



## BOARD OF GOVERNORS

### NOTICE OF MEETING

December 13, 2021

The Agenda and documents for the Open Session meeting of the Board of Governors of Concordia University held on Thursday, December 16, 2021, are now posted on the website.

Please note that while there is an Open Session, given that the meeting is being held by video conference, only Governors, resources and invited guests will be admitted to the meeting.

**Exceptionally, the Open Session meeting will be recorded and made available for viewing on the [Board website](#) for one week following the meeting. The recording will be removed and deleted thereafter.**

Shelina Houssenaly  
Secretary of the Board of Governors



**AGENDA OF THE OPEN SESSION  
OF THE MEETING OF THE BOARD OF GOVERNORS**

Thursday, December 16, 2021, at 4 p.m.  
via Zoom video conferencing

<b>Time</b>	<b>Item</b>	<b>Presenter(s)</b>	<b>Action</b>
4:00	1. Call to order	H. Antoniou	
	1.1 Approval of the Agenda	H. Antoniou	Approval
<b>CONSENT AGENDA</b>			
	2. Approval of October 21, 2021 Minutes		Approval
	3. Requests for the use of Concordia name (Document BG-2021-9-D1)		Approval
	4. Collection of undergraduate student fee levies (Document BG-2021-9-D2)		Approval
	5. Environment Legislation and Health and Safety (EH&S) Compliance Q3 Report (Document BG-2021-9-D3)		Information
	6. Executive Committee recommendation: revisions to the <i>Policy on the Establishment of Tribunal Hearing Pools</i> (BD-6) (Document BG-2021-9-D4)		Approval

- |    |  |          |
|----|--|----------|
| 7. | Governance and Ethics Committee<br>recommendation: revisions to the <i>Policy on the Conferral of the Emeriti Title by the Board of Governors (SG-7)</i> (Document BG-2021-9-D5)                         | Approval |
| 8. | Real Estate Planning Committee<br>recommendation: revisions to the <i>Policy on the Naming of University Spaces, Buildings, and Other Assets, Programs or Activities (VPA-3)</i> (Document BG-2021-9-D6) | Approval |

### REGULAR AGENDA

- |      |  |                          |             |
|------|--|--------------------------|-------------|
| 4:05 | 9. Business arising from the Minutes not included in the Agenda  |                          |             |
| 4:10 | 10. President's report (Document BG-2021-9-D7)   | G. Carr                  | Information |
| 4:30 | 11. Honorary Degrees and Convocation Committee recommendations (Document BG-2021-9-D8):                      | S. Sauvage/<br>F. Jacobs | Approval    |
|      | 11.1 <i>New Policy on Revocation of Awards and Other Types of Recognition</i>                                |                          |             |
|      | 11.2 <i>Revisions to the Guidelines for the Awarding of Honorary Degrees (BD-15)</i>                         |                          |             |
| 4:45 | 12. COPIBEC Copyright License Agreement renewal (2021-2024) (Document BG-2021-9-D9)                          | F. Jacobs                | Approval    |
| 4:55 | 13. Copyright fees (2021-2024) (Document BG-2021-9-D10)  | D. Cossette              | Approval    |
| 5:00 | 14. Mise en place de la convention par marge de crédit auprès de Financement-Québec (Document BG-2021-9-D11) | D. Cossette              | Approval    |
| 5:10 | 15. Other business   |                          |             |
| 5:15 | 16. Adjournment  | H. Antoniou              |             |

**MINUTES OF THE OPEN SESSION**  
**OF THE MEETING OF THE BOARD OF GOVERNORS**

Thursday, October 21, 2021, at 4:00 p.m.  
via Zoom video conferencing

**PRESENT**

**Governors:** Helen Antoniou (Chair), Françoise Bertrand, Kenneth Brooks, William Bukowski, Graham Carr (President and Vice-Chancellor), Gary N. Chateram, Gina P. Cody, Roy Cross, Selvadurai Dayanandan, Pat Di Lillo, Kim Fuller, Rana Ghorayeb, Caroline Jamet, Claude Joli-Coeur (Vice-Chair), Eduardo Malorni, Frédérica Martin (Vice-Chair), Georges Paulez, Shalini Peruka, Philippe Pourreaux, Suzanne Sauvage, Robert Soroka, Ted Stathopoulos

**Alternative Governor:** Lauren Perozek

**Also attending:** Philippe Beauregard, Sylvie Bourassa, William Cheaib, Paul Chesser, Denis Cossette, Amy Fish (for items 8 and 9 only), Michael Di Grappa, Frederica Jacobs, Karan Singh, Melodie Sullivan (for items 8 and 9 only), Aisha Topsakal (for items 8 and 9 only), Lisa Ostiguy, Anne Whitelaw, Paula Wood-Adams

**ABSENT**

**Governors:** Adriana Embiricos, Odile Joannette

**Non-voting observer:** Jonathan Wener

**1. Call to order**

The Chair called the meeting to order at 4:01 p.m., and briefly reminded the Governors of the key elements for an orderly conduct of the meeting on Zoom.

**1.1 Approval of the Agenda**

Upon motion duly moved and seconded, it was unanimously RESOLVED:

*R-2021-7-1 That the Agenda be approved, including the items on the Consent Agenda.*

## CONSENT

### 2. Approval of September 16, 2021 Minutes

R-2021-7-2 *That the Minutes of the meeting of September 16, 2021, be approved.*

### 3. Environmental Legislation and Health and Safety Compliance Q2 Report (BG-2021-7-D1)

This document was provided for information purposes.

### 4. Audit Committee recommendations

#### 4.1 Système d'information financière des universités (SIFU) for the year ended April 30, 2021 (BG-2021-7-D2)

R-2021-7-3 *That, on recommendation of the Audit Committee, the Board of Governors approve the Système d'information financière des universités (SIFU) for the year ended April 30, 2021.*

#### 4.2 Interfund transfers for the year ended April 30, 2021 (Document BG-2021-7-D3)

R-2021-7-4 *That, on recommendation of the Audit Committee, the Board of Governors approve each of the interfund transfers listed in the document titled Concordia University 2020-2021 INTERFUND TRANSFERS and disclosed under Note 18 of the financial statements for the fiscal year ended on April 30, 2021.*

### 5. Borrowing from Financement-Québec (Régime d'emprunts à long terme) (BG-2021-7-D4)

R-2021-7-5 *ATTENDU QUE, conformément à l'article 78 de la Loi sur l'administration financière (RLRQ, chapitre A-6.001), l'Université Concordia (l' « Emprunteur ») souhaite instituer un régime d'emprunts, valide jusqu'au 30 juin 2022, lui permettant d'emprunter à long terme auprès de Financement-Québec, pour un montant n'excédant pas 29 948 050,00 \$;*

*ATTENDU QUE, conformément à l'article 83 de cette loi, l'Emprunteur souhaite prévoir, dans le cadre de ce régime d'emprunts, que le pouvoir d'emprunter et celui d'en approuver les conditions et modalités soient exercés par au moins deux de ses dirigeants;*

*ATTENDU QU'il y a lieu d'autoriser ce régime d'emprunts, d'établir le montant maximum des emprunts qui pourront être effectués en vertu de celui-ci, ainsi que les caractéristiques et limites relativement aux emprunts à effectuer et d'autoriser des dirigeants de l'Emprunteur à conclure tout emprunt en vertu de ce régime et à en approuver les conditions et modalités;*

*ATTENDU QUE la ministre de l'Enseignement supérieur (la « Ministre ») a autorisé l'institution du présent régime d'emprunts, selon les conditions auxquelles réfère sa lettre du 13 septembre 2021;*

IL EST RÉSOLU :

1. *QU'un régime d'emprunts valide jusqu'au 30 juin 2022, en vertu duquel l'Emprunteur peut, sous réserve des caractéristiques et limites énoncées ci-après, effectuer des emprunts à long terme auprès de Financement-Québec, pour un montant n'excédant pas 29 948 050,00 \$, soit institué;*
2. *QUE les emprunts à long terme effectués par l'Emprunteur en vertu du présent régime d'emprunts soient sujets aux caractéristiques et limites suivantes :*
  - a) *malgré les dispositions du paragraphe 1 ci-dessus, l'Emprunteur ne pourra, au cours de chacune des périodes de **quinze mois** s'étendant du 1er avril au 30 juin et comprises dans la période visée au paragraphe 1, effectuer des emprunts qui auraient pour effet que le montant total approuvé pour l'Emprunteur, pour une telle période, par le Conseil du trésor au titre de la programmation des emprunts à long terme des établissements universitaires, soit dépassé;*
  - b) *l'Emprunteur ne pourra effectuer un emprunt à moins de bénéficier d'une subvention du gouvernement du Québec conforme aux normes établies par le Conseil du trésor, au titre de l'octroi ou de la promesse de subventions aux établissements universitaires, ainsi qu'aux termes et conditions déterminés par la Ministre et pourvoyant au paiement en capital et intérêt de l'emprunt concerné même si, par ailleurs, le paiement de cette subvention est sujet à ce que les sommes requises à cette fin soient votées annuellement par le Parlement;*
  - c) *chaque emprunt ne pourra être effectué qu'en monnaie légale du Canada auprès de Financement-Québec;*
  - d) *le produit de chaque emprunt ne pourra servir, outre le paiement des frais inhérents à l'emprunt concerné, qu'aux fins suivantes :*
    - i) *le financement des dépenses d'investissement faites par l'Emprunteur aux termes d'un plan d'investissement approuvé par le gouvernement du Québec;*
    - ii) *le refinancement d'une partie ou de la totalité d'emprunts antérieurs venus à échéance; ou*
    - iii) *le remboursement d'emprunts bancaires contractés en attente du financement à long terme ou de refinancement.*
3. *QU'aux fins de déterminer le montant total auquel réfère le paragraphe 1 ci-dessus, il ne soit tenu compte que de la valeur nominale des emprunts effectués par l'Emprunteur;*
4. *QU'en plus des caractéristiques et limites énoncées précédemment, les emprunts comportent les caractéristiques suivantes :*

- a) *l'Emprunteur pourra contracter un ou plusieurs emprunts pendant toute la durée du régime d'emprunts jusqu'à concurrence du montant qui y est prévu, et ce, aux termes d'une seule et unique convention de prêt à conclure entre l'Emprunteur et Financement-Québec;*
  - b) *chaque emprunt sera constaté par un billet fait à l'ordre de Financement-Québec;*
  - c) *le taux d'intérêt payable sur les emprunts sera établi selon les critères déterminés par le gouvernement en vertu du décret numéro 430-2018 du 28 mars 2018, tel que ce décret pourra être modifié ou remplacé de temps à autre; et*
  - d) *afin d'assurer le paiement à l'échéance du capital de chaque emprunt et des intérêts dus sur celui-ci, la créance que représente pour l'Emprunteur la subvention qui lui sera accordée par la Ministre, au nom du gouvernement du Québec, sera affectée d'une hypothèque mobilière sans dépossession en faveur de Financement-Québec.*
5. *QUE l'Emprunteur soit autorisé à payer, à même le produit de chaque emprunt contracté en vertu du présent régime, les frais d'émission et les frais de gestion qui auront été convenus;*
6. *QUE l'un ou l'autre des dirigeants suivants :*
- Le recteur et vice-chancelier;*  
*Le chef de la direction financière; ou*  
*La secrétaire générale et directrice, service des affaires juridiques;*
- de l'Emprunteur, **pourvu qu'ils soient deux agissant conjointement**, soit autorisé, au nom de l'Emprunteur, à signer la convention de prêt, les conventions d'hypothèque mobilière et les billets, à consentir à toute clause et garantie non substantiellement incompatible avec les dispositions des présentes, à livrer les billets, à apporter toutes les modifications à ces documents non substantiellement incompatibles avec les présentes ainsi qu'à poser tous les actes et à signer tous les documents, nécessaires ou utiles, pour donner plein effet aux présentes;*
7. *QUE, dans la mesure où l'Emprunteur a déjà adopté une résolution instituant un régime d'emprunts pour les mêmes fins, la présente résolution remplace la résolution antérieure, sans pour autant affecter la validité des emprunts conclus sous son autorité avant la date du présent régime d'emprunts.*

## **REGULAR**

### **6. Business arising from the Minutes not included on the Agenda**

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

## 7. President's report (BG-2021-7-D5)

As complementary information to his written report, Dr. Carr's remarks are summarized as follows:

- The President began by remembering Dr. Nadia Chaudhri, from the Psychology department, who died earlier this month after a courageous battle with ovarian cancer. He reminded the Board of the generous creation of the Nadia Chaudhri Wingspan Award, which was to support women researchers of colour, and informed Governors that the New York Times published on October 20 an excellent obituary on her accomplishments and bravery.
- Dr. Carr spoke to the number of gifts and donations that Concordia has received since the last Board meeting. He informed the Board of the \$1M gift from the RBC Foundation to support the Beat the Odds program, which was aimed to provide paid internships to talented students who are juggling many life responsibilities and challenges and to support internships at not-for-profit organizations. Like the Doggone gift for internships in Fine Arts, which was announced earlier in the month, Dr. Carr noted that the RBC gift aligns with the goals of the university that by 2025 all undergraduate and research graduate students have the chance for at least one experiential learning opportunity before they graduate. Dr. Carr thanked P. Chesser and his team for all the work they have done to secure these donations. He also mentioned that many other donations were in the pipeline and will be announced in the coming weeks.
- Dr. Carr congratulated Sara Cholmsky and Dylan Ross, from the John Molson School of Business, who placed first in the prestigious Collegiate Ethics Case Competition hosted by Arizona State University beating out more than 20 teams including Penn State University, Indiana University and Boston College. He also noted that Louise Champoux-Paillé, executive-in-residence at the John Molson School of Business and co-director of its Barry F. Lorenzetti Centre for Women Entrepreneurship and Leadership was awarded the Medal of the National Assembly of Québec. This was in recognition of L. Champoux-Paillé's trailblazing 50-year career and dedication to promoting women on decision-making bodies.
- Dr. Carr informed the Board that one of Concordia's graduates, Rodolph Saadé, chairman of Marseilles-based CMA CGM group, a global leader in oceanic shipping and logistics transport was named entrepreneur of the year in South-east France.
- Dr. Carr shared that the Applied Science Hub, where the Board Retreat took place last August, has been awarded LEED Gold status. Dr. Carr congratulated the team at Facilities Management and the strategic infrastructure program working group for this fantastic accomplishment.
- The President informed Governors that the Centraide Campaign kicked off on October 12 and will run until November 12, noting that last year's goal of \$170,000 was exceeded, and this year's target is \$200,000. Dr. Carr announced that Manon

Tremblay, Senior Director for Indigenous Directors has joined him on the Board of Centraide.

- Dr. Carr apprised the Board of the university-wide Future Concordia project, led by M. Di Grappa and Dr. Whitelaw, and explained that the goal of the working groups set up as part of this initiative was to reflect on how to better fulfill Concordia's academic and research mission, provide outstanding support to students and staff, and improve administrative and operational services for the medium and long-term by analysing the lessons of last 19 months and engaging with the Concordia's community and other universities and sectors.
- Dr. Carr informed the Board that fall registration numbers had shown a decline in undergraduate numbers, which was also reflected elsewhere in Montreal. He explained that this decline had been partially offset by significant increase in graduate level registrations; however, the graduate enrolment was largely from international students, which was another unpredictable outcome of COVID-19. He noted that the university does not anticipate the same 4% growth as last year, which can be explained by the economic recovery and challenges to CEGEP graduation rates due to the pandemic. He further informed about the overall FTE numbers, which remained flat compared to the previous year, and acknowledged that it was too early to state whether there would be an increase in WFTE due to combination of graduate and international registrations.
- Dr. Carr spoke of the two virtual open houses taking place today and Saturday. He apprised the Governors that last year, the university set record attendance and great global reach. He noted that there were more than 1900 registrations from over 104 countries for today's graduate open house, and more than 2700 from 141 countries registered for the undergraduate open house on Saturday.
- Dr. Carr apprised the Board of the university's work to finalize the registration status of more than 1000 international students whose paperwork was incomplete to secure their Québec residency status. Regarding the requirement of the Québec government that all international students be physically present in the province by early November, Dr. Carr informed the Board that the university was working feverishly to locate the remaining students to ensure they upload the required documentation or risk being de-registered.
- Dr. Carr then provided an update on the COVID-19 situation since the return to campus began in the fall: the return-to-campus is going very well and although the university was only offering approximately 50% of the courses fully in-person, there is on average 15,000 students attending those courses in-person daily, plus thousands more faculty, staff, contractors, external service providers and students who are coming to use their offices and other facilities on campus, including libraries, study spaces and gyms. He informed the Board that there were only 44 reported cases of members of our community who had contracted COVID-19 since the start of the term, which were individuals who developed symptoms while on campus or tested positive within 48 hours of being on campus. He confirmed that none of the cases

were because of campus contact; and currently there were only four active cases and the numbers for the last month have ranged between two and six per week.

- Dr. Carr confirmed that as of end of last week, 91.9% of faculty and staff were fully vaccinated and 89.3% of students, which perhaps is an artificially low number given that the vaccination status of some international students who are registered but not physically present could not be captured in the public databases.
- Dr. Carr informed the Board that preparations were on to provide more in-person courses in January. He offered a word of caution to the effect that like other organizations in other sectors, the university was mindful that a lot has been asked of the community and people are tired; although the mood on campus is excellent and staff and students seem pleased to be with their colleagues, he recognized that we were still dealing with an unforeseen circumstance and scenarios were continually being developed that were different from those that were taken as routine before COVID-19.
- He concluded by speaking of the dates that had been reserved at Places des Arts, beginning in January, to allow for the convocation ceremonies of students that had graduated during the pandemic.

#### **8. Annual Report from the Ombuds Office (BG-2021-7-D6)**

Ombudsperson, A. Fish, presented the highlights of the annual report from the Ombuds Office, which included some statistics. A. Fish conveyed to the Senators that with the innumerable complexities facing the students, faculty members and staff in 2020-21, two cases yielded recommendations, which were summarized to the Governors. A. Fish also noted that it was the first time that the Ombuds Office provided recommendations under her leadership.

Following her presentation A. Fish answered questions regarding the increasing complexity of the cases and the actions that can be taken to address some of the situations that she brought forwards as examples.

#### **9. Annual Report from the Office of Rights and Responsibilities (BG-2021-7-D7)**

Director and Senior Advisor of the Office of Rights and Responsibilities (ORR), A. Topsakal summarized the ORR's mandate and presented the highlights of the annual report, including some key statistics. To illustrate the types of situations that the ORR deals with on a regular basis, A. Topsakal shared some narratives.

#### **10. Audit Committee recommendations**

##### **10.1 Audited consolidated financial statements for year ended April 30, 2021 (BG-2021-7-D8)**

Committee Chair Georges Paulez introduced the item and informed the Board members that the financial statements of the university and of the Concordia Foundation have been

reviewed by the independent external auditors. He thanked D. Cossette and his team for producing the financial statements.

D. Cossette summarized the highlights of the financial statements:

- In 2020-21, more than \$16M was spent to respond to the impact of the pandemic on the university's operations.
- Student population grew by 4.2%, which translated in a 5.4% growth in the tuition fee revenues.
- If the COVID-19 financial impact was to be excluded, the university would have had a surplus of \$27M, which would have been sufficient to cover the Interfund transfers of \$23.5M.
- Capital investments remain strong at \$103.7M, including investments for the UNITY project.
- \$47M reduction in the deficit from employee future benefit obligations, which include the Pension Funds and other benefits provided to current and retired employees. This reduction is explained by the performance and strong returns of the Registered Pension Plan.
- Government operating grant has been almost flat as it was based on 2018-19 student population numbers. Since the university welcomed more students in 2020-21 than in 2018-19, it resulted in a lack of funding of \$3.1M. Discussions are ongoing with the government on this matter.
- Net assets have increased by \$58M due to the impact of the Pension Fund and important increase on the returns on our endowment, sinking and investment fund.
- Total investments amount to \$325M.
- Internally restricted net assets and endowment funds amounts to \$292M.
- Research revenue remains stable at \$48M.
- The active debt-per-FTE has decreased from \$6,471 to \$5,722, far below the upper limit of \$12,000.
- The strategic debt-per-FTE is at \$1,348, far below the upper limit of \$3,000.

He concluded by informing the Governors that the financial situation of the university remains stable.

Upon motion duly moved and seconded, it was unanimously RESOLVED:

*R-2021-7-6 That, on recommendation of the Audit Committee, the Board of Governors approve the consolidated financial statements for the fiscal year ended on April 30, 2021, as prepared by Concordia and audited by the external auditors, KPMG; and*

*That the Chair of the Board of Governors and the President and Vice-Chancellor be designated to sign the financial statements on behalf of the University.*

**10.2 Audited Committee recommendation: *État du traitement (statement of salaries) for the year ended April 30, 2021* (BG-2021-7-D9)**

G. Paulez introduced the item and indicated that this statement has been reviewed by the external auditors.

D. Cosette explained that Bill-95 requires an annual salary statement to be submitted to the government and this salary report includes the Deans' salary.

