

08-09:05

PRESENT:

REGRETS: Evan Fox-Decent, Jan Ericsson, Kohur GowriSankaran, Steve Jordan, Chandra Madramootoo, Denis Thérien.

The Chair welcomed all to Senate, and to the new year. She also welcomed the newly elected and re-elected Senators, Ann Vroom and Roshi Chadha, and thanked Rosemary Cooke, who is completing her mandate as a member of Senate. She introduced Andrew Stoten, who has joined the University Secretariat as administrator for Senate.

SECTION I

1. Resolution on the death of Professor George Just

The following resolution on the death of Professor George Just was read by Dr. Martin Grant, Dean of the Faculty of Science, and adopted unanimously by Senate.

It is with great regret that I report the death of Professor George Just, Macdonald Professor of Chemistry, on October 21, 2008. Professor Just had a most noteworthy career at McGill and September 2008 marked his 50th anniversary since starting at McGill. He was active and working full time at the time of his death.

George Just was born in Kobe, Japan in 1929. His father was a test pilot for the Mitsubishi Air Works, and the family lived in both Kobe and Shanghai for several years before returning to Switzerland, where George attended high school and the then famed school of chemistry – ETH- Zurich. He came to Canada in 1951 to study for the Ph.D. at the University of Western Ontario with Professor Charles Engel, focusing on natural products chemistry and synthesis. After a postdoctoral position at UCLA with one of the most prominent physical organic chemists of the time, Saul Weinstein, George moved to Montreal to work for American Cyanamide. In 1958, he so impressed the staff in the Department of Chemistry after he gave a research seminar, that he was offered a position of Assistant Professor.

In his 50 years at McGill, George Just achieved many landmarks in teaching and research. He taught over 12,000 students their Introductory Organic Chemistry and Natural Products Chemistry at McGill. He had a remarkable knowledge and memory of organic structures and mechanisms. He was never known to use notes during his lectures, filling blackboard after blackboard with detailed structures. Some of us communicate in words, others use images and pictures. George Just communicated in molecules. His Natural Products course was one of the most popular courses of its kind anywhere in the world, with ca. 100 students taking it per year, for these five decades.

He constantly revised his lectures and was proud to be able to say that his course was always modern. He gave generously of his time, and seemed to develop a special resonance with students. In the last several weeks the Department has received many touching reminiscences from students; he made a strong impact on them.

George Just was also a noted researcher. He made major contributions to the synthesis of biologically important molecules including prostaglandins, sugars, nucleotides and nucleosides and phospholipids. He mentored a remarkable 69 Ph.D. and 15 M.Sc. students as well as dozens of postdoctoral fellows at McGill. Every major research pharmaceutical company in Canada has had one or more George Just graduates. Indeed a recent recipient of a McGill honorary degree and discoverer of the drug Singulair, Dr. Robert Zamboni of Merck Frosst, received his Ph.D. under George Just. Many of his students hold academic positions in Canada, Europe, and Asia. His legacy in research will be long-lasting, with great reach.

Prof. Just was also active in the McGill community. He served as President of MAUT and on many university committees. He was not however an administrator. He loathed paperwork and was famous for revising the entire Chemistry curriculum on a 3" x 5" cue card while walking from a meeting. He was extraordinarily active in all regards and was teaching and working in his research lab on the day he was struck down with a heart attack at the age of 79.

The Senate offers our deepest sympathies to his wife Corinne, his children Zoe, Alex, Marc, and his many grandchildren. Plans are underway to create an endowed lecture in Organic Synthesis in his honour. We encourage his many McGill friends and colleagues to support this effort as it will serve to remind us for many years to come of George Just's remarkable 50 year legacy at McGill.

2. Resolution on the death of Professor Yarema Kelebay

The following resolution on the death of Professor Yarema Kelebay was read by Dr. Hélène Perrault, Dean of the Faculty of Education, and adopted unanimously by Senate.

