

**MINUTES OF THE OPEN SESSION
OF THE MEETING OF SENATE**

Held on Friday, February 18, 2011, at 2 p.m.
in the Norman D. Hébert, LL.D. Meeting Room
(Room EV 2.260) on the SGW Campus

PRESENT

Voting members: Mr. H. Abdullahi; Mr. G. Alexandar; Mr. G. Beasley; Mr. N. Burke; Prof. J. Camlot; Dean G. Carr; Prof. J. Chaikelson; Mr. M. Coleby; Prof. M. Debbabi; Prof. D. Douglas; Dean R. Drew; Prof. A. Dutkewych; Prof. L. Dyer; Mr. M. Freedman; Mr. D. Gal; Prof. J. Garfin; Prof. J. Garrido; Dr. D. Graham, Mr. B. Hamideh; Prof. F. Khendek; Prof. G. Leonard; Dean B. Lewis; Dr. F. Lowy; Ms. H. Lucas; Prof. W. Lynch; Prof. M. Magnan; Ms. R. Mehreen; Prof. S. Mudur; Prof. B. Nelson; Prof. C. Nikolenyi; Prof. M. Paraschivoiu; Prof. M. Peluso; Prof. R. Reilly; Ms. T. Seminara; Mr. A. Severyns; Prof. F. Shaver; Mr. R. Sonin; Prof. R. Staseson; Prof. P. Stoett; Mr. J. Suss; Prof. P. Thornton; Prof. H. Wasson; Dean C. Wild

Non-voting members: Mr. P. Beaugregard; Dr. D. Boisvert (*Speaker*); Mr. R. Côté; Mr. B. Freedman; Ms. L. Healey

ABSENT

Voting members: Mr. N. Alatawneh; Mr. E. Chevrier; Dr. L. Dandurand; Mr. C. McKinnon; Prof. G. Rail; Prof. C. Ross; Dean S. Sharma; Prof. W. Sims; Prof. J. Turnbull

Non-voting members: Mr. P. Kelley; Ms. D. McCaughey

1. **Call to order**

The meeting was called to order at 2:05 p.m.

The Speaker introduced new members Hamideh, Magnan and Nikolenyi and apprised Senators that Ms. Suzanne Giguere was Acting Secretary in Ms. Tessier's absence.

2. **Approval of Agenda**

R-2011-2-1 *Upon motion duly moved and seconded (Stoett, Douglas), it was unanimously resolved that the Agenda of the Open Session be approved, with the removal of items 4.1, 4.2 and 7 from the Consent section to the Regular section, and that items 3 to 6 (not*

including items 4.1 and 4.2) be approved, confirmed, or received for information by consent.

CONSENT

3. Approval of the Minutes of the Open Session meeting of January 21, 2011

R-2011-2-2 *The Minutes of the Open session meeting of January 21, 2011 were approved by consent.*

4. Report of Senate Standing Committees

4.3 Library

4.4 Research

These committees have not met since the last meeting.

5. Report and recommendations from the Academic Programs Committee (Document US-2011-2-D3)

5.1 Major undergraduate curriculum changes - Faculty of Fine Arts - Department of Studio Arts (Document US-2011-2-D4)

R-2011-2-3 *The major undergraduate curriculum changes in the Faculty of Fine Arts, detailed in Document US-2011-2-D4, were approved by consent, as recommended by the Academic Programs Committee in Document US-2011-2-D3.*

6. Annual report from the Ombuds Office (Document US-2011-2-D5)

In accordance with article 30 of the *Terms of Reference of the Ombuds Office* (Policy BD-2), the annual report covering the 2009/2010 academic year was submitted to Senate for information purposes.

REGULAR

4.1 Academic Planning and Priorities (Document US-2011-2-D1)

In a response to a query from Prof. Chaikelson regarding APPC's intentions about the motion passed at Senate, Dr. Graham answered that, as mentioned in the report, APPC was apprised of the discussions and ensuing decision, and that the members agreed to poll Senators early in the Fall term of 2011 to ascertain whether they were satisfied with the reports of the standing committees.

4.2 Finance (Document US-2011-2-D2)

Dean Carr was pleased to announce that the University has committed to a \$3M pilot project to provide full tuition remission to international students who are entering a PhD program. The goal of this funding is to improve the quality and quantity of students pursuing graduate studies. The funds, spread over three years, will allow the University to bring approximately 35 new students per year. Senate was reminded that this is

already common practice in all the other universities in Quebec, and thus a step forward for Concordia. Dean Carr said that this was the product of lengthy discussions and analysis with the Finance Committee of Senate, the Budget Review Committee, Vice-President Research and Graduate Studies and the different faculties, and he acknowledged Dr. Lowy's role in authorizing the funding.

