

UNIVERSITY SENATE

MINUTES OF THE OPEN SESSION MEETING OF OCTOBER 4, 2002

ATTENDANCE

PRESENT: Dr. J. W. O'Brien (Speaker); Dr. F. Lowy; Prof. M. Danis; Mr. M. Di Grappa, Mr. L. English; Dr. J. Lightstone; Mr. B. Al-Ken; Dr. D. Boisvert; Prof. W. Bukowski; Mr. Y. Cormier; Mr. W. Curran; Dean N. Esmail; Prof. J. Etezadi; Ms. S. Friesinger; Prof. A.H. Hanna; L. Healey; Prof. V. S. Hoa; Ms. M. Ishii, Prof. E. Jacobs; Mr. R. Lee; Mr. R. Luppicini; Prof. C. MacKenzie; Mr. R. Maguire; Mr. A. McAusland; Prof. D. Morin; Dr. R. J. Oppenheimer; Prof. H. Shulman; Dean M. Singer; Mr. A. Slater; Prof. T. Stathopoulos; Prof. P. Thornton; Prof. R. Tremblay; Ms. S. Virk; Prof. D. Vivian

ABSENT: Prof. C. Bayne; Prof. W. Byers; Prof. T. Byrnes; Prof. A. English; Prof. M. Gourlay; Dean C. Jackson; Mr. W. Merhi; Prof. S. Panet-Raymond; Dean E. Sacca; Dean J. Tomberlin

ALSO ATTENDING: Me B. Freedman, Dr. J. Jans (Acting Dean, School of Graduate Studies)

Documents associated with the Minutes

US-2002-7-D2 Committee appointments
US-2002-7-D3 Report from Academic Programs Committee
US-2002-7-D4 Major undergraduate curriculum changes – Faculty of Arts and Science
US-2002-7-D5 Major graduate curriculum changes – Faculty of Engineering and Computer Science
US-2002-7-D6 and D-7 Minor graduate curriculum changes – Faculty of Arts and Science
US-2002-7-D8 Motion regarding representation of graduate students on Senate
US-2002-7-D9 Motion to revoke the emergency powers accorded to the Rector
US-2002-7-D10 Motion to lift the moratorium on Middle-East issues

1. Call to order

The Speaker called the meeting to order at 2:20 p.m.

2. Approval of the Agenda

Dr. O'Brien informed Senators that item 4A, Concordia Centraide Campaign, should be added to the Agenda.

R-2002-7-4 *Upon motion duly moved and seconded (Lowy, Luppicini), it was unanimously resolved that the agenda be approved as revised.*

3. Approval of the Minutes of the Open Session meeting held September 13, 2002

Mr. Slater asked that Dean Esmail's comment to the effect that there had been some objection among the members of the Rector's Cabinet regarding the location of Mr. Netanyahu's speech be added to item 11 of the Minutes. Subject to this addition, the minutes were approved.

R-2002-7-5 *Upon motion duly moved and seconded (Stathopoulos, Esmail), it was unanimously resolved that the Minutes of the Open Session meeting of September 13, 2002 be approved as revised.*

4. Business arising from the Minutes

There was no business arising from the Minutes which was not included on the Agenda.

4A. Concordia Centraide Campaign

Dr. O'Brien invited Dr. Danielle Morin, Associate Dean of the John Molson School of Business and Centraide campaign Co-Chair, to address Senate. Dr. Morin explained that Centraide is an umbrella organization for over 200 charitable and non-profit organizations in the Greater Montreal area. She reported that the Centraide Campaign had been officially launched earlier today with the March of 1000 Umbrellas. She emphasized the ever-increasing need in the community and expressed the hope that staff, faculty members and students will make a difference by contributing to this cause. Dr. Morin informed Senate of the many activities that will be organized throughout the campus to collect funds.

Dr. Morin introduced Ms. Johanne Vézina, a nutritionist with the Montreal Diet Dispensary, an organization which relies on Centraide for a portion of its funding. Ms. Vézina conveyed to Senate that \$500,000 of the Dispensary's annual budget is provided by Centraide. This is crucial so that it may fulfill its mission to assist and educate underprivileged pregnant women in delivering and caring for their babies. Ms. Vézina explained the difficulties associated with a low birth weight. She urged Senators to generously contribute to the Centraide Campaign and thanked the assembly.

