



BG-2003-5

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

Held on Wednesday, May 14, 2003, immediately following the Closed Session,
in Room DL-200, Loyola Campus

Attendance

Present: Mrs. Lillian Vineberg, *Chairwoman*, Dr. Louise Brunette, Me Gerald C. Burke, Dr. William Byers, Mr. Alexander Carpini, Mr. Youri Cormier, Mr. Howard Davidson, Mr. Brian Edwards, Dr. Terrill Fancott, Mr. George Hanna, Dr. Lawrence Kryzanowski, Ms. Christine Lengvari, Dr. Loren Lerner, Dr. Frederick Lowy, *Rector and Vice-Chancellor*, Mr. Rocci Luppini, Sister Eileen McIlwaine Ph.D., Mr. Eric Molson, *Chancellor*, Mr. Desmond O'Neill, Mr. John Parisella, *Vice-Chairman*, Mr. Alex G. Potter, Mr. Richard Renaud, *Vice-Chairman*, Mrs. Miriam Roland, Mr. Jacques St-Laurent, Mrs. Mackie Vadacchino de Massy, Ms. Sobia Virk, Mr. Jonathan Wener

Observer: Me Pierre Fréreau

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

Absent: Mr. Normand Beauchamp, Mr. Alain Benedetti, Mr. Charles G. Cavell, Hon. Baljit Singh Chadha, P.C., Dr. June Chaikelson, Me Rita de Santis, Mr. Chae Dickie-Clark, Ms. Sabine Friesinger, Mr. Leo Goldfarb, Ms. Suzanne Gouin, Mrs. Judith Kavanagh, Mr. Peter Kruyt, Mr. Peter G. McAuslan, Mr. Ivan Velan

Also present: Me Suzanne Birks (Legal Counsel), Governors Emeritus Mr. John Economides, Dr. Leonard Ellen, Dr. Henry Habib, Mr. Ronald Lawless and Mr. Donald McNaughton

Documents associated with the Minutes

BG-2003-4-D3	Memo from the Dean of Students regarding the CSU fees
BG-2003-4-D4	Trade-name licence agreement between the University and eConcordia.com
BG-2003-4-D5	Services agreement between the University and eConcordia.com
BG-2003-5-D7	Membership nominations to the Advisory Search Committee for Provost
BG-2003-5-D8	2003/2004 fee schedules for undergraduate programs
BG-2003-5-D9	Email from the Chair of the Committee to Revise the Code of Rights and Responsibilities

1. Call to Order

The Open Session was called to order at 8:35 a.m.

1.1 Chairwoman's remarks

Mrs. Vineberg was delighted to welcome Governors Emeritus Mr. John Economides, Dr. Leonard Ellen, Dr. Henry Habib, Mr. Ronald Lawless and Mr. Donald McNaughton to the meeting.

Having recently returned from the annual conference of the National Association of University Board Chairs and Secretaries, which was hosted by Brock University, Mrs. Vineberg conveyed the salient themes discussed at the conference. She apprised Governors that one of the keynote speakers, Ann Dowsett-Johnson, spoke about branding and mentioned that all universities could learn from Concordia, which has made itself relevant for the 21st century.

1.2 Approval of the Agenda

Upon motion duly moved and seconded (Brunette, Lengvari), it was unanimously RESOLVED:

R2003-44 *THAT the Agenda be approved as submitted.*

1.3 Approval of the Minutes of the Open Session of the previous meeting (April 16, 2003)

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

R2003-45 *THAT the Minutes of the Open Session of the previous regular meeting of the Board of Governors, held April 16, 2003, be approved.*

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

There was no business arising from the Minutes.

