



UNIVERSITY SENATE

MINUTES OF THE OPEN SESSION MEETING OF MARCH 14, 2003

ATTENDANCE

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

ABSENT: Prof. C. Bayne; Dr. C. Bertrand; Mr. M. Di Grappa, Prof. A. English; Prof. J. Etezadi; Me Bram Freedman; Prof. J. Grant; Ms. M. Ishii, Dean C. Jackson; Mr. W. Merhi; Dr. R. J. Oppenheimer; Prof. P. Ouellet; Dean E. Sacca

ALSO PRESENT: Dr. Jim Jans (Acting Dean, School of Graduate Studies)

Documents associated with the Minutes

US-2003-2-D2	Memo regarding the General Engineering and Computer Science Studies Unit
US-2003-2-D3	Memo regarding the appointment of Tribunal Hearing Chairs
US-2003-2-D4	Text of motion regarding CSU annual elections
US-2003-2-D5	Copy of power point presentation by Chief Financial Officer
US-2003-2-D6 and D7	Final results of 2001-2002 operating budget
US-2003-2-D8	Preliminary operating budget for 2002-2003

1. Call to order

Dr. O'Brien called the meeting to order at 2:10 p.m.

The Speaker apprised Senate that, contrary to the indication in the notice of meeting, there will be no closed session meeting. The honorary doctorate candidates will be submitted at a later meeting and consequently, there is no document US-2003-2-D1. He further informed Senators of a new practice, to facilitate the running of the meeting, that the text of proposed motions will be distributed to all Senators, on a yellow sheet placed before them.

2. Approval of the Agenda

Mr. Slater asked that it be noted for the record that a number of student motions had been voted down by Steering Committee and therefore not included on the Senate Agenda.

R-2003-2-1 *Upon motion duly moved and seconded (Lightstone, Stathopoulos), it was resolved with a majority that the agenda be approved as submitted.*

3. Approval of the Minutes of the Open Session meeting held January 17, 2003

R-2003-2-2 *Upon motion duly moved and seconded (Cormier, Esmail), it was unanimously resolved that the Minutes of the Open Session meeting of January 17, 2003 be approved, subject to a correction to the attendance.*

4. Business arising from the Minutes

Dr. O'Brien informed Senate that Steering Committee was still in the process of reviewing Senate procedure.

5. Establishment of the General Engineering and Computer Science Studies Unit

Dean Esmail explained that the Faculty of Engineering and Computer Science has five academic units, four departments and one institute. However, there is an anomaly in that several core courses, bearing the acronym ENGR or ENCS, and which represent 30% of the courses taught in the Faculty, have no academic home. As a result, they are currently listed in the University calendar as being offered by the Office of the Dean and the four faculty members hired to teach those courses are also attached to the Dean's Office, another anomaly. This new unit would be like any other academic unit, the faculty members being covered by the CUFA collective agreement. Dean Esmail said that the creation of this unit is a long overdue endeavor to put the academic structure in order.

R2003-2-3 *Upon motion duly moved and seconded (Esmail, Hoa), it was unanimously resolved that, on the recommendation of the Faculty of Engineering and Computer Science, Senate recommend to the Board of Governors that it approve the establishment of the General Engineering and Computer Science Studies Unit, as outlined in Document US-2003-2-D2.*

6. Appointment of Tribunal Hearing Chairs

Dr. Lowy said that at the last Senate meeting the *Policy on the Establishment of Tribunal Hearing Pools* was amended to increase the number of Tribunal Hearing Chairs from 6 to 10. Under the Policy, Senate must approve the appointment of those Chairs. Given the huge volume of hearings, it is quite important that Senate appoint the two proposed individuals today. Me Kurt Johnson's resume was included in the mailing while Me Georgia Pagidas' resume has been circulated at the meeting. Even with the appointment of two new Chairs, three vacancies remain. Accordingly, Dr. Lowy invited Senators who have an individual to propose as a Chair to submit that person's name to the Secretary of the Hearing Panels or the General Counsel.

