

Senate Meeting Report, 2015-02-18

Colleagues,

The following is a summary of the Senate meeting which took place on Wednesday, February 18, 2015.

Principal Fortier opened the meeting by providing an update on the amendments to the University Statutes which were adopted by Senate and the Board of Governors in 2014. These amendments, which involved certain modifications to the composition of Senate, have gone through the final stage of the approval process and are now in effect. The Principal welcomed two new members of Senate who now have ex officio seats under the revised Statutes: the University Registrar and Executive Director of Enrolment Services, Ms. Kathleen Massey, and the Director of Teaching and Learning Services, Dr. Laura Winer. The other changes to the composition of Senate will be implemented through elections over the coming months and will be completed by the time Senate begins its 2015-2016 session on September 1st of this year. The voting process is already underway for some of these Senate seats.

Memorial tributes were presented by Dean Manfredi for Professor Samuel Noumoff, and by Senator Fuhrer on behalf of Dean Eidelman for Professor Emeritus F. Clarke Fraser and Professor Emeritus Lloyd MacLean.

Senate adopted the minutes of the last Senate meeting (not yet posted), the report of the Steering Committee (https://www.mcgill.ca/senate/files/senate/report_of_the_senate_steering_committee_26.pdf) and the agenda ([https://www.mcgill.ca/senate/files/senate/agenda - senate - february 18 2015 0.pdf](https://www.mcgill.ca/senate/files/senate/agenda_-_senate_-_february_18_2015_0.pdf)).

In her remarks from the Chair, Principal Fortier reported on the meeting which she and other Quebec university heads had last month with the Deputy Minister of Education. The meeting focused on the recently released Tremblay-Roy Report, which was produced following last year's *Chantier sur le financement des universités*. The government will not be implementing the report wholesale, but there is nonetheless support for some of the report's broad directions. The government sees the report as a starting point for further consultations whose goal is to develop a new funding formula, which will be ready for implementation in 2016-2017. McGill will be involved in all of the planned consultations, except for the one which will focus on small universities. There is as yet no clear sense of where the process will go, but the government has indicated that it would like to see general agreement from Quebec's universities on what the new funding formula should be.

The Principal next addressed the new tuition policy for students from France, which Quebec has recently announced. Under the old policy, in place since 1978, students from France studying at Quebec universities paid the same tuition as Quebec residents. This will continue to be the case for students who are already studying here, and for future students at the masters and doctoral levels, but future undergraduate students will henceforth pay the same tuition fees as Canadian residents from outside Quebec. Principal Fortier drew attention to the fact that McGill's bursary program is open to all students, regardless of their country of origin. On the subject of the forthcoming provincial and federal budgets, the Principal noted that we do not yet know when Quebec will table its new budget, but that we expect that it will feature additional cuts to universities; for its part, Ottawa has pushed the release of its budget to April.

Referring to the Principal's meeting with the Deputy Minister, Senator Robaire asked if McGill was pushing for the recognition of post-doctoral fellows. The Principal responded that the discussions were not yet at that level of detail, but that the subject could be brought to the table at the committee stage.

Under the agenda point for formal questions, Senator Hébert posed a question on the incorporation of research into undergraduate teaching, for which an answer was provided by Provost Masi and Deputy Provost Dyens

(https://www.mcgill.ca/senate/files/senate/question_regarding_the_incorporation_of_research_into_undergraduate_teaching_with_response.pdf). Senators Rourke, Benrimoh and Stewart-Kanigan then posed a question regarding a pan-University approach to student mental health, which was answered by Provost Masi and Deputy Provost Dyens (https://www.mcgill.ca/senate/files/senate/question_regarding_pan-university_mental_health_with_response.pdf)

The next item of business was an open discussion on McGill's Mission Statement and Principles (https://www.mcgill.ca/senate/files/senate/d14-36_open_discussion_-_mcgills_mission_statement_and_principles_with_appendix.pdf). The topic was introduced by Principal Fortier, who noted that although McGill has principles it does not yet have a document which states them formally. Provost Masi indicated that the draft revision of the mission statement is a simplification and evolution of the existing one; the aim is to reduce the wording to a minimum and then to let it be interpreted.