Dr. Graham concurred with Dean Carr and added that the University must also recognize that the budget predictions were based on enrollment projections from previous years which mean that, in practical terms, the University is not, at the moment, projecting enough revenue to cover. A decision must therefore be taken as to whether we should retain lower enrollment projections or raise projections of enrollment to match the budget numbers.

Further to Dean Carr's announcement, the following comments were formulated:

- A third option could consist of a change in priorities.
- Documents and projected numbers for budget presentations to Senate are not distributed beforehand, and thus the Senate's input does not have a considerable impact.
- The Finance Committee should review new PhD programs before the Senate.
- Neither the Finance Committee nor Senate seemed clear on the process of generating new programs and the related revenues and costs.

Dr. Graham clarified that a reduction of expenditures is indeed a change in priorities, and said he would communicate the concern regarding the budget presentation to the CFO. Vice-Provost Dyens mentioned that although it was difficult to make accurate projections regarding enrollment, APC could work closely with the Finance Committee to look at projections, while trying not to slow down the process.

Finally, Prof. Peluso requested that the Finance Committee provide Senate with the total amount of the cost of departures and labor conflicts since the year 2000.

7. Graduate Regulation Changes (Document US-2011-2-D6)

Senators discussed the issue of contractual obligations and undertaking of confidentiality in research. A discussion ensued, during which some Senators expressed their concern that such obligations:

- create a barrier between professors and students;
- do not attract the best students but those who are willing to sign off their rights;
- entail that professors can profit from cheap labor and students' ideas; and
- go against the idea that work should be closed to public in extenuating circumstances only.

Furthermore, it was proposed that a delineation of best practices should be examined, as some felt the justification for determining which research should be confidential is unclear.

Other Senators provided clarifications, summarized as follow:

- It is routine in the Canadian context for faculty and students to do contract/private research.
- Students have the option, regardless of their field, to place an embargo of their thesis in the public domain.
- Confidentiality needs to be maintained in some cases for commercial reasons, and in other cases for privacy or security reasons.
- Some areas of research are very sensitive and we have to be careful with research dissemination but this does not concern most research areas.
- The involvement of large private companies and public agencies creates unique opportunities to pursue high quality research in some areas; however, when such companies and agencies open their doors to students and faculty members, they do not want competitors or other unauthorized parties to have access to protected data and research.
- Privileged research agreements with industry often provide faculty and students with access to specialized equipment and instrumentation that is not available on campus.
- The goal of confidentiality agreements in research and of thesis embargoes is normally to ensure the greatest impact of future publication rather than to restrict publication.

Senators were reminded that this memo was provided to Senate solely for information purposes. In response to that comment, it was suggested that the mandate of the Council of the School of Graduate Studies, which grants final authority to the Council to adopt regulations, be looked into by APPC and reported back to Senate. The Provost undertook to see that this issue would be brought to APPC.

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

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

9. Follow-up from Senate motions regarding governance issues

10. Remarks from the President

Dr. Lowy asked the Senators, in the interest of brevity, that Agenda items 9 and 10 be combined. He reminded Senate that since his return to office, he had met with various groups across the University and is aware that the most immediate problem to address as a community are the feelings of turbulence and anger following the departure of Dr. Woodsworth, and the events that led to it.

Dr. Lowy acknowledged the fact that the other issues at hand are normal in many universities and the most helpful for Concordia at the moment would be to understand and propose courses of action. Furthermore, he added that communication among competing points of view was highly desirable, and issues of governance should be addressed (i.e. relationship between the Board of Governors, Senate and the broader community).

At the February 8 meeting of Steering Committee, it was agreed that he would convey the recommendations agreed upon at that meeting as follows:

- 1- Steering Committee recommends that the Ad Hoc Governance Review Committee of the Board be asked not to present its final report to the Board for the time being.

With respect to this recommendation, Dr. Lowy apprised Senate that the Ad Hoc Governance Review Committee has agreed not to deliver its final report before the external governance review committee has completed its mandate. He added that its Chair, Me de Santis, wishes to obtain Senate's input, perhaps through a few designated members.