5. Committee appointments

Dr. O'Brien informed Senators that a revised copy of Document US-2002-7-D2 had been placed before them.

R-2002-7-6 *Upon motion duly moved and seconded (Lowy, Singer), it was unanimously resolved that the appointments to Senate committees, as set out in Document US-2002-7-D2 (revised), be approved.*

6. Report from the Academic Programs Committee

6.1 Major undergraduate curriculum changes – Faculty of Arts and Science

R-2002-7-7 *Upon motion duly moved and seconded (Singer, Shulman), it was unanimously resolved that the major undergraduate curriculum changes in the Faculty of Arts and Science, as set out in Documents US-2002-7-D4, be approved as recommended by the Academic Programs Committee in Document US-2002-7-D3.*

6.2 Major graduate curriculum changes – Faculty of Engineering and Computer Science

R-2002-7-8 *Upon motion duly moved and seconded (Jans, Hoa), it was unanimously resolved that the major graduate curriculum changes in the Faculty of Engineering and Computer Science, as set out in Documents US-2002-7-5, be approved as recommended by the Academic Programs Committee in Document US-2002-7-D3.*

6.3 Minor graduate curriculum changes – Faculty of Arts and Science

The documents are distributed for information purposes only.

7. Representation of graduate students on Senate

GSA President Rocci Luppicini moved a motion, seconded by Mr. Slater, to amend the composition of Senate by increasing the number of graduate students from two to four, with the specification of one representative per faculty. He explained that there had not been any graduate student representation for JMSB or Engineering and Computer Science for over 10 years. This year there is a JMSB representative and this must continue. Mr. Luppicini emphasized the importance of having all four faculties represented, to promote graduate studies and research. He recalled that a similar motion had been narrowly defeated last year, precisely because of the fact that, at the time, the motion to increase representation from two to three had not provided that the seats be faculty-specific.

Provost Jack Lightstone stated that when this matter had been raised last year, Steering Committee had not recommended an increase in graduate student representation on Senate because the relative numbers of graduate students did not warrant such an increase. He was pleased to see that this year's representation was not solely from the Faculty of Arts and Science, while mentioning that it is the GSA's overall responsibility to ensure the distribution of its seats. Dr. Lightstone further opined that this issue must not be looked at in isolation without considering Senate's composition as a whole.

A lengthy discussion ensued, during which many Senators spoke in favor of the motion. The principal arguments brought forth were as follows:

- There are over 4800 graduate students at Concordia;
- Half of those aforementioned students are from Engineering and Computer Science, which does not currently have any representation;
- Adding two seats will not change the overall balance of power but will guarantee a voice for two unrepresented constituencies;
- The importance of adequate graduate representation if Concordia is committed to promoting graduate studies and research;
- The mere fact that the motion comes from persons who feel they have no representation makes this issue important; and
- There is no magic number of seats and the composition of Senate must be reviewed from time to time to ensure appropriate representation of all constituencies.

However, Dean Singer spoke against the motion. In his view, nothing prevents the GSA from choosing representatives from different faculties. Adding two seats would modify Senate's composition and balance. Senate is the senior academic body and for the sake of academic continuity, it is imperative to preserve the relative place of the full-time faculty representation on Senate.

Prof. Tremblay stated her discomfort with the discussion, opining that the basis of representation must be clearly defined before looking at the membership. She noted that part-time faculty also wants to increase its representation.

Dr. Lightstone, who had participated in drafting Senate's current composition, said that Senate's previous composition of 65 members resulted in unconstructive meetings. He indicated that the University is not a democracy but rather a meritocracy. Those who have greater expertise have a greater voice. Thus, Senate's membership was designed to ensure that full-time faculty members have almost the majority.

In responding to the above arguments, Mr. Luppicini reiterated that following last year's debate, there had been multiple abstentions precisely because the proposed increase did not provide faculty-specific seats. He agreed that a 65-member Senate is unmanageable but he is simply requesting two extra seats for the GSA. Concerning the Provost's comment about expertise, Mr. Luppicini pointed out that many graduate students possess that expertise. Several of them teach and have extensive professional expertise in their fields. Lastly, while it is true that the GSA can decide which two groups will have a voice and which two will not, this is not an acceptable option.