A discussion ensued during which concerns were raised by Messrs. Maguire and Slater regarding the absence of a consultation process prior to presenting the appointees for Senate approval. They felt that students should have an opportunity to question the candidates. Dr. Lowy emphasized the difficulty in finding qualified volunteers for this task and would not want them to become a public spectacle. Mr. Slater was sensitive to this argument but opined that that a closed committee would achieve this objective. Me Danis reiterated Dr. Lowy's previous comment that Senators are encouraged to submit the names of potential candidates who would be willing to serve as Chairs.

In light of recent allegations which had been made in relation to the tribunal process, Mr. Cormier suggested that any new appointment should be put on hold until a thorough review of the system is undertaken. Prof. Hanna, who currently serves as a member of the Academic Hearing Panel, conveyed to Senate that the Chair is a non-voting member and that the procedure is followed by the book. Prof. Shulman called the question, seconded by Prof. Tremblay. The vote to call the question was taken, with 15 in favor and 6 opposed. Therefore, the vote was taken on the main motion.

R2003-2-4      *Upon motion duly moved and seconded (Lowy, Stathopoulos), it was resolved with 17 in favor and 6 opposed (Al-Ken, Cormier, Friesinger, Maguire, Slater and Virk specifically asking that their dissent be recorded) that the Tribunal Hearing Chair appointees, as set out Document US-2003-2-D3 as amended, be approved.*

7.      Motion regarding CSU annual elections

The following motion was moved by Mr. Luppicini, and seconded by Ms. Friesinger:

*Whereas the annual elections of the CSU have been scheduled for March 25, 26 and 27, 2003;*

*Whereas it is important that every possible opportunity be given to undergraduate students to exercise their democratic rights to vote in these elections;*

**BE IT RESOLVED:**

*THAT the University Senate strongly encourage faculty to allow, insofar as they deem it possible, students to leave class 15 minutes early on March 25, 26, & 27, 2003, in order to vote in the upcoming CSU election.*

*THAT the University Senate mandate the Provost to write to the faculty informing them of Senate's resolution.*

Mr. Luppicini explained that Steering Committee had agreed that the motion be added onto the Senate Agenda and that he had been asked to move the motion. However, Mr. Luppicini asked that speaking privileges be granted to Mr. Tyler Wordsworth, a JMSB undergraduate student, so that the latter could speak to the motion or answer any questions in relation thereto. Mr. Slater raised a point of order, stating that it is the Chief Electoral Officer's job to oversee the CSU election, that the University does not have the legal authority to intervene in the student affairs, as stated by the Provost himself in a newspaper article, and that Mr. Wordsworth is a candidate in the upcoming elections. Ms. Friesinger conveyed that she had seconded the motion in order to allow Mr. Wordsworth to explain himself and answer any questions. Mr. Cormier apprised Senate that Mr. Maguire and himself were running in the election and therefore would abstain from voting on this issue and expected others in this situation to do the same.

In light of the above objection, a motion was moved by Mr. Luppicini, seconded by Ms. Friesinger, to grant speaking privileges to Mr. Wordsworth. Given that 9 were in favor, 1 opposed (Slater) and 11 abstained (Cormier and Maguire having abstained due to their view that they were in conflict of interest), Mr. Wordsworth was allowed to speak.

Mr. Wordsworth introduced himself and conveyed the reasons why he felt it was important that the aforementioned motion be adopted by Senate. He opined that the outcome of the election affects the entire University community and sets the tone of the academic year. A low voter turnout in past years has been problematic. However, when a similar motion was adopted by Senate during the November 2001 by-elections,

participation increased. Mr. Wordsworth said that he vividly recalled that the motion did help promote voter turnout since it served as a reminder to students to vote.

In response to questions, Mr. Wordsworth denied having had any prior meetings with senior administrators regarding this motion. He added that he had found out about Senate Steering Committee by consulting the University Secretariat website and contacting the Secretary of Senate. He was not yet a candidate in the elections when he attended the Steering Committee meeting but had been inspired by the democratic process and decided thereafter to run.

Mr. Slater said that he found it peculiar that this motion was allowed and that Senate micromanages the CSU elections but does not consider the outcome of the events of September 9 to be a subject of Senate. He read quotes from various University policies, reports, articles, etc., and following a point of order raised by Prof. Shulman and another by Dean Singer about the relevance of his intervention, Mr. Slater posed the question how was it the business of Senate to micromanage the CSU election but not to reimburse students who lost classes on September 9? The Speaker ruled that this was a rhetorical question and gave the floor to Ms. Friesinger who was next on the Speaker's list.

