

UNIVERSITY SENATEMINUTES OF THE OPEN SESSION MEETING OF NOVEMBER 9, 2001ATTENDANCE

PRESENT: Dr. J. W. O'Brien (Speaker); Dr. F. Lowy; Prof. M. Danis; Mr. M. Di Grappa; Mr. L. English; Dr. J. Lightstone; Prof. A. Ahmad; Prof. A. Al-Khalili; Ms. C. Basmaji; Prof. C. Bayne; Dean C. Bédard; Mr. A. Beedassy; Mr. P. Blais; Dr. D. Boisvert; Prof. W. Bukowski; Mr. W. Curran; Mr. B. Desgreniers; Prof. A. English; Dean N. Esmail; Ms. S. Friesinger; Prof. M. Gourlay; Prof. E. Jacobs; Mr. A. McAusland; Prof. D. Morin; Ms. M. Mullarkey; Mr. A. Munro; Dr. R. J. Oppenheimer; Prof. S. Panet-Raymond; Ms. L. Prendergast; Prof. P. Rist; Prof. L. Roberge; Prof. H. Shulman; Dean M. Singer; Prof. T. Stathopoulos; Ms. S. Stea; Prof. P. Thornton; Interim Dean J. Tomberlin; Prof. R. Tremblay; Prof. C. Vallejo

ABSENT: Ms. L. Accary; Prof. C. Cupples; Prof. V. S. Hoa; Dean C. Jackson; Ms. C. Leduc; Mr. R. Luppisini; Mr. S. Nazzal

ALSO ATTENDING: Me Bram Freedman

Documents associated with the Minutes

US-2001-9-D2	Text of the motion regarding student election
US-2001-9-D3	Appointments to Senate Committees
US-2001-9-D4	Document outlining the proposed Tribunal Hearing Chairs
US-2001-9-D5	Revisions to the membership of the Council of the John Molson School of Business
US-2001-9-D6	Report from SCAPP regarding 2001-2002 Capital Budget
US-2001-9-D7	2001-2002 Capital Budget
US-2001-9-D8	Report from SCAPP regarding 2001-2002 Operating Budget
US-2001-9-D9 to D11	Documents concerning final results of 2000-2001 Operating Budget
US-2001-9-D12 to D17	Documents regarding 2001-2002 Operating Budget
US-2001-9-D18	Report from Academic Programs Committee
US-2001-9-D19 and D20	Major undergraduate curriculum changes – Faculty of Arts and Science
US-2001-9-D21 to D24	Major undergraduate curriculum changes – Faculty of Fine Arts
US-2001-9-D25	Major undergraduate curriculum changes – Faculty of Engineering and Computer Science
US-2001-9-D26	Revisions to the Code of Rights and Responsibilities

1. Call to order

The Speaker called the meeting to order at 2:15 p.m.

2. Approval of the Agenda

R-2001-9-4 *Upon motion duly moved and seconded (Stathopoulos, Roberge), it was unanimously resolved that the agenda be approved as submitted.*

Dr. O'Brien asked Senators to disregard Document US-2001-9-D27, which had been placed in front of them, since it related to an item that was to be added to the agenda but that had been withdrawn from today's meeting.

3. Approval of the Minutes of the Open Session meeting held October 19, 2001

R-2001-9-5 *Upon motion duly moved and seconded (Bédard, Tomberlin), it was unanimously resolved that the Minutes of the Open Session meeting of October 19, 2001 be approved as submitted.*

4. Business arising from the Minutes

In response to a question at the last Senate meeting, Dean Singer apprised Senate about how the calculation of the final grade point average in the Faculty of Arts and Science is done with respect to the granting of academic awards.

Pursuant to Mr. Munro's query at last Senate regarding a professor who had withdrawn all copies of his own book from the library, Dr. Lightstone informed Senate that the copies were being returned. The Dean will look into the matter and take any appropriate action. Dr. Lightstone stated his personal opinion that the library's mission is to maximize the availability of material to ensure access since not all students can afford to purchase books.

5. Remarks from the Rector

The Rector's remarks were two-fold. First of all, the senior administration's efforts to solidify the funding for the building projects are moving in the right direction. Secondly, the University is attempting, through CRÉPUQ, to guard against disadvantageous practices of the Quebec Education Ministry.