In light of the many comments, Dr. Lightstone suggested that a compromise solution could be to allow the two additional GSA seats and add two full-time faculty seats, which would be members at large, appointed by Senate. Prof. Shulman moved, seconded by Prof. Morin, to table the motion and to refer this issue to Steering Committee, to which the majority of Senators voted in favor.

8. Remarks from the Rector

Dr. Lowy waived his remarks.

9. Items for information

Provost Jack Lightstone announced that SCAPP had recently held its first meeting of the academic year, at which time the Faculty Councils, the Council of the School of Graduate Studies and the University Library gave progress reports on their respective academic planning processes. Chief Financial Officer Larry English reported on the budget; however, Mr. English has yet to receive confirmation of last year's final budget figures from the Quebec Government.

Dr. Lightstone further apprised Senate that Concordia had been summoned before a standing committee of the National Assembly, the Commission parlementaire de l'éducation, regarding enrolment in Quebec universities. While enrolment in Montreal-area universities is skyrocketing, it is steadily dropping in the regions. As a result, the Commission requested that each university submit a brief regarding this issue and related issues. Dr. Lightstone indicated that the four Montreal universities wrote a common brief, which contained a very positive message to the effect that the health of regional universities is critical to their economy but must not be achieved at the expense of the four Montreal universities. The Commission was interested in the place of international students, to which Dr. Lightstone responded that the existing Quebec policy is a disincentive for universities to recruit and accept international students.

Lastly, the Provost reported that last winter the Government of Canada had released two documents which together constitute the federal government's proposed innovation policy. This policy was the subject of 36 consultations across the country, Montreal being one of the last sites. Concordia has written to affirm the principal goals of the proposed policy and to support the AUCC's reaction. Concordia stressed the importance of disciplines in addition to those of science and applied science to Canada's future.

10. Question period

In response to a question by Prof. Shulman, Dr. Lowy answered that no charges had yet been levied against any of the perpetrators of the September 9 violence. He indicated that the Security department had not completed its work.

When queried by Mr. Slater regarding whether or not he had supported the decision to bring Mr. Netanyahu to the Hall Building, Dr. Lightstone refused to answer.

11. Student motions relating to September 18 Board of Governors' decisions

Dr. O'Brien apprised Senate of Robert's Rules of Order consideration on resolutions with preambles and the underlying logic. He indicated that if things become too confusing, he would fall back on Robert's Rules.

Because of the sensitive content of the motions in items 11.1 to 11.4, Mr. Lee moved, seconded by Mr. Cormier, that the final vote on those motions be taken by secret ballot. The motion passed with 15 in favor and 4 opposed.

11.1 Motion to revoke the emergency powers accorded to the Rector

A motion to recommend to the Board of Governors to revoke the emergency powers accorded to the Rector under the *Policy on the Treatment of Student Disciplinary Matters in Exceptional Cases* was moved by Mr. Lee and seconded by Ms. Friesinger.

Speaking to his motion, Mr. Lee indicated that as a student advocate, he abides by the various University codes. It is totally unacceptable to circumvent the Code of Rights and Responsibilities and accord extraordinary powers to the Rector. Mr. Lee declared to be troubled by many aspects of this new Policy, namely that students cannot be accompanied by an advocate during their interview with the Rector. If changes need to be made to the Code of Rights and Responsibilities, that these changes be made by a committee that is representative of the Concordia community.

Mr. Slater supported Mr. Lee's view and added that the Board rubber-stamped an 8-page document in 5 minutes. The real issue, he opined, was the administration's failure to make the correct decision, by overturning the initial recommendation that the event be held on the Loyola campus and by rejecting the risk assessment by the Director of Security. In response to this last comment, Vice-Rector Di Grappa interjected a point of information to the effect that the initial assessment contained several assumptions that later proved to be incorrect. Mr. Di Grappa requested that this be stated for the record. A second assessment was done afterwards and therefore people should no longer refer to the initial assessment.

