

UNIVERSITY SENATEMINUTES OF THE OPEN SESSION MEETING OF JANUARY 17, 2003ATTENDANCE

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; Prof. T. Byrnes; Mr. Y. Cormier; Mr. W. Curran; Prof. J. Etezadi; Ms. S. Friesinger; Ms. C. Ghawi; Prof. J. Grant; Prof. A.H. Hanna; Ms. L. Healey; Prof. V. S. Hoa; Ms. M. Ishii, Dean C. Jackson; Prof. E. Jacobs; Mr. R. Lee; Prof. C. MacKenzie; Mr. R. Maguire; Mr. A. McAusland; Mr. W. Merhi; Prof. D. Morin; Dr. R. J. Oppenheimer; Prof. P. Ouellet; Dean E. Sacca; Prof. H. Shulman; Dean M. Singer; Prof. T. Stathopoulos; Prof. P. Thornton; Dean J. Tomberlin; M Prof. R. Tremblay; Ms. S. Virk; Prof. D. Vivian

ABSENT: Prof. C. Bayne; Dean N. Esmail; Prof. A. English; Me Bram Freedman; Mr. R. Luppicini; Prof. S. Panet-Raymond; Mr. A. Slater

Documents associated with the Minutes

US-2003-1-D2	Committee appointments
US-2003-1-D3	Report from Academic Programs Committee
US-2003-1-D4 to D14	Major undergraduate curriculum changes – Faculty of Arts and Science
US-2003-1-D15	Major undergraduate curriculum changes – Faculty of Fine Arts
US-2003-1-D16 to D18	Minor undergraduate curriculum changes – Faculty of Arts and Science
US-2003-1-D19 to D20	Major graduate curriculum changes – Faculty of Arts and Science
US-2003-1-D21	Major graduate curriculum changes – Faculty of Engineering and Computer Science
US-2003-1-D22	Major graduate curriculum changes – Faculty of Fine Arts
US-2003-1-D23 to D26	Major graduate curriculum changes – John Molson School of Business
US-2003-1-D27	Minor graduate curriculum changes – Faculty of Engineering and Computer Science
US-2003-1-D28	Report on the events of September 9, 2002
US-2003-1-D29	Action Plan
US-2003-1-D30	Memo regarding revision to Article 9 of the Policy on the establishment of tribunal hearing pools
US-2003-1-D31	Rector's report to the Board of Governors

1. Call to order

Dr. O'Brien called the meeting to order at 2:20 p.m.

2. Approval of the Agenda

Dr. O'Brien informed Senate of the possibility of three changes to the Agenda, the first of which was the addition of an item regarding the Revision to Article 9 of the Policy on the

Establishment of Tribunal Hearing Pools. This could be added after the curriculum changes and become number 6A on the Agenda. Document US-2003-1-D30, distributed at the meeting, addresses this matter.

The second amendment would be to consider adding an emergency motion, the text of which had been distributed to all Senators by Mr. Cormier, together with a copy of the January 16 edition of *Concordia's Thursday Report*. While acknowledging that this was not normal procedure, Mr. Cormier explained that his motion dealt with a matter that had only arisen yesterday, and therefore he had not been in a position to present this matter to Steering Committee. He stated that the subject of his motion required a discussion, at the very least, if not immediate and strong action from Senate. Mr. Cormier emphasized the importance of dealing with this matter because some published segments in the Letters to the Editor contained inflammatory and hateful statements, for which the University could be held liable.

The third proposed change to the Agenda was initiated by Dr. Lowy, who asked that his Rector's Report be moved up on the Agenda before the curriculum changes, to ensure that quorum was present during his report. Dr. Lightstone emphasized that Senate did not have the luxury of postponing the approval of the curriculum changes because of calendar deadlines, while adding that he had grave and weighty issues to report following yesterday's meeting of SCAPP under item 8.1. Given that it is expected that the items preceding Dr. Lowy's report are non-controversial and should move along quickly, Dr. O'Brien suggested that Dr. Lowy's report remain under number 7, with the proviso that his report could be moved up if a long debate occurred on any item preceding his report.

