



BG-2004-4

CONCORDIA UNIVERSITY
MINUTES OF THE OPEN SESSION
OF THE MEETING OF THE BOARD OF GOVERNORS

Held on Thursday, May 20, 2004, immediately following the meeting of the Corporation
of Concordia University, in Room AD-307, on the Loyola Campus

Attendance

Present: Mr. Alain Benedetti, *Chair*, Dr. Steven Appelbaum, Dr. Rama Bhat, Me Gerald C. Burke, Dr. June Chaikelson, Mr. Howard Davidson, Me Rita de Santis, *Vice-Chair*, Mr. Brian Edwards, Mr. Kamal Fox, Me Pierre Frégeau, *Observer*, Mr. John Hall, *Observer*, Mr. Noah Joseph, Dr. William Knitter, Mr. Peter Kruyt, *Vice-Chair*, Ms. Patricia Lavoie, Ms. Christine Lengvari, Dr. Frederick Lowy, *Rector and Vice-Chancellor*, Mr. Desmond O'Neill, Ms. Natalie Pomerleau, Dr. Rhona Richman Kenneally, Mrs. Miriam Roland, Dr. Hani Shennib, Mr. Adam Slater, Mrs. Mackie Vadicchino de Massy, Mr. Ivan Velan, Mrs. Lillian Vineberg, Mr. Jonathan Wener

Officers of the University: Prof. Marcel Danis, Mr. Michael Di Grappa, Mr. Larry English, Dr. Jack Lightstone

Absent: Mr. Normand Beauchamp, Mr. Alexander Carpini, Mr. Charles G. Cavell, *Vice-Chair*, Hon. Baljit Singh Chadha, P.C., Dr. Sally Cole, Ms. Suzanne Gouin, Mr. George Hanna, Mrs. Judith Kavanagh, Mr. Eric Molson, *Chancellor*, Mr. John Parisella, Mr. Alex G. Potter, Mr. Richard Renaud, Mrs. Suzanne Sévigny, Mr. Jacques St-Laurent, Dr. Truong Vo-Van

Guests: Me Suzanne Birks (Legal Counsel), Mr. Garry Milton (Executive Director, Rector's Cabinet)

Governors Emeriti: Mr. John Economides, Dr. Leonard Ellen, Mr. Ronald E. Lawless, Mr. Donald McNaughton

1. Call to Order

The Open Session was called to order at 7:25 p.m.

1.1 Chair's remarks

Mr. Benedetti announced that during the Closed Session, the Board approved the appointment of Dr. June Chaikelson as Interim Dean of the Faculty of Arts and Science.

1.2 Approval of the Agenda

Upon motion duly moved and seconded (Velan, Lengvari), it was unanimously RESOLVED:

R-2004-4-9 *THAT the Agenda be approved.*

1.3 Approval of the Minutes of the Open Session of the previous meeting (April 21, 2004)

Upon motion duly moved and seconded (Slater, Shennib), it was unanimously RESOLVED:

R-2004-4-10 *THAT the Minutes of the Open Session of the previous regular meeting of the Board, held on April 21, 2004, be approved..*

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

There was no business to report under this item.

3. Election of additional members to the Evaluation Committee for the Vice-Rector, Services

Upon motion duly moved and seconded (Lowy, Richman Kenneally), it was unanimously RESOLVED:

R-2004-4-11 *THAT the following person be elected as members of the Evaluation Committee for the Vice-Rector, Services:*

- *Prof. Wolfgang Krol, representing the Faculty of Fine Arts*

4. Election of the members to the Advisory Search Committee for a Rector and Vice-Chancellor

Upon motion duly moved and seconded (Vineberg, Slater), it was RESOLVED with one abstention:

R-2004-4-12 *WHEREAS at its meeting of April 21, 2004, the Board of Governors established an Advisory Search Committee for the position of Rector and Vice-Chancellor, in accordance with the composition set out in the Rules and Procedures for Senior Administrative Appointments;*

BE IT RESOLVED THAT the following persons be elected as members of the Advisory Search Committee a Rector and Vice-Chancellor:

- *Mr. Alain Benedetti, Chair of the Board, as Chair;*
- *Mr. Peter Kruyt and Mr. Richard Renaud, members of the Board of Governors representing the community-at-large, both recommended by the Executive Committee of the Board;*
- *Mr. Michael Di Grappa, a representative of the senior administration, recommended by the Executive Committee of the Board;*
- *Mr. Patrice Blais, an undergraduate student representative;*
- *Mr. Rocci Luppisini, a graduate student representative;*

