

MINUTES OF THE OPEN SESSION
OF THE MEETING OF SENATE

Held on Friday, September 9, 2011, at 2 p.m.
in Amphitheatre MB 2.270, on the SGW Campus

PRESENT

Voting members: Prof. A. Akgunduz; Mr. G. Beasley; Mr. N. Burke; Prof. J. Camlot; Dean G. Carr; Prof. J. Chaikelson; Dr. L. Dandurand; Prof. M. Debbabi; Prof. D. Douglas; Dean R. Drew; Prof. A. Dutkewych; Prof. L. Dyer; Mr. A. Filipowich; Prof. J. Garrido; Ms. L. Gill; Dr. D. Graham; Prof. J. Grant; Dean A. Hochstein; Prof. N. Ingram; Prof. F. Khendek; Prof. B. Layne; Prof. G. Leonard; Dean B. Lewis; Prof. J. Lewis; Dr. F. Lowy; Prof. M. Magnan; Mr. K. McLoughlin; Ms. H. Nazar; Prof. B. Nelson; Prof. C. Nikolenyi; Mr. M. Nurujjaman; Prof. M. Peluso; Prof. G. Rail; Prof. R. Reilly; Prof. C. Ross; Ms. T. Salameh; Mr. D. Shakibaian; Prof. F. Shaver; Mr. R. Sonin; Prof. R. Staseson; Prof. T. Stathopoulos; Prof. J. Turnbull; Dean C. Wild

Non-voting members: Mr. P. Beauregard; Dr. D. Boisvert (*Speaker*); Mr. R. Côté; Me B. Freedman; Mr. P. Kelley; Me D. McCaughey; Ms. L. Stanbra

ABSENT

Voting members: Mr. P. Gill; Prof. W. Sims; Prof. M. R. Soleymani

1. Call to order

The Speaker called the meeting to order at 2:06 p.m. and informed Senators that Senate's usual meeting place, Room EV 2.260, was unavailable today, specifying that the meetings for the rest of the year will be held in that room.

2. Introduction to Senate (Document US-2011-6-D1)

Dr. Boisvert conveyed that a document prepared by the Secretary of Senate was included with the documentation for today's meeting and referred to the Senator's Handbook which includes the mandates and meeting dates of Senate and its Standing Committees together with other relevant information with respect to the operations of Senate. He underlined the importance for all Senators to read the document and the Handbook and

to contact Ms. Tessier should they have any questions. He then highlighted the following elements in the Senate procedures:

Written questions

Priority will be given to questions submitted in writing and brought to the attention of Steering Committee of Senate. The dates of those meetings are included in the Handbook. However, in the absence of written questions or should the list of written questions be exhausted prior to the 15-minute time limit for question period, the Speaker shall call for questions from the floor.

Consent Agenda

The Consent Agenda is not intended to prevent discussion but is used to allow Senate to complete a number of routine or non-controversial matters quickly. Items that are typically included on Consent Agendas are the approval of Minutes, committee appointments, routine curriculum changes, reports submitted for information, etc., provided that the documentation regarding these items is forwarded to members in advance of the meeting. Items included on the Consent Agenda will not be discussed and will be approved by way of one omnibus motion. However, any item may be moved from the Consent Agenda to the Regular Agenda further to the request of any two voting members of Senate.

Closed Session meetings

It is paramount that Senators understand that the discussion and material of the Closed Session meetings are confidential and that once a matter has been discussed and disposed of, it remains confidential and Senators should not share, disclose or discuss any such matter or any material related thereto with any other individual who is not a member of Senate. However, exceptionally some matters approved in Closed Session and over which Senate has final purview may be divulged by the relevant authority (ex: Provost, VP Research & Graduate Studies) during the Open Session which follows or publicly-announced shortly thereafter (example: university research awards, distinguished professor emeritus), but the discussion in relation thereto is never in the public domain.

3. Approval of Agenda

R-2011-6-1 *Upon motion duly moved and seconded (Wild, Dandurand), it was unanimously resolved that the Agenda be approved, with the removal of item 4 from the Consent section to the Regular section, and that items 5 to 8 be approved or received by consent.*

CONSENT

5. Committee appointments (Document US-2011-6-D2)

R-2011-6-2 *The committee appointments, set out in Document US-2011-6-D2, were approved by consent.*

6. Reports of Senate Standing Committees

6.1 Academic Programs

6.2 Finance

6.3 Library

6.4 Research

These committees had not met since the last meeting.

7. Annual report from the Academic Hearing Panel (Document US-2011-6-D3)

This document was provided for information.

8. Postdoctoral Fellow Guidelines (Document US-2011-6-D4)

These guidelines were provided for information.

REGULAR

4. Approval of the Minutes of the Open Session meeting of May 20, 2011

Referring to Dr. Lowy's remark under item 12 of the Minutes in connection with the Board's vote of confidence in the Board Chair, Prof. Shaver noted that a few Senators had commented that the University community did not share the Board's sentiment and she asked that this be added to the Minutes.