- 2- Steering Committee agreed that immediate action is required and that Senate cannot move forward in the absence of an acknowledgment or response from the Board. Dr. Lowy will make his best effort so that the Board, whether via a formal response of the Board or a statement from the Board Chair, acknowledge and/or respond to the motions adopted and forwarded to the Board Chair for the Board's attention by Senate as well as several other University councils, departments, unions and associations.

Regarding this recommendation, Dr. Lowy informed Senate that he had expressed this view to the Board of Governors and that an acknowledgment and a response were desirable and referred to the recent statement from the Board Chair.

- 3- In order to implement resolution R-2011-1-12 adopted at the last Senate meeting, namely that Senate strike a Special Governance Commission to review past events and current governance structures and to make recommendations for the future, Steering Committee recommends that Senate approve in principle the establishment of a new governance committee comprised of respected independent experts and that Senate charge Steering Committee to participate in drafting the mandate, membership and process of said committee.
- 4- Steering Committee, which represents the leadership of Senate, should meet with the Executive Committee, which represents the leadership of the Board, to convey its concerns about governance issues and arrive at an agreement regarding the mandate, membership and process of the new governance committee referred to in paragraph 3 above.

Pursuant to discussions with various constituents and further to a motion adopted at yesterday's Board meeting which designated him to draft the mandate in concert with Senate, Dr. Lowy moved the following motion for Senate's consideration, seconded by Prof. Stoett, copy of which was distributed to Senators:

Whereas at its last meeting Senate adopted a resolution calling for the establishment of a special governance commission to review the governance structure of the University;

Whereas Steering Committee of Senate discussed how to implement this resolution and agreed to recommend to Senate the establishment of an external governance review committee composed of a small number of members external to the University and that Senate designate Steering Committee to participate in the drafting of the mandate and

recommendation of the membership of said committee in concert with the Executive Committee of the Board;

Whereas in response to the aforementioned resolution, at its meeting of February 17 the Board of Governors approved the establishment of an external governance review committee comprised of a small number of members external to the University and designated Dr. Frederick Lowy to draft the mandate and recommend the membership of said committee in concert with Senate;

That Senate approve the establishment of an external governance review committee comprised of a small number of members external to the University; and

That Senate designate Steering Committee to draft the mandate and recommend the membership of said committee in concert with Dr. Frederick Lowy.

The Speaker opened the discussion on the motion.

An amendment was proposed that a student be added to the review committee. However, Dr. Boisvert ruled that this was considered an alteration to the spirit of the motion, and the amendment was retracted by the mover.

It was remarked that some of the motion's wording had changed, namely the use of the word "committee" instead of "commission". Dr. Lowy answered that, to the best of his knowledge, the difference consisted in the fact that the word "committee" did not entail prescriptive power. He also clarified the fact that he did not, in this case, represent the Board of Governors but himself as the President of the University, and that he intended to consult widely during the drafting process. Some Senators expressed their confusion regarding the role of the Board of Governors in designating Dr. Lowy and in the final decision making. Dr. Lowy reassured them that the high caliber of the external people would bring moral suasion and that they would be chosen by Senate and the Board of Governors.

In response to a question regarding the role of Senate and Steering Committee and a comment stating a preference that administrators not to be part of these, it was clarified that the administrators did not participate in the January Senate debate due to their conditions of employment. Further to a question about the possible refinement of the definition of participants in Steering Committee, Dr. Graham raised a point of privilege and reminded Senators of the important difference between speaking to the substance and speaking to the point of process of a motion in the context of a steering committee. As a point of clarification, he mentioned that Dr. Dandurand and he would take full part in helping Senate and the Board of Governors to reach a consensus for effective external review proposed by the President.

Further to concerns expressed with the use of the word "small" as a descriptive for the review committee, Dr. Lowy replied that it was in an effort of expediency and cost reduction that a number as small as two or three would be ideal. He added that since professors are a large part of the University community and represented the basic purpose of the institution, an outside expert-professor might be part of the committee. He

reminded Senators that this review committee was to be focused on expertise and not representation.

Following this discussion, Prof. Chaikelson proposed to amend the motion to: “a small number of at least three”, which was seconded by Prof. Shaver and accepted by Dr. Lowy and other Senators as a friendly amendment.

Following a discussion regarding the role of Senate, the Board and the President in relation to the proposed motion, Prof. Chaikelson proposed the following amendment, seconded by Prof. Peluso, in connection with the second sentence in the motion so that it read “That Senate designate Steering Committee to set the mandate and approve the membership of said committee in concert with Dr. Frederick Lowy.”