Indicating that she was in favor of the motion because of the importance of the highest possible voter turnout, Ms. Friesinger did question the process and reiterated that this was precisely the role and responsibility of the Chief Electoral Officer. She added that voter turnout had steadily increased over the past three years. Dr. Lowy, the Steering Committee Chair, specified that Steering Committee had entertained the motion solely because it involved authorizing instructors to shorten class time, which was under the purview of Senate.

Several Deans and faculty members expressed their support for the motion, stating that they encouraged students to be politically active and to vote for whomever they wanted, but to vote.

Mr. Cormier moved an amendment, seconded by Mr. Slater, so that the motion would read as follows:

*THAT the University Senate mandate the Provost to strongly encourage faculty to allow, insofar as they deem it possible, students to leave class 15 minutes early on March 25, 26, & 27, 2003, in order to vote in the upcoming CSU election, following approval from the CSU Chief Electoral Officer;*

*THAT the University Senate mandate the Provost, following the agreement, to write to the faculty informing them of Senate's resolution.*

Speaking to his amendment, Mr. Cormier felt this was a compromise to reconcile the two sides. CSU members were skeptical of a motion brought forward by a candidate. The Chief Electoral Officer should have a say with the procedure. Dr. Morin opined that no one was arguing against affording 15 minutes to students to vote and she would encourage the CSU President to bring forth such a motion each year and that the Chief Electoral Officer be informed of such. Dean Singer spoke against the amendment, opining that the Provost should not be involved with the Chief Electoral Officer. Prof. Thornton moved a motion, seconded by Prof. Byrnes, to call the question on the amendment. Given that 15 were in favor and 2 opposed on calling the question, the vote on the amendment was taken. The amendment proposed by Mr. Cormier, seconded by Mr. Slater, was defeated by a majority.

Senate was informed by Mr. Slater that the CSU Chief Electoral Officer, Mr. Stephan Herman, had arrived at Senate. Some Senators expressed their view that the Chief

Electoral Officer had no business to instruct Senate what to do. However, following a motion made by Mr. Slater, seconded by Ms. Friesinger, the majority of Senators agreed that speaking privileges be granted to the Chief Electoral Officer. Mr. Herman conveyed to Senate that in previous elections his office had contacted the Deans who have always been cooperative and proactive in allowing students an opportunity to vote. Thus, Mr. Herman did not see the necessity of a motion since the process was currently underway in his office.

Given the aforementioned statement, a motion to table Mr. Wordsworth's motion was moved by Mr. Slater and seconded by Mr. Lee. Dr. O'Brien explained the consequence of a motion to table and specified that it was not debatable. Further to the vote, the motion to table was defeated by a majority with two abstentions (Cormier, Maguire).

Mr. Slater then moved an amendment that the words "insofar as they deem it possible" be removed from the first paragraph of the motion, which was seconded by Mr. Lee. Dr. Lowy spoke against this amendment, arguing the importance of allowing some flexibility to the faculty members. Further to a request by Mr. Lee to withdraw his seconding the amendment, Mr. Slater agreed to withdraw the proposed amendment.

Prof. MacKenzie then called the question to vote on the main motion, seconded by Prof. Tremblay, and this motion was carried. Accordingly, the vote was taken on the main motion:

R2003-2-5      *Upon motion duly moved and seconded (Luppicini, Friesinger), it was resolved with one opposed (Lee) and two abstentions (Cormier, Maguire):*

*Whereas the annual elections of the CSU have been scheduled for March 25, 26 and 27, 2003;*

*Whereas it is important that every possible opportunity be given to undergraduate students to exercise their democratic rights to vote in these elections;*

*BE IT RESOLVED:*

*THAT the University Senate strongly encourage faculty to allow, in so far as they deem it possible, students to leave class 15 minutes early on March 25, 26, & 27, 2003, in order to vote in the upcoming CSU election.*

*THAT the University Senate mandate the Provost to write to the faculty informing them of Senate's resolution.*

8.      Final results of the operating budget 2001-2002 and preliminary operating budget 2002-2003

Chief Financial Officer Larry English presented the final results of the operating budget for 2001-2002 and the preliminary operating budget for 2002-2003. The results for 2001-2002 show a surplus of \$1,846,000 and an accumulated surplus of \$25,003,799. However, ultimately, there will be an accumulated deficit of \$11,14,058, due to expenditures that are committed but do yet appear in the financial statements as expenditures.