Senator Richard commented that he was pleased to see academic freedom included in the list of principles embraced by the University, but that he was concerned about the reference to academic responsibility. He noted that the words "responsible" and "responsibility" appear multiple times in the revised Statement on Academic Freedom which was adopted by AUCC in 2011, a document which was criticized severely by CAUT for the constraints it puts on academic freedom and for its emphasis on institutional control. Dean Grant remarked that we are about responsibility and citizenship, and that this was the element of the draft statement of principles which he liked the best. Dean Henderson stated that academic freedom is what defines an academy; it entails responsibility, but its central importance must be stated strongly. Senator Stewart-Kanigan expressed the view that responsibility contributes to social well-being and that she was pleased to see it paired with academic freedom. Senator Rourke suggested that accessibility be added to the list of principles.

Senator Galaty felt that the proposed phrasing "academic freedom and responsibility, integrity..." rather than "academic freedom, responsibility, integrity..." highlighted the problematic aspects of the AUCC Statement on Academic Freedom. He reminded Senate that this document had caused controversy at McGill at the time of its adoption by AUCC, in part because it implied that people in power could monitor the activities of academic staff. The reference to responsibility in the draft McGill statement does not make it clear to whom this responsibility is owed. Senator Galaty noted that the AUCC document shows disciplinary biases (for instance in its references to "evidence," "rigor" and "norms of the discipline"), and that it would be undesirable for McGill to position itself on one side of the debates that are ongoing within every academic discipline.

Senator Hastings concurred that "responsibility" should be divorced from "academic freedom" in the draft statement, possibly by separating the two terms with a comma. The difficulty is that the word "responsibility" has several meanings, some of which are problematic and some of which are not. Depending on how the sentence structure of the draft is interpreted, it can be understood to refer to concepts like "academic responsibility," "academic accountability" and "academic equity," all of which raise questions and none of which sound like academic freedom.

Senator Ibrahim said that he was worried about the possibility of shrinking away from responsibility because of the word's negative connotations. Senator Oxhorn felt that the draft statement should focus on what's important and avoid ambiguities. He suggested deleting the words "and responsibility" because they are not needed, since the statement already mentions "accountability," a term which is less ambiguous and more to the point. Senators Zorychta and Lu both agreed that the reference to

responsibility should be removed: Senator Zorychta felt that this would get rid of the ambiguity, and Senator Lu felt that the concept of academic freedom should not be circumscribed. Senator Lu also suggested that "respect for cultural and individual diversity" be shortened to "respect for diversity" because there are many kinds of diversity.

Principal Fortier, commenting on the discussion so far, expressed surprise at some of the interpretations which were being put on "responsibility." Regarding the phrase "respect for cultural and individual diversity," she remarked that she had introduced it last year in connection with the debate over the proposed Quebec Charter of Values, but she added that the context has perhaps changed since that time.

Senator Robaire, saying that he wanted the statement to withstand the test of time, concurred with the suggestion to place a comma after "academic freedom" and also indicated his support for unconstrained diversity. Senator Hooton felt that the revised mission statement captured well the character of the University; he wondered if it would be desirable for the statement to refer to Montreal. Senator Greenspon expressed concern about the removal of the current statement's reference to undergraduate and graduate students, since he believes that it is important for the statement to mention explicitly who is receiving an education at McGill. Senator Bell spoke in favour of the reference to responsibility, arguing that the responsibility in question is responsibility to the University, but he added that the proposed phrasing is perhaps not free of ambiguity, for instance on the matter of whether the word "academic" qualifies all the terms in the sentence.

Principal Fortier thanked the members of Senate for their full discussion of the draft statement, which will now go to the Academic Policy Committee. Senate's input will be valuable to the members of APC, and to Provost Masi in his role as Chair of this Committee. APC will prepare a motion pertaining to the revised statement, which will come to Senate for further discussion and for eventual adoption; Principal Fortier hopes that a text can be agreed upon. Provost Masi concurred that APC will find today's discussion useful. He was pleased to note that Senate seemed very favourable to the part of the text containing the revised mission statement, which may only need a little more work; it is clear, however, that there are differences of opinion regarding the statement of principles.