Upon motion duly moved and seconded, it was unanimously RESOLVED:

*R-2021-7-7 That, on recommendation of the Audit Committee, the Board of Governors approve the état du traitement (statement of salaries) for the year ended April 30, 2021.*

**11. Other business**

There was no business not included on the Agenda.

**12. Adjournment**

The Chair declared the meeting adjourned at 5:07 p.m.

*Shelina Houssenaly*

Shelina Houssenaly  
Secretary of the Board of Governors



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Request for the use of the Concordia name

**ACTION REQUIRED:** For approval

**SUMMARY:** Associations or groups wishing to use the Concordia name must obtain the permission of the Board of Governors, as set out in the *Policy on the Use of Concordia University's Name, Logo and Related Insignia, and the Governance of its Visual Character and Digital Presence* ([SG-4](#)).

**BACKGROUND:**

The following use of name requests were forwarded to the Secretary of the Board:

- **Concordia Film Festival**, which is a yearly multi-faceted film festival run by students, for students, to celebrate student filmmakers.
- **Musical Theater Concordia**, whose mandate is to bring together students who enjoy the art of Musical Theater.
- **Olami JBiz Concordia**, whose mandate is to offer mentorship, internships and career development opportunities rooted in Jewish values to a community of Jewish undergraduate students pursuing a career in business.

**DRAFT MOTION:**

That, subject to the conditions set out in the *Policy on the Use of Concordia University's Name, Logo and Related Insignia, and the Governance of its Visual Character and Digital Presence* ([SG-4](#)), the Board of Governors approve the following request to use the Concordia name:

- Concordia Film Festival
- Musical Theater Concordia
- Olami JBiz

**PREPARED BY:**

Name: Shelina Houssenaly  
Date: December 10, 2021



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Collection of undergraduate student fee levies

**ACTION REQUIRED:** For approval

**SUMMARY:** The Board of Governors is being asked to approve the collection by the University on behalf of the Concordia Student Union of undergraduate student fee levies, following a referendum conducted in November 2021.

**BACKGROUND:** The results of the votes have been validated by the Dean of Students, as outlined in the attached memo.

**DRAFT MOTION:**

CSU Diversity Services Office

That the Board of Governors authorize Concordia University to collect a Diversity service Office fee levy of \$0.20 per credit to support resources, referrals and guidance on diversity issues, from all undergraduate students, annually adjusted to the Consumer Price Index of Canada, to be implemented with registration for the winter 2022 (2214) term in accordance with the University's tuition, Refund and Withdrawal Policy.

CSU Advocacy Centre

That the Board of Governors authorize Concordia University to collect the CSU Student Advocacy Centre's fee levy of \$0.45 per credit (an increase of \$0.14 per credit from \$0.31 per credit), from all undergraduate students, annually adjusted to the Consumer Price Index of Canada, to be implemented with registration for the winter 2022 (2214) term, in accordance with the University's tuition, Refund and Withdrawal Policy.

SEIZE

That the Board of Governors authorize Concordia University to collect a fee levy of \$0.29 cents per credit towards the establishment of a solidarity economy incubator that will primarily engage students through the support, development, study and promotion of democratic enterprises, from all undergraduate students, annually adjusted to the Consumer

Price Index of Canada, to be implemented with registration for the winter 2022 (2214) term in accordance with the University's tuition, Refund and Withdrawal Policy.

Sustainability Concordia

That the Board of Governors authorize Concordia University to collect a Sustainable Concordia's fee levy of \$0.22 per credit (an increase of \$0.07 per credit), from all undergraduate students, annually adjusted to the Consumer Price Index of Canada, to be implemented with the registration for the winter 2022 (2214) term in accordance with the University's tuition, Refund and Withdrawal Policy.

**PREPARED BY:**

Name: Shelina Houssenaly

Date: December 10, 2021



## **Report on Due Diligence**

**Presented to  
the Board of Governors of  
Concordia University**

***For the Reporting Period***  
***Q3 – 2021***  
**(July, August, September)**

Pietro Gasparri, C.I.H.  
Director, Environmental Health & Safety  
November 17, 2021

Environmental Health & Safety (**EHS**) supports the academic, research and operational activities of the university and promotes a safe, healthy and sustainable campus environment. EHS manages and coordinates programs and services that minimize health, safety, environmental and regulatory risks. It also monitors compliance with federal and provincial health and safety legislation and internal university policies. We identify and evaluate risks, develop control strategies and implement appropriate internal procedures.

**Section A** presents the university’s Leading Safety Key Performance Indicators (KPIs), which measure safety performance and help reflect the safety culture within the university.

**Section B** presents the traditional Lagging Safety KPIs which are retrospective and include four incident/injury rates.

**Section A:    Leading Safety Key Performance Indicators**

**1. Safety & Security Training**

For the period of July 1 to September 30, 2021, **16 safety and security training sessions took place in-person** and a total of **5963 participants** completed safety and security training. COVID-19 safety training continues to represent the majority (85%) of the training completed.

	<b>2020 Q3</b> <i>July, Aug., Sept.</i>	<b>2020</b> <i>Full Year</i>	<b>2021 Q3</b> <i>July, Aug., Sept.</i>	<b>2021</b> <i>YTD</i>
<b>Total Safety Training Sessions</b>	12	163	16	52
<b>Total Participants</b>	5034	9556	5963	9813

**2. Injury & Near-Miss Investigations**

Depending on the circumstances surrounding a reported injury or near-miss, EHS staff will conduct a formal investigation in partnership with supervisors. Investigations are conducted in order to: determine the root causes of injuries and near misses, prevent similar occurrences in the future, determine compliance with applicable safety regulations, and collect information for workers' compensation claims (if applicable). In some instances, injury and near-miss investigations result in the identification of corrective actions that can prevent injury and near-miss reoccurrence (see Section 5).

For the period of July 1 to September 30, 2021, EHS conducted **4 injury investigations** and **1 near-miss investigation**. As the level of activities at the university increased during Q3, including the reopening of the campuses, the number of reported injuries increased (see Section 7) and, as a consequence, the number of investigations also increased.

	2020 Q3 <i>July, Aug., Sept.</i>	2020 <i>Full Year</i>	2021 Q3 <i>July, Aug., Sept.</i>	2021 <i>YTD</i>
<b>Injury Investigations</b>	1	21	5	21
<b>Near-Miss Investigations</b>	2	5	1	2
<b>TOTAL Investigations</b>	<b>3</b>	<b>26</b>	<b>6</b>	<b>23</b>

### 3. Preventative Internal Inspections & Assessments

Preventative internal inspections and assessments (total number) refer to workplace inspections and risk assessments conducted by, or in collaboration with, EHS staff on university premises.

Workplace inspections involve a walkthrough of a workplace (e.g. research laboratory, studio, workshop, mechanical room) to determine the degree of compliance with both government regulations and internal policies and procedures. Inspections may result in internal non-compliance citations (Section 4) and require corrective actions (Section 5).

Workplace risk assessments are a more thorough evaluation of the workplace with the objective of identifying all hazards and determining if the hazards can be eliminated. If elimination of the hazard is not possible, the risk assessment determines if the hazard is adequately controlled.

Workplace inspections are conducted on a more routine basis (annually or bi-annually), whereas risk assessments, which take more time, are conducted once and repeated when there is a major change in the level or area of activity in the workplace.

Workplace inspections and risk assessments are complementary and together form an integral part of the university's comprehensive health and safety program. Both serve as a mechanism to determine compliance with government regulations and internal policies and procedures.

For the period of July 1 to September 30, 2021, EHS staff conducted **83 preventative internal inspections and assessments**. During Q3, work continued on the return to campus of employees and, as part of the process, EHS staff assisted with and reviewed 80 Return to Campus Safety Plans (over 100 hours). With the focus on return to campus, only 2 workplace inspections were conducted (one biosafety program inspection and one LASER safety program inspection). The number of preventative internal inspections and assessments in Q3 2021 is significantly less than Q3 2020. In Q3 2020, in preparation for in-person teaching activities to take place for the first time on campus during the pandemic, EHS staff assessed all teaching spaces individually.

Year	Preventative Internal Inspections & Assessments
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	83
<b>2021</b> <i>Year To Date</i>	253
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	628
<b>2020</b> <i>Full Year</i>	1384

EHS will soon have a new tool to assist with conducting workplace inspections. A workplace inspection program is one of three components of the Workplace Safety Module incorporated into the new UNITY system (SAP). Preparatory work for the launch of the new inspection program ramped up during Q3 and will continue into Q4. Unlike many of the components of UNITY, the workplace inspection program does not replace an existing information system but replaces paper-based inspections. The workplace inspection module will be available with the first release of UNITY but will only be fully implemented and formally launched in Q1 2022.

#### 4. Internal Non-Compliance Citations

EHS is mandated to monitor compliance with government regulations and internal safety policies and procedures. Compliance monitoring allows us to ensure the safety and well-being of the university community and to mitigate external non-compliance citations.

The majority of internal non-compliance citations result from preventative internal inspections and assessments, as well as injury and near-miss investigations. Identification of non-compliance issues and their subsequent correction improves the overall safety performance of the university prior to the intervention of regulatory bodies. Often, a single internal workplace inspection or injury investigation can generate several non-compliance citations.

For the period of July 1 to September 30, 2021, there were no internal non-compliance citations issued as a result of an inspection and safety visit from EHS.

Year	Internal Non-Compliance Citations
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	0
<b>2021</b> <i>Year To Date</i>	29
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	82
<b>2020</b> <i>Full Year</i>	277

In September 2021, EHS was required to intervene in the research activities of a laboratory due to an outstanding non-compliance related to the **radiation safety program** that was reported in Q2 2021. After repeated reminders, an Internal Permit Holder who possesses a radiation device containing a

nuclear substance failed to renew their permit. As per the non-compliance escalation protocol, the failure of the researcher to comply was escalated to the Chair of the University Radiation Safety Committee and the Chair of the department. Following no response from the researcher, the issue was further escalated to the Vice President, Services and Sustainability, as they are responsible for the university’s permit with the Canadian Nuclear Safety Commission. With the full support of the University Radiation Safety Committee, Faculty and VP Services and Sustainability, the Radiation Safety Officer (RSO) locked the research laboratory and suspended the researcher’s Internal Radiation Permit. The RSO is decommissioning the research equipment and will remove the radiation device from the researcher’s laboratory. Once this is completed, the researcher will regain access to their laboratory. These steps were necessary to ensure compliance with the requirements of the radiation safety program and the university’s obligations as per our licence with the Canadian Nuclear Safety Commission.

## 5. Corrective Action Completion Rate

Corrective actions are assigned as the result of an intervention by EHS, including injury investigations and internal inspections. When non-compliance issues are identified, corrective actions are generally required. Corrective actions are assigned to the supervisor responsible for the area where the citation occurred or for the individuals involved.

All safety and regulatory non-compliance citations (internal and external) must be resolved in a timely manner. External non-compliance citations from regulatory or government bodies received during external inspections (Section 12) are accompanied by obligatory corrective actions and deadlines. Internal non-compliance citations (Section 4) are also accompanied by obligatory corrective actions and targeted deadlines. This metric tracks the percentage of assigned corrective actions that are completed. EHS tracks this metric by calendar year until all actions are completed.

### 2015

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As of September 30, 2021, **99.8%** (449) of corrective actions assigned in 2015 (450) were completed, with 0.2% (1) in progress.

Year	Corrective Action Completion Rate
2015	99.8%

### 2016

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As of September 30, 2021, **99%** (215) of corrective actions assigned in 2016 (217) were completed, with 0.5% (1) currently in progress and 0.5% (1) that has not yet begun.

Year	Corrective Action Completion Rate
2016	99%

**2017**

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As of September 30, 2021, **97.6%** (360) of corrective actions assigned in 2017 (369) were completed, with 1.9% (7) currently in progress and 0.5% (2) that have not yet begun.

Year	Corrective Action Completion Rate
<b>2017</b>	<b>97.6%</b>

**2018**

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As of September 30, 2021, **73%** (548) of Corrective Actions assigned in 2018 (755) were completed, 4% (29) are currently in progress and 23% (178) have yet to begin.

Year	Corrective Action Completion Rate
<b>2018</b>	<b>73%</b>

**2019**

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As of September 30, 2021, **75%** (919) of corrective actions assigned in 2019 (1222) were completed, 3% (34) are currently in progress and 22% (269) have yet to begin.

Year	Corrective Action Completion Rate
<b>2019</b>	<b>75%</b>

**2020**

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As of September 30, 2021, **80%** (221) of corrective actions assigned in 2020 (277) were completed, 15% (42) are currently in progress and 5% (14) have yet to begin.

Year	Corrective Action Completion Rate
<b>2020</b>	<b>80%</b>

**2021**

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As of September 30, 2021, **51%** (63) of corrective actions assigned in 2021 (122) were completed, 15% (18) are currently in progress and 34% (41) have yet to begin.

Year	Corrective Action Completion Rate
<b>2021</b>	<b>51%</b>

## 6. EHS Research Compliance Reviews

In collaboration with the Office of Research, EHS reviews research and teaching activities that involve hazardous materials, in order to ensure compliance with applicable government regulations and internal policies and procedures.

For the period of July 1 to September 30, 2021, there were **7 EHS Research Compliance Reviews**.

Year	EHS Research Compliance Reviews
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	7
<b>2021</b> <i>Year To Date</i>	24
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	4
<b>2020</b> <i>Full Year</i>	15

## Section B: Traditional (Lagging) Safety Key Performance Indicators

### 7. Total Injuries

An injury refers to the occurrence of a sudden and unforeseen event arising out of, or in the course of, a university-sanctioned activity attributable to any factor that caused an injury or an occupational disease (an exposure to conditions or substances that resulted in a disease). Injuries are grouped as work-related (involving staff and faculty), student or visitor/contractor.

For the period of July 1 to September 30, 2021, **14 total injuries** were reported. Although this appears to be a significant increase from Q3 2020, it is important to note that in Q3 2020 the campuses were closed as a result of the COVID-19 pandemic. In Q3 2019 and Q3 20218 there were 44 and 40 total injuries respectively.

Year	Total Injuries
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	14
<b>2021</b> <i>Year To Date</i>	39
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	3
<b>2020</b> <i>Full Year</i>	50

### ***Sports Injuries Included in Total Injuries***

Sports injuries are a sub-set of total injuries. Currently the sports injuries that are reported to the university via the Injury/Near-Miss Report Form are those injuries (trauma) or illnesses (repetitive stress) suffered by a member (staff/student) or non-member (visitor) of the university community. These injuries occur during the course of a voluntary activity (personal time), either participating in team or individual sport activities or personal physical conditioning, on Concordia property. Whenever external medical attention is required to treat the injury, the Security Department calls for an ambulance. As a result, the majority of the injuries within this category are reported to EHS by the Security Department.

2021	Sports Injuries
Q3	1

### ***Suspected or Confirmed COVID-19 cases on Campus Q3 – 2021***

Concordia continued to have a limited number of reported COVID-19 cases on campus again in Q3 2021.

From July 1 to September 30, 2021, there were **40** COVID-19 cases on campus. The 2021 year to date total was 63. The university only tracks the number of COVID-19 individuals who were on campus when they developed symptoms or were on campus 48 hours prior to developing symptoms. There were no cases of community spread.

In October, the university launched a COVID-19 dashboard, providing information about the number of reported COVID-19 cases: <https://www.concordia.ca/coronavirus/dashboard.html>.

## **8. Work-Related Injuries**

Work-related injuries are a subset of the total injuries (Section 7), whereby the injured person is a worker (staff or faculty). An injury or illness is considered work-related when an employee is involved and if an event, or exposure in the work environment, either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-related injuries are investigated by EHS staff and when warranted, an investigation report with corrective actions is submitted to the employee’s supervisor.

For the period of July 1 to September 30, 2021, there were **4 work-related injuries** of the 14 reported injuries (Section 7).

Year	Work-Related Injuries
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	4
<b>2021</b> <i>Year To Date</i>	25
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	3

Year	Work-Related Injuries
<b>2020</b> <i>Full Year</i>	27

### Recordable Injury Rate

The Recordable Injury Rate (RIR), also commonly referred to as the recordable incident rate, is calculated by multiplying the number of work-related injuries by 200 000 labour hours, and then dividing that number by the number of labour hours during that period. Furthermore, 200 000 labour hours equates to 100 employees, who work 40 hours per week, and who work 50 weeks per year. The calculated rate is per 100 employees.

Year	Recordable Incident Rate
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	0.21
<b>2021</b> <i>Year To Date</i>	0.22
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	0.00*
<b>2020</b> <i>Full Year</i>	0.19

\*There were no CNESST accepted workplace-related injuries in Q3 2020

## 9. Worker Compensation Claims

Employees who sustain a work-related injury may be eligible for compensation from the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST).

For the period of July 1 to September 30, 2021, there were **two accepted worker compensation claims**.

Year	Accepted Compensation Claims
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	2
<b>2021</b> <i>Year To Date</i>	6
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	0
<b>2020</b> <i>Full Year</i>	7

## 10. Lost-Time Days

A lost-time work-related injury is defined as a work-related injury or illness that results in days away from work, other than the day of injury or the day the illness began. Lost-time days refer to the total

number of calendar days employees are away from work due to a work-related injury or illness.

For the period of July 1 to September 30, 2021, there were **104 lost-time days** from two work-related injuries. 12 of the lost-time days were the result of one of the work-related injuries that occurred during this quarter. The balance 92 days were from a work-related injury that occurred in Q2.

Year	Lost-Time Days
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	104
<b>2021</b> <i>Year To Date</i>	137
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	47
<b>2020</b> <i>Full Year</i>	290

### **Lost-Time Injury Rate**

The Lost-Time Injury Rate (LRIT) measures the occurrence of work-related injuries that resulted in an employee's inability to work the next workday. It represents the number of lost-time injuries per 100 full-time employees in the stated period. The LTIR is calculated by multiplying the number of lost-time work-related injuries by 200,000 labour hours and then dividing that number by the number of labour hours during that period. Therefore, 200,000 labour hours equate to 100 employees who work 40 hours per week 50 weeks per year. The calculated rate is per 100 employees.

Year	Lost-Time Injury Rate
<b>2021</b> <i>Year To Date</i>	0.22
<b>2020</b> <i>Full Year</i>	0.19

### **Lost-Time Day Rate**

The Lost-Time Day Rate (LTDR) is a rate that measures the length of time an employee is away from work due to a work-related injury. It represents the number of lost-time days per 100 full-time employees in the stated period. The LTDR is calculated by multiplying the number of lost-time days by 200,000 labour hours and then dividing that number by the number of labour hours during that period. Therefore, 200,000 labour hours equates to 100 employees, who work 40 hours per week, 50 weeks per year. The calculated rate is per 100 employees.

Year	Lost-Time Day Rate
<b>2021</b> <i>Year To Date</i>	5.07
<b>2020</b> <i>Full Year</i>	7.77

### Severity Rate

The Severity Rate provides an average of the number of lost-time days per lost-time work-related injury. The Severity Rate is calculated by dividing the total number of lost-time days by the total number of work-related injuries with lost-time. The Severity Rate is a cumulative rate calculated at the end of each quarter.

Year	Severity Rate
<b>2021</b> <i>Year To Date</i>	34.25
<b>2020</b> <i>Full Year</i>	41.4

### 11. Near Misses

A near miss is the occurrence of an event on university property, arising out of, or in the course of, a university-sanctioned activity attributable to any factor that could have caused either an injury or material damage. For example, events such as tripping on a stair or slipping in a water puddle, where no injury occurred, would be categorized as a near miss. As per the university's Policy on Injury Reporting and Investigation (VPS-42), the reporting of near misses is required. Traditionally, near misses go unreported because no injury has occurred. Steps have been taken to encourage near-miss reporting, including discussing the importance of near-miss reporting at safety committee meetings, during safety training and new principal investigator orientation sessions.

For the period of July 1 to September 30, 2021, a total of **3 near misses** were reported, bringing the 2021 year to date total to 8.

Year	Near Misses
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	<b>3</b>
<b>2021</b> <i>Year To Date</i>	<b>8</b>
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	<b>3</b>
<b>2020</b> <i>Full Year</i>	<b>12</b>

### 12. External Inspections

External inspections refer to inspections or audits of university premises or safety programs conducted by government agencies or third parties (e.g. insurance providers). Third-party audits include those performed at the request of Environmental Health & Safety. These inspections and audits ensure that the university's activities and facilities comply with all applicable legislation and regulations.

For the period of July 1 to September 30, 2021, there were **3 external inspections**.

