media Fund fee

Ms. Friesinger informed the Board that pursuant to a referendum held from October 1 to 3, undergraduate students had voted in favor of increasing the existing fee for The Concordian newspaper from \$0,07 per credit to \$0,10 per credit. She then moved, seconded by Mr. Dickie-Clark, that the Board of Governors authorize the University to collect this increased fee.

Me Fréreau pointed out to the Board that increasing fees for students is problematic, whether the increase comes from students or the administration. He also underlined the fact that although students had ample opportunity to vote, this increase had been passed by a majority of 100 votes out of a possible 29,000. Further to this comment, other Governors expressed concerns regarding the low percentage of students who actually voted for this increase, while others felt that a summary of all fees paid by students together with a summary of the CSU budget would be helpful. With regards to the low participation in the vote, Mr. Cormier stated that nonetheless the overall participation of 1000 students was higher than the usual turnout for a by-election in October.

A vote was taken on the motion presented by Ms. Friesinger and was defeated with 9 in favor and 13 opposed. However, Mr. Wener indicated that he was not against the fees as such but was not in a position to make a decision without fuller information. As a result, he suggested that the motion be revoked and tabled until the aforementioned fee and budget summaries be provided to the Board. Mr. Cormier seconded this suggestion. A vote was taken to revoke the motion presented by Ms. Friesinger and was passed with three abstentions. It was also suggested that the discussion on the CJLO Radio/Broadcast Media Fund fee be tabled.

Upon motion duly moved and seconded (Fancott, McAuslan), it was RESOLVED with three abstentions:

R2002-94      *THAT, pending receipt of the student fee and CSU budget summaries, the motions regarding The Concordian newspaper fee and the CJLO Radio/Broadcast Media Fund fee be tabled until the November 20, 2002 Board meeting.*

7.      Amendment to the University By-Laws

Dr. Lowy reminded Governors that Senate had extensively reviewed the By-Laws last Spring and that the Board had thoroughly discussed them at its June meeting. Following the June Board meeting, three issues were outstanding, namely how to deal with faculty members on leave during their term on the Board, ineligibility of independent students and those in conditional standing to sit on governing bodies and the process for calling special Senate meetings.

The following amendments were proposed:

Articles 12, 23 and 46

Further to a motion by Mr. Hanna, seconded by Mr. Burke, it was approved with four abstentions to add the word "internal" before "mail" in the above-cited articles.

Articles 6a), 17a) and 43a)

Pursuant to a motion by Dr. Byers, seconded by Dr. Fancott, it was approved with four abstentions to change the wording of those articles so that it reads: Faculty members

elected to ..... who take a leave during their term of office shall be replaced by their Faculty Council for the duration of their leave.

Articles 6b), 17b) and 43b)

Further to a query by Mr. Cormier, Dr. Lightstone indicated that a student with a grade point average below 2.0 becomes in conditional standing. This student is then given a certain period of time to correct the situation before being placed in failed standing.

Mr. Dickie-Clark was perplexed by the fact that independent students are excluded from sitting on the Board and Senate. He stated that the accreditation law afforded the right to the student union to appoint whomever it wishes and questioned whether this exclusion was legal. Me Freedman responded that he would never propose something that was illegal. He added that this subject had been discussed at length and reiterated that he was confident that this was legal. With regards to Senate, Dr. Lightstone said that it had maintained that rule because of Senate's prime responsibility to approve academic programs. Moreover, independent students do not go through the regular admission process of the University.

Mr. Dickie-Clark recalled that the clientele of one of Concordia's founding institutions, Sir George Williams University, had been composed of working people taking a few courses to improve their education. He opined that this was just a nomenclature issue since Senate approves the courses also taken by independent students. Although the admission process for independent students is not as rigorous, it is important that their voice be heard and not to break with tradition. The Rector answered that there is a vast difference between a program student who is totally committed to his/her studies and someone who merely takes a course or two out of personal interest. With respect to the Sir George Williams students, Dr. Lowy added that those part-time students were also proceeding toward completing a degree.

Mr. Dickie-Clark moved, seconded by Ms. Friesinger, that the words " be registered in an undergraduate or graduate program" be stricken from articles 6b), 17b) and 43b). This motion was defeated by a majority. The vote was then taken on the main motion.

Upon motion duly moved and seconded (Lowy, St-Laurent), it was RESOLVED with three opposed and one abstention:

R2002-95      *WHEREAS in conformity with Article 46 of the University By-Laws, the members of the Board of Governors were given Notice of Motion on May 30, 2002 of proposed amendments to the By-Laws of Concordia University;*

*WHEREAS Senate discussed and subsequently approved of the proposed amendments at its meetings of March 8, April 5 and May 10, 2002; and*

*WHEREAS pursuant to comments made at the meeting of the Board of Governors held on June 19, 2002, further amendments have been brought to the By-Laws;*

**BE IT RESOLVED:**

*THAT, on the recommendation of Senate, the Board of Governors approve the amendments to the By-Laws of Concordia University, as set out in Document BG-2002-7-D7, as revised.*

8.      Report of the Rector

Dr. Lowy called attention to pages 2 and following of his report, which had been included in the Board mailing, regarding the September 9 related affairs, and commented further on the state of the University.