Dean Singer noted that this Policy clearly states that it is to be invoked only in exceptional or emergency cases. While the police, the administration, the CSU, Hillel or SPHR could perhaps have acted differently, the only persons responsible are those who resorted to violence. The Policy is a reaction to an emergency situation. These measures are meant to ensure the safety of the entire University community, which is the main concern of students and staff. As a result, Dean Singer strongly supported the Board's decision.

Dr. Lowy explained that because the events of September 9 had been unprecedented, and because the provisions of the Code of Rights and Responsibilities are insufficient, he had

asked the Board to pass this Policy. The Policy was drafted in order to give the administration the tools to deal with safety and security of the University while providing due process. The Rector explained that he had spent most of his time since September 9 explaining why he has not been able to act because of the cumbersome process.

Dr. Lowy assured Senate that he will not abuse the powers and that if no emergency arises, he will not have to resort to them. He reiterated that the Policy calls for a review process, and the notion that he would act as judge, jury and executioner is preposterous. He asked Senators to keep in mind that Concordia is very likely the most democratic university in Canada. He closed his remarks by reminding the assembly that the people who are responsible for the violence are those who planned in advance to use force to prevent the speech and those who incited and committed the violence. The Policy, as adopted by the Board, ensures that a mechanism is in place to ensure security.

Mr. Cormier opined that the emergency situations can be handled by the police and warned against the grave danger of potential abuse under this Policy. Mr. Maguire stated that the Policy has created a climate of fear among all students who believe that it will be used as a tool to silence dissent.

Pursuant to a motion by Ms. Friesinger, seconded by Mr. Al-Ken, the majority voted in favor of calling the question. The mover and the seconder of the main motion, Mr. Lee and Ms. Friesinger respectively, agreed to remove the preamble from the motion.

R-2002-7-9 *Upon motion duly moved and seconded (Lee, Friesinger), it was resolved with 14 in favor and 12 opposed:*

THAT Senate recommend to the Board of Governors that it revoke the "emergency" powers accorded to the Rector; and

THAT Senate recommend to the Board of Governors that if changes need to be made to the Code of Rights and Responsibilities, that these changes be made by a committee that is representative of the Concordia community.

11.2 Motion to lift the moratorium on Middle-East issues

A motion to lift the moratorium on Middle-East issues was moved by Mr. Lee and seconded by Mr. Luppicini.

Mr. Lee stated that the University is a place where the expression of ideas and debate is essential to the advancement of higher learning and education. He reiterated his belief that students have the right to peacefully express their non-racist political views and opinions on campus either in a public meeting or by handing out pamphlets or postering. In the past days, Hillel and SPHR have set up tables next to each other without any violence resulting therefrom.

Prof. MacKenzie found it bitterly ironic that while Senate is discussing free speech, votes are not being recorded publicly. She declared that she would not contribute to this situation and would cease to vote from this point on. In response to Prof. MacKenzie's comment, Mr. Cormier said the secret ballot was necessary because of the existing power structure. He also mentioned that this moratorium has had devastating effects on the debating clubs. He then queried the Rector about his intent to answer a letter sent by Amnesty International which raised concerns about this moratorium.

Dr. Lowy answered that he had received many letters to which he had not yet responded, while adding that the vast majority of letters had been in favor of the cooling-off period, and most of those were from members of the University community. Mr. Maguire urged the Rector to take the letter from Amnesty International seriously. Mr. Al-Ken informed Senate that Hillel and SPHR act as teachers and educators on certain issues and the moratorium has prevented them from doing so.

Pursuant to a motion by Mr. Slater, seconded by Ms. Friesinger, the majority voted in favor on calling the question. The mover and the seconder of the main motion, Mr. Lee and Mr. Luppicini respectively, agreed to strike the preamble from the motion.

R-2002-7-10 Upon motion duly moved and seconded (Lee, Luppicini), it was resolved with 12 in favor, 7 opposed and 1 abstention that Senate recommend to the Board of Governors that the present moratorium on middle-east issues, which is inconsistent with the spirit of the Canadian Charter of Rights and Freedoms, be lifted immediately.

As discussion was beginning on Agenda item 11.3, it was determined that quorum had been lost. As a result, the Speaker declared the meeting adjourned at 5:15 p.m.

The next Senate meeting will be held on November 8, 2002.

Danielle Tessier
Secretary of Senate