On July 12, 2021, the CNESST conducted a machine safety inspection in the EV Building of the workshops of the Faculty of Fine Arts. 19 compliance issue were identified during the inspection. The inspection continued on August 4, 2021 and an additional 15 compliance issues were identified.

On September 23, 2021, the CNESST conducted a follow-up machine safety inspection in both the EV and H buildings of areas under the Gina Cody School of Computer Science and Engineering and the Faculty of Fine Arts. No new compliance issues were identified.

Year	External Inspections
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	3
<b>2021</b> <i>Year To Date</i>	11
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	1
<b>2020</b> <i>Full Year</i>	6

### 13. Regulatory Citations

The university may receive regulatory citations for non-compliance with federal, provincial, or municipal laws, regulations or by-laws. Regulatory citations can be the outcome of government inspections or interventions (e.g. CNESST, Public Health Agency of Canada, Canadian Nuclear Safety Commission) or violations of regulations and by-laws (e.g. false fire alarm citation from the *Service de sécurité incendie de Montréal*). This metric tracks the total number of regulatory citations received by the university.

For the period of July 1 to September 30, 2021, there were **34 citations** received by the university all related to CNESST inspections that occurred on July 12 and August 4, 2021 of the workshops of the Faculty of Fine Arts.

Year	Regulatory Citations
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	34
<b>2021</b> <i>Year To Date</i>	60
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	3
<b>2020</b> <i>Full Year</i>	54

#### 14. Regulatory Fines

Regulatory Citations (Section 13) may have associated monetary fines or penalties that are issued to the university.

For the period of July 1 to September 30, 2021, the university received no regulatory fines.

Year	Fines Received
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	\$0
<b>2021</b> <i>Year To Date</i>	\$0
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	\$2,579
<b>2020</b> <i>Full Year</i>	\$3,450

#### 15. Hazardous Materials Emergency Responses

The university's Hazardous Materials Emergency Response Team responds to hazardous material emergencies that occur on university premises, including spills and odours. Service providers are called upon to assist when a major spill occurs and additional resources are required.

For the period of July 1 to September 30, 2021, there were **5 hazardous materials emergency responses** that required the involvement of the Hazardous Materials Emergency Response Team, including a spill of biological materials in a research lab. Of the 5 Hazardous Materials Emergency Responses, 2 were chemical spills at the new Science Hub related to a defect in the building's cooling system that caused a glycol reservoir to overflow. Facilities Management is investigating to ensure the issue is corrected. Finally, a contractor's vehicle spilled hydraulic oil on the university's private roads on the Loyola campus. The spill was contained and did not enter the municipal sewer system.

Year	Hazardous Material Spill Responses
<b>2021 Q3</b> <i>July, Aug., Sept.</i>	5
<b>2021</b> <i>Year To Date</i>	10
<b>2020 Q3</b> <i>July, Aug., Sept.</i>	1
<b>2020</b> <i>Full Year</i>	11

The Department of Environmental Health and Safety thanks the Board of Governors for their usual thorough attention to the Due Diligence Report.



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Executive Committee recommendation: revisions to the *Policy on the Establishment of Tribunal Hearing Pools* (BD-6)

**ACTION REQUIRED:** For approval

**SUMMARY:** On recommendation of the Executive Committee, the Board of Governors is being asked to approve the amendments to the *Policy on the Establishment of Tribunal Hearing Pools* (BD-6) (the "Policy").

**BACKGROUND:**

At its meeting of November 12, 2021, Senate recommended to the Board the approval of the proposed revisions to the Policy.

In accordance with the *Policy on University Policies* (SG-6), University Policies that fall under the mandate of the Board shall normally be reviewed by a standing committee of the Board before they are presented for Board approval. The Executive Committee reviewed the Policy at its meeting of December 3, 2021.

Since the pandemic, there has been an increase in the number of academic incidents, and a backlog has resulted in dealing with these cases. Following a request from the Concordia Student Union, revisions to the Policy were made to increase the number of undergraduate and graduate students nominated to the Student Tribunal Pool.

In addition, the breakdown of faculty members in the Faculty Tribunal Pool was updated.

Other minor changes are being proposed to update the policy to comply with the policy template.

**DRAFT MOTION:**

That, on recommendation of the Executive Committee, the Board of Governors approve the revisions to the *Policy on the Establishment of Tribunal Hearing Pools* (BD-6).

**PREPARED BY:**

Name: Shelina Houssenaly  
Date: December 10, 2021

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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**Effective Date:** [insert date]

**Approving Authority:** Board of Governors

**Supersedes /Amends:** September 18, 2008

**Policy Number:** BD-6

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### SCOPE

This policy applies to Tribunal Hearing Pools (as defined below) for hearings, both first-level hearings as well as appeal hearings at Concordia University (the “University”), provided for in the *Code of Rights and Responsibilities* ([BD-3](#)), the [Academic Code of Conduct](#), the [Academic Re-evaluation Procedures](#), the [Graduate Academic Appeals Procedures](#) and any other codes or policies which may be adopted that refer to the Tribunal Hearing Pools provided for under this Policy.

### PURPOSE

The Purpose of this Policy is to provide for the establishment of pools of members to serve on various first level and appeal hearings at the University.

### DEFINITIONS

“Administrative and Support Staff Tribunal Pool” or “AaSSTP” means the pool set up under [section 9](#).

“Chair(s)” means the chair(s) of a tribunal panel(s) appointed under [section 13](#).

“Faculty Tribunal Pool” or “FTP” means the pool set up under [section 6](#).

“Student Tribunal Pool” or “STP” means the pool set up under [section 2](#).

“Tribunal Hearing Pools” mean the Administrative and Support Staff Tribunal Pool, the Faculty Tribunal Pool and the Student Tribunal Pool.

### POLICY

1. In the event that a hearing or appeal panel cannot be convened from the membership of the Tribunal Hearing Pools or the pool of Chairs, as outlined below, the Secretary-General shall designate the membership of the relevant hearing or appeal panel for a given case.

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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### Student Tribunal Pool

2. In June of each year, the Concordia Student Union shall be asked to nominate up to a maximum of 25 undergraduate students and the Graduate Student Association shall be asked to nominate up to a maximum of 15 graduate students to form the Student Tribunal Pool.
3. In order to be eligible, students shall be registered in an undergraduate or graduate program and be in good standing. Students who are in failed standing, in conditional standing or on academic probation, or who have been sanctioned under the *Code of Rights and Responsibilities* (BD-3) or the *Academic Code of Conduct* within the 3 years previous to their nomination are not eligible.
4. The status and standing of student nominees shall be confirmed by the University Registrar in September prior to the submission of the list of nominees for approval to University Senate ("Senate") by the Secretary of the Senate. In addition, the status and standing of members of the STP shall be confirmed by the University Registrar each September for as long as the member remains in office.
5. The term of office of members of the STP shall be for 2 years, from September 1 to August 31, and shall be renewable, provided that they meet the conditions at [section 4](#). Members remain in office until replaced.

### Faculty Tribunal Pool

6. The Council of the Faculty of Arts and Science shall nominate 14 faculty members, the Council of the John Molson School of Business shall nominate 7 faculty members, the Council of the Gina Cody School of Engineering and Computer Science shall nominate 6 faculty members, the Council of the Faculty of Fine Arts shall nominate 3 faculty members and the Council of the School of Graduate Studies shall nominate 5 faculty members, for a total of 35 faculty members to comprise the Faculty Tribunal Pool.
7. The term of office of members of the FTP shall be for 2 years, from September 1 to August 31, and shall be renewable. Members remain in office until replaced.

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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8. The Secretary of each Faculty Council and the Council of the School of Graduate Studies shall forward a list of nominees to the Secretary of the Senate prior to its September meeting for approval.

### Administrative and Support Staff Tribunal Pool

9. The AaSSTP shall be comprised of 5 members nominated in accordance with the *Policy Relating to the Administrative and Support Staff Electoral College* ([BD-12](#)).
10. Administrative and support staff members from the Office of the Secretary-General and the General Counsel, the Office of Student Tribunals, the Ombuds Office, the Student Advocacy Office and the Office of Rights and Responsibilities shall not be eligible for membership on the AaSSTP.
11. The term of office of members of the AaSSTP shall be for 2 years, from September 1 to August 31, and shall be renewable. Members remain in office until replaced.
12. The Department of Human Resources shall forward a list of nominees to the Secretary of the Board of Governors (“Board”) prior to its September meeting for approval.

### Chairs

13. In addition to the members of the STP and FTP appointed by the Senate, and the members of the AaSSTP appointed by the Board, the Senate shall appoint as many individuals as necessary to serve as non-voting Chairs of the various tribunal panels dealt with under this Policy.
14. The role of the Chairs shall be to preside over the various tribunal panels, keep order and ensure fairness. The Chairs shall, as well, preside over the deliberations of the various tribunal panels but shall not vote.
15. Because the role of the Chairs of the various tribunal panels requires impartiality and particular skills which take time to develop and cannot easily be acquired by lay persons during a brief term of office, the Chairs shall normally be selected from qualified individuals who have training in law or tribunal procedures as well as some knowledge of the University environment.

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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16. The term of office for the Chairs shall be for 2 years, from September 1 to August 31, and shall be renewable.
17. The candidates for the Chairs shall be recommended to the Senate by the General Counsel, in consultation with the secretaries of the tribunal panels dealt with under this Policy. Curriculum vitae of the candidates shall accompany the recommendation.

### Training

18. All members of the STP, FTP and AaSSTP, and all Chairs shall receive training prepared and conducted jointly by the secretaries of the tribunal panels dealt with under this Policy, under the supervision of the General Counsel.

### Policy Responsibility and Review

19. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.

Approved by the Board of Governors on September 18, 2003; and amended on May 20, 2004, September 18, 2008, and [insert date].

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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Effective Date: ~~September 18, 2008~~ **Originating Office:** [insert date]  
**Approving Authority:** Board of Governors

Supersedes /Amends: ~~BD-6/May 20, 2004~~ September 18, 2008

Policy Number: BD-6

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### GENERAL

#### SCOPE

This policy ~~deals with the establishment of tribunal hearing pools~~ applies to Tribunal Hearing Pools (as defined below) for hearings, both first-level hearings as well as appeal hearings, at Concordia University (the "University"), provided for in the *Code of Rights and Responsibilities (BD-3)*, the Academic Code of Conduct ~~Academic Code of Conduct (including cases heard under~~, the Academic Re-evaluation Procedures ~~previous Code of Conduct Academic)~~, the Graduate Academic Appeals Procedures ~~Academic Re-evaluation Procedures, the Graduate Academic Appeals Procedures~~ and any other codes or policies which may be adopted that refer to the Tribunal Hearing Pools provided for under this Policy.

#### PURPOSE

The Purpose of this Policy is to provide for the establishment of pools of members to serve on various first level and appeal hearings at the University.

#### DEFINITIONS

"Administrative and Support Staff Tribunal Pool" or "AaSSTP" means the pool set up under section 9.

"Chair(s)" means the chair(s) of a tribunal panel(s) appointed under section 13.

"Faculty Tribunal Pool" or "FTP" means the pool set up under section 6.

"Student Tribunal Pool" or "STP" means the pool set up under section 2.

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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“Tribunal Hearing Pools” mean the Administrative and Support Staff Tribunal Pool, the Faculty Tribunal Pool and the Student Tribunal Pool.

### POLICY

1. In the event that a hearing or appeal panel cannot be convened from the membership of the ~~Student Tribunal Pool, the Faculty Tribunal Pool, the Administrative and Support Staff Tribunal Pool~~ Tribunal Hearing Pools or the pool of Chairs, as outlined below, the Secretary-General shall designate the membership of the relevant hearing or appeal panel for a given case.

#### Student Tribunal Pool

2. In June of each year, the Concordia Student Union ~~Inc.~~ shall be asked to nominate up to a maximum of ~~fifteen (15)~~25 undergraduate students and the Graduate Student Association shall be asked to nominate up to a maximum of ~~ten (10)~~15 graduate students to form the Student Tribunal Pool ~~(STP).~~
3. In order to be eligible, students shall be registered in an undergraduate or graduate program and be in good standing. Students who are in failed standing, in conditional standing or on academic probation, or who have been sanctioned under the *Code of Rights and Responsibilities* (BD-3) or the Academic Code of Conduct ~~Academic Code of Conduct (including cases heard under the previous Code of Conduct Academic)~~ within the ~~three (3)~~ years previous to their nomination are not eligible.
4. The status and standing of student nominees shall be confirmed by the University Registrar in September prior to the submission of the list of nominees for approval to University Senate (“Senate”) by the Secretary of the Senate. In addition, the status and standing of members of the STP shall be confirmed by the University Registrar each September for as long as the member remains in office.
5. The term of office of members of the STP shall be for ~~two (2)~~ years, from September 1 to August 31, and shall be renewable, provided that they meet the conditions at section 4. Members remain in office until replaced.

#### Faculty Tribunal Pool

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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6. The Council of the Faculty of Arts and Science shall nominate ~~thirteen (13)~~14 faculty members, the Council of the John Molson School of Business shall nominate ~~six (6)~~7 faculty members, the Council of the ~~Faculty~~Gina Cody School of Engineering and Computer Science shall nominate ~~five (5)~~6 faculty members, the Council of the Faculty of Fine Arts shall nominate ~~three (3)~~ faculty members and the Council of the School of Graduate Studies shall nominate ~~eight (8)~~5 faculty members, for a total of ~~thirty five (35)~~ faculty members, to comprise the Faculty Tribunal Pool (~~FTP~~).
7. The term of office of members of the FTP shall be for ~~two (2)~~ years, from September 1 to August 31, and shall be renewable. Members remain in office until replaced.
8. The Secretary of each Faculty Council and the Council of the School of Graduate Studies shall forward a list of nominees to the Secretary of ~~the~~ Senate prior to its September meeting for approval.

### Administrative and Support Staff Tribunal Pool

9. The ~~Administrative and Support Staff Tribunal Pool (AaSSTP)~~ shall be comprised of ~~five (5)~~ members nominated in accordance with the Policy Relating to the Administrative and Support Staff Electoral College (BD-12 Policy).
10. Administrative and support staff members from the Office of the Secretary-General, ~~the Office of and~~ the General Counsel, the Office of Student Tribunals, the Ombuds Office, the Student Advocacy Office and the Office of Rights and Responsibilities shall not be eligible for membership on the AaSSTP.
11. The term of office of members of the AaSSTP shall be for ~~two (2)~~ years, from September 1 to August 31, and shall be renewable. Members remain in office until replaced.
12. The Department of Human Resources shall forward a list of nominees to the Secretary of the Board of Governors ("Board") prior to its September meeting for approval.

### Chairs

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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13. In addition to the members of the STP and FTP appointed by the Senate, and the members of the AaSSTP appointed by the Board, the Senate shall appoint as many individuals as necessary to serve as non-voting Chairs of the various tribunal panels dealt with under this Policy.
14. The role of the Chairs shall be to preside over the various tribunal panels, keep order and ensure fairness. The Chairs shall, as well, preside over the deliberations of the various tribunal panels but shall not vote.
15. Because the role of the Chairs of the various tribunal panels requires impartiality and particular skills which take time to develop and cannot easily be acquired by lay persons during a brief term of office, the Chairs shall normally be selected from qualified ~~alumni or emeriti~~ individuals who have training in law or tribunal procedures as well as some knowledge of the University environment.
16. The term of office for the Chairs shall be for ~~two (2)~~ years, from September 1 to August 31, and shall be renewable.
17. The candidates for the Chairs shall be recommended to the Senate by the ~~University~~ General Counsel, in consultation with the secretaries of the tribunal panels dealt with under this Policy. Curriculum vitae of the candidates shall accompany the recommendation.

### Training

18. All members of the STP, FTP and AaSSTP, and all Chairs shall receive training, prepared and conducted jointly by the secretaries of the tribunal panels dealt with under this Policy, under the supervision of the University General Counsel.

### Policy Responsibility and Review

19. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.

**POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS**

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Approved by the Board of Governors on September 18, 2003; and amended on May 20, 2004, September 18, 2008, and [insert date].

Draft



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Governance and Ethics Committee recommendation: revisions to the *Policy on the Conferral of the Emeriti Title by the Board of Governors* (SG-7)

**ACTION REQUIRED:** For approval

**SUMMARY:** On recommendation of the Governance and Ethics Committee, the Board of Governors is being asked to approve the amendments to the *Policy on the Conferral of the Emeriti Title by the Board of Governors* (SG-7).

**BACKGROUND:**

At its meeting of October 21, 2021, the Honorary Degree and Convocation Committee recommended to the Board of Governors the adoption of the new *Policy on Revocation of Awards and Other Types of Recognition* (SG- 15). The Policy sets out the parameters for the revocation or removal of awards and other types of recognition, including honorary degrees, Loyola Medal, Emeritus titles awarded by the Board or Senate and CCSL awards, and the naming of University spaces, buildings and other assets, programs and activities.

In rare and exceptional circumstances, if the behaviour of a recipient or maintaining a recognition may harm or undermine the University's reputation or may be found to be inconsistent with the mission and values of the University, the recognition may be revoked or removed in accordance with this *Policy on Revocation of Awards and Other Types of Recognition* (SG- 15).

Therefore, it is suggested to add a provision to the *Policy on the Conferral of the Emeriti Title by the Board of Governors* (SG-7) to reference the new *Policy on Revocation of Awards and Other Types of Recognition* (SG- 15).

**DRAFT MOTION:**

That, on recommendation of the Governance and Ethics Committee, the Board of Governors approve the revisions to the *Policy on the Conferral of the Emeriti Title by the Board of Governors* (SG-7).

**PREPARED BY:**

Name: Shelina Houssenaly  
Date: December 10, 2021

**POLICY ON THE CONFERRAL OF THE EMERITI TITLE BY  
THE BOARD OF GOVERNORS**

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**Effective Date:** ~~March 11, 2020~~ [insert date] **Approval Authority:**  
Board of Governors

**Supersedes /Amends:** ~~N/A~~ March 11, 2020 **Policy**  
**Number:** SG-7

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PREAMBLE

The designation of Emeriti indicates that an eligible individual is retired or has left the institution and retains the title as an honor. It recognizes exemplary service to Concordia University (the “University”) as President and Vice-Chancellor (“President”), Chancellor or member of the Board of Governors (“Governor”).

SCOPE

This Policy applies to all individuals having occupied the position of President, Chancellor and Governor. The conferral of the title of Professor Emeriti and Distinguished Professor Emeriti are not subject to this Policy.

PURPOSE

The purpose of this Policy is to set out the mechanism and criteria for conferring the Emeriti title.

POLICY

1. Conferral by the Board of Governors (the “Board”) of the Emeriti title shall not be forthcoming to all retiring Presidents, Chancellors or Governors. It shall be limited to those who, in the judgment of the Board, have provided active and distinguished service to the University.
2. The Board may confer the Emeriti title to honor former Presidents, Chancellors and Governors in recognition of their outstanding service to the University.
3. Recommendations for conferral of the Emeriti title shall be submitted to the Board by the Governance and Ethics Committee of the Board, as set out in the University By-Laws.

**POLICY ON THE CONFERRAL OF THE EMERITI TITLE BY  
THE BOARD OF GOVERNORS**

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4. The Board may confer the Emeriti title to honor former Presidents and Chancellors who have completed at least one full term of office in recognition of their exceptional service to the University during their term of office.
5. The Board may confer the Emeriti title to honor former Governors who have served no less than 6 years on the Board in recognition of their exceptional service during their service as Governor.
6. Exceptional service shall have been demonstrated by active participation and engagement in the affairs of the University and in the activities of the Board, and by significant contribution to the life and development of the University.
7. The Emeriti title shall be purely honorific and shall not carry with it any entitlement to authority, rights, resources or privileges, other than the privilege to participate as a member of the platform party at all convocation and installation ceremonies.
8. The term for an appointment under this Policy shall be for the life of the individual, unless otherwise specified in the resolution of the Board conferring the title.
9. A list of all individuals holding this title shall be maintained by the University Secretariat.
10. In rare and exceptional circumstances, if the behavior of a recipient or maintaining their Emeriti title may harm or undermine the University's reputation or may be found to be inconsistent with the mission and values of the University, the title may be revoked or withdrawn in accordance with the Policy on Revocation of Awards and Other Types of Recognition (SG-XX).
- ~~10.11.~~ The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.

Approved by the Board of Governors on March 11, 2020, and amended on [insert date].



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Real Estate Planning Committee recommendation: revisions to the *Policy on the Naming of University Spaces, Buildings and other Assets, Programs or Activities (VPA-3)*

**ACTION REQUIRED:** For approval

**SUMMARY:** On recommendation of the Real Estate Planning Committee (REPC), the Board of Governors is being asked to approve the amendments to the *Policy on the Naming of University Spaces, Buildings and other Assets, Programs or Activities (VPA-3)* (the "Policy").