The cooling-off period has been beneficial, despite it being unpopular in some circles, and there has been a considerable improvement in the climate in the Hall Building. Since the events, the Rector reported that meetings had taken place between the CSU, SPHR and Hillel, which had been conducted in an appropriate and respectful fashion. The document appended to the Rector's report in which all parties agree to adhere to certain principles is a direct result of those meetings.

Dr. Lowy acknowledged that this situation had led to a public relations challenge, nonetheless the public relations personnel have done an excellent job, resulting mainly in positive press. Dr. Lowy stated that the climate in the Hall Building is more conducive to the core academic mission of the University. Therefore, the Rector would recommend a staged lifting of the restrictions with respect to joint activities planned by SPHR and Hillel. Those activities would be monitored by both parties and the administration. On successful completion of a first activity, a second activity would be allowed, and if this second activity is conducted in an acceptable fashion, then a third activity could be planned, and so on. In this vein, Dr. Lowy informed the Board of an event being planned by SPHR and Hillel involving two Concordia professors. Pending an acceptable outcome of this event, Dr. Lowy would propose to lift the restriction regarding tabling on the mezzanine in the Hall Building as well as the restriction on public events related to the Middle-East issues. He added that the groups involved would monitor each other, and the Vice-Rector, Services and the Dean of Students would also closely monitor such events to ensure that they are carried out in a peaceful manner, consistent with the University's policies.

Therefore, Dr. Lowy moved a motion, which was seconded by Mrs. Roland, that the Board of Governors grant him authority to rescind the restrictions related to the activities which must not take place on University premises during the cooling-off period, based upon the demonstration of the concerned parties to interact in accordance with the principles agreed upon, as judged by the administration of the University.

A lengthy discussion ensued during which time some Governors indicated that while not being unsympathetic to the incremental lifting of the cooling-off period in time, they had concerns that this was simply being done too quickly. They were not comfortable giving a blanket power to rescind without any indication in which direction things were going. Those Governors preferred the language in the Rector's report which referred to a sequential lifting depending upon the manner in which events are conducted. Other members indicated they did not want the ban lifted until the perpetrators of the violence had been identified and that assurance could be given relating to the safety on campus. One Governor expressed his aggravation and frustration that the University was caving into pressure.

Mr. Cormier opined that Dr. Lowy's proposal was equivalent to the status quo and referred to a letter addressed to the Rector by Amnesty International, asking that the Board reconsider its decision because the widespread ban goes too far and is not a proportional reaction to the events. Dr. Lowy responded that he disagreed with Amnesty International, in that the actions of the University are proportional to the situation.

The Rector then informed the Board that at a meeting held yesterday, he was apprised that the University Security and the police have now examined all available evidence, including films from fixed cameras and footage from television stations. Nine students and five other individuals have been identified thus far as participating in vandalism, assault and illegal assembly. All nine students will be charged under the University's Code of Rights and Responsibilities. Further, the police will file charges against the non students and one student under the Criminal Code. Three students will be charged for infractions under the municipal by-law of the City of Montreal.

At the request of the Rector, Vice-Rector Di Grappa projected a series of clips of footage taken on September 9. He commented that the first clip clearly demonstrates that, contrary to allegations, there was no police provocation whatsoever leading to the protesters breaking down the barrier on the mezzanine. The second clip shows the sequence of events leading up to the use of pepper spray by the police. The pepper spray was only deployed after the window had been broken by protesters and was directed outside of the building. Lastly, the third clip shows that the white cloud seen on the mezzanine was not the result of tear gas but was actually caused by the use of fire extinguishers by some protesters. This clip also showed various objects such as chairs being thrown at the police.

Following the viewing of the clips, another lengthy discussion ensued during which several Governors, while wanting to support the Rector, were quite disturbed and even more reluctant to allow a lifting of the ban without firm assurance regarding safety and commitment of the student groups. Ms. Friesinger, while understanding those Governors' reluctance after having viewed the clips, reminded them that the perpetrators of the violence will be brought to justice. She supported the sequential lifting of the ban and stated that all groups are committed to move on in a peaceful manner.

Indicating that pressure was being placed on the Board to make a decision, but given the importance of this issue, and out of respect for Dr. Lowy and the students, Mr. Wener moved that this issue be tabled and discussed at a special Board meeting convened specifically to dispose of this matter. Dr. Lerner seconded the motion. The motion was passed by a majority with three abstentions and one opposed.

Upon Mr. Dickie-Clark's request, the Chairwoman declared that the documents BG-2002-8-D5 through D-8 be received by the Board. Immediately thereafter, Mrs. Vineberg adjourned the meeting at 10:45 a.m.

Danielle Tessier  
Secretary of the Board of Governors