It is with deep regret that the Faculty of Education notes the death of Professor 'Gerry' Kelebay. Born in Roznitiw (Ukraine) in 1943, Gerry's family moved to Montreal in the fall of 1949. Attending Our Lady of Mount Royal Elementary School and D'Arcy McGee High School, Gerry graduated from Loyola College in 1964 with a BA in History. In 1967 he received his St. Joseph's Teachers College Diploma and began his life-long association with the teaching of History in Anglophone schools in Quebec. He then continued to receive his MA in History at Sir George Williams University in 1975 and his Doctorate in History from Concordia a decade later.

Throughout his life, Gerry was the consummate student and an avid reader of all manner of material within that broad umbrella termed History.

He began his teaching career at St. Thomas High School and then moved on to Pierrefonds Comprehensive High School. His organizational skills were recognized within the School Board and he served, for a number of years, as Chairman of the History Department. During his six years of public school service, Gerry became an active member of several Anglophone teaching and community groups and was instrumental in helping to revive the Quebec Association of Teachers of History.

Gerry joined the Faculty of Education as a Lecturer in 1973 and steadily advanced to be made a tenured Associate Professor a short time later. Over the years with the Faculty, Professor Kelebay took on many administrative duties; such as, Managing Editor of the McGill Journal of Education and Director of Teacher Education. Further, he held several offices outside of the Faculty and these included: Director of the Canadian Institute of Ukrainian Studies Foundation at the University of Alberta, multicultural consultant to the Government of West Germany, and consultant and narrator of the film "Ukrainians in Quebec, 1890-1945".

Throughout his years at McGill, Professor Kelebay consistently showed that he was a passionate lecturer/instructor and never failed to take on some of the more delicate issues embedded within the secondary/CEGEP History curriculum. Professor Kelebay was also a tireless writer, his missives ranging from pointed memos to scholarly articles.

Gerry gave freely and without hesitation of his time to his students. It was not at all unusual to see students lined up outside of his office seeking his advice on all manner of academic and professional issues.

He also served on numerous union and ministry planning committees and constantly attempted to engage those historical themes that would resonate with adolescents and, at the same time, ground the discipline of History within the overall school curriculum. For many years he was the President of the Quebec Association of Teachers of History, contributing to the curriculum discussions with specialists in the Quebec Ministry of Education, and gave countless workshops to teachers on alternate ways to engage young people in the pursuit of History.

Gerry never forgot his Ukrainian heritage! As well as being fully literate in his mother tongue, he collected books written in the Ukrainian language, interviewed immigrants so that their narratives would be preserved, freely volunteered large amounts of his time to Ukrainian organizations and was a strong and continuing member of the Ukrainian Professional Businessman's Association. More recently, he served as President of the Quebec Chapter of the Ukrainian Foundation of Taras Shevchenko.

Shortly before his death, Professor Kelebay was presented with the "Order of Ukraine", one of the highest civilian awards that the Government of the Ukraine can convey, in recognition of his decades of service to the Canadian Ukrainian community.

We offer our sincere condolences to his wife, Diana, his two daughters, Alexandra and Katie, as well as his extended family on the loss of this remarkable and committed historian and teacher.

3. Resolution on the death of Professor Emerita Effie Astbury

The following resolution on the death of Emerita Professor Effie Astbury was read by Dr. Hélène Perrault, Dean of the Faculty of Education, and adopted unanimously by Senate.

Born and raised in Montreal, Effie Astbury came from a family that took education very seriously with both parents being graduates of Mount Allison University. The family settled in Montreal because of her father's teaching career, which culminated in his becoming Principal of Baron Byng High School, immortalized by Mordecai Richler as "Fletcher's Field High."

After graduating in 1934 from Outremont's Strathcona Academy, Effie came to McGill and graduated in Classics, BA'38 and in 1939 received a Bachelor of Library Science degree.

Upon graduation, she joined the staff of the McGill Medical Library, where from 1939 to 1949 she distinguished herself as an outstanding Reference Librarian.