6. Items for Information

Dr. Lightstone reminded Senate that in the Spring 2000, the Quebec Government had changed the funding formula for universities, replacing the historic base budget model with a new formula to take into account expenditure of academic departments and faculties, support services and maintenance of the physical infrastructure. Approximately 65% of the envelope would be allocated for the academic activities, in accordance with a system of weighting and discipline enrolments. This new formula was supposed to be fair, more equitable and transparent but had been subject to a raging debate over the groupings and ratings of categories and disciplines.

The Provost indicated that this new formula, devised on an interim basis, is now being revised by senior government officials. Dr. Lightstone stated that, according to partial information he has received regarding a new model, the proposed grouping of categories and weighting factors would be detrimental to Concordia.

Dean Bédard was pleased to announce that the first Canada Research Chair at Concordia had been awarded to Prof. Andreas Arvanitogiannis. This Chair is a Tier II CIHR in Psychology. Dean Bédard extended his congratulations to the awardee, the department and the Faculty.

Dean Singer mentioned that at this morning's Arts and Science Faculty Council meeting, the creation of the Loyola International College had been approved. The curricula relating thereto will be submitted for Senate's approval at the November 30 meeting.

7. Question period

In reference to the Provost's earlier comments about the funding formula, Prof. Roberge asked which universities would benefit more from the new model. Dr. Lightstone was not in a position to give a definitive answer since he does not have the FTEs of the other universities. Nevertheless, he guessed that universities with many doctoral programs would probably benefit the most.

In response to a query by Mr. Blais regarding the burden of proof under the Code of Conduct (Academic), General Counsel Bram Freedman answered that any action initiated prior to the amendment of the Code would continue under the old process.

Mr. Desgreniers queried about the possible repercussions of the proposed anti-terrorist act, Bill C-36, on students. Having read the act, Me Freedman had not noted anything specific pertaining to the University. However, in response to Mr. Desgreniers' concern, Me Freedman undertook to look into the University's policy of notifying individuals with respect to whom the University has released information to the authorities as a result of a police investigation.

Citing a letter accompanied by a petition, written by someone in the French Department, Ms. Stea read some concerns stated in the letter and asked Dean Singer if he had looked into this matter. Dean Singer had been made aware of the letter but specified that it was unclear whether the author was a student or an instructor. Nonetheless, an interview was being set up, and he would report back on this issue at the next Senate meeting.

8. Motion regarding student election

Dr. O'Brien informed Senate that Ms. Basmaji, the mover of the motion, had advised that she would be late and had asked to defer this item until her arrival.

9. Appointments to Senate Committees

Dean Singer informed Senate that Prof. Irvine had withdrawn his candidacy for the Finance Committee at this morning's Arts and Science Faculty Council meeting and that the appointment document should be amended accordingly.

Pointing out that Prof. Fancott is an Associate Dean in the Faculty of Engineering and Computer Science, Prof. Shulman enquired if there had ever been any representative of the administration on the Finance Committee. Dr. Lightstone replied that Prof. Fancott was sitting on that committee in his capacity as a faculty member, adding that, as an Associate Dean, Prof. Fancott does not play any role in formulating the budget.

R-2001-9-6 *Upon motion duly moved and seconded (Lowy, Stathopoulos), it was resolved with a majority that the appointments to Senate Committees, as set out in Document US-2009-D3 (revised), be approved.*

10. Appointment of the Tribunal Hearing Chairs

Upon Mr. Blais' request, Senate agreed to vote separately on each nominee.

R-2001-9-7 *Upon motion duly moved and seconded (Lowy, Esmail), it was unanimously resolved that the appointment of Me Véronique Bélanger as a Tribunal Hearing Chair, as set out in Document US-2001-9-D4, be approved;*

R-2001-9-8 *Upon motion duly moved and seconded (Lowy, Esmail), it was unanimously resolved that the appointment of Me Smaranda Ghibu as a Tribunal Hearing Chair, as set out in Document US-2001-9-D4, be approved;*

Mr. Blais, echoed by Ms. Stea, urged Senators to oppose the nomination of Me Immer, referring to the latter's alleged lack of openness and understanding regarding the accreditation law and his bias towards CSU issues.