5. Election of the members of the Advisory Committee for a Dean of Fine Arts

Upon motion duly moved and seconded (Lowy, Shennib), it was unanimously RESOLVED:

R-2004-4-13 *WHEREAS at its meeting of April 21, 2004, the Board of Governors established an Advisory Search Committee for the position of Dean of Fine Arts, in accordance with the composition set out in the Rules and Procedures for Senior Administrative Appointments;*

BE IT RESOLVED THAT the following persons be elected as members of the Advisory Search Committee a Dean of Fine Arts:

- *Dr. Martin Singer, Provost elect, as Chair;*
- *Mrs. Lillian Vineberg, a member of the Board of Governors representing the community-at-large and Dr. Sally Cole, a Governor and faculty member representing a faculty other than the Faculty of Fine Arts, both recommended by the Executive Committee of the Board;*
- *Dr. Nabil Esmail, a Dean from a faculty other than the Faculty of Fine Arts, recommended by the Executive Committee of the Board;*

6. Amendment to the membership of the Council of the John Molson School of Business (Document BG-2004-4-D3)

Upon motion duly moved and seconded (Appelbaum, Chaikelson), it was RESOLVED with one abstention:

R-2004-4-14 *THAT, upon the recommendation of the Council of the John Molson School of Business and of Senate, the Board of Governors approve the amendment to the membership of the Council of the John Molson School of Business, as outlined in Document BG-2004-4-D3.*

7. Report and recommendation of the Code of Rights and Responsibilities Review Committee (Documents BG-2004-4-D12 and D13)

Code revisions

Me de Santis informed the Board that pursuant to the last meeting, she had received comments and had also met with some members of the University community with respect to proposed amendments to the Code. She reviewed the modifications brought the document compared to the draft presented at the April 21 Board meeting, including a further amendment to section 28.4 which had been circulated to Governors at the meeting. Several Governors thanked Me de Santis for having done an outstanding job.

Mr. Slater agreed that Me de Santis had been very consultative but nonetheless he still had had a few concerns, namely concerning the wording of section 18.2, which he felt was too broad. He referred to an opinion of Justice Antonio Lamer. However, Me de Santis responded that the opinion had been sought regarding one specific symbol. Justice Lamer concluded that it was dangerous to single out one specific symbol, and the opinion had been given in that context. Mr. Slater also had issues with sections 18.20 and 26.7, which were addressed by Me de Santis. Me de Santis then responded to queries from other Governors.

Mr. Slater moved a motion, seconded by Dr. Shennib, to strike section 18.2 of the Code. However, the motion was defeated by a majority, further to which Mr. Benedetti called the vote on the main motion.

Upon motion duly moved and seconded (de Santis, Knitter), it was RESOLVED by a majority with two opposed (Slater and Pomerleau) and two abstentions:

R-2004-4-15 *WHEREAS at its meeting of October 16, 2003, the Board of Governors established a review committee to make recommendations regarding modifications to the Code of Rights and Responsibilities (Policy BD-3) (hereinafter the Code);*

WHEREAS the committee, chaired by Me Rita de Santis, and composed of three faculty members, three students, two staff members and the Advisor of Rights and Responsibilities, has concluded its work and proposes an amended and restated version of the Code, including an appendix establishing a Protocol on the Coordination of Urgent Cases of Threatening and Violent Conduct;

WHEREAS the adoption of the aforementioned Protocol will in all intents and purposes replace the Policy on the Treatment of Student Disciplinary Matters in Exceptional Cases (Policy BD-7), adopted by the Board in September 18, 2002;

WHEREAS the structure of the hearing panels under the amended and restated Code requires a revision to the Policy on the Establishment of Tribunal Hearing Pools (Policy BD-6) to provide for an Administrative and Support Staff Tribunal Pool;

BE IT RESOLVED:

THAT the Board of Governors approve the amended and restated Code of Rights and Responsibilities (Policy BD-3), including the Protocol on the Coordination of Urgent Cases of Threatening and Violent Conduct in Appendix A, as set out in Document BG-2004-4-D13 (revised);

THAT the Board of Governors repeal the Policy on the Treatment of Student Disciplinary Matters in Exceptional Cases (Policy BD-7);