**BACKGROUND:**

At its meeting of November 3, 2016, REPC recommended that the Board approve revisions to the Policy. Following an in-depth review of the policies at other similar institutions, the proposed revisions in 2016 incorporated administrative changes as well as best practices.

At its meeting of October 21, 2021, the Honorary Degree and Convocation Committee recommended to the Board of Governors the adoption of the new *Policy on Revocation of Awards and Other Types of Recognition (SG- 15)*, which sets out the parameters for the revocation or removal of awards and other types of recognition, including the naming of University spaces, buildings and other assets, programs and activities.

In rare and exceptional circumstances, if the behaviour of a recipient or maintaining a recognition may harm or undermine the University's reputation or may be found to be inconsistent with the mission and values of the University, the recognition may be revoked or removed in accordance with this *Policy on Revocation of Awards and Other Types of Recognition (SG- 15)*.

Therefore, it is suggested to add a provision to the Policy to reference the new *Policy on Revocation of Awards and Other Types of Recognition (SG-15)*.

Additional revisions, unrelated to the adoption of the new *Policy on Revocation of Awards and Other Types of Recognition (SG-15)*, were made to better align the Policy with the University's current practices, and other minor changes are being proposed for the Policy to comply with the policy template. The approval of these additional revisions is not subject to the approval of the *Policy on Revocation of Awards and Other Types of Recognition (SG-15)*.

**DRAFT MOTION:**

That, on recommendation of the Real Estate Planning Committee, the Board of Governors approve the revisions to the *Policy on the Naming of University Spaces, Buildings and other Assets, Programs or Activities* (VPA-3).

**PREPARED BY:**

Name: Shelina Houssenaly

Date: December 10, 2021

## POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER ASSETS, PROGRAMS OR ACTIVITIES

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**Effective Date:** [insert date]

**Approval Authority:** Board of Governors

**Supersedes /Amends:** December 14, 2016

**Policy Number:** VPA-3

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### SCOPE

This Policy shall apply to all individuals, corporations, foundations or organizations:

- whose generous support make possible the construction or renovation of Concordia University (the “University”) facilities or buildings; or
- whose generous support make possible the establishment or enhancements of programs aimed at supporting students and/or University activities; or
- who have made exemplary or meritorious service contributions to the University or to society.

### PURPOSE

The University welcomes the opportunity to extend recognition through the naming of its assets. The purpose of the Policy and its related Naming Minima Guidelines is to establish the principles to which the naming must adhere.

### DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

“Academic Entities” mean all non-physical entities of an academic nature, which may include, but are not limited to: faculties, schools, academic departments, academic and research centres, academic institutes, academic programs, chairs, professorships, academic lectureships, fellowships, teaching awards and prizes.

“Collections” mean libraries or parts of libraries and other collections of significant size and of continuing scientific, historic, artistic or cultural value.

“Physical Entities” mean all physical facilities and buildings including, but not limited to: buildings or portions thereof including laboratories, classrooms, seminar rooms, meeting rooms, lounges, atria, wings, halls, floors, galleries; structures, including, but not limited to: athletic fields, athletic facilities and other facilities such as wings of buildings or substantial

## POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER ASSETS, PROGRAMS OR ACTIVITIES

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parts of buildings, residence halls, large auditoria, concert halls, gardens, natural landmarks, lawns, courtyards, walkways, pathways, parking facilities and roadways.

### POLICY

#### Principles

1. The naming of University assets shall conform to the following principles:
  - a. Each naming shall enhance the mission and priorities of the University while preserving the University's integrity and academic freedom;
  - b. No naming shall have any influence on the University's academic and research priorities;
  - c. Buildings and academic units and programs shall be named only after individuals;
  - d. An individual, corporation, foundation or organization who benefits from a naming must be of sound reputation;
  - e. Naming of University assets in recognition of a corporation, foundation or organization shall be for a defined and limited period of time;
  - f. Naming of University assets shall comply with the University's *Naming Minima Guidelines* updated by the University as required;
  - g. Normally, commemorative naming of a University asset in honour of a member of the University community shall not be conferred until two years have elapsed since the member's retirement or death;
  - h. When a University asset is named in honour of a member of the University community, where no donation is involved, the University reserves the right to remove the designation if a donor is found at some point in the future for that space. In such a case, the University will endeavor to find a suitable alternate location for the honoured member;

## POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER ASSETS, PROGRAMS OR ACTIVITIES

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- i. Naming in recognition of a donor will only take effect once a significant portion of the donation has been received. In certain instances, which shall be outlined in a gift agreement, a specific amount of the gift commitment must be received prior to the actual naming taking effect;
- j. Any naming shall be confirmed through a gift agreement which shall stipulate the duration of the naming opportunity as well as the specifics of any public acknowledgement, such as a plaque and/or announcement. The agreement shall conform to the provisions of this Policy;
- k. No naming nor public acknowledgement of the naming shall allow for the inclusion of private or commercial logos or symbols;
- l. Irrespective of a naming agreement in force, the University reserves the right to subsequently modify or remove an existing name in cases where the individual, corporation, foundation or organization being acknowledged is linked or associated with an activity that might damage the University's reputation;
- m. When, for whatever reason, a named building or space is to be demolished, substantially renovated or rebuilt, the University shall have discretion over the decision to: retain the use of the name, transfer the name to another comparable facility or space, or discontinue the use of the name. Depending upon the original approving body, the discontinuation of a name shall require the approval of the Vice-President, Advancement, the President, or the Board of Governors.

### Naming authority

2. No verbal or written commitment shall be made by a member of the University community to any person for the naming of any University asset without the prior written approval of the Vice-President, Advancement, the President, or the Board of Governors as outlined in this Policy.
3. Where a naming is proposed within the context of a single academic department/unit of the University, the proposal shall have the approval of the appropriate authority within that department/unit as well of the relevant Faculty Dean.

## POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER ASSETS, PROGRAMS OR ACTIVITIES

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4. All proposals for naming shall be forwarded to the Vice-President, Advancement who shall make a determination as to whether the proposed naming conforms to this Policy, is otherwise appropriate and is of sufficient merit.
5. The Vice-President, Advancement has the authority to approve the naming of buildings, spaces and assets, in recognition of gifts of less than \$1,000,000, following consultation with the appropriate Vice-President and/or Dean.
6. The President has the authority to approve the naming of buildings, spaces and assets, in recognition of gifts of between \$1,000,000 and \$5,000,000 upon the recommendation of the Vice-President, Advancement, following consultation with the relevant Vice-President and/or Dean.
7. The Board of Governors has the authority to approve the naming of new or substantially renovated buildings, in recognition of gifts of more than \$5,000,000 upon the recommendations of the President and the Vice-President, Advancement.
8. The naming of faculties, departments, institutes, centres, colleges and any other academic unit shall be approved by the Board of Governors in accordance with University By-Laws.
9. Honorific recognition through naming may also be extended to individuals who have made an exceptional personal contribution to the University or to society in general. In such cases, written proposals shall be submitted to the Vice-President, Advancement, who shall, following consultation with the relevant Vice-President and/or Dean, make a recommendation to the President for final approval.
10. The Vice-President, Advancement shall be responsible for ensuring that appropriate naming records are maintained.
11. The Vice-President, Advancement shall report all naming recognition to the Board of Governors on an annual basis.
12. In rare and exceptional circumstances, if maintaining the name of someone who has been recognized under this Policy, may harm, or undermine the University's reputation, or whose behaviour, or conduct is found to be inconsistent with the mission and values of

**POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER  
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the University, the naming may be revoked in accordance with the *Policy on Revocation of Awards and Other Types of Recognition (SG-XX)*.

Policy Responsibility and Review

13. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Vice-President, Advancement.

Approved by the Board of Governors on June 27, 2008; and amended on December 14, 2016, and [insert date].

DRAFT

**POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER  
ASSETS, PROGRAMS OR ACTIVITIES**

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**Effective Date:** ~~December 14, 2016~~ **Originating Office:** ~~Office~~ [insert date]

**Approval Authority:** ~~Board of Vice President, Governors~~  
~~Advancement~~

**Supersedes /Amends:** ~~June 27, 2008~~ December 14, 2016

**Policy Number:** -VPA-3

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INTRODUCTION AND APPLICABILITY

~~Concordia University welcomes the opportunity to extend recognition through the naming of its assets to those~~

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SCOPE

This Policy shall apply to all individuals, corporations, foundations or organizations:

- whose generous support make possible the construction or renovation of Concordia University (the “University”) facilities or buildings; or
- whose generous support make possible the establishment or enhancements of programs aimed at supporting students and/or University activities; -or
- who have made exemplary or meritorious service contributions to the University or to society.

PURPOSE

The University welcomes the opportunity to extend recognition through the naming of its assets. The purpose of the Policy and its related Naming Minima Guidelines is to establish the principles to which the naming must adhere.

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

“Academic Entities” ~~are~~ mean all non-physical entities ~~including of an academic nature, which may include,~~ but are not limited to: ~~Faculties and Schools~~ faculties, schools, academic

**POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER  
ASSETS, PROGRAMS OR ACTIVITIES**

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departments, academic and research centres, academic institutes, academic programs, chairs, professorships, academic lectureships, ~~scholarships/bursaries,~~ fellowships, teaching awards and prizes.

“Collections” mean libraries or parts of libraries and other collections of significant size and of continuing scientific, historic, artistic or cultural value.

“Physical Entities” mean all physical facilities and buildings including, but not limited to: buildings or portions thereof including laboratories, classrooms, seminar rooms, meeting rooms, lounges, atria, wings, halls, floors, galleries; structures, including, but not limited to: athletic fields, athletic facilities, and other facilities such as wings of buildings or substantial parts of buildings, residence halls, large auditoria, concert halls, gardens, natural landmarks, lawns, courtyards, walkways, pathways, parking facilities and roadways.

PRINCIPLES  
POLICY

Principles

1. The naming of University assets shall conform to the following principles:
  - a. Each naming shall enhance the mission and priorities of the University while preserving the University's integrity and academic freedom;
  - b. No naming shall have any influence on the University's academic and research priorities;
  - c. Buildings and academic units and programs shall be named only after individuals;

**POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER  
ASSETS, PROGRAMS OR ACTIVITIES**

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- d. An individual, corporation, foundation or organization who benefits from a naming must be of sound reputation;
- e. Naming of University assets in recognition of a corporation, foundation or organization shall be for a defined and limited period of time;
- f. Naming of University assets shall comply with the University's *Naming Minima Guidelines* ~~as adopted from time to time~~ updated by the University as required;
- g. Normally, commemorative naming of a University asset in honour of a member of the University community shall not be conferred until two years have elapsed since the member's retirement or death;
- h. When a University asset is named in honour of a member of the University community, where no donation is involved, the University reserves the right to remove the designation if a donor is found at some point in the future for that space. In such a case, the University will endeavor to find a suitable alternate location for the honoured member;
- i. Naming in recognition of a donor will only take effect once a significant portion of the donation has been received. In certain instances, which shall be outlined in a gift agreement, a specific amount of the gift commitment must be received prior to the actual naming taking effect;
- j. Any naming shall be confirmed through a gift agreement which shall stipulate the duration of the naming opportunity as well as the specifics of any public acknowledgement, such as a plaque and/or announcement. -The agreement shall conform to the provisions of this Policy;
- k. No naming nor public acknowledgement of the naming shall allow for the inclusion of private or commercial logos, or symbols ~~or trademarks~~;

**POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER  
ASSETS, PROGRAMS OR ACTIVITIES**

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- l. Irrespective of a naming agreement in force, the University reserves the right to subsequently modify or remove an existing name in cases where the individual, corporation, foundation or organization being acknowledged is linked or associated with an activity that might damage the University's reputation;
- m. When, for whatever reason, a named building or space is to be demolished, substantially renovated or rebuilt, the University shall have discretion over the decision to: retain the use of the name; transfer the name to another comparable facility or space; or discontinue the use of the name.- Depending upon the original approving body, the discontinuation of a name shall require the approval of the Vice-President, Advancement, the President, or the Board of Governors.

**NAMING AUTHORITY**

**Naming authority**

2. No ~~commitment~~ (verbal or written) commitment shall be made by a member of the University community to any person for the naming of any University asset without the prior written approval of the Vice-President, Advancement, the President, or the Board of Governors as outlined in this Policy.
3. Where a naming is proposed within the context of a single academic department/-unit of the University, the proposal shall have the approval of the appropriate authority within that department/unit as well of the relevant Faculty Dean.
4. -All proposals for naming shall be forwarded to the Vice-President, Advancement who shall make a determination as to whether the proposed naming conforms to this Policy, is otherwise appropriate, and is of sufficient merit.
5. -The Vice-President, Advancement has the authority to approve the naming of buildings, spaces and assets, in recognition of gifts of less than \$1-~~Million,000,000~~, following consultation with the appropriate Vice-President and/or Dean.

**POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER  
ASSETS, PROGRAMS OR ACTIVITIES**

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6. –The President has the authority to approve the naming of buildings, spaces and assets, in recognition of gifts of between \$1-~~Million,000,000~~ and \$5-~~Million,000,000~~ upon the recommendation of the Vice-President, Advancement, following consultation with the ~~appropriaterelavant~~ Vice-President and/or Dean.
7. –The Board of Governors has the authority to approve the naming of new or substantially renovated buildings, in recognition of gifts of more than \$5-~~Million,000,000~~ upon the recommendations of the President and ~~the~~ Vice-President, Advancement.
8. –The naming of faculties, departments, institutes, centres, colleges and any other academic unit shall be approved by the Board of Governors in accordance with University By-Laws.
9. –Honorific recognition through naming may also be extended to individuals who have made an exceptional personal contribution to the University or to society in general. In such cases, written proposals shall be submitted to the Vice-President, Advancement, who shall, following consultation with the ~~appropriaterelavant~~ Vice-President and/or Dean, make a recommendation to the President for final approval.
- ~~10. The Vice-President, Advancement shall report all naming recognition to the Board of Governors on an annual basis.~~
- ~~11.10.~~ The Vice-President, Advancement shall be responsible for ensuring that appropriate naming records are maintained.
- ~~11.~~ The Vice-President, Advancement shall report all naming recognition to the Board of Governors on an annual basis. ~~Adopted~~
12. In rare and exceptional circumstances, if maintaining the name of someone who has been recognized under this Policy, may harm, or undermine the University’s reputation, or whose behaviour, or conduct is found to be inconsistent with the mission and values of

**POLICY ON THE NAMING OF UNIVERSITY SPACES, BUILDINGS AND OTHER  
ASSETS, PROGRAMS OR ACTIVITIES**

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the University, the naming may be revoked in accordance with the *Policy on Revocation of Awards and Other Types of Recognition (SG-XX)*.

Policy Responsibility and Review

13. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Vice-President, Advancement.

Approved by the Board of Governors on June 27, 2008; and amended on December 14, 2016; and [insert date].

DRAFT



REPORT TO THE BOARD OF GOVERNORS

GRAHAM CARR  
PRESIDENT AND VICE-CHANCELLOR

DECEMBER 2021

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## INTRODUCTION

I'm proud to report that Concordia has a new **Rhodes Scholar**. **Sabine Plummer** earned this prestigious scholarship to study at the University of Oxford come October 2022. Sabine is completing a degree in chemistry with a minor in multidisciplinary sciences and art history. She was integral to establishing Concordia's Stronger Than Stigma chapter, which offers mental health advocacy and resources. Furthermore, Sabine's community involvement includes disability awareness and LGBTQ+ rights. Her engagement was recognized by our Institute of Co-Operative Education with an Emerging Leaders Award for Undergraduate Co-op Students, and she is also a recipient of an NSERC Undergraduate Student Research Award. This news comes on the heels of another Oxford-bound announcement, mentioned in my last report: recent biology graduate Claire Staton earned a Clarendon Scholarship to attend. We've also just recently announced our first ever **Schwarzman Scholar**, **Aiden Cyr**. Aiden was selected to be part of the Class of 2023, which will enter Schwarzman College on the campus of Tsinghua University in Beijing in August, 2022. Aiden was a Grand Challenges Canada fellow for the Indigenous Innovation Initiative and is recognized for his climate advocacy.

I'm pleased to announce that in-person **convocation** will resume starting January 18<sup>th</sup>, 2022. We'll be welcoming graduates from spring 2020, fall 2020 and spring 2021 as their ceremonies were suspended due to the pandemic. We expect 1,500 students to cross the stage at Place des Arts, with some family and friends also present. We'll also be recognizing several honorary doctorate recipients who were due to have been awarded at previous convocations. January 18<sup>th</sup> ceremonies include the Faculty of Arts and Science, John Molson School of Business and Gina Cody School of Computer Science and Software Engineering (graduate-level only). Engineering undergraduates and the Faculty of Fine Arts will be celebrated at ceremonies in February.

Concordia joined more than 40 universities and colleges nationwide in signing the **Scarborough Charter on Anti-Black Racism and Black Inclusion in Higher Education**. The result of a year-long collaboration, the charter calls on institutions to take actions that will allow them to remove the systemic barriers that affect their Black communities so that these communities can be meaningfully included. The charter's principles and proposed actions align well with the preliminary recommendations of Concordia's President's Task Force on Anti-Black Racism, which were presented in November.

A virtual closing event for our **Centraide Campaign** was held on November 16<sup>th</sup>. With the leadership of Nadia Bhuiyan (Vice-Provost, Partnerships and Experiential Learning) and Philippe Beauregard (Chief Communications Officer), our Co-Chairs, as well as Denis Cossette, Sue Kaye and many volunteers, Concordians donated **\$218,000**, surpassing our goal of \$200,000. When factoring in matching gifts, the total will exceed \$225,000. Funds to Centraide support 350 community agencies in Greater Montreal and some 800,000 people in need.

## TEACHING, RESEARCH, INNOVATION

Recent doctoral graduate **Zhengchen Cai** (PhD 21) earned a Student Research Excellence Award from the Society for Functional Near-Infrared Spectroscopy (SfNIRS) for his work investigating the hemodynamic activities of the human brain. The award was presented at the virtual SfNIRS conference, held by the international society, from October 18<sup>th</sup> to 21<sup>st</sup>. Zhengchen was supervised by **Christophe Grova** (Department of Physics). Zhengchen was supported financially by the PERFORM Centre Graduate Scholarship in Preventive Health Research 2020-2021. He is currently a postdoctoral researcher at the Montreal Neurological Institute.

**Paola Marino**, a master's student in the Department of Chemistry and Biochemistry, won the People's Choice Award from **Science Exposed**, the annual competition from NSERC to celebrate the best student science photography in the country. Her work "Metal–Organic Illumination" captures a zirconium-based metal–organic framework. Paola is supervised by Ashlee Howarth (Department of Chemistry and Biochemistry).

Concordia Stinger and third-year Film Animation student **Ambre Mah-Fifi** was named to the women's rugby **first all-Canadian team** at a U Sports gala. Ambre, a seasoned forward and team captain, is celebrated by our head coach Jocelyn Barrieau for demonstrating strong leadership and talent.

The Concordia Stingers Men's Rugby Team won the consolation round in this year's national championships held at Queen's University in November and were ranked 5<sup>th</sup> in the country overall.

Six **Stingers hockey players** (five women and one man) were selected to represent Canada at the *Fédération internationale du sport universitaire* (FISU) games hosted in Switzerland this December. Unfortunately, to the disappointment of all, the Games were recently cancelled because of the evolving COVID situation globally.

The **Indigenous Futures Research Centre** was officially launched on November 17<sup>th</sup>. The virtual launch was led by co-directors **Heather Igloliorte** (Department of Art History) and **Jason Edward Lewis** (Department of Design and Computation Arts) and hosted by 4<sup>TH</sup> SPACE. The event served as an introduction to the Centre's vision and mission for the Concordia community and the public at large. It marked a significant moment in Concordia's history as it fulfills an Action Point of our Indigenous Directions Action Plan, which calls on the university to create a space where those interested in research centered on Indigenous communities, scholarship and practice worldwide can come together.

**Natasha Blanchet-Cohen** (Department of Applied Human Sciences) and the work conducted through her FRQSC/Secrétariat à la Jeunesse de Québec Youth Network Co-

Chair was featured in *Nouvelles capsules des Fonds de recherche du Québec*.

On November 19<sup>th</sup>, the School of Graduate Studies launched a re-envisioned **Public Scholars program** for 2022, reinforcing the successes of the first five years of the program. The new program opens this unique professional development opportunity to a larger number of doctoral students and builds their competencies in research dissemination, content creation and strategic social media management.