R-2001-9-9 *Upon motion duly moved and seconded (Lowy, Esmail), the motion to appoint Me Christian Immer as a Tribunal Hearing Chair was defeated with a majority.*

R-2001-9-10 *Upon motion duly moved and seconded (Lowy, Esmail), it was unanimously resolved that the appointment of Me Angela Onesi as a Tribunal Hearing Chair, as set out in Document US-2001-9-D4, be approved.*

11. Revisions to the membership of the Council of the John Molson School of Business

R-2001-9-11 *Upon motion duly made and seconded (Tomberlin, Morin), it was unanimously resolved that, on recommendation of the Council of the John Molson School of Business, the revisions to the membership of the Council of the John Molson School of Business, as set out in Document US-2001-9-D5, revised to include "or delegate" beside the Dean of Graduate Studies and Research under non-voting members, be approved for recommendation to the Board of Governors.*

12. Capital Budget for 2001-2002

Mr. Di Grappa gave an overview of the 2001-2002 Capital Budget. He indicated that the two typographical corrections referred to in the report from SCAPP had been brought to the budget document. The capital allocation for 2001-2002 is \$5,384,000, or \$784,000 more than anticipated. This amount will be used to cover unforeseen expenses relating to classroom construction and repairs to the VA Annex foundation.

R-2001-9-12 *Upon motion duly made and seconded (Lightstone, Stathopoulos), it was unanimously resolved that, upon the recommendation of the Senate Committee on Academic Planning and Priorities as set out in Document US-2001-9-D6, Senate recommend to the Board of Governors that it approve the 2001-2002 Capital Budget.*

13. Operating Budget for 2001-2002

The University's Chief Financial Officer, Mr. Larry English, began his presentation by reviewing the 2000-2001 final budget figures. Mr. English relayed the changes in the funding formula and their impact on the University's global budget. Included in the bottom line surplus figure of \$4.642 million is an accrual of \$3.848 million of anticipated revenues from FTE's in 2000-2001 plus new revenues related to energy of \$539,000 resulting in a true surplus position of \$255,000, on target with projections. Not included in the

budget was \$4.8 million received for specific funding since this money can only be used for the five specific purposes determined by the Government.

Referring to documents D-10 and D-11, Mr. English explained the variances between the projected figures and the final numbers. He said that a repayment plan is being arranged with the John Molson School of Business in light of their significant deficit. Prof. Rist was proud to point out to Senate that, after years of being in the red, the Faculty of Fine Arts had recorded the highest surplus in 2000-2001.

A very lengthy exchange ensued, during which many questions and concerns arose regarding the amount of the JMSB deficit, the terms of the repayment plan, the steps that will be taken to ensure that such a situation does not reoccur, and the negative reflection of this on the University as a whole. Dr. Lightstone stated that there would not be a deficit in 2001-2002. Last year's overages were not attributable to chronic structural problems but rather to a one-time expansion.

Dean Tomberlin pointed out that a surplus had been recorded during the previous four years and that this was not a recurring problem. The \$1.4 million shortfall was due to the promotional cost associated with the School's name change, the development of on-line courses for the 57-credit Global Aviation MBA program and the unforeseen cut in government funding of joint Ph.D. programs. Dean Tomberlin stated that the two first aforementioned expenditures would reap benefits over time. As for the third element, they are still lobbying against the cutback. He had assured the Chief Financial Officer and the Provost of the School's commitment to pay back the University in an equitable manner over a period of time to be determined.

Since it was running late, and Senate had yet to deal with the curriculum changes, it was agreed by all to table the present discussion on last year's budget as well as the review of this year's budget until after other agenda items were dealt with. However, in fact Senate adjourned because of the hour before this item was returned to.

14. Recommendations from the Academic Programs Committee

14.1 Major undergraduate curriculum changes – Faculty of Arts and Science

R-2001-9-13 *Upon motion duly moved and seconded (Singer, Thornton), it was unanimously resolved that the major undergraduate curriculum changes in the Faculty of Arts and Science, set out in Documents US-2001-9-D19 and D20, be approved as recommended by the Academic Programs Committee.*

14.2 Major undergraduate curriculum changes – Faculty of Fine Arts

R-2001-9-14 *Upon motion duly moved and seconded (Rist, Panet-Raymond), it was unanimously resolved that the major undergraduate curriculum changes in the Faculty of Fine Arts, set out in Documents US-2001-9-D21 to D24, be approved as recommended by the Academic Programs Committee.*

14.3 Major undergraduate curriculum changes – Faculty of Engineering and Computer Science

R-2001-9-15 *Upon motion duly moved and seconded (Esmail, Stathopoulos), it was unanimously resolved that the major undergraduate curriculum changes in the Faculty of Engineering and Computer Sciences, set out in Document US-2001-9-D25, be approved as recommended by the Academic Programs Committee.*

14.4 Revisions to the Code of Rights and Responsibilities

Recalling that Senate had previously approved amendments to the Code of Conduct (Academic) and had adopted the Policy on Tribunal Hearing Pools, Dr. Lightstone mentioned that the proposed changes to the Code of Rights and Responsibilities dealt with parallel issues, in order to ensure consistency among the various University codes. Although the language issue at a hearing had not arisen in previous discussions, APC felt it was important to add such a provision in the Code of Conduct (Academic).