Pursuant to further discussion, the following motion was adopted:

R-2011-2-4 *Upon motion duly moved and seconded (Lowy, Stoett), it was unanimously resolved:*

Whereas at its last meeting Senate adopted a resolution calling for the establishment of a special governance commission to review the governance structure of the University;

Whereas Steering Committee of Senate discussed how to implement this resolution and agreed to recommend to Senate the establishment of an external governance review committee composed of a small number of members external to the University and that Senate designate Steering Committee to participate in the drafting of the mandate and recommendation of the membership of said committee in concert with the Executive Committee of the Board;

Whereas in response to the aforementioned resolution, at its meeting of February 17 the Board of Governors approved the establishment of an external governance review committee comprised of a small number of members external to the University and designated Dr. Frederick Lowy to draft the mandate and recommend the membership of said committee in concert with Senate;

It was resolved:

That Senate approve the establishment of an external governance review committee comprised of a small number of at least three members external to the University, including at least one current or former faculty member; and

That Senate designate Steering Committee to set the mandate and approve the membership of said committee in concert with Dr. Frederick Lowy.

Following the adoption of the motion, some Senators voiced concerns regarding the use of the word “commission” in the motion. Dr. Lowy clarified that, whether called a committee or a commission, the group will not have mandate of power over all decisions but rather an advisory role. It was also requested that the governance report be circulated to Senate.

There was also a discussion on the need for improved understanding on the processes of the Board's nomination process for its standing committees, the communication links between the Board and Senate and the President's role in bringing Senate's concerns to the Board. It was clarified that the membership of all committees of the Board are voted on explicitly by all the Board members and that the By-Laws have always been worded so that the Board has power to overturn Senate's decisions. Furthermore, Dr. Lowy mentioned that the Board is the only body that was originally created by the Charter of the University in the early 1970's, and that it has full power over the University.

Mr. Hamideh expressed his concern that, throughout his experience at Concordia, with regard to advocacy files and decisions of the hearing panel, the final decision is usually the purview of the Chair of the Board and communicated by a standard letter. Me Freedman confirmed that indeed, it is quite rare for the Board to refer a dossier to the Appeals Committee, as it is reluctant to review three stages of internal decisions.

11. Response to written questions

11.1 Question submitted on behalf of Finance Committee regarding the change in the administration of the centrally-funded graduate awards (Document US-2011-2-D7)

Prof. Chaikelson sought reassurance that the funds being downloaded to the Faculties were used for recruitment of new students and not for competition between existing students. Dean Carr confirmed that indeed, the funds were used for recruitment, awards and attractive funding packages for new students.

12. Question period

Prof. Shaver mentioned that the student Senators' email addresses were not posted on the website.

Further to concerns expressed regarding communication of Senate's motions to the Board, Me Freedman replied that he would verify, while also appreciating the fact that the Board receives a fair amount of information. Dr. Lowy said that he would undertake the responsibility to take all of Senate's motions to the Board.

Following Prof. Chaikelson's question about the role of the Board of Governors regarding the university's signature areas, Dr. Graham explained that signature areas are often research areas. The term refers to an area of activity that combines three elements: a high degree of excellence, identification with institutional DNA (distinctiveness) and a high profile. A signature area can arise at any level of the University, and it is axiomatic that the degree of these elements must increase for something to be recognized as a signature area, thus representing the best of what Concordia has to offer.

Following a large amount of work, a preliminary document listing candidates for signature areas was produced, and the question of how to think about this institutionally arose, especially on the correlation between resource allocation and the chosen areas. This was followed by the identification of one signature area per Faculty, the idea to educate Board members about academic work, and to see how their expertise could be used to

promote these areas. Finally, Dr. Graham mentioned that, given the circumstances of the last few months, he was not aware of the current status of this work.

13. Items for information

Mr. Sonin said that the GSA held a general assembly where members voted to support two of the motions passed by Senate in January. Also, he thanked Dr. Graham for recommending academic amnesty, on behalf of the Steering Committee of Senate, to students who participated in the Day of Action co-sponsored by the GSA and CSU.

Prof. Shaver informed Senators that its meeting held earlier today, the Council of the Faculty of Arts and Science had adopted the three motions passed by Senate on January 21.

Ms. Healey reminded Senate that that the nomination deadline for the non-academic medals adjudicated by the Special Graduation Awards Committee is March 31, 2011.

14. Next meeting

The next meeting is scheduled to be held on Friday, March 18, 2011, at 2 p.m.

15. Adjournment

The meeting adjourned at 5:12 p.m.

Suzanne Giguère
Acting Secretary of Senate