Irrespective of the content of the motions or who submits them, Dean Singer opined that all motions should be vetted through Steering Committee. He wanted to be clear that if the two additions were allowed today, this would be done on a non-precedent setting basis.

There was no objection that the item regarding the Tribunal Hearing Pools be added to the Agenda. However, a vote was taken to add Mr. Cormier's emergency motion between items 7 and 8 of the Agenda, resulting in a tie (9 in favor and 9 opposed). Therefore, it was not added to the Agenda.

R-2003-1-4 *Upon motion duly moved and seconded (Jacobs, Thornton), it was resolved that the agenda be approved as printed, with the addition of an item under number 6A regarding the revision to Article 9 of the Policy on the Establishment of Tribunal Hearing Pools.*

3. Approval of the Minutes of the Open Session meeting held November 8, 2002
- R-2003-1-5 *Upon motion duly moved and seconded (MacKenzie, Hoa), it was unanimously resolved that the Minutes of the Open Session meeting of November 8, 2002 be approved.*
4. Business arising from the Minutes
- There was no business arising from the Minutes not included on the Agenda.
5. Committee appointments
- R2003-1-6 *Upon motion duly moved and seconded (Lowy, Morin), it was unanimously resolved that the appointments to Senate committees, as set out in Document US-2003-1-D2 be approved.*
6. Report from the Academic Programs Committee
- 6.1 Major undergraduate curriculum changes – Faculty of Arts and Science
- R-2003-1-7 *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-2003-1-D4 to D14, be approved as recommended by the Academic Programs Committee in Document US-2003-1-D3.*
- 6.2 Major undergraduate curriculum changes – Faculty of Fine Arts
- R-2003-1-8 *Upon motion duly moved and seconded (Jackson, Etezadi), it was unanimously resolved that the major undergraduate curriculum changes in the Faculty of Fine Arts, as set out in Document US-2003-1-D15, be approved as recommended by the Academic Programs Committee in Document US-2003-1-D3.*
- 6.3 Minor undergraduate curriculum changes – Faculty of Arts and Science
- Dr. O'Brien pointed out that minor curriculum changes do not require approval and are submitted solely for information purposes.
- 6.4 Major graduate curriculum changes – Faculty of Arts and Science
- R-2003-1-9 *Upon motion duly moved and seconded (Sacca, Virk), it was unanimously resolved that the major graduate curriculum changes in the Faculty of Arts and Science, as set out in Documents US-2003-1-D19 to D20, be approved as recommended by the Academic Programs Committee in Document US-2003-1-D3.*
- 6.5 Major graduate curriculum changes – Faculty of Engineering and Computer Science
- R-2003-1-10 *Upon motion duly moved and seconded (Sacca, Stathoupoulos), it was unanimously resolved that the major graduate curriculum changes in the Faculty of Engineering and Computer Science, as set out in Document US-2003-1-D21, be approved as recommended by the Academic Programs Committee in Document US-2003-1-D3.*
- 6.6 Major graduate curriculum changes – Faculty of Fine Arts
- R-2003-1-11 *Upon motion duly moved and seconded (Sacca, Vivian), it was unanimously resolved that the major graduate curriculum changes in the Faculty of Fine Arts, as set out in Document*

US-2003-1-D22, be approved as recommended by the Academic Programs Committee in Document US-2003-1-D3.

6.7 Major graduate curriculum changes – John Molson School of Business

R-2003-1-12 *Upon motion duly moved and seconded (Sacca, Morin), it was unanimously resolved that the major graduate curriculum changes in the John Molson School of Business, as set out in Documents US-2003-1-D23 to D26, be approved as recommended by the Academic Programs Committee in Document US-2003-1-D3.*

6.8 Minor undergraduate curriculum changes – Faculty of Engineering and Computer Science

These minor curriculum changes are submitted for information purposes.