Mr. English showed graphs to illustrate Concordia's success in greatly reducing a \$36-million accumulated deficit during the government cut back years of the mid-1990's and contrasted it with some other Quebec universities. As a result, when the government provided deficit relief on a pro rata basis, this became a windfall for Concordia. Dr. Lowy added that virtually eliminating the deficit would not have been possible without the

cooperation of the faculty and staff unions and associations, which made large numbers of early retirements possible. It was also achieved through careful academic planning. However, Mr. Cormier wondered if Concordia's approach to a balanced budget was wise, given that it had been achieved by suffering cutbacks rather than by contesting inadequate government funding.

Regarding the budget outlook for 2002-2003, Mr. English said that changes in bureaucratic personnel are slowing the emergence of a clear picture. He explained that the government's funding for higher education is a fixed sum that must be divided among the universities and colleges. As a result, allocations are relative. The latest funding formula is based on relative costs of academic programs and is likely to disadvantage Concordia. The programs that are attracting the largest increases in enrolment, such as computer science, will show the lowest cost, and therefore, according to the funding formula, will receive the lowest weighting.

Further to Mr. English's presentation, Mr. Maguire asked what assurance could be given by the administration that the per credit administrative fee will not be raised. Dr. Lightstone responded that the administrative fee was originally to be increased from \$3 to \$6 to \$9 to \$12 per credit according to a determined timeline. However, the year that it was to be raised from \$9 to \$12, the implementation was deferred to the next year. A year later, the increase was further deferred for another year. In April 2001, the Board of Governors, upon the recommendation of Senate, adopted a resolution stipulating that the administrative fee was to be frozen at \$9 per credit and that the increase to \$12 per credit be completely eliminated. The resolution also stated that any future discussion regarding the increase or decrease of the existing \$9 fee would be argued on the basis of the financial situation of the University at that time.

Mr. English stated that a copy of his presentation could be obtained electronically by contacting him via email.

9. Remarks from the Rector

Given the late hour, Dr. Lowy waived his remarks, except to remind Senate that Concordia and McGill are jointly hosting the *2003 Millennium University Conference* on research, development, police and governance over the weekend and encouraged Senators to attend the various plenary discussions. A copy of the conference schedule was distributed.

10. Items for information

Further to a situation brought to his attention by Mr. Lee at the last Steering Committee meeting, Provost Lightstone told Senate that he had spoken to the Deans to ensure that it be clearly stated in writing to those students whose requests are denied by an advisor of their right to appeal this decision to the Student Request Committee and of their right to avail themselves of the services of a student advocate.

Ms. Friesinger apprised Senate that at the CSU General Assembly held on March 5, members voted overwhelmingly in favor of holding a public enquiry on racism at the University. Moreover, she informed Senators that, in the context of the ongoing lawsuit between Hillel and the CSU, Hillel had filed a preliminary motion for a safeguard order for the CSU to release their funds. However, the Superior Court judge denied this motion on Monday, pending the full hearing of the case in April.

11. Question period

Mr. Cormier queried the Rector regarding his reactions to the aforementioned CSU vote in favor of holding an enquiry on racism, to which Dr. Lowy replied that Concordia, like other Canadian universities, is looking into it. Mr. Slater suggested that the University of Toronto's Race Relation Office might be an interesting model to consider. However, the Rector, who is quite familiar with the structure of that University, said that that office is equivalent to Concordia's Rights and Responsibilities Office. He added that Concordia is trying to take advantage of its diversity and is seeking funding to establish the Centre for International and Cross-Cultural Dispute Resolution, for which a substantial pledge had been received. Mr. Cormier reminded the Rector that the students voted for an enquiry to address structure issues and systemic racism.

Dean Singer enquired if quorum was present. Since quorum was lost, Dr. O'Brien adjourned the meeting at 5:15 p.m.

Danielle Tessier  
Secretary of Senate