While Mr. Blais said that the new Code of Rights and Responsibilities was a vast improvement compared to the old one, he was nevertheless uncomfortable with the reporting structure of the Office of Rights and Responsibilities. The discussion had occurred at APC whether the Advisor of Rights and Responsibilities should report to the Board of Governors rather than to the Rector.

R-2001-9-16 Upon motion duly moved and seconded (Lightstone, Bédard), it was unanimously resolved that, on recommendation of the Academic Programs Committee, the revisions to the Code of Rights and Responsibilities, as set out in Document US-2001-9-D26, be approved for recommendation to the Board of Governors; and

That, in order to ensure consistency between the various University codes, the Code of Conduct (Academic) be amended so that a provision be added to allow any party or witness participating in a hearing to make their presentation in either English or French.

8. Motion regarding student election

Ms. Basmaji moved, seconded by Dean Esmail, the motion set out in Document US-2001-9-D2, to the effect that faculty members allow students to leave class fifteen minutes early during the upcoming student election. Mr. Desgreniers immediately moved thereafter, seconded by Mr. Munro, a substitute motion. Mr. Desgreniers read the motion, copy of which was handed out to Senators. A point of order was raised as to the validity of the substitute motion.

The Speaker stated that a substitute motion could be considered as an amendment when it is in the same spirit as the main motion. However, Dr. O'Brien felt this substitute motion went well beyond the limited scope of the main motion and was therefore out of order. Mr. Desgreniers argued that while more elaborate, the substitute motion did respect the spirit of the main motion, which is to encourage students to vote.

Dr. O'Brien ruled the substitute motion out of order, reminding Senate that any member could challenge his ruling if so inclined. Mr. Desgreniers asked the Speaker for a definition of a substitute motion. Dean Singer reminded Mr. Desgreniers that Senate does not necessarily adhere to a strict interpretation of Robert's Rules of Order but also respects its own precedents and common sense in the conduct of a meeting. Dr. O'Brien did not recall ever having dealt with a substitute motion at Senate.

Ms. Basmaji, the mover of the main motion, did not agree with the text of the substitute motion. The objective of her motion was for the professor to read a short, neutral message. By introducing the substitute motion, Mr. Desgreniers stated he wanted to ensure that no campaigning would be done during polling time by professors or students. The Provost replied that in the name of academic freedom, he could censor neither professors nor students.

Ms. Friesinger then moved, seconded by Ms. Stea, the first paragraph starting by “be it resolved” of the substitute motion as an amendment to the main motion. This would allow the Chief Electoral Officer of the CSU to send a letter to all Deans to be distributed to all professors to announce the CSU election. A discussion ensued on the appropriateness of the amendment, at which time Dean Bédard, seconded by Prof. Stathopoulos, called the question. The vote was counted and the required majority was in favor of calling the question. The vote was then taken on the amendment proposed by Ms. Friesinger, but the amendment was defeated with 6 in favor and 18 opposed.

Prof. Shulman then proceeded to move, seconded by Dean Esmail, to call the question on the main motion. The vote was counted and the required majority was in favor of calling the question.

R-2001-9-17 *Upon motion duly moved and seconded (Basmaji, Esmail), it was unanimously resolved, Mr. Blais, Mr. Desgreniers and Ms. Stea having requested that their abstention be recorded into the Minutes:*

Whereas the student body of Concordia University has been apathetic concerning university affairs and student politics;

Whereas a by-election for the Concordia Student Union executive has been called for November 27-29th 2001;

Whereas students must be informed of this election and encouraged to vote;

THAT the Concordia faculty allows their students to leave class fifteen minutes early from November 27th to the 29th, in order to vote at this by-election.

15. Other business

There was no other business to bring before the meeting.

16. Next meeting

The next meeting of Senate is scheduled for Friday, November 30, 2001, at 2 p.m.

17. Adjournment

The meeting was adjourned at 5:15 p.m., on a motion moved by Dean Esmail and seconded by Prof. Stathopoulos.

Danielle Tessier
Secretary of the Board of Governors and Senate