6A. Revision to Article 9 of the Policy on the Establishment of Tribunal Hearing Pools

R-2003-1-13 *Upon motion duly moved and seconded (Lowy, Hanna), it was unanimously resolved that Senate recommend to the Board of Governors that it approve the revision of Article 9 to the Policy on the Establishment of Tribunal Hearing Pools (Policy BD-6), as set out in Document US-2003-1-D30.*

Mr. Cormier asked that it be noted in the Minutes that this motion was added to the Agenda without following the proper procedure. Therefore, there was a contradiction in that one motion had been allowed to be added without going to Steering Committee while the other had not, demonstrating that the nine Senators who had voted against adding his emergency motion had done so for purely political reasons.

Dean Singer objected to Mr. Cormier's characterization, reminding the latter that he had specifically outlined his concern about either motion being added to the Agenda without prior approval of Steering Committee.

In Dean Tomberlin's view, there was a difference of necessity. While the first motion was straightforward and not complicated, he had voted against adding the emergency motion to the Agenda since it contained serious allegations which warranted reflection.

7. Remarks from the Rector

7.1 Report on the events of September 9, 2002

7.2 Action plan

Dr. Lowy apprised Senate that the report regarding the September 9 events had been commissioned by his office and carried out under the supervision of Ms. Susan Magor, Director of Environmental Health and Safety. A widespread enquiry was undertaken by looking at various sources of information. The Rector assured Senate that the report is being taken very seriously, including any criticism, and all recommendations will be followed.

Referring to his report to the Board of Governors which was distributed under document number US-2003-1-D31, Dr. Lowy explained that he tried to put into a larger context the events that have drawn media interest and have given the University a bad image. While the graphs attached to his report clearly attest to the University's progress, the image that is being transmitted does us very little good and portrays Concordia as a place of discord and turmoil, locally as well as nationally and even internationally. This could damage the University in many ways and have a negative impact on fundraising and enrolments.

Some graduates fear that the value of their degrees is being lessened. The Rector stated that an honorary doctorate recipient had recently returned his degree.

Dr. Lowy said that the measures proposed under the Action Plan would result in ameliorating the situation. He expressed his appreciation to Dr. Donald Boisvert, who had resigned his position of Dean of Students to return to full time teaching and scholarship. He is hopeful that Dr. Charles Bertrand, who is taking on the position on an interim basis, will develop a constructive and good working relationship with the student government.

Dr. Lowy alerted Senate that he had received notification yesterday of a SPHR rally planned for Monday, at noon, in the lobby of the Hall Building. He read from an email that this rally is "a call for all those who participated and supported the direct action taken at Concordia University on September 9 to shut down Israeli war criminal Benjamin Netanyahu.". Dr. Lowy stated that this is a troubling, shameful event. To call for another event is totally irresponsible. He added that no permission was sought nor given to hold this event in the lobby of the Hall Building. He underlined the third recommendation in Ms. Magor's report to the effect that Hall Building not be used for any high-risk events, until hazardous materials are relocated, or unless the building is closed. Dr. Lowy added that the Board of Governors had defeated a motion to restore tabling and activities in the lobby of the Hall Building. The Rector concluded his report by affirming that the University will take the necessary legal steps as well as the appropriate security and safety measures and that he hoped the student leaders did not condone this demonstration.

8. Items for information

8.1 Report from the Senate Committee on Academic Planning and Priorities

The Provost apprised Senate that the Senate Committee on Academic Planning and Priorities had met yesterday afternoon, at which time Chief Financial Officer Larry English reported on the closing figures for the 2001-2002 budget and gave projections for the 2002-2003 budget.

Dr. Lightstone reminded Senators that in November 2001 the MEQ had announced a new funding formula under which Concordia stood to lose \$4.7 million annually. Following a concerted action from sister institutions, the Government agreed that a study of this new formula be conducted by a joint CREPUQ/MEQ committee and that the new formula would not be implemented before the expiry of the performance contracts.