3. Election of the members of the Advisory Search Committee for the Provost

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

R2003-46 *WHEREAS, in accordance with the Rules and Procedures for Senior Administrative Appointments approved by the Board of Governors on January 17, 2001, a Search Committee was established by the Board on March 19, 2003 for the position of Provost;*

BE IT RESOLVED:

THAT the following persons be elected as members of the Search Committee for Provost, in accordance with the composition set out in the Rules:

Dr. Frederick Lowy, Rector and Vice-Chancellor, as Chair;

Mrs. Lillian Vineberg, a member of the Board representing the community-at-large, Dr. June Chaikelson, a member of the Board representing faculty, and Prof. Marcel Danis, a representative of the senior administration, recommended by the Executive Committee of the Board;

Prof. Thomas Waugh, a full-time faculty member, nominated by the Faculty of Fine Arts;

Dr. Terrill Fancott, a full-time faculty member, nominated by the Faculty of Engineering and Computer Science;

Mr. Rocci Luppicini, a graduate student, nominated by the Graduate Students' Association;

Ms. Miriam Posner, a member of the administrative and support staff from one of the units reporting to the Provost, nominated by the Electoral College;

THAT Ms. Enza de Cubellis, Assistant to Rector, act as Secretary to the Search Committee;

THAT, once the Search Committee has begun its work, the Chair of the Committee report progress to the Board every month;

THAT the Chair of the Committee be authorized to accept the nominations of the remaining Committee members, said nominations to be ratified by the Board; and

THAT the Chair of the Board be authorized to appoint a replacement for any member who may resign, such appointment to be made in consultation with the constituency of the member who has resigned.

4. Concordia Student Union (CSU) fee

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

R2003-47 *WHEREAS, at a referendum held from March 25 to March 27, 2003, members of the Concordia Student Union (CSU) voted in favor of eliminating the Walksafe fee as a student fee;*

BE IT RESOLVED THAT the Board of Governors authorize the University to discontinue the current fee levy of \$1.00 per semester for the Walksafe program from all undergraduate students, as of the Summer 2003 term (2003/1), and the transfer of the remaining funds collected for the Walksafe program to the CCSL Student Initiatives Fund.

5. Approval of the trade-name licence agreement and the services agreement between Concordia University and eConcordia.com

From questions asked of Dr. Lightstone, the following information was provided:

- thirteen courses were offered over the past year and more are in development;
- the academic council, as provided for in the services agreement, is the academic conduit for approval of the courses to be offered by eConcordia from among the University courses. Approval is vested in the academic departments and Deans' offices. The academic council does not have the power to modify the University's normal curriculum vetting and approval route. Accordingly, the University can ensure that its academic standards are upheld;
- student appeals and issues will be handled through the University's normal processes;
- eConcordia will not impinge on the University's business since the former is a service provider which delivers Concordia courses. The advantage of eConcordia is

that it is not subject to the government's regulations and claw backs. Moreover, an agreement was reached with CUFA that no more than 50 of the 5000 course sections offered by the University will be offered annually by eConcordia over a five-year period;

- when an individual course is offered, a contract is drawn up between the faculty members, the University and eConcordia to protect the intellectual property of the faculty member;
- eConcordia only has an exclusive right to a specific course for the duration of the contract. Faculty members can choose to develop courses with other internet services; and
- while no students sit on the academic council established under the services agreement, students are represented on all other University bodies which review course offerings.

Mr. Cormier opined that there was a lack of transparency and accountability in using a private corporation because of the difficulty in accessing information. He also felt that the University's reputation would suffer. In his view, this approach was problematic because the University was using a loophole to put Concordia in the leading role to privatize education. He moved that the text of the motion be amended to add the notion of transparency, but his motion was not seconded.

Mr. Hanna requested that it be noted in the Minutes that the University had advanced funds to eConcordia.