The **President’s Media Outreach Awards and Newsmaker Virtual Celebration** was held on December 1<sup>st</sup>. The event honoured faculty, graduate students and staff members in seven categories who have been named UCS newsmakers of the week for the academic years 2018-19 and 2019-20. Special guest **Rémi Quirion**, Quebec’s Chief Scientist, gave remarks about the importance of media collaboration

The **PERFORM Centre** hosted the following public talks:

- On October 26<sup>th</sup>, Pierre-Louis Bazin, Senior Researcher, Integrative Model-based Cognitive Neuroscience (IMCN) laboratory, University of Amsterdam Max Planck Institute for Human Cognitive and Brain Sciences, presented Mesoscale imaging and quantitative modeling of the subcortex over the lifespan.
- On November 17<sup>th</sup>, Jean-Philippe Chaput, Associate Professor, Faculty of Medicine, University of Ottawa and Senior Scientist, Healthy Active Living and Obesity Research Group, CHEO Research Institute, presented “Assessing sleep health is time well spent.”

Activities at the **Leonard and Bina Ellen Art Gallery** include:

- The gallery’s second exhibition of the 2021-2022 year, **CONSTITUTIONS**, opened on November 3<sup>rd</sup>. The exhibition, curated by Concordia graduate Swapnaa Tamhane, brings together the work of five up-and-coming Indian artists: Rajyashri Goody, Sohrab Hura, Sajjan Mani, Prajakta Potnis and Birender Yadav.

Update on **Milieux Institute** activities:

- *Confession Publique*, a new work by multidisciplinary artist Mélanie Demers, ran from November 29<sup>th</sup> to December 4<sup>th</sup> at La Chapelle in Montreal, and stars LePARC co-director Angélique Willkie.
- On November 11<sup>th</sup>, artist, researcher and writer Oonya Kempadoo delivered the inaugural Rethinking Playfulness talk, “Which World of Mine,” a compelling survey of her creative journey, development, and an introduction to her forthcoming project, Naniki. The talk was very well-attended and included in its audience Program Officer Natalie Rehberger of the Fulbright Student and Scholar Programs.

- On November 22<sup>nd</sup>, award-winning game developer and artist Marie LeBlanc Flanagan delivered the first HYPO//HYPER Presence Workshop on Filters. The series is designed to give people skills to explore and create around the idea of telepresence, technology that has been accelerated with COVID and increased hybrid interactions.
- MIT Press’s new collection of essays, *Against Reduction: Designing a Human Future with Machines*, features works that imagine a future that is not reduced to algorithms, including a piece by Indigenous Futures co-director Jason Edward Lewis and member Suzanne Kite.
- *Encounters with Urban Glaciers: Notes Toward an Ethnography of the Snow Dump* is a new article produced by Milieux’s Ethnography Lab that is featured on Heliotrope Journal. The work was written by PhD candidates Tricia Toso and Pier-Olivier Tremblay.

#### Updates from 4<sup>TH</sup> SPACE:

- Expanding the Lab Walk Through format 4<sup>TH</sup> SPACE developed to connect audiences with the work happening in labs and studios by focusing on research tools, early November marked the 10<sup>th</sup> episode of a “Live” Lab Walk series. In this series, students from three Fine Arts classes (Design, Sculpture, and Art History) joined 4<sup>TH</sup> SPACE live over Zoom to engage with researchers in their labs and witness project demos.
- In the first week of November, PULSE took over 4<sup>TH</sup> SPACE with projects in-development for an intensive week-long international residency. The success of reactivating the space with numerous material objects and audio-visual projects coupled with live hybrid events was a testament to the value of the mini-residency format. This format, whereby a research group or a class developing their projects in the space and culminating in events, was repeated four more times with various groups of undergraduate and graduate students working on critical materiality.
- The **SDG Voluntary University Review launch** was on November 29<sup>th</sup>. Speakers were: Danika Billie Littlechild (Assistant Professor in the Department of Law and Legal Studies at Carleton University), Éliane Ubalijoro (Executive Director of Sustainability in the Digital Age and Global Hub Director in Canada for Future Earth), John McArthur (Senior Fellow and Director of the Center for Sustainable Development at the Brookings Institution), Margaret Biggs (Chairperson of the International Development Research Centre), and Sarah Mendelson (Distinguished Service Professor of Public Policy and Head of Carnegie Mellon University’s Heinz College).

#### Updates from **Concordia International**:

- Three teams were selected to participate in the World’s Challenge Challenge (WCC) competition aimed at engaging students and faculty members in discussion about world issues (related to the SDGs) and propose solutions from a multidisciplinary perspective. Team members will be mentored by faculty members and will be registered to specialized credit courses to help develop their ideas. One of these teams (the winner of the internal competition) will compete with other top international teams in the world finals organized by Western University. Among the team’s proposals are: recycling clothes and plastic into shipping boxes; bringing experiential learning to virtual learning through 3D technology; building a robot to clean up the oceans.
- Emma Despland (Department of Biology) obtained a Mitacs Global Research Award to partner with the *Instituto Federal de Educação Ciência e Tecnologia São Paulo* for the project: Biodiversity of herbivorous insects. As part of this project a PhD student from Brazil will visit Emma’s lab.
- In collaboration with the *Agence Universitaire de la Francophonie* (AUF), the Association of Commonwealth Universities (ACU), and the University of Lagos and Concordia University, Concordia International launched the FutureWise Summit: the Voices of Youth (October 20<sup>th</sup>), aimed at bringing together youth organizations and young people from across Sub-Saharan Africa to engage in a dynamic dialogue on the main challenges and opportunities impacting youth employment. The summit had the participation of 20 youth African organizations from 13 different countries, including Nigeria, Republic of Congo, Kenya, Côte d'Ivoire, Madagascar, Cameroon, Mali, Ghana and South Africa.

## UNIVERSITY ADVANCEMENT

### Gifts to the Campaign for Concordia: Next-Gen. Now.

A **\$1-million** gift from the **J. W. McConnell Family Foundation** will support efforts at Concordia related to the United Nations Sustainable Development Goals.

The **Canadian Irish Studies Foundation** (CISF) made a gift of approximately **\$700,000** to support the first five years of a permanent, tenure-track appointment in Irish literature at the School of Irish Studies. The school was created in 2009 with joint financial support from Concordia and the CISF. Since its creation, CISF has contributed \$12.5 million.

**Dominic D’Alessandro**, BSc 67, LL.D 98, renewed his support for graduate students with a gift of **\$375,150** to the Dominic D’Alessandro Fellowship Fund. This brings his contributions to this fund to nearly \$1.4 million.

A gift of **\$335,000** from **Karna Gupta**, BComm 77, MBA 79, established the Jaydeep Gupta Bursary for Women in Finance at the John Molson School of Business. The generous support

for female Department of Finance students honours Karna's brother, the late Jaydeep Gupta, BA 82, MBA 84.

**Croesus Finansoft Inc.** donated portfolio management software worth **\$293,760** for undergraduate and graduate finance students at John Molson.

A Microfor SACE machine donated by **Posalux SA** — a Swiss manufacturer of customized machine solutions for micro-technologies — will benefit research led by Rolf Wuthrich at the Department of Mechanical, Industrial and Aerospace Engineering. Worth approximately **\$225,000**, the equipment will also benefit engineering students at the Gina Cody School.

The **Zakuta Family Foundation** made a gift of **\$135,000** to support John Molson students in financial need enrolled in the Real Estate minor program. Foundation director **Michael Zakuta**, the president and CEO of Plaza Retail REIT, is a John Molson volunteer and regular guest lecturer.

**Louise Rousselle Trotter**, BA 76, renewed her support for undergraduate scholarships in the Faculty of Arts and Science with a gift of **\$100,000**.

The estate of former Concordia Heritage Society member **Rajendra K. Misra** made a gift of **\$100,000** to support Concordia's Greatest Needs.

**Investissements Elmag Inc.** donated **\$70,000** to the Concordia Golf Classic 2021 in support of scholarships for undergraduate and graduate students.

A gift of **\$47,500** from **J. Ross Quigley** will further support the Tom Hopkins Memorial Graduate Award for MFA Studio Arts candidates at the Faculty of Fine Arts. The gift honours the late Tom Hopkins, MFA 87, an acclaimed painter who passed away in 2011.

Long-time Concordia supporter **Christine Lengvari**, BSc 72, donated **\$32,900** to the Christine C. Lengvari Endowment in Support of Women and Leadership. The funds support female and non-binary students enrolled in programs where they are underrepresented.

A gift of **\$32,088** from **Ulrike de Brentani**, Department of Marketing professor emeritus, will fund 10 annual merit entrance scholarships for female Business Technology Management students at John Molson.

**Sarah E. Ivory**, MFA 95, made a gift of **\$30,000** to support students enrolled in the Department of Creative Arts Therapies at the Faculty of Fine Arts. With this generous gift, impactful therapy sessions will be facilitated for hundreds of individuals.

A gift of **\$30,000** has expanded on prior support from an anonymous donor to the Concordia Institute for Water, Energy and Sustainable Systems (CIWESS). The CIWESS is at the forefront of sustainable development practices and promotes research on new advances for water, energy and resource conservation.

A gift of **\$29,290** from **Silvio M. Trub**, BComm 66, will bolster programs offered by Career Management Services at John Molson.

### Alumni engagement

Advancement welcomed alumni from around the world to participate in Concordia's second consecutive virtual **Homecoming**. More than 1,000 alumni attended a dynamic lineup of nine virtual events.

The most popular event featured Emmy Award winner **Annie Murphy**, BFA 10, of *Schitt's Creek* fame, in conversation with **Jennifer Hollett**, BA 97, executive director of *The Walrus* magazine. This event drew almost 400 alumni, students and other community members.

Other Homecoming 2021 events included:

- Concordia University Alumni Association's annual general meeting
- A chance to meet with Anne Whitelaw, BFA 87, GrDip 92, PhD 96, Provost and vice-president, Academic
- Faculty-based sessions for John Molson and Gina Cody alumni
- Reunions for Black alumni and queer alumni
- A dance party featuring performances from a range of talented Concordia graduates.

October provided more of a return to normal with two anticipated and well-attended hybrid and virtual events to celebrate gifts from the Doggone Foundation and the RBC Foundation.

Students and recent alumni also hosted two thematic webinars in September and October. The workshops, on calming eco-anxiety with climate action and managing vaccine hesitancy, drew more than 350 attendees combined.

The fall 2021 edition of *Concordia University Magazine* was published with features on how Concordians are impacting a number of critical fields, including AI in health care, real estate and film and television.

## SERVICES AND SUSTAINABILITY SECTOR

The 2020-2021 Progress Report on the **Sustainability Action Plan** was made available to the Concordia community in November.

Starting in winter 2021, the Office of Sustainability has established a plan to begin building specific metrics and progress reporting systems for the Sustainability Action Plan in collaboration with relevant stakeholders.

A working group was created pertaining to the **electrification of the shuttle bus and fleet of vehicles**, specifically in order to evaluate energy-friendly options before the upcoming contract renewal.

The Office of Sustainability disseminated a **Sustainability Culture and Literacy Assessment** to the Concordia community on October 5<sup>th</sup>. The online survey was sent to all full/part-time faculty, full-time staff and to a representative sample of graduate and undergraduate students. 1,896 individual responses were received, representing a response rate of 12.7%. The final report is being finalized and will be sent to relevant stakeholders throughout the university.

Concordia continues to actively execute its **cyber program roadmap** (year three of five) in alignment with identified risks, recommendations from Internal Audit and regulatory requirements from the Government of Quebec.

New application systems to support Concordia's **digital transformation**: the department continues to be actively involved in the delivery of Project UNITY. As well, BI & Analytics – Work to produce analytical dashboards from student data is well underway. In addition, a proof of concept to improve student retention via advanced analytics was initiated with the help of the firm Data Robots.

After two-and-a-half years of work and preparation, **Project UNITY** has launched. UNITY is a Human Resources, Finance and Procurement solution that will simplify processes, reduce paper, provide more data for enhanced decision-making, and strengthen Concordia's ability to focus on pursuing academic and research growth. **Human Resources** continues to be actively involved in the delivery of Project UNITY, holding various sessions for managers and other employees. The UNITY eLearning program on Moodle is available at any time to learn how to navigate through UNITY, complete a timesheet or request time off, submit an expense claim, and for other tasks. Following completion of UNITY training, further support includes:

- The UNITY Call Centre to speak with a Human Resources, Finance & Procurement or IITS specialists: (514) 848-2424, ext. 3394.
- Ability to contact the Human Resources, Financial Services, or IITS support team through Carrefour.
- commUNITY super users (a super user is a faculty, department or service representative who has had hands-on training on the UNITY system and is familiar with the resources and support that are available to the community at Concordia).



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Honorary Degrees and Convocation Committee recommendations: New *Policy on Revocation of Awards and Other Types of Recognition* (SG-XX) and revisions to the *Guidelines for the Awarding of Honorary Degrees* (BD-15)

**ACTION REQUIRED:** For approval

**SUMMARY:** On recommendation of the Honorary Degree and Convocation Committee (HDCC), the Board of Governors the approval of a new *Policy on Revocation of Awards and Other Types of Recognition* (SG-15) and amendments to the *Guidelines for the Awarding of Honorary Degrees* (BD-15).

**BACKGROUND:**

*Policy on Revocation of Awards and Other Types of Recognition* (SG- 15)

The need to have a formal policy on revocation of awards and other types of recognition conferred by the University first formally arose in March 2020 during a discussion at HDCC concerning actions to be taken following findings of alleged misconduct of a deceased recipient of the Loyola Medal.

In January 2021, the need to adopt such a policy became increasingly evident following a guilty plea in a US federal criminal court by an honorary degree recipient, further to which the Board revoked this individual's degree.

This new Policy has been drafted based on practices following a review of similar policies and practices at other Canadian universities.

The *Guidelines on the Revocation of Awards and Other Types of Recognition* complement the Policy to provide further information on the process for the revocation and removal of awards and other types of recognition. The Guidelines have been appended for reference purposes.

*Amendments to the Guidelines for the Awarding of Honorary Degrees* (BD-15)

The adoption of the above new Policy created the need to modify the *Guidelines for the Awarding of Honorary Degrees*.

Furthermore, following discussions at HDCC meetings regarding the pool of honorary doctorate candidates, it is suggested that HDCC continues to recommend Board approval for the nominations of honorary doctorate candidates received by the University. Once such

nominees are approved by the Board, the removal or extension of candidates in the pool will be managed and reviewed annually by the Office of the President.

Other minor changes are being proposed to update the Policy to comply with the policy template, and the title was changed to reference the word "Policy" rather than "Guidelines".

**DRAFT MOTION:**

That, on recommendation of the Honorary Degree and Convocation Committee, the Board of Governors approve the new *Policy on Revocation of Awards and Other Types of Recognition (SG-15)* and the revisions to the *Guidelines for the Awarding of Honorary Degrees (BD-15)*, which, going forward, would be referred to as the *Policy on the Awarding of Honorary Degrees*.

**PREPARED BY:**

Name: Shelina Houssenaly  
Date: December 10, 2021

## POLICY ON REVOCATION OF AWARDS AND OTHER TYPES OF RECOGNITION

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**Effective Date:** [insert date]

**Approval Authority:** Board of Governors

**Supersedes /Amends:** N/A

**Policy Number:** SG-15

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### PREAMBLE

The University regularly recognizes the achievements and/or contributions of members of the Concordia and/or the global community by granting honorary degrees and other forms of Recognition (as defined below). However, in rare and exceptional circumstances, if the behaviour of a Recipient (as defined below) or maintaining a Recognition may harm or undermine the University's reputation or may be found to be inconsistent with the mission and values of the University, the Recognition may be revoked or removed in accordance with this Policy.

### SCOPE

This Policy applies to any and all types of Recognition that may have been bestowed upon any Recipient. As appropriate, revocation or removal can also apply to any person or entity.

In the event of any conflict or contradiction between the provisions of this Policy and the provisions of any other University policy or procedure, the provisions of this Policy shall prevail.

### PURPOSE

This Policy and the related Guidelines on the revocation or removal of Recognition (the "Guidelines") set out the principles and the process that shall be followed in such cases.

### DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

"Recipient" means any person from the University community or from the global community regardless of whether the person is still living or not, or any entity that may have received a Recognition.

"Recognition" means any form of recognition awarded by any body, unit or department of the University to any person or entity including, but not limited to, honorary degrees, Loyola

## POLICY ON REVOCATION OF AWARDS AND OTHER TYPES OF RECOGNITION

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Medal, Emeritus titles awarded by the Board or Senate and, CCSL awards, and the naming of University spaces, buildings, assets or other activities.

“Revocation Committee” means the committee described in [section 1](#).

### POLICY

1. In each instance when the revocation of a Recognition may be appropriate, the Provost and Vice-President, Academic (the “Provost”), or their delegate, may strike a Revocation Committee, the composition of which shall be appropriate in the circumstances having regard to the nature of the Recognition.
2. In the event that the Provost or any member of the Revocation Committee requires clarification regarding the application of this Policy, they may contact the Secretary-General for guidance. In such cases, the Secretary-General shall consult with the relevant parties as they deem appropriate.
3. The Revocation Committee receives and reviews information and/or documentation regarding the possible revocation or removal of a Recognition. The Revocation Committee may consider the revocation or removal of a Recognition based upon any information available or provided to the Revocation Committee and may consult with any person deemed appropriate. The Revocation Committee carefully considers the quality and provenance of any document or information consulted.
4. Neither the initial review nor the further analysis of the Revocation Committee involves a re-investigation of a matter that has been investigated by the University or on behalf of the University, whether pursuant to another University policy or process, or otherwise.
5. Following an initial review, if the Revocation Committee considers the information available to be insufficient or spurious, it may elect to discontinue any further analysis of the revocation or removal under consideration and will so advise the Provost, the Secretary-General or the President of that decision, as appropriate.
6. Under reserve of any decision by the Revocation Committee to discontinue the analysis of a revocation or removal in accordance with [section 5](#), and, under reserve of [section 7](#), in the case of the potential revocation of an honorary degree pursuant to the *Policy on the Awarding of Honorary Degrees* ([BD-15](#)) or a Recognition which has been approved by the

## POLICY ON REVOCATION OF AWARDS AND OTHER TYPES OF RECOGNITION

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Board of Governors or Senate, the Revocation Committee shall forward to the relevant body its recommendation regarding revocation or removal.

7. Notwithstanding [section 6](#), in the event that a decision to revoke or remove a Recognition is based in whole or in part upon a confidential investigation or report, the Revocation Committee shall share only the decision to revoke or remove in a confidential manner and it will not share any report or decision regarding that matter.
8. In the case of any other Recognitions which are awarded or granted on the basis of other University policies or practices, the Revocation Committee reviews the information in accordance with the Guidelines and makes the appropriate recommendation to the relevant Vice-President.
9. All of the deliberations of the Revocation Committee are strictly confidential, and its recommendations are to be treated confidentially by the body or person receiving such recommendations.
10. Once a decision has been rendered regarding revocation or removal of a Recognition, the decision as to if and/or how to communicate, display, delete or modify any University communication website, publication, or tool to reflect the decision reached shall be carefully considered on a case-by-case basis. In the event of revocation or removal, the Revocation Committee may request that the University's publications are modified accordingly.
11. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.

[Approved by the Board of Governors on [insert date].]

## GUIDELINES ON THE REVOCATION OF AWARDS AND OTHER TYPES OF RECOGNITION

In accordance with the *Policy on Revocation of Awards and Other Types of Recognition* (SG-15)  
[insert date]

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### PURPOSE

These Guidelines outline the process to follow for the revocation or removal of awards and other types of Recognition as set out in the *Policy on the Revocation of Awards and Other Types of Recognition* (SG-15).

### DEFINITION

For the purposes of these Guidelines, the following definition shall apply:

“Member of the University Community” means any student and any full-time, part-time and temporary employee of the University, including staff, faculty, postdoctoral fellows, researchers, members of the administration, stagiaires, interns and volunteers. Member(s) can also include governors and donors.

All other terms that are capitalized shall have the same meaning as those terms defined in the *Policy on Revocation of Awards and Other Types of Recognition* (SG-15).

### GUIDELINES

1. The Revocation Committee may consider the revocation or removal of a Recognition of its own accord or upon receiving a written request from a Member of the University Community. Such requests should be addressed to the Provost and Vice-President, Academic (the “Provost”).
2. A request for revocation or removal should be accompanied by the relevant documentation and includes:
  - the name of the Recipient and of the Recognition; and
  - the reasons for requesting the revocation or removal.
3. The Provost may, at their discretion, request additional documentation or a detailed written description of the alleged behaviour so that an evaluation of the request for revocation or removal can be conducted.