The bad news is that the Government has announced a new funding formula that it will adopt under which Concordia will lose a substantial amount on an on-going basis, up to a possible \$4.7 million annually (the amount will be known within weeks). Dr. Lightstone explained how the Government proposes to implement this new formula, which would result in Concordia receiving no additional funding for indexation, additional FTEs, etc., until our "nominal" allocation exceeds our frozen allocation. Once again, Concordia will have to call on its sister institutions, but it is likely that only those institutions which will lose money under the new formula will come to one another's aid.

The less bad news is that the Government has agreed to enter into bilateral talks to evaluate if there are any costs that are so unique to Concordia that would not fit into the general funding formula, such as the two-campus operation, for which Concordia could receive a special recurring allocation.

Dr. Lightstone stated that a frozen allocation would undermine Concordia's recognized mission of accessibility and force it to reduce the intake of new students. Therefore, he

suggested to SCAPP that a partial freeze of our allocation, as opposed to a total freeze, could be a line of argument to pursue with the government.

9. Question period

Mr. Cormier asked Dr. Lowy to reiterate his position on the holding of a public enquiry into racism and discrimination at Concordia. The Rector responded that his answer was the same as the one he had given at the Board of Governors' meeting, being that an enquiry should be undertaken only if there is any evidence of systemic racism or discrimination. He has not been presented with any evidence of the sort and therefore he sees no justification into holding an enquiry. In Dr. Lowy's opinion, such an enquiry would do us more harm than good.

Mr. Cormier made a long statement in which he expressed his view that the absence of a representative of the Arab or Muslim community on the Board of Governors or in any senior administrative position, as well as other minorities such as Hispanics, Aborigines, etc., coupled with the fact that the University's official newspaper spreads messages of hatred, was reason enough to hold an enquiry. He commented on the Board's systematic attempt to silence all student dissent by voting down or ignoring all student motions. He criticized the fact that two different portrayals of the University community were done, a white monolithic one for fundraising purposes as opposed to a multi-cultural one for student recruitment purposes. This also demonstrates the need for an enquiry. Finally, he asked Dr. Lowy that given that Senate had voted down putting his motion on the Agenda, and that given that the Board of Governors is composed of a majority of white middle-aged men, was the administration scared?

Dean Singer raised a point of order on the appropriateness of such a statement during question period, to which Dr. O'Brien responded that this would be considered at the next Steering Committee.

In response to Mr. Cormier's statement and question, Dr. Lowy indicated that the Nominating Committee of the Board receives and reviews nominations for the members of the community-at-large. Over the years, the Committee has tried to ensure a better ethnic and gender balance. Dr. Lowy mentioned that he had asked students to nominate members of the Muslim community, but so far he had not received any suggestions. He added that the absence of certain minorities on the Board does not reflect unwillingness on anyone's part to have those minorities sit on the Board.

As for the senior administration, Dr. Lowy reminded Mr. Cormier that each individual holding such a position is selected through a search process, which includes a public presentation of all short-listed candidates and an invitation to the University community to submit comments to the search committee. However, Dr. Lowy added that each person is appointed based on skills and experience rather than on ethnicity or gender. Regarding the Thursday Report, Dr. Lowy has just been made aware of it and did not wish to comment. Lastly, with regards to the different approaches by the Marketing Department in its publications, the Rector said he did not believe that the Marketing Department had the motives Mr. Cormier had ascribed. However, he indicated that he could look into it, while stating that members of Senate know that the Concordia community is respectful of diversity.

Mr. Lee expressed his concern that Steering Committee had voted down or not even considered several student motions. Therefore, this is why it is being raised at Senate. Any Senator should have an opportunity to present a motion. With respect to Monday's planned demonstration, Mr. Lee indicated that while many had been traumatized by the

events of September 9, 99.9% of those who demonstrated had been peaceful. Monday's demonstration will be a peaceful protest in solidarity with the students whose hearings are being held on that day. Mr. Lee added that if the University is serious about security issues, then maybe it should have followed the first security assessment regarding September 9, and he wondered where is the consistency. He continued by asking if reports on *The National* that the Israeli "Minister of Settlements" will be speaking at Concordia were true. If so, Mr. Lee opined that this individual was even worse than Benjamin Netanyahu and that the administration is only concerned about security when SPHR is involved.