Credit for her stellar performance, she insisted, was due entirely to her academic background: studying Latin and Greek provided a basis for medical terminology. Others were impressed, however, by how intelligently, competently, and energetically she carried out her professional duties and responsibilities. Among her initiatives was the creation of files on new medical treatments such as penicillin and the handling of burns during World War II. In 1944 she published a major bibliographical compilation of the 1,000 cases analyzed in Dr. Maude Abbott's Atlas of Congenital Cardiac Disease.

In 1949 she joined the Faculty of the Library School, lecturing on Reference Service and Bibliography. The Faculty of this period set for itself two major goals: first raising the academic

standards of the School and second improving the academic qualifications of individual faculty. Effie played a central role in this initiative. At the same time, she earned a Master of Library Science from the University of Toronto in 1956.

Effie was promoted in 1969 to the rank of full professor. From 1972 to 1976 she served as the School's Director, and successfully shepherded the Master's programme through re-accreditation, under the dramatically revised 1972 standards of the American Library Association. In 1979, ill health forced her to take early retirement. In 1982, she was awarded the rank of Professor Emerita. She held a seat in McGill's Senate from 1971 to 1974 and served on the Councils of the Canadian Association of College and University Libraries, the Canadian Library Association, and the Quebec Library Association. She played a central role in the creation of the Corporation of Professional Librarians of Quebec.

Subsequent to her retirement, two of Effie's most important scholarly contributions were published by the Graduate School of Library Science:

- Casey A. Wood (1856-1942): ophthalmologist, bookman, ornithologist: a bio-bibliography, 1981.
- Canada and the Second World War: the home front and war aims: a bibliography, 1991.

For Effie's many students, her greatest contribution was as a dedicated and inspirational teacher. Her shyness was balanced by a warm smile, infectious enthusiasm, quiet humour, and thorough professionalism. Her high standards and superbly organized courses with their up-to-date material made her a role model for generations of librarians.

Her retirement was spent at the Griffith McConnell Home, Côte St. Luc, where she served as President of the Resident's Association, and sat on the Residence's Board of Governors.

Effie Constance Astbury will long be remembered for her many fine qualities and outstanding contributions to McGill University, and the School of Information Studies. Surmounting difficulties and overcoming adversity became her hallmark. She possessed grace, dignity, integrity, and moral authority. Our sympathies go to her family and friends.

4. Report of the Steering Committee

The report of the Steering Committee (08-09:05) was received.

Item 1. Approval of Minutes of Senate. On motion duly proposed and seconded, the minutes of the meeting of December 3, 2008 were approved.

Item 2. Confidential Minutes. It was reported that the Steering Committee has scrutinized and approved the confidential minutes of the meeting of December 3, 2008 on behalf of Senate. These minutes are not published or circulated but are available for perusal by senators in the office of the Secretary of Senate.

5. Adoption of the Agenda

On motion duly proposed and seconded, the agenda was approved.

6. Chair's Remarks

The Principal opened her remarks by offering a preliminary commentary on the economic and financial context, noting that there is still much to learn in order to be able to recommend a position to the Board of Governors in relation to the budget.

In the context of pursuing McGill's priorities in challenging economic circumstances, the Principal announced that she and the Provost will be launching administrative task forces in the first half of February, designed to sustain and advance academic priorities, focus on excellence, and promote the benefits of research for education, while understanding that there is now a requirement to fundamentally readjust the budget framework and make some tough decisions.

The Provost's task force will look at managing the prospect of the worst of the financial context while planning for and supporting the best in terms of academic excellence and priorities. The Principal's sister task force will look at questions of excellence, accessibility and diversity. Terms of reference for the task forces will be forthcoming, and the membership will be appointed from a range of constituencies in the University.