## GUIDELINES ON THE REVOCATION OF AWARDS AND OTHER TYPES OF RECOGNITION

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4. The Provost or their delegate may elect not to strike a Revocation Committee if a request is vague, incomplete or spurious.
5. The Revocation Committee may choose to inform the Recipient that a revocation or removal of their Recognition is under consideration. In such circumstances, and if relevant, the Revocation Committee may give the Recipient the opportunity to provide pertinent information or documents.
6. In the event that the Recipient is deceased, the Revocation Committee may choose to inform the Recipient's family that a revocation or removal of the Recognition is under consideration. In such circumstances, and if relevant, the Committee may give the Recipient's family the opportunity to provide pertinent information or documents.
7. The Revocation Committee may obtain or request information, documents or testimony from any person, group or institution.
8. The Revocation Committee may mandate a third party to collect relevant information, documents or testimony.
9. The Revocation Committee may inform the Recipient, or anyone involved in the revocation or removal process, of its recommendation and/or reasoning.

Approved by the Secretary-General on [insert date].

## POLICY ON THE AWARDING OF HONORARY DEGREES

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**Effective date:** [insert date]

**Approving Authority:** Board of  
Governors

**Supersedes/Amends:** June 11, 2015

**Policy Number:** BD-15

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### PREAMBLE

Concordia University (the “University”) confers honorary degrees as a way of honoring the exemplary contributions and accomplishments of distinguished individuals to a specific field or to society in general. Honorary degrees are awarded to inspire and celebrate excellence and shall reflect positively on the public reputation of the recipients as well as the University.

### SCOPE

This Policy applies to honorary degrees conferred by the University.

### PURPOSE

This Policy presents the selection and eligibility criteria, the types of degrees awarded and the nomination process.

### POLICY

#### Selection Criteria

1. A nominee must have sufficient stature and recognition to ensure that the awarding of an honorary degree brings credit to the University and to the academic community as a whole, upholds the values that lead to the advancement of learning and to the pursuit of greater knowledge and inspires students.
2. Candidates must meet one or more of the following criteria:
  - a) *Eminence in a field of activity or profession*  
Exceptional record of distinction and achievement in an academic field, in the creative or performing arts, or in a profession or discipline.

## POLICY ON THE AWARDING OF HONORARY DEGREES

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- b) *Outstanding public or community service*  
Distinguished service to the community, locally, nationally, or internationally, or exceptional accomplishments having contributed to Canadian culture and society.
- c) *Significant connection or benefaction to the University*  
Extraordinary contribution to the development of the University or magnanimous contribution to the University, creatively, materially or financially.

### Eligibility and Exclusions

- 3. Nominations that reflect the diversity of the Concordia community and Canadian society are encouraged.
- 4. For reasons of propriety, honorary degrees are not conferred to:
  - a) current members of the Board of Governors (the “Board”) or their family members;
  - b) current members of the Board of Directors or employees of the Concordia University Foundation, eConcordia or KnowledgeOne; or
  - c) current employees or students of the University.
- 5. Prudence shall also be shown in recommending honorary degrees to holders of public office as well as any member of a university or faculty advisory committee.

### Types of Degrees Conferred

- 6. The Honorary Degree and Convocation Committee of the Board (“HDCC”) makes a recommendation on the type of honorary degree to confer. The following honorary degrees are most commonly conferred, although other degrees may be considered as appropriate:
  - a) *LLD (Doctor of Laws)*  
Awarded in recognition of exceptional service to the University or the community at large. This generic honorary degree is the most frequently awarded.

## POLICY ON THE AWARDING OF HONORARY DEGREES

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*b) DSc (Doctor of Science)*

Awarded in recognition of outstanding achievement in science or engineering.

*c) DLitt (Doctor of Letters)*

Awarded in recognition of outstanding achievement in the humanities or literature.

*d) DFA (Doctor of Fine Arts)*

Awarded in recognition of outstanding achievement in visual or performing arts.

### Nomination

7. The Secretary of the HDCC issues a call for nominations in the Spring and the Fall of each year. Nominations may be submitted by the Faculty Councils, by any member of the Concordia community or by a member of the general public. A nominator must not inform a nominee at any stage of the process that they have been nominated or approved to receive an honorary degree. A nominator shall not normally be a family member of a nominee.
8. Each nominator must complete and sign a confidential [Honorary Degree Nomination Form](#) containing a statement explaining why the University should award a degree to the nominee based on the criteria set out above. Each nomination must be accompanied by the nominee's résumé and must be forwarded to the Secretary of the HDCC. The Secretary of the HDCC acknowledges receipt of all nominations.
9. Nominations are received by the Secretary of the HDCC who consults with the President and Vice-Chancellor (the "President"), when applicable, to decide whether or not the nomination should be returned to the nominator for further information or be forwarded as is to the HDCC for consideration.
10. All complete nominations are reviewed by the HDCC, which evaluates the nominations in accordance with the criteria set out in this Policy. A slate of honorary degree recipients is approved by the Board upon recommendation of Senate.
11. Once approved by the Board, nominations are added to a pool of approved candidates, which is managed and reviewed annually by the Office of the President.

## POLICY ON THE AWARDING OF HONORARY DEGREES

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### Confidentiality

12. All nominations must be held in the strictest confidence by the nominator or nominating body, by members of the HDCC and by members of Senate and the Board.

### Selection of Candidates for Convocation Ceremonies

13. Save in exceptional circumstances, there shall be no more than one honorary degree awarded at each convocation ceremony. While a candidate is invited to attend a specific convocation ceremony, the honorary degree is bestowed by the University and not by the Faculty.
14. The pool of approved candidates is forwarded to the President by the Secretary of the HDCC. The President confers in confidence with the Dean of each Faculty, in a timely manner, in order to determine who is awarded the honorary degree at each of their respective convocation ceremonies. Candidates chosen are contacted directly by the President and invited to receive an honorary degree.
15. Save in exceptional circumstances, candidates must be present at the convocation ceremony to receive a degree. Should a candidate who has accepted an invitation to receive an honorary degree be unable to attend a convocation ceremony, the degree may be awarded at another occasion, such as a major academic conference or major public event, as deemed appropriate by the President. A candidate who declines an invitation, or who cancels an invitation twice without reasonable cause, is removed from the pool of candidates and is not considered eligible for further nomination.
16. Where a candidate for an honorary degree approved for inclusion in the pool of candidates subsequently dies, the name is removed from the pool. Should a candidate who has accepted an invitation to receive an honorary degree die before the convocation at which it is to be awarded, the degree is not normally awarded posthumously, although the President, in consultation with the relevant Dean, is at liberty to consider making an exception to this rule.
17. Once the chosen candidates have accepted, their names and the ceremonies at which their degree is awarded is confirmed to the Office of the Registrar on a confidential basis and

## POLICY ON THE AWARDING OF HONORARY DEGREES

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shall remain confidential until such time as a public announcement has been made by University Communications Services with respect to the convocation ceremonies.

### Revocation

18. In rare and exceptional circumstances, if the behavior of a recipient or maintaining their honorary degree may harm or undermine the University's reputation, or may be found to be inconsistent with the mission and values of the University, the honorary degree may be revoked or removed in accordance with the *Policy on Revocation of Awards and Other Types of Recognition* (SG-XX).

### Policy Responsibility and Review

19. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.

Approved by the Board of Governors on March 23, 2009, and amended on November 17, 2011, November 16, 2012, April 26, 2013, June 11, 2015 and [insert date].

GUIDELINESPOLICY ON THE AWARDING OF HONORARY DEGREES

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Effective date: ~~June 11, 2015~~ \_\_\_\_\_ Originating  
Office: ~~[insert date]~~ \_\_\_\_\_ Approving Authority: Board of  
Governors

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Supersedes ~~criteria dated: April 26, 2013~~ \_\_\_\_\_ /Amends: June 11, 2015 \_\_\_\_\_ Policy  
Number: -BD-15

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SELECTION CRITERIA

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PREAMBLE

Concordia University (the "University") confers honorary degrees as a way of honoring the exemplary contributions and accomplishments of distinguished individuals to a specific field or to society in general. Honorary degrees are awarded to inspire and celebrate excellence and shall reflect positively on the public reputation of the recipients as well as the University.

SCOPE

This Policy applies to honorary degrees conferred by the University.

PURPOSE

This Policy presents the selection and eligibility criteria, the types of degrees awarded and the nomination process.

POLICY

Selection Criteria

1. A nominee must have sufficient stature and recognition to ensure that the awarding of an honorary degree brings credit to ~~Concordia~~the University (the "University") and to the academic community as a whole, upholds the values that lead to the advancement of learning and to the pursuit of greater knowledge and inspires students.

GUIDELINESPOLICY ON THE AWARDING OF HONORARY DEGREES

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1.2. Candidates must meet one or more of the following criteria:

- a) *Eminence in a field of activity or profession*  
Exceptional record of distinction and achievement in an academic field, in the creative or performing arts, or in a profession or discipline.
- b) *Outstanding public or community service*  
Distinguished service to the community, locally, nationally, or internationally, or exceptional accomplishments having contributed to Canadian culture and society.
- c) *Significant connection or benefaction to the University*  
Extraordinary contribution to the development of the University or magnanimous contribution to the University, creatively, materially or financially.

Eligibility and Exclusions

Nominations that reflect the diversity of the Concordia community and Canadian society are encouraged.ELIGIBILITY AND EXCLUSIONS

3.

2.4. For reasons of propriety, honorary degrees ~~will~~are not ~~be given~~conferred to:

- a) current members of the Board of Governors (the "Board") or their family members;~~or~~
- a)b) current members of the Board of Directors or employees of the Concordia University Foundation, eConcordia or KnowledgeOne; or
- b)c) current employees or students of the University.

3.5. Prudence ~~should~~shall also be shown in recommending honorary degrees to holders of public office as well as any member of a Universityuniversity or Facultyfaculty advisory committee.

## GUIDELINESPOLICY ON THE AWARDING OF HONORARY DEGREES

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~~Nominations that reflect the diversity of the Concordia community and Canadian society are encouraged. Save in exceptional circumstances, candidates must be present at the convocation ceremony to receive a degree; degrees will not normally be offered in absentia or posthumously.~~

### DEGREES TO BE CONFERRED

#### Types of Degrees Conferred

4.6. The Honorary Degree and Convocation Committee of the Board ("HDCC") ~~will~~ make~~makes~~ a recommendation on the type of honorary degree to confer. -The following honorary degrees ~~have~~are most commonly ~~been~~ conferred, although other degrees may be considered as appropriate:

- a) *LLD (Doctor of Laws)*  
Awarded in recognition of exceptional service to the University or the community at large. -This generic honorary degree is the most frequently awarded.
- b) *DSc (Doctor of Science)*  
Awarded in recognition of outstanding achievement in science or engineering.
- c) *DLitt (Doctor of Letters)*  
Awarded in recognition of outstanding achievement in the humanities or literature.
- d) *DFA (Doctor of Fine Arts)*  
Awarded in recognition of outstanding achievement in visual or performing arts.

### NOMINATION PROCESS

#### Nomination

5.7. The Secretary of the HDCC ~~will~~issue~~issues~~ a call for nominations in the Spring and the Fall of each year. -Nominations may be submitted by the Faculty Councils, by any member of the Concordia community or by a member of the general public. -A nominator

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GUIDELINESPOLICY ON THE AWARDING OF HONORARY DEGREES

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must not inform a nominee at any stage of the process that ~~he/she has~~they have been nominated or approved to receive an honorary degree. ~~-A nominator will~~shall not normally be a family member of a nominee.

- ~~6.8.~~ Each nominator must complete and sign a confidential Honorary Degree Nomination Form~~Honorary Degree Nomination Form~~ containing a statement explaining why the University should award a degree to the nominee based on the criteria set out above. Each nomination must be accompanied by the nominee's résumé and must be forwarded to the Secretary of the HDCC. ~~The Secretary of the HDCC will~~acknowledge~~acknowledges~~ receipt of all nominations.
- ~~7.9.~~ Nominations ~~shall be~~are received by the Secretary of the HDCC who ~~will consult~~consults with the President and Vice-Chancellor (the "President"), when applicable, to decide whether or not the nomination should be returned to the nominator for further information or be forwarded as is to the HDCC for consideration.
- ~~10.~~ All complete nominations are reviewed by the HDCC, which ~~will evaluate~~evaluates the nominations in accordance with the criteria set out in ~~these Guidelines.~~this Policy. A slate of honorary degree recipients is approved by the Board ~~of Governors~~ upon recommendation of Senate.
- ~~8.11.~~ Once approved by the Board ~~of Governors,~~ nominations ~~will be held active for a period of three years, subject~~are added to the HDCC ~~extending the eligibility period when deemed appropriate. After that period, the name of any nominee who has not yet been awarded an honorary degree will be removed from the~~a pool of approved candidates. ~~However, a candidate may be re-nominated, which is managed and re-submitted for approval, either~~at ~~reviewed annually by the~~initiationOffice of the HDCC ~~or the original nominator~~President.

CONFIDENTIALITY

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Confidentiality

9.12. All nominations must be held in the strictest confidence by the nominator or nominating body, by members of the HDCC and by members of Senate and the Board ~~of Governors~~.

SELECTION OF CANDIDATES FOR CONVOCATION CEREMONIES

Selection of Candidates for Convocation Ceremonies

10.13. Save in exceptional circumstances, there ~~should~~shall be no more than one honorary degree awarded at each convocation ceremony. - While a candidate is invited to attend a specific convocation ceremony, the honorary degree is bestowed by the University and not by the Faculty.

11.14. The pool of approved candidates ~~will be~~is forwarded to the President by the Secretary of the HDCC. -The President ~~will confer~~confers in confidence with the Dean of each Faculty, in a timely manner, in order to determine who ~~will be~~is awarded the honorary degree at each of their respective convocation ceremonies. -Candidates chosen ~~will be~~are contacted directly by the President and invited to receive an honorary degree.

12.15. Save in exceptional circumstances, candidates must be present at the convocation ceremony to receive a degree. Should a candidate who has accepted an invitation to receive an honorary degree be unable to attend a convocation ceremony, the degree may be awarded at another occasion, such as a major academic conference or major public event, as deemed appropriate by the President. -A candidate who declines an invitation, or who cancels an invitation twice without reasonable cause, ~~will be~~is removed from the pool of candidates and ~~will~~is not ~~be~~ considered eligible for further nomination.

13.16. Where a candidate for an honorary degree approved for inclusion in the pool of candidates subsequently dies, the name ~~will be~~is removed from the pool. - Should a candidate who has accepted an invitation to receive an honorary degree die before the convocation at which it is to be awarded, the degree ~~will~~is not normally ~~be~~ awarded posthumously, although the President, in consultation with the relevant Dean, is at liberty

**GUIDELINESPOLICY ON THE AWARDING OF HONORARY DEGREES**

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to consider making an exception to this rule. ~~Such a decision shall be brought forward to the Board of Governors for its information.~~

17. ~~Once the chosen candidates have accepted, their names and the ceremonies at which their degrees will be~~ degree is awarded ~~will be~~ is confirmed to the Office of the Registrar on a confidential basis and shall remain confidential until such time as a public announcement has been made by University Communications Services with respect to the convocation ceremonies.

Revocation

18. ~~In rare and exceptional circumstances, if the behavior of a recipient or maintaining their honorary degree may harm or undermine the University's reputation, or may be found to be inconsistent with the mission and values of the University, the honorary degree may be revoked or removed in accordance with the Policy on Revocation of Awards and Other Types of Recognition (SG-XX).~~

Policy Responsibility and Review

19. ~~The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.~~

Approved by the Board of Governors on March 23, 2009, and amended on November 17, 2011, November 16, 2012, April 26, 2013, June 11, 2015 and [insert date].



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** COPIBEC Copyright License Agreement renewal (2021-2024)

**ACTION REQUIRED:** For approval

**SUMMARY:** Board approval is sought to renew the agreement between the University and COPIBEC.

**BACKGROUND:**

The previous agreement between the University and COPIBEC was in effect from June 1, 2017, to May 31, 2021. In accordance with the preceding agreement, the agreement continued to be effective until the date of entry into force of the new agreement to the extent that renewal negotiations were being conducted in good faith by the parties.

The new agreement will be in effect for three years (retroactive), from June 1, 2021, to May 31, 2024, and the license fee is maintained at \$13.50 per full-time equivalent student (FTE) for the duration of the agreement.

**DRAFT MOTION:**

ATTENDU QUE la « *Convention concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement d'ordre universitaire (2017-2021)* » est venue à échéance le 31 mai 2021;

ATTENDU l'entente intervenue avec COPIBEC sur le texte de la *Convention concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement d'ordre universitaire (2021-2024)*;

ATTENDU l'approbation par le Conseil d'administration du BCI du texte de la *Convention concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement d'ordre universitaire (2021-2024)* et la recommandation du Conseil d'administration du BCI de sa ratification par les conseils d'administration de chaque établissement universitaire;

ATTENDU l'intérêt pour l'Université Concordia, comme établissement d'enseignement de niveau universitaire, d'adhérer à la *Convention concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement d'ordre universitaire (2021-2024)* aux fins de sa mission d'enseignement et de recherche;

**IL EST RÉSOLU :**

d'approuver l'adhésion de l'Université Concordia à la *Convention concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement d'ordre universitaire (2021-2024)*, selon le document BG-2021-9-D9 joint à la présente résolution; et

d'autoriser la Secrétaire générale à signer, pour et au nom de l'Université Concordia, la *Convention concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement d'ordre universitaire (2021-2024)*.

**PREPARED BY:**

Name: Georges Aubé and Shelina Houssenaly

Date: December 2, 2021

**CONVENTION**  
**CONCERNANT LA REPRODUCTION D'OEUVRES LITTÉRAIRES**  
**ENTRE**  
**L'UNIVERSITE CONCORDIA**  
**ET**  
**COPIBEC**  
**(2021-2024)**

**ENTRE**

**UNIVERSITE CONCORDIA**, établissement d'enseignement de niveau universitaire reconnu par la loi (L.R.Q., c. E-14.1), constituée en personne morale sans but lucratif, immatriculée au registre des entreprises du Québec sous le numéro : 1147608351, ayant son siège social au 1455, boul. de Maisonneuve Ouest, Montreal, (Québec) H3G 1M8, ici représentée par Me Frederica Jacobs, son Secrétaire générale, dûment autorisée à agir aux fins des présentes en vertu d'une Résolution du conseil d'administration de l'Université Concordia, adoptée à sa réunion tenue le **16 décembre 2021**, et dont copie certifiée conforme est annexée aux présentes;

ci-après appelée « **USAGER** »

**ET**

Société québécoise de gestion collective des droits de reproduction, société sans but lucratif, constituée en corporation en vertu de la Partie III de la *Loi sur les compagnies* et agissant à titre de société de gestion au sens de la *Loi sur le droit d'auteur*, ayant son siège social au 550, rue Sherbrooke Ouest, bureau 510, tour Est, Montréal (Québec), H3A 1B9, dûment représentée aux fins des présentes par monsieur Christian Laforce, directeur général,

ci-après appelée « **COPIBEC** »

**ATTENDU QUE** l'Usager a une mission éducative dont la réalisation requiert l'accès à de multiples œuvres protégées par la Loi;

**ATTENDU QUE** COPIBEC détient les droits permettant d'autoriser, dans le cadre de la présente Convention, toute Utilisation Autorisée de toute Œuvre du Répertoire par l'Usager et ses Utilisateurs Autorisés;

**ATTENDU QUE** l'Usager souhaite obtenir une licence visant toute Utilisation Autorisée des Œuvres du Répertoire, dans la mesure où ces Utilisations Autorisées requièrent effectivement une autorisation aux termes de la Loi et ne bénéficient pas par ailleurs d'une exception en vertu de celle-ci ni ne sont autrement autorisées par un tiers;

**ATTENDU QUE** COPIBEC est sensible à la mission éducative et aux besoins de l'Usager;

**ATTENDU QUE** la durée de la « *Convention concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement d'ordre universitaire (2017-2021)* » est venue à échéance le 31 mai 2021 et qu'elle a continué de s'appliquer, en vertu de l'article 7.3 de ladite Convention, pendant la poursuite des négociations pour le renouvellement de la Convention;

**ATTENDU QUE** les parties ont conscience de la nécessité d'en venir à une nouvelle entente prenant en compte les réalités pédagogiques de l'Usager et le développement des nouveaux moyens de Reproduction et de Communication des Œuvres dont, notamment, leur Reproduction sur support Numérique et leur Mise à disposition aux Utilisateurs Autorisés;

**ATTENDU** le contexte légal découlant des amendements apportés à la *Loi sur le droit d'auteur* par le chapitre 20 des Lois du Canada 2012, ainsi que par les arrêts rendus par la Cour suprême du Canada le 12 juillet 2012, bien que les parties n'aient pas pu s'entendre au sujet de l'interprétation et de la portée des dits arrêts, notamment quant à la notion d'utilisation équitable d'œuvres aux fins d'éducation;

**ATTENDU QUE** les parties reconnaissent qu'il s'agit d'une entente ne comportant aucune admission, reconnaissance ni engagement de l'une et l'autre des parties au sujet de l'interprétation et de la portée de la notion d'utilisation équitable d'œuvres aux fins d'éducation.