Upon motion duly moved and seconded (Lowy, Fancott), it was RESOLVED with one opposed (Cormier):

R2003-48 *WHEREAS eConcordia is an e-learning company established and wholly-owned by the Concordia University Foundation, whose object is to provide courses for the advancement of learning by electronic or other media;*

WHEREAS the Concordia name is a registered trademark exclusively owned by Concordia University;

WHEREAS Concordia University wishes to allow eConcordia.com Inc. to use the trade-names "eConcordia.com Inc.", "eConcordia.com", "Concordia online", and "eConcordia" in the course of its business activities;

WHEREAS eConcordia will provide services to Concordia University;

BE IT RESOLVED:

THAT the Board of Governors approve that Concordia University enter into a trade-name licence agreement with eConcordia.com Inc., substantially as set out in document BG-2003-4-D4;

THAT the Board of Governors approve that Concordia University enter into a services agreement with eConcordia.com Inc., substantially as set out in document BG-2003-4-D5; and

THAT the Provost be authorized to sign the final version of the trade-name licence agreement and the services agreement.

6. Report of the Rector

Dr. Lowy informed Governors of two recent public statements made by the new Minister of Education, Mr. Pierre Reid, the former Rector of Université de Sherbrooke and former Chair of CRÉPUQ. Mr. Reid stated his support for university autonomy and reiterated the government's position to maintain the tuition freeze.

The Rector apprised the Board on the three initiatives undertaken regarding peace and conflict resolution, namely of the series of lectures and panels for which proposals are being submitted, the Diversity Initiative which is being launched with the collaboration of Special Advisor Patricia Gabel and the establishment of the Centre for International and Cross-Cultural Dispute Resolution.

Mr. Cormier distributed a document, in which he contended that two individuals were treated differently because ethnicity. Dr. Lowy responded the Advisor of Rights and Responsibilities had relied on the information provided in the Registrar's records, which had indicated that one individual was no longer a student since he had graduated, while the other was still listed as a student. The fact that the latter had not been registered for several semesters was only known when he mentioned this fact during his hearing. Dr. Lowy added that the Advisor had acted in good faith. Nevertheless, because of the uncertainty and the perception, the University has referred this matter to outside counsel.

7. Report of the Vice-Rectors

7.1 Provost – Dr. Jack Lightstone

Dr. Lightstone informed the Board that the Senate Committee on Academic Planning and Priorities (SCAPP) had added a fifth theme, being the increased participation in high quality, research-oriented graduate education, to complement the four existing themes which were adopted under the current planning mandate approved by SCAPP in 2001.

7.2 Vice-Rector Services – Mr. Michael Di Grappa

Mr. Di Grappa was pleased to report that the contract with Bell and Cisco Systems for Voice over IP was moving ahead and that the deadline for this project will be met.

7.3 Vice-Rector, Institutional Relations and Secretary-General – Prof. Marcel Danis

Vice-Rector Danis congratulated Mr. Laurie Zack and his team for winning the Canadian Council for the Advancement for Education (CCAÉ) gold medal for the best home page for university websites.

He added that the request for permission to launch a class action lawsuit against the University on behalf of all participants in the pension plan over the management of its fund, filed in 1997 by the CSN, had been dismissed with costs.

7.4 Chief Financial Officer – Larry English

Mr. English apprised the Board that a huge fraud had occurred, by which a cheque of \$85 sent to a company in South Africa came back to the University as a special clearance for \$156,000 US, or \$224,000 in Canadian funds. The defrauders managed to bypass the system, despite the best cheque monitoring equipment.

8. Correspondence

Mrs. Vineberg referred Governors to document BG-2003-5-D9 in which Me Frégeau, the Chair of the Code of Rights and Responsibilities Review Committee, indicates that the report of the Committee will be presented at the November 2003 Board meeting.

9. Any other business

There was no other business to bring before the Board.

10. Next meeting

The next regular meeting of the Board of Governors will be held on Wednesday, June 18, 2003, at 8 a.m., in Room GM 407-1, on the SGW Campus.

11. Adjournment

The meeting adjourned at 9:50 a.m.

Danielle Tessier
Secretary of the Board of Governors