Dr. Lowy answered that the administration was alarmed by the email calling for all those who participated in direct action on September 9. In his view, those same people were responsible for causing the trouble on September 9 and they were now invited back. Dr. Lowy reminded Mr. Lee that it was a student group who invited Mr. Netanyahu and that it was not in the University's tradition to censor speakers invited by its student groups. Dr. Lowy added that he had no personal knowledge of Mr. Sharansky coming to Concordia. However, if a legitimate student group invites him, Dr. Lowy sees no reason why the University should prevent this simply because some people may disagree with his views.

Mr. Maguire queried the Rector on the University's position regarding affirmative action in enrolments, hiring and appointments. Dr. Lowy responded that generally speaking the University has a policy of accessibility for all students who meet the entry requirements. Thus, no student has ever been turned down because of race. The University does have a Native Access to Engineering Program. Regarding staff positions, Dr. Lowy said he has no reason to believe that there is discrimination. With respect to appointment of academic and administrative appointments, as he stated previously, the process is public and transparent and individuals are appointed on their own merits.

10. Other business

While Senate has voted against discussing his emergency motion during the body of the meeting, Mr. Cormier moved, seconded by Ms. Friesinger, that his motion be discussed now.

The Speaker recalled Senate's practice that two types of motions are usually included under other business, namely non-controversial courtesy motions and motions which could not have been routed through the normal channel. Dr. O'Brien indicated that this practice should be reviewed by Steering Committee because it is getting frayed around the edges. In light of the above-noted practice, he ruled that Mr. Cormier's motion was admissible since its was based on a recent unforeseen event.

Mr. Cormier said that his motion speaks for itself, in that the *Thursday Report* had published letters to the Editor which were inappropriate from a moral as well as a legal standpoint. He opined that this puts Concordia at risk of a libel lawsuit as well as charges under the Criminal Code for hate propaganda. Mr. Cormier proposed this motion so that Concordia could disassociate itself from this libelous material and prevent the administration from getting into trouble. Immediately after Mr. Cormier spoke, a motion was moved and seconded to call the question, to which 18 were in favor and one opposed. Accordingly, the vote was taken on the main motion.

However, the main motion, which read as follows, was defeated with 8 in favor and 11 opposed:

WHEREAS the Thursday Report, as an official publication of Concordia University, is expected to report fairly and truthfully on internal matters;

WHEREAS the Thursday Report, as an official publication of Concordia University, should not and must not be allowed to propagate disrespectful and unfounded accusations; and

WHEREAS the Thursday Report, as an official publication of Concordia University, should not and must not be allowed to propagate hateful material which stereotypes Arabs, Muslims and pro-Palestinian activists, or any other member of our community;

BE IT RESOLVED:

THAT the University Senate condemn the Thursday Report for publishing offensive, libelous and hateful material in the "Letters to the Editor" section of January 16, 2003;

THAT a Senate committee be empowered to review the Thursday Report's reporting practices and standards; and

THAT Senate demand from the Thursday Report 1) a written apology in its next issue; 2) the publication of the resolution section of this document in its next issue; and 3) a guarantee that this will not occur in the future.

Ms. Friesinger requested that it be recorded in the Minutes that student Senators have studied Concordia's history and they are well aware of how the administration dealt with racism issues in the 1960's. She opined that we are presently facing the same situation and she found this very disappointing at the least. This will be another item to add to the enquiry on racism and discrimination.

11. Next meeting

The next meeting of Senate will be held on February 7, 2003, at 2 p.m.

12. Adjournment

The meeting was adjourned at 4:15 p.m., on a motion moved by Dean Singer and seconded by Mr. Cormier.

Danielle Tessier
Secretary of Senate