**En considération de quoi les parties conviennent de ce qui suit :**

**1. Définitions et applications**

1.1 Dans la présente Convention, y compris son préambule, à moins que le contexte n'impose un sens différent, les expressions suivantes signifient :

« **Article** » : Œuvre, quel qu'en soit la forme, le format ou le support (tangibles ou non), formant par elle-même un tout distinct mais faisant partie d'un journal ou d'une publication périodique.

« **Centre de photocopie** » : Service de photocopie de l'Usager, ou d'une coopérative ou d'une association étudiante dûment agréé par l'Usager, ou d'un Sous-traitant, mis à la disposition de l'Usager pour répondre à ses besoins de Reproduction par reprographie.

« **Communication** » ou « **Communiquer** » : Le droit ou l'acte de « communication au public » prévu à l'article 8 du Traité ODA, tel que ce droit est présentement reconnu par la Loi et interprété par la jurisprudence en y englobant le droit de Mise à Disposition et, selon le cas, tel que cette interprétation pourra être codifiée au cours de la durée de cette Convention.

« **Convention** » : La présente convention incluant ses annexes.

« **Distribution** » ou « **Distribuer** » : Le droit ou l'acte de « distribution » prévu à l'article 6 du Traité ODA, tel que ce droit pourra être mis en œuvre au Canada au cours de la durée de cette Convention.

« **EETP** » : Le nombre d'Étudiants des établissements de l'Usager calculé par le ministère de l'Enseignement supérieur (MES) pour en établir l'équivalence au temps plein. Ce nombre est fourni par le MES, vers le 15 avril de chaque année, pour l'année précédente.

« **Enseignement** » : Activités pédagogiques, éducatives ou similaires qu'offre l'Usager, y compris les séances d'information, les ateliers, les cours par correspondance, l'enseignement à distance, dont le télé-enseignement et l'enseignement en ligne, les séminaires, les examens, les conférences, les colloques.

« **Étudiant** » : Toute personne dûment inscrite à une activité d'Enseignement dans un établissement de l'Usager, selon les règlements d'inscription de l'Usager.

« **Fins Autorisées** » : L'enseignement et la recherche.

« **Groupe-cours** » : Locution désignant un nombre déterminé d'Étudiants inscrits à un cours qui porte généralement les caractéristiques suivantes : un sigle, un numéro, un titre, un descriptif.

« **Licence** » : Autorisation générale d'Utilisations Autorisées des Œuvres du Répertoire conformément à cette Convention.

« **Loi** » : la *Loi sur le droit d'auteur* canadienne (L.R.C. 1985, c. C-42), telle qu'amendée de temps à autre pendant la durée de cette Convention.

« **Liste d'Exclusions** » : La liste d'exclusions en Annexe 1 telle que celle-ci peut-être mise à jour de temps à autre par COPIBEC conformément aux paragraphes 2.6 et 9.1 de la Convention.

« **Mise à disposition** » ou « **Mettre à Disposition** » : Le droit ou l'acte de « *mise à la disposition du public d'une œuvre par fil ou sans fil de manière que chacun puisse y avoir accès de l'endroit et au moment qu'il choisit de manière individualisée* » prévu à l'article 8 du Traité ODA, englobé dans le droit de Communication tel que présentement interprété par la jurisprudence et, selon le cas, tel que cette interprétation pourra être codifiée au cours de la durée de cette Convention.

« **Numérique** » : À l'égard de l'exemplaire original d'une Œuvre ou de toute Reproduction de celle-ci, un tel exemplaire original ou une telle Reproduction sur un support, tangible ou non, faisant appel aux technologies de l'information, qu'elles soient électroniques, magnétiques, optiques, sans fil ou autres ou faisant appel à une combinaison de technologies.

« **Œuvre** » : Œuvre littéraire (y compris toute parole ou autre texte accompagnant une chanson ou autre œuvre musicale à l'exclusion de la musique de cette chanson ou autre œuvre musicale), dramatique ou artistique (notamment les graphiques, gravures, illustrations et photographies) protégée par le droit d'auteur au Canada.

« **Œuvre du Répertoire** » : Œuvre qui, au moment où l'Utilisation Autorisée concernée de celle-ci survient, fait partie du répertoire de COPIBEC, que ce soit par voie de cession, licence, mandat ou autrement.

« **Page** » : Dans le cas d'une Reproduction d'une Œuvre effectuée à partir d'une version imprimée de celle-ci, une (1) page d'une telle Œuvre ou parties de pages consécutives d'une telle Œuvre et, dans le cas d'une Reproduction d'une Œuvre effectuée à partir d'une version

sur support Numérique de celle-ci : le contenu de cette Œuvre pouvant être imprimé sur un support papier de 8 ½" par 11".

« **Personnel** » : Membre du personnel enseignant ou de recherche, tout conférencier, membre du personnel administratif et toute catégorie d'employé de l'Usager.

« **Recueil de cours** » : désigne, aux fins de l'utilisation par un Utilisateur Autorisé dans le cadre d'un cours, peu importe que sa lecture soit exigée ou recommandée pour le cours ou autrement :

- a) des Reproductions sur support papier d'Œuvres reliées dans un recueil de cours; ou
- b) des Reproductions sur support Numérique d'Œuvres:
  - (i) qui sont transmises dans un recueil de cours dans un format tel que PDF, HTML, ePub, etc.;
  - (ii) qui sont transmises par courriel ou qui font l'objet d'un lien ou d'un hyperlien, ou
  - (iii) qui sont transmises ou téléchargées vers ou stockées sur un Réseau Sécurisé.

« **Reproduction** » ou « **Reproduire** » : Le droit ou l'acte de « reproduction » au sens de la Loi, incluant une reproduction sur support Numérique, et comprend, selon le cas, toute reproduction réalisée à la suite de l'une des activités suivantes ou en conséquence de l'une quelconque de celles-ci pour autant, pour plus de certitude, que cette activité ou que sa conséquence constitue une « reproduction » au sens de la Loi:

- a) la reproduction par reprographie, y compris la reproduction au moyen de la xérographie ou de la photocopie;
- b) la duplication (par stencil) ou par dessin (y compris le traçage) et tout procédé analogue;
- c) la numérisation par balayage d'une copie papier afin d'effectuer une Reproduction sur support Numérique;
- d) l'impression d'une Reproduction sur support Numérique;
- e) la transmission par courrier électronique ou télécopieur;
- f) le stockage d'une Reproduction sur support Numérique sur un dispositif ou un support de stockage local;
- g) la transmission ou le téléchargement d'une Reproduction sur support Numérique sur un Réseau Sécurisé ou le stockage d'une Reproduction sur support Numérique sur un Réseau Sécurisé;
- h) la transmission d'une Reproduction sur support Numérique à partir d'un Réseau Sécurisé et son stockage sur un dispositif ou un support de stockage local;
- i) la représentation au moyen d'un ordinateur ou de tout autre dispositif, incluant le rétroprojecteur et le projecteur de diapositives;
- j) l'affichage, sur un ordinateur ou autre dispositif, d'une Reproduction sur support Numérique;
- k) l'affichage d'un lien ou d'un hyperlien menant à une Reproduction sur support Numérique.

« **Réseau Sécurisé** » : Réseau exploité par l'Usager, ou par un Sous-traitant pour son compte, (tel qu'un réseau hébergé par un Sous-traitant ou accessible par une interface Web), et qui est uniquement accessible par un Utilisateur Autorisé approuvé par l'Usager (ou le Sous-traitant pour son compte) au moyen d'un processus d'authentification qui, au moment de l'ouverture d'une session ou préalablement à l'accès à l'Œuvre, permet d'identifier cet Utilisateur Autorisé, que ce soit par un nom d'utilisateur et un mot de passe ou par une autre méthode offrant une sécurité équivalente. Est assimilé à un tel réseau tout autre système ou mode de Communication offrant des garanties de sécurité similaire.

« **Sous-traitant** » : A le sens donné à cette expression à l'article 6 de cette Convention.

« **Titulaire** » : À l'égard d'un droit d'auteur donné sur une Œuvre donnée, le titulaire de ce droit au sens de la Loi, le bénéficiaire d'une licence visant ce droit, le mandataire de ce titulaire ou bénéficiaire ou tout représentant dûment autorisé d'un tel titulaire, bénéficiaire ou mandataire, y compris toute société de gestion (au sens de la Loi) agissant à l'un de ces titres.

« **Traité ODA** » : Le Traité de l'Organisation mondiale de la propriété intellectuelle sur le droit d'auteur adopté à Genève le 20 décembre 1996.

« **Trimestre** » : Subdivision de l'année scolaire de l'établissement de l'Usager en trimestres d'automne, d'hiver et d'été.

« **Utilisateur Autorisé** » : Un Étudiant ou un membre du Personnel.

« **Utilisation** » ou « **Utiliser** » Tout acte qu'en vertu de la Loi seul le titulaire du droit d'auteur a la faculté d'accomplir.

« **Utilisation Autorisée** » : À l'égard d'une Œuvre ou d'une Reproduction de celle-ci, toute Utilisation de celle-ci qui est autorisée par la Licence.

## **2. Objet et limites de la Convention**

2.1 La Convention fixe les conditions auxquelles est soumise toute Utilisation Autorisée d'Œuvres du Répertoire à toutes Fins Autorisées par l'Usager et ses Utilisateurs Autorisés. Elle régit les rapports des parties contractantes entre elles et définit les principes des relations devant exister entre COPIBEC et l'Usager.

2.2 Aux termes de la présente Convention, COPIBEC accorde à l'Usager une Licence non exclusive, pour la durée prévue à l'article 7 de la présente Convention, l'autorisant, ainsi que ses Utilisateurs Autorisés, à effectuer toute Utilisation Autorisée, selon les modalités prévues à la Convention, des Œuvres du Répertoire.

2.3 Nonobstant toute disposition contraire à cette Convention, les droits concédés à l'Usager aux termes de cette Convention ne visent aucune Utilisation d'une Œuvre du Répertoire pour laquelle l'Usager n'encourt pas de responsabilité en vertu de la loi.

2.4 Cette Licence n'affecte pas et ne doit pas être interprétée comme couvrant ou affectant quelque limitation (dont celle visant l'Utilisation d'une partie non importante d'une Œuvre) ou exception (dont celles figurant aux articles 29 et suivants de la Loi) alors applicable en vertu de la Loi en faveur de l'Usager, Sous-traitants et Utilisateurs Autorisés, y compris tout droit dont ils disposent aux termes de ces limitations et exceptions.

2.5 Cette Licence n'affecte pas et ne doit pas être interprétée comme affectant, restreignant ou limitant quelque droit conféré à l'Usager en vertu de tout contrat, de licence ou autre, auquel est partie l'Usager (dont les licences avec des auteurs ou éditeurs), pour le bénéfice de toute personne autorisée en vertu de ces contrats.

2.6 Cette Licence ne vise pas les Utilisations Autorisées d'Œuvres du Répertoire que le Titulaire concerné a expressément interdites pour l'avenir et dont COPIBEC a transmis à l'Usager un avis à cet effet, ou que COPIBEC a incluses dans la Liste d'Exclusions sur support papier et numérique. L'avis d'interdiction ou l'ajout à la Liste d'Exclusions entre en vigueur à la date indiquée par COPIBEC, laquelle date ne pourra être antérieure au dixième (10<sup>e</sup>) jour suivant la réception de cet avis par l'Usager et en aucun cas ne saurait avoir un effet rétroactif.

2.7 La présente Convention constitue une « entente » au sens du paragraphe 30.3 (2) (a) de la Loi.

2.8 Dans la limite des droits qui ont été conférés par les Titulaires à COPIBEC, COPIBEC autorise l'Usager à poser les actes envisagés à l'article 30.1 de la Loi.

2.9 L'exercice des droits prévus à l'article 2.7 de la présente Convention et de l'autorisation prévue à l'article 2.8 de la présente Convention est subordonné au respect par l'Usager des dispositions applicables de la Loi et du *Règlement sur les cas d'exceptions à l'égard des établissements d'enseignement, des bibliothèques, des musées et des services d'archives*.

## **3. Licence**

3.1 COPIBEC autorise l'Usager à effectuer toute Utilisation Autorisée des Œuvres du Répertoire conformément aux modalités et obligations applicables prévues aux articles 4 et 5 de cette Convention.

3.2 COPIBEC autorise l'Usager et, sous réserve du paragraphe 3.3, ses Utilisateurs Autorisés, à toutes Fins Autorisées, à :

- a) Reproduire jusqu'à vingt pour cent (20 %) de toute œuvre du Répertoire pour un même Groupe-cours ;
- b) Reproduire la totalité ou toute partie d'une Œuvre du Répertoire qui consiste en:
  - i) un Article;
  - ii) la totalité d'une page d'un journal ou d'un périodique;
  - iii) toute parole ou autre texte accompagnant une chanson ou autre Œuvre musicale;
  - iv) une histoire courte, une pièce, un poème ou un essai ou un article compris dans une Œuvre comprenant d'autres Œuvres;
  - v) la totalité d'une rubrique d'une encyclopédie, d'une bibliographie annotée, d'un dictionnaire ou d'une œuvre de référence analogue;
  - vi) la totalité d'une Reproduction d'une œuvre artistique (y compris tout dessin, peinture, impression, photographie, graphique, gravure, illustration ou autre reproduction d'une œuvre de sculpture, d'une œuvre architecturale ou d'une œuvre artistique dues à des artisans) incluse dans une Œuvre du Répertoire; ou
  - vii) la totalité d'un chapitre, à la condition qu'il n'excède pas (20 %) d'un livre.

3.3 Les seules Reproductions que cette Licence autorise un Étudiant à effectuer sont les suivantes:

- a) Reproductions Numériques sur dispositifs et supports de stockage local, et
- b) une Reproduction sur support papier,

de toute Œuvre du Répertoire qui est Communiquée à cet Étudiant sur support Numérique conformément à cette Convention.

3.4 L'autorisation conférée par cette Licence à tout membre du Personnel de l'Usager de Reproduire une Œuvre du Répertoire sur un support tangible emporte de plus l'autorisation de Distribuer toute Reproduction tangible ainsi réalisée à tout Utilisateur Autorisé de l'Usager conformément à cette Convention.

3.5 L'autorisation conférée par cette Licence à tout membre du Personnel de l'Usager de Reproduire une Œuvre du Répertoire sur un support Numérique emporte de plus l'autorisation de Communiquer toute Reproduction Numérique ainsi réalisée à tout Utilisateur Autorisé de l'Usager conformément à cette Convention et d'effectuer toute autre Utilisation de l'Œuvre nécessaire à ces fins.

#### **4. Conditions générales applicables à toute Utilisation**

4.1 Les Utilisations Autorisées effectuées lors d'un Trimestre peuvent faire l'objet d'une nouvelle Utilisation Autorisée lors de tout Trimestre subséquent. Toute telle nouvelle Utilisation Autorisée est soumise aux modalités d'Utilisation de cette Licence.

4.2 Les Reproductions des Œuvres doivent être Utilisées par l'Usager uniquement à des Fins Autorisées. Elles ne doivent pas être Distribuées ou Communiquées par l'Usager à une personne qui n'est pas un Utilisateur Autorisé, sauf dans la mesure permise par cette Convention.

4.3 Les Reproductions autorisées par les paragraphes 3.2 (a) et (b) (vii) ne peuvent dépasser les pourcentages prévus à ces paragraphes dans le cas où la Reproduction de la partie d'Œuvre s'effectue en plusieurs extraits distincts pour un même Groupe-cours pour le même Trimestre.

4.4 Pour toute Reproduction d'une partie d'une Œuvre dans des proportions excédant les limites prévues par les paragraphes 3.2 (a) ou (b) (vii), l'Usager doit adresser une demande d'autorisation particulière en recourant au service en ligne de COPIBEC, laquelle doit alors répondre par écrit dans les meilleurs délais possibles. Les modalités de toute autorisation particulière accordée par COPIBEC seront fixées par COPIBEC et communiquées dans la réponse écrite. COPIBEC s'engage toutefois à ne refuser aucune demande d'autorisation particulière visant la Reproduction d'une partie d'une Œuvre excédant la limite prévue par le paragraphe 3.2 (a) mais dont les proportions totales n'excèdent pas vingt-cinq pour cent (25 %) de cette Œuvre.

4.5 Les Reproductions des Œuvres du Répertoire ne doivent pas être stockées ou indexées dans l'intention de créer une bibliothèque des Œuvres, sauf dans la mesure permise par cette Convention à titre de composante d'un Recueil de cours.

4.6 Les Reproductions des Œuvres du Répertoire doivent constituer des Reproductions fidèles et exactes des Œuvres originales.

4.7 La Reproduction doit être effectuée à partir des Œuvres du Répertoire obtenues par l'Usager de façon légitime.

## **5. Conditions additionnelles concernant les Reproductions sur supports Numériques**

5.1 Les Reproductions sur support Numérique des Œuvres du Répertoire ne doivent pas être transmises vers un réseau informatique ou téléchargées ou stockées sur un réseau informatique autre qu'un Réseau Sécurisé.

5.2 Les Reproductions sur support Numérique des Œuvres du Répertoire stockées sur un Réseau Sécurisé ne doivent être Mises à Disposition par l'Usager qu'à des Utilisateurs Autorisés.

5.3 Cette Convention n'autorise pas l'Usager à transmettre, télécharger ou stocker les Reproductions sur support Numérique des Œuvres du Répertoire vers ou sur un quelconque dispositif ou support, ordinateur ou réseau informatique, incluant Internet ou un autre réseau public, d'une façon qui les rend disponibles au public ou accessibles par le public.

5.4 Dans la limite des droits qui ont été conférés par les Titulaires à COPIBEC, COPIBEC autorise l'Usager à conserver une leçon au sens de la Loi pendant la durée de la présente Convention.

5.5 Rien dans cette Convention n'empêche l'Usager ou un Utilisateur Autorisé d'utiliser Internet ou tout autre réseau public afin d'accéder à une Œuvre du Répertoire afin d'utiliser celle-ci conformément à cette Convention, ni l'Usager à fournir un lien ou hyperlien vers une Œuvre du Répertoire qui est accessible ou stockée ailleurs que sur un Réseau Sécurisé (incluant, notamment, sur Internet ou tout autre réseau public).

5.6 Pour plus de certitude, la Licence s'applique aux Utilisations Autorisées des Œuvres du Répertoire, sans égard à leur source. Il est entendu et convenu que COPIBEC ne concède pas à l'Usager et aux Utilisateurs Autorisés de licence leur garantissant un accès aux Œuvres du Répertoire.

## **6. Sous-traitants**

6.1 COPIBEC autorise l'Usager à autoriser, par contrat écrit, un tiers (un « Sous-traitant ») à effectuer toute Utilisation Autorisée que l'Usager peut lui-même effectuer en vertu de cette Convention, sous réserve des conditions applicables stipulées aux articles 4 et 5 de cette Convention ainsi que des conditions additionnelles suivantes :

- a) L'Usager doit conserver un dossier des contrats conclus avec ses Sous-traitants;
- b) L'Usager doit fournir copie de tout tel contrat à COPIBEC dans les vingt (20) jours ouvrables de la date de sa signature par toutes ses parties;
- c) Le Sous-traitant doit s'engager à colliger et fournir à COPIBEC les informations visées par le paragraphe 11.1 de cette Convention conformément à ce dernier paragraphe, le cas échéant, et à se conformer à toute autre condition, restriction et limitation applicable stipulée à cette Convention;
- d) Le Sous-traitant ne doit pas lui-même donner en sous-traitance quelque droit lui étant consenti ni obligation lui étant imposée en vertu de son contrat de sous-traitance.

6.2 Pour plus de certitude, les sommes payables par l'Usager suivant l'article 12 de cette Convention couvrent toute Utilisation Autorisée de toute Œuvre du Répertoire par tout Sous-traitant de l'Usager conformément au présent article, aucune autre contrepartie n'étant exigible par COPIBEC de ces Sous-traitants du fait de telles Utilisations par ces derniers.

## **7. Durée et renouvellement de la Convention**

7.1 La Convention entre en vigueur de façon rétroactive le 1<sup>er</sup> juin 2021 et se termine le 31 mai 2024, sous réserve des obligations de paiement prévues aux paragraphes 12.2 et 12.3 qui subsistent jusqu'à parfait paiement. Elle lie l'Usager dès sa signature et rétroactivement à la date d'entrée en vigueur si sa signature est postérieure au 1<sup>er</sup> juin 2021.

7.2 Les parties s'engagent à se rencontrer au moins six (6) mois avant l'expiration de la Convention afin de négocier les termes d'une nouvelle convention.