R-2011-6-3 *Upon motion duly moved and seconded (Shaver, Peluso), it was unanimously resolved that the Minutes of the Open session meeting of May 20, 2011 be approved, subject to the aforementioned correction.*

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

In response to a query from Prof. Shaver, Ms. Tessier indicated that the External Governance Review Committee had endorsed the Ad Hoc Governance Review Committee's proposal regarding the selection process of the President to amend Policy BD-5 to add a step prior to the presentation of the candidate to the University community. As a result, this amendment was discussed and approved by the Board at its June 23 meeting.

10. Remarks from the President

Dr. Lowy said that lively discussions had occurred following the release of the report of the External Governance Review Committee ("EGRC") last June. Steering Committee met twice during the summer to review the report and to propose to Senate how best to deal with the recommendations.

The Ad Hoc Governance Review Committee, which had suspended its work pending the release of the EGRC report, resumed meeting during the summer to discuss matters specific to the Board and to finalize its report. The required notices of motion under the By-Laws and Policy BD-5 have been given, and the Board is prepared to consider those recommendations at its September 28 meeting. In fulfilling its mandate, the Ad Hoc Committee also took note of Bill 38, the draft governance legislation, which has yet to be enacted but could be reintroduced.

Dr. Lowy said that the EGRC report was widely praised and received as a constructive report. There were few adverse comments, and the general belief is that the report should be taken seriously. While he recognized that that some groups might want to advance their constituencies point of view, they should try to avoid cherry-picking. He underlined that of the 38 recommendations, 21 were specific to the Board, 18 of which are the subject of recommendations by the Ad Hoc Committee. However, he noted that Senate may comment on any recommendation included in the EGRC report. He concluded by mentioning that the Board will begin its renewal process by replacing some members in September and others in July once the Board composition has been reduced to 25.

11. Report from the Academic Planning and Priorities Committee (Document US-2011-6-D5)

11.1 Recommendation to Sign the Berlin Declaration on Open Access (Document US-2011-6-D6)

Dr. Graham asked that Mr. Beasley speak to the motion. The latter conveyed that his reasons for supporting this initiative were threefold:

1. Concordia University has shown leadership in Open Access and wishes to connect with other institutions doing likewise.
2. The Berlin Declaration will not only add to our international recognition but also provide a framework for initiatives undertaken by Concordia, such as the Open Access Author Fund.
3. North American institutions are being especially encouraged to sign the Declaration in advance of this year's annual Berlin Declaration conference, which will take place in Washington, D.C. in November.

Mr. Beasley responded to questions of clarification.

R-2011-6-4 *Upon motion duly moved and seconded (Graham, Wild), it was unanimously resolved that, upon recommendation of the Academic Planning and Priorities Committee, Senate approve that the President and Vice-Chancellor, Dr. Frederick Lowy, sign the Berlin Declaration on Open Access on behalf of Concordia University.*

12. Discussion and comments regarding the recommendations of the External Governance Review Committee (Document US-2011-6-D7)

The Speaker prefaced this discussion by stating Steering Committee's suggestion that a discussion in committee of the whole take place, starting with 45 minutes which could be

extended if necessary, in order to allow Senators the opportunity to voice their general comments not only on the recommendations of the External Governance Review Committee (“EGRC”) but also on those of the Board’s Ad Hoc Governance Review Committee (“Ad Hoc Committee”). He noted that the latter recommendations were referred to by the Chair of the Board in his email to the University community on August 31 and are posted on the website. Depending on the outcome of the discussion of the committee of the whole, Senate could then propose some motions if it so wishes.

The comments of Senators during the discussion are summarized as follows:

- We should be proud that this Senate contributed to moving forward but we should concentrate on more substantive issues. Everything has an impact and we should stop talking about us and them. The spirit of the changes in the By-Laws is further polarizing and does not lead to the reconciliation which is needed. There is no sense of any renewal in the spirit of what the Senator in question was hoping to see.
- The identification of some recommendations by the Ad Hoc Committee as being under the Board’s purview and others under Senate’s purview is not the best route to go. The Board has jumped the gun. There should be a bicameral discussion on certain items, such as article 37 a) which deals with the University’s strategic direction.
- The Ad Hoc Committee took into account the EGRC report while trying to be proactive to ensure that the revised By-Laws include the criteria included in Bill 38, which contains a list of the powers of the Board.
- With respect to the EGRC’s recommendation to modify the Charter, a healthy discussion is needed between the Board and Senate since the Charter deals with the mission and core values which are central to the University.
- This Senator answered Mr. Kruyt’s request for comments, copy of which will be forwarded to all Senators by Ms. Tessier. There is a disjunction between the spirit of the EGRC report and the process and context of the revised By-Laws. The Board’s approach fails to recognize the “collective challenge” defined by the EGRC, and there is no mention in the Ad Hoc Committee’s report of bicameralism. The Board should hold off until Senate and the Board can look at these changes together.
- There is a sense that the Ad Hoc Committee’s report has preempted the Senate discussion, since instead of discussing the issues we are criticizing the process. A full discussion on the issues is needed. The recommendations of the Ad Hoc Committee are not all consistent with those of the EGRC, such as the fact that the term limit of the Board Chair is not respected, and allowing the Secretary-General to assist and speak at all Board meetings creates two classes of Vice-Presidents and is in contradiction with the spirit of the recommendation that the President should be the “face of the University” with the Board.
- On coming to Concordia was surprised that Senate was a creation of the Board. Agrees that bicameralism is fundamental but modifying the Charter would require

careful preparation and timing. This is why Steering Committee decided to endorse the principle of amending the Charter but recommended that the process not be initiated at this time. Shares disquiet expressed regarding respect for the spirit and letter of the ERGC report and acknowledges that the Board, by unilaterally moving ahead, has reinforced the impression of division and lack of understanding.