The Principal said that it would be unwise to think McGill can continue with business as usual. Both public and private universities in North America have taken such measures as freezes on hiring, internal spending and capital development, including building projects, as well as budget cuts. For the first time in 50 years, the richest Ivy League universities are suffering. Princeton, for example, receives 45% of its revenues from endowment payoffs, which have now dropped by 30 to 40%. Against this bleak backdrop, McGill will be working to avoid repeating what universities did in the mid-90s, which was to make across the board cuts. The Provost and Principal will therefore undertake widespread consultations over the next month to receive advice, feedback and concerns from the University. The Provost and the Vice-Principal (Administration and Finance) are also looking at a range of scenarios to determine how best to reduce expenditures to match reduced revenues. The Principal noted that one of McGill's advantages is having already been through its major recruitment cycle.

The priorities in these difficult times will be to maintain the quality of our academic programs and to retain and support our outstanding researchers and scholars. The Principal outlined three major elements that will impact upon the University's budget plan.

First, the year end endowment performance is down by roughly 20% over the academic year. Vice-Principal Roy confirmed that it has fallen from \$920 million to \$740 million. This represents a significant contribution to academic programs, though not as significant as in some universities in the US. In Canada, the University of Toronto has decided not to pay out from its endowment this year, which means finding more than \$60 million from its operating budget to cover expenditures, so that it has taken difficult decisions relating to compensation, building projects, and hiring. McGill has taken less of a hit than it might have, at least to date, and there will be a payout in the 2010 financial year, but it is likely to be less than the 5% target.

Second, the provincial budget will be known in the spring, and the Principal will be working with others to produce a positive result there.

Third, the Principal reported that she has recently been preoccupied with efforts to shape the federal stimulus budget that will be announced on January 27, so that there will be a sizeable contribution in the budget for universities. In this regard, she has been developing a proposal through the G13 to stress to the federal government the importance to economic recovery of

investments in education. The hope for the stimulus budget is that there will be no cuts for the education sector and a major role for universities and colleges.

The Principal provided an update on Campaign McGill, reporting that more than \$100 million was given over the past year and 63% of the target \$750 million has now been achieved. The campaign has been raising McGill's profile across the world, with visits to Asia and London, and the base of giving is going up. Due to the economic situation, a number of major donors have extended the timeframe for their giving, but they are not pulling back.

Regarding labour relations with MUNACA, the Principal stated that the parties continue to seek a resolution of the dispute in the best interests of the University. In the absence of a resolution to date, the Provost has been in communication with academic heads concerning the importance of contingency plans.

Touching on achievements, the Principal congratulated Professor Emeritus Charles Taylor, who was presented with the Kyoto Prize by the Inamori Foundation on November 10.

She also congratulated three McGill researchers who were awarded the Prix du Québec, the highest honour awarded by the Government of Québec: the Georges-Émile Lapalme Prize went to Emeritus Professor of Law Paul-André Crépeau, in recognition of his remarkable contribution to the French language through Canadian law; Professor Jean-Marie Dufour of the Economics Department won the Léon-Gérin Prize for the Humanities, for his creative work in econometrics; and Dr. Philippe Gros, one of the principal investigators who were the driving force behind the new McGill Life Sciences Complex, received the Wilder-Penfield Prize in the Biomedical Sciences for his advances in understanding resistance or susceptibility to devastating diseases.

She continued by congratulating two McGill students, Stephen Aylward and Vincent Larochelle, who in addition to having been awarded Rhodes Scholarships to pursue their studies at Oxford next fall, were named Radio-Canada/La Presse Personnalités de la Semaine.

At the annual celebration of Personnalités de la Semaine the previous weekend, some of the individuals recognized each week were selected for overall prizes for the year in five categories. McGill graduate Leonard Cohen received the award in the category 'Arts and Entertainment'. Our Chancellor was also recognised over the past year as a Personnalité de la Semaine.

The Principal concluded her remarks and invited comments and questions.

Senator Hobbins asked whether, in view of the economic downturn, the Québec government would allow the commitment to a balanced budget to be postponed. The Principal answered that the University has made a commitment to both the government and the Board to achieve a zero deficit by 2011, and that it would be necessary to build a budget framework that will show tough decisions are being made while taking account of the economic circumstances. She added that more will be known about the Québec government's position on this over the coming weeks.