THAT the Board of Governors approve the amendments to the Policy on the Establishment of Tribunal Hearing Pools (Policy BD-6), as set out in Document BG-2004-4-D12 (revised);

Tuition waiver

Upon motion duly moved and seconded (de Santis, Vineberg), it was RESOLVED with one abstention:

R-2004-4-16 *WHEREAS students who are nominated to the Student Tribunal Pool are required to receive training and to participate on tribunal panels at Concordia University;*

WHEREAS such students dedicate time and energy to the well-being of Concordia University;

WHEREAS Concordia University should encourage students to be involved in their community;

WHEREAS Concordia University should find a way to reward such involvement;

BE IT RESOLVED:

THAT any student who is nominated to the Student Tribunal Pool receive a tuition waiver equivalent to six credits per year based on the rates charged to undergraduate Quebec residents (2 x 3 credits per term), to be applied in the spring semester;

THAT in order to be eligible for the waiver, the student needs to meet the following requirements: (i) the student must be nominated to the Student Tribunal Pool and must have accepted the nomination; (ii) the student must have attended the training sessions organized with respect to the student's participation on the Student Tribunal Pool; and (iii) the student must have sat on at least eighty percent (80%) of the panels that the student was asked to sit on during an academic year; otherwise, the student shall be disqualified from receiving any tuition waiver; and

THAT the tuition waiver shall cover only the cost of tuition and not any related service fees.

8. Tuition fee increase for EMBA program (BG-2004-4-D4)

Upon motion duly moved and seconded (Appelbaum, Wener), it was RESOLVED with two abstentions:

R-2004-4-17 *THAT, upon recommendation of the John Molson School of Business and Rector's Cabinet, the Board of Governors approve the tuition fee for the Executive Option of the MBA program (EMBA) from \$45,000 to \$52,000, beginning with registration for the Fall term of 2005 (2005/2), as set out in Document BG-2004-4-D4.*

9. CSU By-Law Modification to combine fees into a CSU fee of \$2.85 per credit (Document BG-2004-4-D5)

Mr. Larry English explained that since the April Board meeting, at which time he spoke against the motion, meetings with the students have resulted in an agreement which will provide the University the type of protection it was looking for while satisfying the student referendum question.

Student Centre fee levy

Upon motion duly moved and seconded (Pomerleau, Lowy), it was unanimously RESOLVED:

R-2004-4-18 *WHEREAS the University is planning to build a student centre in the future; and*

WHEREAS during a referendum held in March 2003, undergraduate students showed their support for this project by voting in favor of paying \$1 per credit to a fund to help build a student centre;

BE IT RESOLVED THAT the Board of Governors authorize the University to collect a Student Centre fee of \$1 per credit from all undergraduate students beginning with registration for the Fall term of 2004 (2004/2), in accordance with the University's billing, withdrawal and refund policy.

Amalgamation of five fees

Upon motion duly moved and seconded (Pomerleau, Wener), it was unanimously RESOLVED:

R-2004-4-19 *WHEREAS during a referendum held in March 2004, students voted in favor of amalgamating the CSU fee of \$1.50 per credit, the non-academic club fee of \$0.25 per credit, the Arts Matters fee of \$0.04 per credit, the I/EAC fee of \$0.06 per credit and the Student Centre fee of \$1.00 per credit into one CSU fee of \$2.85 per credit;*

BE IT RESOLVED:

THAT the Board of Governors authorize the University to discontinue the collection of the CSU fee of \$1.50 per credit, the non-academic club fee of \$0.25 per credit, the Arts Matters fee of \$0.04 per credit, the I/EAC fee of \$0.06 per credit and the Student Centre fee of \$1.00; and

THAT the Board of Governors authorize the University to collect a CSU fee of \$2.85 per credit from all undergraduate students, beginning with registration for the Fall term of

2004 (2004/2), in accordance with the University's billing, withdrawal and refund policy; and

THAT the University deposit \$1 per credit of the \$2.85 per credit CSU fee directly to the account designated by the Management Committee of the Foundation for Access to Education.