- Has attended Board meetings and was struck by the disrespect shown to people whose lives have been ruined by the increase in tuition fees. The Board's way of working is totally unacceptable. Senate works in a much more collegial manner which is a protection from this type of disrespect. Does not see how we can establish bicameralism if Senate does not participate in the By-Law review. There are ways of achieving bicameralism other than opening the Charter. When did the University cease advocating with the government? How are the roles of Secretary-General and Vice-President, Institutional Relations related since they seem contradictory?
- There have been suggestions that the Ad Hoc Committee and Steering Committee should meet. Has the Ad Hoc Committee completed its mandate? Does not get the sense that communication actively took place during the summer. What can we do to encourage goodwill?
- The Ad Hoc Committee put the cart before the horse. What we are trying to achieve is in broader terms. The Board should temper its enthusiasm and wait to hear from the academic side to first deal with the fundamentals and then look at the details.
- Remains skeptical, because putting off the amendment to the Charter is tantamount to never doing it. Reminds Senators that Steering Committee was not mandated by Senate to negotiate the recommendations and it did not meet with the Ad Hoc Committee. Need to establish a committee to review the governance issues.
- The Ad Hoc Committee was sensitive to the comments and concerns expressed at the June 28 open meeting and met several times during the summer to propose implementation of the recommendations in accordance with the mandate given to it by the Board at the June 23 meeting. It was trying to move ahead with the recommendations dealing with Board matters only and not to impinge those regarding Senate. Concordia, together with all other Quebec universities, formally advocated against and went on record with respect to Bill 38.
- A lot of problems are institutional. It seems that the Board is trying to address issues without getting to the root of the cause.
- ERGC Recommendation 2, which provides a minimum percentage of external and internal representatives on the Board is in contradiction with Recommendation 3 which proposes a specific membership. The term length of 12 years proposed in Recommendation 8 for the Board Chair seems excessive. The ratio of external versus internal members on the Executive Committee proposed in Recommendation 13 is unbalanced. Concerned that while Recommendation 23 provides for a limit of two *consecutive* terms for Senators, Recommendation 7 regarding the term limit for Governors does not use the same language.

- We are being rushed by the Board, which caused the situation in the first place. What has changed at the Board level since the EGRC report? Trust needs to be re-established.

Senate moved out of committee of the whole, further to which a motion was moved by Prof. Nelson and seconded by Prof. Peluso, to the effect that the Board should suspend further action with regard to proposed changes to the Charter and the By-laws.

A concern was expressed about Board renewal and the ability to attract new members when faced with unknowns regarding term, term limits, etc. should the motion be adopted. However, several Senators did not see this impeding that process.

Several Senators spoke in favor of the spirit of the motion, some of whom proposed amendments. Other Senators reiterated comments made during the committee of the whole discussion with respect to the lack of appropriate consultation, the importance of bicameralism and Senate's participation in the process, which led to the adoption of the following motion:

R-2011-6-5 *Upon motion duly moved and seconded (Nelson, Peluso), it was unanimously resolved:*

Whereas the External Governance Review Committee ("EGRC") strongly recommends that changing the governance culture at Concordia is a collective challenge;

Be it resolved:

That Senate endorse the EGRC report and recommendations in their entirety;

That Senate urge the Board to suspend further action on the Concordia University Charter and By-laws until such time as the EGRC recommendations have been considered in their entirety and collectively by Senate and the Board, in the spirit of bicameralism on which the EGRC report is founded; and

That Senate invite the Board to participate in a joint committee, composed of members of Senate and the Board, mandated to make recommendations regarding the desired changes to the By-Laws and consequential documents to be presented to Senate and the Board no later than November 30.

13. Items for information

There were no items for information.

14. Question period

Further to a query, Dr. Lowy suggested that Steering Committee could be asked to make a recommendation to Senate regarding the composition of the joint committee discussed earlier. Prof. Douglas suggested that Senators interested in participating in the joint committee could perhaps send their name to Ms. Tessier. In response to other questions,

Ms. Tessier confirmed that the motion together with the summary of today's discussion will be forwarded to the Board of Governors.

15. Other business

There was no other business to bring before the meeting.

16. Next meeting

The next meeting of Senate is scheduled to be held on Friday, October 7, 2011, at 2 p.m., in Room EV 2.260.

17. Adjournment

The meeting was adjourned at 4:40 p.m.



Danielle Tessier
Secretary of Senate