Senator Harpp asked whether recent hiring decisions that have been authorised will be maintained. The Principal replied that they would be honoured, and that the University is trying to avoid issuing draconian edicts, but that everyone would be asked to look very seriously at their spending to see if economies can be made. She gave as an example of a saving that does not impact on quality the recent appointment of Vaughan Dowie to the position of

Executive Head of Public Affairs, combining two roles into one and thereby abolishing the role of Vice-Principal (Public Affairs).

Senator Hendren asked the Principal what was meant by her reference to increasing accessibility. The Principal replied that this would be a theme for the task force, and would address such issues as ensuring that every student who is qualified can come to McGill independently of financial means, and that physical access to buildings for all is ensured.

SECTION II

PART “A” – QUESTIONS AND MOTIONS BY MEMBERS

1. Question Regarding Guidelines, Policies, Procedures, etc

On the invitation of the Chair, Senator Bouchard asked the following question:

BACKGROUND:

Whereas, various policies, guidelines, directives are regularly developed and approved by various levels of McGill's governance and administrative structures.

Whereas, these documents often have direct implications on the daily lives of individuals in the McGill community.

Whereas, many members of the university community do not fully understand the differences between these terms.

QUESTION:

What are the differences between a policy, guideline, procedure, regulation or similar statement issued by the University?

How do they differ in their development and approval paths?

How are their impacts on academic life different?

How do the recourses offered to members of our community who may feel they have been unjustly affected by one of these documents differ?

The Chair invited the Provost to respond. The Provost thanked Mr. Bouchard for his question and responded as follows:

What are the differences between a policy, guideline, procedure, regulation or similar statement issued by the University?

McGill has been inconsistent in its use of the terms “regulation”, “policy”, and “guidelines”. This has been noted by the Associate Provost (Policies and Procedures) and the Secretary-General in the course of reviewing regulations and policies. The varied use of the terms occurs at other Canadian universities, though fewer of our comparators have used the term “regulation”. Some universities in the US and Canada have a policy on university policy that defines the use of

terms such as policy, procedure, guideline, and the path for development and approval. We don't do that.

The University has historically used the term “regulation” for the most formal articulation of University-wide requirements, for example, the Regulations Relating to the Employment of Academic Staff. These formal regulations (approved by Senate and the Board of Governors) come to form the core of formal documented requirements applying University-wide, for example to employment, and to matters of dispute resolution.

There have been instances over time of the use of the term “policy” also used to refer to University-wide requirements, as well as broad statements of principle about the University's direction in accordance with its mission. There is some inconsistency in the approval path followed through the governing bodies. In sum there is no doubt some inconsistency, evidenced over time, in the use of the terms and there will be, over the course of 2009-10, an effort to review, clarify and apply a consistent nomenclature to the creation of regulatory documentation. This nomenclature will define McGill's use of these terms.

While there is some diversity in the definitions of the terms “policy”, “guideline”, “procedure”, “regulation”, in general:

*a **regulation** is the most formal articulation of requirements or rules for the purpose of complying with internal or external laws;*

*a **policy** is a statement developed internal to the institution that articulates general direction, on a given topic/issue, in compliance with the institution's mission;*

*a **procedure** is a documentation of the steps necessary to appropriately and uniformly perform a task (that must be in conformity with a policy or regulation); and*

*a **guideline** articulates rules useful to persons in carrying out their individual responsibilities in accordance with a regulation, policy or procedure, although guidelines can also set out protocols that must be followed.*

How do they differ in their development and approval paths?

Regulations, policies, procedures and guidelines are developed by the University's administration in consultation with stakeholder groups – there are however procedures and guidelines that are defined as operational in nature (for example, the procedure for completing expense reports) that would not necessarily require such consultation. Regulations and policies are, depending on the nature of the subject, approved by the Senate and the Board of Governors.