Senate adopted the 462nd report of the Academic Policy Committee (https://www.mcgill.ca/senate/files/senate/d14-37_462nd_report_apc_to_senate_feb_18th_15.pdf). Senate then considered various proposed revisions to the academic employment regulations (https://www.mcgill.ca/senate/files/senate/d14-38_revisions_to_the_regulations_with_appendices.pdf), which were presented by Associate Provost White. These revisions (appendix A of today's document) would create a common set of *Regulations on Appeals of Tenure Decisions*, applicable to both faculty members and librarians. This new set of tenure appeal regulations would supersede the separate procedures on this subject which currently appear in section 8 of the *Regulations Relating to the Employment of Academic Staff* and section 7 of the *Regulations Relating to the Employment of Librarian Staff*. As is noted in the implementation clause at the bottom of page 7, these sections will continue to be used for appeals of negative reappointment decisions until such a time as the regulations can be reviewed as far as reappointment decision appeals are concerned.

Professor White drew attention to a number of small adjustments which need to be made to the text of the document, including one arising from a proposal which she has accepted as a friendly amendment. The adjustments pertain to sections 9.2, 11.11.4, 11.11.14, 11.11.19, and 11.11.21. Senator Saroyan, referring to the document's definition of "advisor," requested an assurance that retired academic staff members will continue to be eligible to serve in this capacity. Associate Provost White said that it has indeed been the practice for many years for retired academic staff to serve as advisors, and that she does not see why this

would change. Senator Saroyan acknowledged the collegial process which had been used to prepare the text being submitted to Senate and thanked Professor White for these consultations with MAUT.

Senator Robaire moved an amendment to change section 11.11.13 (i), which currently reads "the Chair, who shall be the Dean or an Associate Dean from the Appellant's Faculty," to the revised phrasing "the Chair, who shall be the Dean or an Associate Dean from a Faculty other than the Appellant's Faculty." He noted that this change is necessary to avoid potential bias, given that the Associate Dean will often implement the wishes of the Dean. Dean Cook spoke against the amendment, arguing that it would be problematic for a Dean or Associate Dean from outside the Library to handle an appeal involving a librarian in view of the differences between the employment regulations governing librarians and faculty members. Dean Jutras commented that he took Senator Robaire's point regarding potential bias, but that it would defeat the purpose of the process for most of the members of the Ad Hoc UTC to be from a different faculty than the candidate for tenure. The amendment was voted upon and defeated. Senate then adopted the proposed document, incorporating the adjustments described by Professor White.

As another component of the proposals being brought to Senate for approval, Associate Provost White described two packages of amendments being made to sections 7.29.2 - 7.29.4 of the *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* (Appendix B of today's document) and sections 3.50.2 - 3.50.6 of the *Regulations Relating to the Employment of Librarian Staff* (Appendix C of today's document). These amendments ensure that, when the Principal is moving towards or has made a negative decision on tenure for a staff member, the staff member will be provided in writing with full and substantive reasons for the decision without having to request them. There is also an amendment which fills an existing gap in the *Regulations Relating to the Employment of Librarian Staff*. This amendment inserts a new section 3.50.4, which covers the issue of notification of negative tenure decisions; it parallels section 7.29.4 of the *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff*, which was added to those regulations in 2012. Senate adopted the two packages of amendments.

Provost Masi gave the second of his three annual budget planning reports to Senate (https://www.mcgill.ca/senate/files/senate/d14-39_budget_planning_fy2016_report_ii_with_appendix.pdf). He also presented the report of the Senate Nominating Committee, which was approved (https://www.mcgill.ca/senate/files/senate/d14-40_nominating_report.pdf). The annual report of the Ombudsperson for Students for 2013-2014 was then presented for information by Professor Dimitrios Berk, Ombudsperson for Students (https://www.mcgill.ca/senate/files/senate/d14-41_ombuds_annual_report_with_appendix_0.pdf).

As the last item of business, Dean Costopoulos gave a verbal update on the development of a Sexual Assault Policy. There has been a great deal of stakeholder consultation on this draft policy, but much remains to be done. The document has gone through several versions. It will probably be presented to Senate for initial discussion this academic year, and for further discussion and adoption in the next academic year. Responding to a question from Senator Lu about whether police officers and criminal law experts have been consulted about the draft document, Dean Costopoulos answered that no outside agencies have been consulted but that there has been close involvement with both the University's legal office and with students and faculty members of the Faculty of Law.

The next Senate meeting will be held on Wednesday, March 18, 2015. If you have any questions, please get in touch with us.

Regards,
Your librarian Senate reps,

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