7.3 Dans la mesure où les négociations sont conduites de bonne foi par les parties, et nonobstant le paragraphe 7.1, la Convention continue de s'appliquer jusqu'à la date d'entrée en vigueur de la nouvelle Convention, à moins d'un avis contraire de l'une ou l'autre des parties.

7.4 Lorsque l'Usager n'est plus couvert par cette Convention, il doit déployer promptement des efforts raisonnables afin :

- (a) d'empêcher l'accès aux Reproductions sur support Numérique des Œuvres du Répertoire réalisées en vertu de cette Convention et stockées sur tout Réseau Sécurisé sous son contrôle, et
- (b) d'aviser ses Utilisateurs Autorisés du fait qu'il n'est plus couvert par cette Convention.

## **8. Obligations de l'Usager**

8.1 L'Usager s'engage à ne négliger aucun effort afin que les membres de son Personnel et ses Sous-traitants respectent les termes et conditions de la Convention.

8.2 L'Usager s'engage à ne négliger aucun effort afin que les membres de son Personnel et ses Sous-traitants respectent le droit moral des auteurs, notamment leur droit à la reconnaissance à la paternité de leurs Œuvres. À cet effet, l'Usager verra à ce que les membres de son Personnel et ses Sous-traitants indiquent sur au moins une des Pages de toute Reproduction, le nom de l'auteur et de l'éditeur, le titre de l'Œuvre, la date de parution, le numéro ISBN ou ISSN (ou tout code équivalent), ainsi que le numéro et le nombre de Pages reproduites.

## **9. Obligations de COPIBEC**

9.1 COPIBEC s'engage à mettre à la disposition de l'Usager la Liste d'Exclusions.

9.2 COPIBEC s'engage, si elle accorde à tout établissement d'enseignement universitaire quelque condition plus avantageuse, pour cet établissement tiers, par contrat, tarif, décision arbitrale ou autrement, que celles que prévoit la présente entente, à en aviser promptement l'Usager par écrit avec copie du contrat, du tarif, de la décision arbitrale ou autre document comportant une telle condition plus avantageuse, et à lui offrir de modifier cette Convention afin d'y inclure des conditions au moins aussi avantageuses, pour l'Usager, que toute condition plus avantageuse ainsi accordée à cet établissement tiers.

## **10. Garanties**

10.1 COPIBEC garantit à l'Usager qu'elle détient tous les droits lui permettant de signer la Convention.

10.2 COPIBEC s'engage à tenir indemnes l'Usager, ses Sous-traitants et Utilisateurs Autorisés de tout dommage, perte, frais et responsabilité (incluant les honoraires et frais légaux et professionnels raisonnables) résultant, directement ou indirectement, pour l'Usager, ses Sous-traitants et Utilisateurs Autorisés, de toute réclamation relative à toute Utilisation Autorisée de toute Œuvre (comprise ou non dans le Répertoire), par l'Usager, ses Sous-traitants et Utilisateurs Autorisés, pour autant que cette Utilisation Autorisée soit survenue pendant la durée d'application de la Convention (et ce, même si cette réclamation est initiée ou se poursuit après cette durée).

## **11. Collecte des données relatives aux Reproductions des Œuvres réalisées par les Usagers**

11.1 Afin que COPIBEC puisse répartir entre les ayants droit les redevances perçues, l'Usager s'engage à transmettre à COPIBEC, par fichier électronique, les informations suivantes pour chaque Œuvre Reproduite par l'Usager dans tout Recueil de cours Distribué ou Communiqué par ce dernier à tout Utilisateur Autorisé de l'Usager conformément à cette Convention, à l'exception des Œuvres figurant sur la Liste d'Exclusions sur support papier et numérique, des Reproductions ayant fait l'objet d'autorisations particulières et de celles visées par les paragraphes 2.3 à 2.6 de la présente Convention :

- a) le titre de l'Œuvre;
- b) le nom de l'auteur;
- c) le nom de l'éditeur (livres) ou de la publication (revues, journaux);
- d) dans le cas d'un livre, le nombre de chapitres reproduits avec les numéros de pages correspondants;
- e) le nombre total de Pages de l'Œuvre faisant l'objet d'une Reproduction par l'Usager;
- f) dans le cas de Reproductions de l'Œuvre dans un Recueil de cours sur support papier: le nombre d'exemplaires du Recueil de cours faisant l'objet d'une telle Reproduction par l'Usager, et
- g) dans le cas de Reproductions de l'Œuvre dans un Recueil de cours sur support Numérique tel que PDF, HTML, ePub, etc. : le nombre d'exemplaires du Recueil de cours faisant l'objet d'une telle Reproduction par l'Usager et, dans le cas des autres Reproductions de l'Œuvre sur support numérique : le nombre d'Étudiants inscrits à tout Groupe-cours auquel cette Reproduction est destinée à être Communiquée,

étant toutefois entendu que toute Reproduction dans un Recueil de cours qui est Reproduite sur support papier et sur support Numérique pour les Étudiants d'un même Groupe-cours ne doit faire l'objet que d'une seule déclaration en vertu soit de l'alinéa 11.1 (f), soit de l'alinéa 11.1 (g).

11.2 L'Usager peut utiliser l'une des formes existantes de fichier électronique ou recourir au service de libération de droits en ligne de COPIBEC. Pour chacune des années visées par la Convention, ce fichier doit être expédié à COPIBEC le 28 février, pour les Reproductions effectuées du 1<sup>er</sup> juin au 31 décembre, et le 30 août pour les Reproductions effectuées du 1<sup>er</sup> janvier au 31 mai.

11.3 Afin de s'assurer du respect des modalités de la Licence, COPIBEC, sur demande et à ses frais, peut obtenir de l'Usager, au cours d'une session une copie des Recueils de cours Distribués aux Étudiants de l'Usager au cours de cette session.

## **12. Paiement des redevances**

12.1 En contrepartie de la Licence accordée à l'Usager aux termes de la Convention, l'Usager s'engage à verser à COPIBEC, outre les sommes éventuellement versées par le MES à COPIBEC et les redevances payables par l'Usager pour toute autorisation particulière pouvant être accordée suivant le paragraphe 4.4 de la Convention, les sommes suivantes :

- a) pour la période du 1<sup>er</sup> juin 2021 au 31 mai 2022 : le produit résultant de la multiplication de treize dollars et cinquante cents (13,50 \$) par EETP de l'année 2021;
- b) pour la période du 1<sup>er</sup> juin 2022 au 31 mai 2023 : le produit résultant de la multiplication de treize dollars et cinquante cents (13,50 \$) par EETP de l'année 2022 ;
- c) pour la période du 1<sup>er</sup> juin 2023 au 31 mai 2024 : le produit résultant de la multiplication de treize dollars et cinquante cents (13,50 \$) par EETP de l'année 2023.

12.2 Sous réserve de l'ajustement prévu à l'article 12.3 de la Convention, les montants versés par l'Usager le sont selon l'échéancier suivant :

pour toute la période d'application de la Convention 2021-2024, soit du 1<sup>er</sup> juin 2021 au 31 mai 2024, le montant prévu aux paragraphes 12.1 a), b) et c) de la Convention est payé pour chacune des années par l'Usager en deux versements égaux dans les trente jours de la facturation, une première facture datée du 31 décembre et une deuxième datée du 30 avril.

12.3 Compte tenu des délais de compilation du nombre d'EETP établi par le MES, les versements prévus au paragraphe 12.1 de la Convention sont établis selon les données disponibles de l'année de calendrier antérieure à chacune des périodes de la Convention. Dans l'hypothèse d'une variation du nombre d'EETP effectif pour les années d'application de la Convention, les parties s'engagent à opérer les ajustements requis, qui seront imputés au premier versement de l'année suivante d'application de la Convention. Ce principe de régularisation comptable s'applique au-delà des termes de la Convention ou, le cas échéant, à tout versement dû aux termes d'une nouvelle convention intervenue entre les parties. Dans le cas où les parties ne concluraient pas une nouvelle convention, cette régularisation comptable interviendra au plus tard le 30 avril qui suit la communication par le ministère du nombre d'EETP pour la dernière année d'application de la Convention.

12.4 Pour plus de précision, COPIBEC et l'Usager reconnaissent qu'un autre établissement d'enseignement de niveau universitaire ne saurait, en aucun cas et en aucune circonstance, être tenu, que ce soit seul, solidairement ou conjointement, responsable des sommes dues par l'Usager à COPIBEC aux termes de la Convention.

12.5 Les redevances versées ne visent pas les autorisations particulières prévues au paragraphe 4.4 de la Convention. Les redevances dues au titre de ces autorisations particulières sont payables, sur facturation de COPIBEC, par l'Usager requérant.

12.6 Le prix de ces autorisations particulières accordées par COPIBEC s'élèvera à douze cents (0,12 \$) par Page excédant la limite autorisée par le paragraphe 3.2 (a) de la Convention, jusqu'à concurrence du nombre de Pages faisant l'objet de la Reproduction équivalent à vingt-cinq pourcent (25 %) de l'Œuvre.

### **13. Comité mixte**

Dans le but de favoriser le partenariat entre COPIBEC et l'Usager et dans le dessein de faciliter la mise en œuvre de la Convention ainsi que de s'intéresser aux problèmes d'application et à l'atteinte des objectifs de la Convention, les parties s'entendent pour se rencontrer au besoin et sur une base volontaire, dans le cadre de réunions d'un Comité mixte dont les membres seront désignés par chacune des parties. Les membres désignés par l'Usager peuvent notamment inclure un représentant des Centres de reprographie, un représentant des bibliothèques universitaires, un représentant des services d'environnement numérique d'apprentissage et un conseiller juridique. La convocation de réunions de ce Comité est laissée à la discrétion de COPIBEC et de l'Usager. Ce Comité n'a qu'un rôle consultatif, ses membres n'ayant, notamment, ni le pouvoir d'amender cette Convention, ni d'autrement lier la partie qu'ils représentent que ce soit par voie de renonciation, d'admission, de transaction (au sens du Code civil du Québec) ou autrement.

### **14. Droit applicable et procédure d'arbitrage**

14.1 En cas de difficulté d'interprétation ou de mise en œuvre de la Convention, ou dans le cas où l'une ou l'autre des parties ferait défaut de remplir les conditions, modalités, obligations et termes de celle-ci, les parties s'engagent à se rencontrer à la demande de l'une d'elles et s'engagent à ne négliger aucun effort raisonnable afin de trouver, à l'amiable, une solution à leur différend dans les soixante (60) jours d'une telle demande.

14.2 Si le litige devait persister après le délai prévu au paragraphe précédent, les parties s'entendent pour soumettre leur différend à un arbitre unique qui aura pour mission de trancher définitivement le litige.

14.3 L'arbitre unique sera nommé d'un commun accord entre les parties. Si au terme d'un délai de trente (30) jours les parties ne s'entendent pas sur le choix de cet arbitre, l'une ou l'autre des parties pourra s'adresser à un juge de la Cour supérieure du district de Montréal afin qu'il procède à la nomination de l'arbitre.

14.4 L'arbitrage sera soumis aux règles de procédure contenues au *Code de procédure civile du Québec*.

### **15. Cession**

En tout temps, COPIBEC pourra céder à une tierce société de gestion de droits de reproduction ses droits et obligations prévus par la présente convention en donnant un avis écrit à cet effet à l'Usager et sous condition d'y joindre un engagement du cessionnaire d'assumer, en lieu et

place de COPIBEC, toutes et chacune des obligations contractées par eux en vertu de la présente Convention.

## **16. Avis**

Tout avis doit être expédié et sera réputé valablement donné si transmis aux adresses postales ou adresses courriel suivantes :

À L'USAGER :

UNIVERSITE CONCORDIA  
Secrétariat général  
Att. Me Frederica Jacobs, Secrétaire générale  
1455, boul. de Maisonneuve Ouest  
Suite GM 620  
Montreal (Québec) H3G 1MB  
Courriel : frederica.jacobs@concordia.ca

À COPIBEC :

Société québécoise de gestion collective des droits de reproduction  
Direction générale  
550, rue Sherbrooke Ouest,  
Bureau 510, tour Est,  
Montréal (Québec), H3A 1B9  
Courriel : c.laforce@copibec.ca

## **17. Annexe**

L'Annexe suivante fait partie intégrante de la Convention :

1. Liste d'Exclusions incluant la liste des ententes de représentation réciproque liant COPIBEC avec les sociétés de gestion étrangères.

## **18. Signature**

Les parties conviennent que la signature de chacune des parties peut être écrite, imprimée, numérisée ou reproduite de toute autre manière mécanique ou peut être une signature électronique ou une signature numérique créée via un support ou une technologie qui garantit l'authenticité et l'intégrité de ces signatures, de sorte que tout ce qui est ainsi signé est aussi valable que s'il avait été signé manuellement.

Chaque exemplaire peut être transmis par courriel et la copie ainsi transmise a le même effet qu'un original.

EN FOI DE QUOI, les parties ont signé en date effective du 1<sup>er</sup> juin 2021 :

Pour l'Usager, à Montréal, ce 17 décembre, 2021.

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Me Frederica Jacobs  
Secrétaire générale

Pour COPIBEC, à Montréal, ce [...].

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Christian Laforce  
Directeur général



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Copyright fee

**ACTION REQUIRED:** For approval

**SUMMARY:** At its meeting of December 16, 2021, the Board will be asked to ratify a new three-year copyright license agreement with COPIBEC (the “2021 COPIBEC Agreement”). With the signature of the 2021 COPIBEC Agreement, the per-FTE rate charged by COPIBEC since June 1, 2017 will be maintained. Thus, the per-credit amount collected from students and remitted to COPIBEC will also be maintained.

**BACKGROUND:** A per-credit Copyright fee has been levied on all students since the fall of 2007. This pricing method was deemed to be the most equitable.

**DRAFT MOTION:**

Whereas pursuant to the 2017 renewal of the copyright license agreement with COPIBEC, at its meeting of May 24, 2017, the Board of Governors approved a decrease in the Copyright fee from \$0.53 to \$0.45 per credit collected from all students beginning with the summer term 2017/1 term and applicable for the next four successive years;

Whereas the same Copyright fee will be maintained for the duration of the three-year 2021 COPIBEC Agreement which will be in effect retroactively from June 1, 2021 to May 31, 2024.

Whereas the Copyright fee to be collected from all students for the three-year term of the 2021 COPIBEC Agreement must be adopted by the Board of Governors with the adoption of the 2021 COPIBEC Agreement, with retroactive effect as of June 1, 2021;

Be it resolved that the Board of Governors approve the collection of a Copyright fee of \$0.45 per credit from all students for the three successive years (2021-22, 2022-23, 2023-24), retroactively, effective with registration for the summer term 2021 (SIS term code: 2211), in accordance with the University billing, refund and withdrawal policy.

**PREPARED BY:**

Name: Shelina Houssenaly  
Date: December 2, 2021



**BOARD OF GOVERNORS  
OPEN SESSION  
Meeting of December 16, 2021**

**AGENDA ITEM:** Mise en place de la convention par marge de crédit auprès de *Financement-Québec*

**ACTION REQUIRED:** For approval

**SUMMARY:** Board approval is being sought to authorize the establishment of loans in the form of a dedicated line of credit for subsidized capital investments by the *ministère de l'Enseignement supérieur*.

**BACKGROUND:**

On March 9, 2021, the Government of Quebec announced a change in the application of the accounting standard on transfer payments to respond to a recommendation from the Auditor General of Québec. A subsidy granted for an investment project to an organization is now expensed as the work is carried out and no longer over the repayment period of the long-term loan. Eventually, the subsidies will no longer be paid in long-term debt service but in repayment of temporary loans. The entire subsidy will have been paid at the end of the work. As a result, long-term borrowing will no longer be required, and the subsidized projects will be financed by lines of credit from *Financement-Québec*.

The wording of the motion is set by *Financement-Québec*.

**DRAFT MOTION:**

ATTENDU QUE, conformément à l'article 78 de la Loi sur l'administration financière (RLRQ, chapitre A-6.001), l'Université Concordia (l'« Emprunteur ») souhaite instituer un régime d'emprunts, valide jusqu'au 31 décembre 2022, lui permettant d'effectuer des emprunts par marge de crédit auprès de *Financement-Québec*, pour financer ses projets d'investissement pour lesquels une subvention est accordée par la ministre de l'Enseignement supérieur (les « Projets »);

ATTENDU QUE le montant des emprunts à contracter en vertu de ce régime d'emprunts ne devra pas excéder les montants autorisés par la ministre de l'Enseignement supérieur, conformément à la Loi sur l'administration financière;

ATTENDU QUE les Projets seront financés uniquement auprès de *Financement Québec*;

ATTENDU QUE tout emprunt temporaire effectué auprès d'institutions financières pour le financement des Projets, doit, à l'échéance ou dès que possible, être financé auprès de Financement-Québec;

ATTENDU QU'il est opportun, à cet effet, d'autoriser le régime d'emprunts en vertu duquel l'Emprunteur peut effectuer des emprunts par marge de crédit auprès de Financement-Québec, et d'en approuver les conditions et modalités;

ATTENDU QUE, conformément à l'article 83 de la Loi sur l'administration financière, l'Emprunteur souhaite, dans le cadre de ce régime d'emprunts, que le pouvoir d'emprunter et celui d'approuver les conditions et les modalités des emprunts soient exercés par au moins deux de ses dirigeants;

ATTENDU QUE ce régime d'emprunts doit être autorisé par la ministre de l'Enseignement supérieur, conformément à la Loi sur l'administration financière;

#### **IL EST RÉSOLU :**

1. QUE, sous réserve de l'autorisation requise de la ministre de l'Enseignement supérieur, l'Emprunteur soit autorisé à instituer un régime d'emprunts, valide jusqu'au 31 décembre 2022, lui permettant d'effectuer des emprunts par marge de crédit auprès de Financement-Québec, pour financer ses projets d'investissement pour lesquels une subvention est accordée par la ministre de l'Enseignement supérieur (les « Projets »), selon les limites et caractéristiques suivantes :
  - a) le taux d'intérêt payable sur les emprunts sera établi selon les critères déterminés par le gouvernement en vertu du décret numéro 430-2018 du 28 mars 2018, tel que ce décret peut être modifié ou remplacé de temps à autre;
  - b) les emprunts par marge de crédit seront réalisés en vertu d'une convention de marge de crédit à intervenir avec Financement-Québec, conformément aux conditions et aux modalités qui y sont établies;
  - c) le montant des emprunts effectués par marge de crédit ne devra, en aucun temps, excéder les montants autorisés par la ministre de l'Enseignement supérieur en vertu de lettres d'autorisation qu'elle délivre de temps à autre.
2. QUE les Projets soient financés uniquement auprès de Financement-Québec;
3. QU'aux fins de déterminer le montant des emprunts auquel réfère le paragraphe 1c), il ne soit tenu compte que du solde des emprunts en cours et non encore remboursés contractés auprès de Financement-Québec, ainsi que des emprunts temporaires contractés auprès d'institutions financières pour les Projets, antérieurement à la présente résolution;
4. QUE tout financement temporaire en cours contracté auprès d'institutions financières pour les fins des Projets soit, à l'échéance ou dès que possible, réalisé auprès de Financement-Québec;

5. QU'aux fins de constater chaque emprunt ou un remboursement de capital ou d'intérêt sur les marges de crédit, l'Emprunteur soit autorisé à remettre à Financement-Québec, une confirmation de transaction;
6. QUE le recteur et vice-chancelier, le chef de la direction financière, la secrétaire générale et directrice, service des affaires juridiques, le vice-recteur aux services et au développement durable, la vice-rectrice adjointe aux finances et contrôleur, le vice-recteur adjoint aux finances et contrôleur par intérim, le trésorier et chef de placement, le directeur principal, planification financière et budgets, la directrice des immobilisations et du financement ou le directeur, investissements de l'Emprunteur, pourvu qu'ils soient deux agissant conjointement, soit autorisé, pour et au nom de l'Emprunteur, à signer toute confirmation de transaction aux fins de constater chaque emprunt contracté aux termes des marges de crédit ou tout remboursement d'emprunt sur ces marges;
7. QUE le recteur et vice-chancelier ou le chef de la direction financière de l'Emprunteur, pourvu qu'ils soient deux agissant conjointement, soit autorisé, pour et au nom de l'Emprunteur, à signer la convention de marge de crédit, à consentir à tout ajout ou modification non substantiellement incompatible avec les dispositions des présentes et à poser tous les actes et à signer tous les documents nécessaires ou utiles pour donner plein effet aux emprunts par marge de crédit;
8. QUE la présente résolution remplace toutes les résolutions antérieurement adoptées pour les mêmes fins.

**PREPARED BY:**

Name: Marc Gauthier and Shelina Houssenaly  
Date: December 3, 2021