How are their impacts on academic life different?

How the regulation, policy, procedure or guideline affects academic or University life will vary depending on the nature of the subject it addresses.

How do the recourses offered to members of our community who may feel they have been unjustly affected by one of these documents differ?

If the question concerns recourse on how an individual is affected, some formal documentation, typically regulations, contain recourse such as providing a right of appeal. If the question concerns recourse concerning the creation of a policy, the development of any such regulatory documentation is undertaken in consultation with stakeholders – this would provide an opportunity for feedback in the development of the document in question. Any further feedback can of course be provided directly to the sponsoring office of the document in question.

Usually, recourse is proportionate to the potential impact on individuals, as it should be.

The Associate Provost (Policies and Procedures) and the Secretary-General will undertake a review of existing policies, procedures, regulations, guidelines and similar documents with the objective of proposing definitions for a McGill “nomenclature” of terms, and try to “clean-up” this terminology. We will do our best, but variations in use are widespread, and not just at McGill, and we must recognize that there will always be issues in finding the right expression for a term that we will have to work out.

Mr. Bouchard commented that this sounded like a worthwhile project.

Mr. Johnston asked whether, if guidelines and policies can both be mandatory, the same recourse would be provided by each. The Provost responded that this will be included in the review, noting that what are called guidelines could in fact be regulations, for example the guidelines on the care of animals used in research.

Ms. Wilkinson said that undergraduate students would be willing to help with the review. The Provost thanked the Senator and indicated such interest would be welcome.

2. Question Regarding Retirement Procedures

On the invitation of the Chair, Mr. Hobbins asked the following question:

BACKGROUND:

McGill University is committed to having retired staff members remain an active part of the community if they so desire. All retired staff members are given email and library privileges, while some may enjoy additional privileges depending on their status. The transition should be seamless. The current practice is that a staff member’s ID card is deactivated on the day following the retirement date and reactivated approximately one-month later reflecting the new status. This appears to be done in conjunction with the issuance of the first pension cheque, although it is not clear what happens in cases where the retiree defers taking a pension. This one-month delay is not well advertised and does not appear to be mentioned in the Regulations, and so its implications usually come as a surprise to retirees. It means, for example, that a retiree cannot take a book out from a library or even access their library account until the card is reactivated. Further, those who have been granted an office cannot access a building or area which requires card access. Given that retirement is a planned process in which the University has significant warning of the event, it seems reasonable that this delay could be eliminated or significantly shortened.

QUESTION:

Will the University consider ways to eliminate or reduce the delays in according retirement privileges by activating ID cards reflecting the new status at the retirement date or much closer to it?

Rather than stating the question as submitted above, Mr Hobbins began by acknowledging that this issue had been raised in the December 2008 Senate meeting, during a presentation by the Director of Libraries, when Vice-Principal Roy had stated that it should be possible to prevent the one-month delay from occurring. In light of this, Mr Hobbins rephrased the question, and asked what progress had been made towards eliminating these delays.

The Chair invited the Vice-Principal (Administration and Finance) to respond. Vice-Principal Roy replied that the issue can be resolved, and that a deadline of the end of February has been set.

3. Question Regarding Academic Activities and Senate

On the invitation of the Chair, Mr. Bouchard asked the following question:

BACKGROUND:

Whereas, according to Senate Statutes, the McGill Senate is responsible for “control and supervision over the academic activities of the University”.

Whereas, the term “academic activities” is open to interpretation and, quite regularly, this interpretation can vary amongst any of the different groups involved on important issues.

Whereas, in no other statutes is the “control and supervision over the academic activities of the University” delegated to another body in the Statutes or Royal Charter, it appears that this interpretation and responsibility falls solely under the responsibilities of Senate.

Whereas, while the Statutes do outline a method of conflict resolution between Senate and the Board of Governors, they do not outline a method by which disputes arising between the Senate and Administration can be resolved, especially in instances of disagreement between the definition of academic versus administrative issues.