10. Graduate Students' Association (GSA) fees (Document BG-2004-4-D6)

Health and Dental plan fee levy

Upon motion duly moved and seconded (Fox, Joseph), it was RESOLVED with one opposed:

R-2004-4-20 WHEREAS during a recent referendum, graduate students voted in favor of the Graduate Students' Association (GSA) to continue to provide a health and dental plan to its members, as well as in favor of authorizing the GSA to adjust the Health and Dental plan fee, be it an increase or a decrease, by no more than 15% per year;

BE IT RESOLVED THAT the Board of Governors authorize the University to adjust the GSA Student Health and Dental Plan premium annually, be it an increase or a decrease, by no more than 15% per year, beginning with registration for the Fall term of 2004 (2004/2).

CNCS fee levy

Upon motion duly moved and seconded (Fox, Pomerleau), it was unanimously RESOLVED:

R-2004-4-21 WHEREAS during a recent referendum, graduates students voted not to continue paying the \$7.50 per year fee levy for CNCS (Conseil national des cycles supérieurs);

BE IT RESOLVED THAT the Board of Governors authorize the University to discontinue the collection of the CNCS fee levy of \$7.50 per year.

11. Approval of the Capital Budget for 2003-2004 (Document BG-2004-4-D7)

Upon motion duly moved and seconded (Lengvari, Vineberg), it was unanimously RESOLVED:

R-2004-4-22 THAT, upon the recommendation of the Budget Committee and of Senate, the Board of Governors approve the capital budget for 2003-2004, as outlined in Document BG-2004-4-D7.

12. Approval of the Operating Budget for 2003-2004 (Document BG-2004-4-D8)

Ms. Lengvari underlined the fact that for the first time the Budget Committee approved a voluntary deficit of \$6 million. Mr. English explained that the University had not received any additional funds to operate and maintain the new Science Complex. Dr. Lowy stated that while the University's policy over the last years was not to have a deficit, he indicated that Concordia should not be penalized for being fiscally responsible.

Upon motion duly moved and seconded (Lengvari, Slater), it was unanimously RESOLVED:

R-2004-4-23 *THAT, upon the recommendation of the Budget Committee and of Senate, the Board of Governors approve the operating budget for 2003-2004, as detailed in Document BG-2004-4-D8.*

13. Proposed amendment to the mandate of the Appeals Committee of the Board (Document BG-2004-4-D9)

Mr. Slater asked that this item be deferred to the next meeting.

14. Notice of proposed amendments to the University By-Laws (Document BG-2004-4-D10)

Mr. Benedetti indicated that as required by article 58 of the By-Laws, the 15 days' written notice has been given with respect to proposed amendments which will be discussed at the June Board meeting.

15. Report of the Rector

Dr. Lowy was pleased to report that Ms. Nurjahan Akhlaq, a Concordia cinema student, was featured in a recent MacLean's article entitled *The Best and The Brightest*. He also reiterated Mr. Benedetti's wish that the Convocation ceremonies be well attended by Governors.

The Rector stated that this was Dr. Jack Lightstone's last meeting as Provost. He spoke of the latter's remarkable contribution to the University, and more specifically of his pivotal role and leadership in the academic planning process. Dr. Lowy conveyed the administration's appreciation and high regard for the outgoing Provost.

16. Reports of the Vice-Rectors

16.1 Provost

Dr. Lightstone mentioned that it had been enormously gratifying to work the members of the Board. He thanked Dr. Lowy for his mentoring, leadership and friendship.

16.2 Vice-Rector, Services

Due to the lateness of the hour, Mr. Di Grappa waived his report.

16.3 Vice-Rector, Institutional Relations and Secretary-General

Prof. Danis gave a brief update on the status of the \$140 million lawsuit filed in 1997 by the CSN against the University with respect to the pension fund. The action is still at the procedural level.

16.4 Chief Financial Officer

Given the late hour, Mr. English waived his report.

17. Correspondence (Document BG-2004-4-D11)

Mr. Benedetti informed the Board of a campaign launched by the some professors and students in the Linguistics program with respect to the future of Linguistics at Concordia, which resulted in a flurry of letters such as the one sent to Governors. A sample answer of the University's response was also provided to Governors. Dr. Lightstone pointed out that the University does not conduct its academic planning process in response to pressure groups.

18. Any other business

There was no other business to report.

19. Date of next meeting

Mr. Benedetti informed Governors that Mr. Peter Kruyt will chair the next meeting, which will be held on Thursday, June 17, 2004, at 8 a.m., on the SGW Campus.

20. Adjournment

The Open Session adjourned at 9:05 p.m.

Danielle Tessier
Secretary of the Board of Governors