QUESTION:

1) Under which statutes does the Administration derive its ability to determine what is an academic issue and what is not?

2) In keeping in line with statute 6.3.2, why does Senate not have “control” over what issues are academic?

3) What mechanisms and procedures are in place to resolve any disputes over the interpretation of what is an academic issue when this dispute is not between the Board of Governors and Senate?

4) And if there are no procedures, does the Administration plan to work in conjunction with Senate to create these much-needed mechanisms for conflict resolution?

The Chair invited the Provost to respond. The Provost responded as follows:

I will take this opportunity to provide, as best I can, an outline of the parameters of Senate's governance role as it relates to actions undertaken by the administration in the exercise of its responsibilities in matters academic.

I'll begin with what I hope would be a clearer understanding of the role of the Statutes.

The University Statutes are the University's internal laws or by-laws, providing broad defining statements about our governing bodies (the Board of Governors, and the Senate), the Principal, senior officers of the University, the Faculties, Deans, Academic Departments, Degrees, and Convocations. The Statutes do not nor should they delineate the role of the administration – the responsibility to develop a strategic vision, to set key priorities, and to manage the University is the role of the University's academic leadership and administration.

The role of our governing bodies is to:

- provide advice in relation to strategy;*
- provide oversight to ensure the accountability of the senior administration in its management of the University; and*
- give policy guidance on academic matters.*

Let us remember that McGill University is an academic institution and all of us who work or study here have a direct involvement in that mission. But, McGill is also a complex organization that needs effective and efficient administration and management. So, there is a widely distributed responsibility for both governance and administration and we need to work together to build a shared, common, understanding of differentiated roles and responsibilities.

1) Under which statutes does the Administration derive its ability to determine what an academic issue is and what is not?

On Senate's control, Section 6.3.2 of the University Statutes, referred to in the question, does describe the role of Senate – however just to be clear, article 6.3 of the Statutes states that: "Subject to the authority and powers of the Board of Governors, the Senate shall have the following general and specific powers and duties:

...

6.3.2

It shall exercise general control and supervision over the academic activities of the University, with special reference to..."

The Section goes on to list the other areas of Senate's specific mandate as it relates to the academic activities of the University (admission regulations; changes in curriculum and courses of study; approval of all requirements for degrees, diplomas or certificates). But again the provision does not call for the Senate to manage all elements of academic matters, but rather provide oversight to and engagement with the academic administration on such matters.

There is a list of those academic activities for which the Statutes provide "special reference" regarding the role of Senate in academic matters: I will read only a few, but with permission the remainder can be consulted directly from the Statutes or will be incorporated into the written response for the Minutes of this meeting of Senate:

- 1) curricula and courses of study, in consultation with Faculties*

- 2) approval of regulations for admission
- 3) approve all requirements for degrees, diplomas, or certificates granted by the University
- 4) establish and grant all degrees, both in course and honorary, and all diplomas and certificates to be conferred by the University
- 5) recommend the establishment and discontinuance of faculties, schools, and departments
- 6) examine and make recommendations concerning any project involving the academic policy of the University or of any faculty or school or the establishment of any academic building
- 7) recommend the acceptance or refusal of any gift, grant, or bequest submitted to it by the Principal on the grounds that it might, in the Principal's judgement, affect University academic policy
- 8) offer recommendations for the affiliation with the University of any college or colleges or other institutions of learning or research and for the dissolution of any such affiliations or the amendment or alteration of the terms thereof
- 9) make such representations, through the Principal, to the Board of Governors as may from time to time become necessary or desirable, touching any claims and needs of the University
- 10) have recourse to a "conference committee" to resolve any disagreements with the Board of Governors
- 11) annual joint meeting with the Board where the administration (Principal, the Provost, the Deputy Provost, and the vice-principals) present for discussion matters they consider relevant to the University's mission
- 12) hear and determine appeals made to it by any member of the teaching staff from any decision of a Senate committee, or of a faculty, concerning courses of study, curriculum, examinations, timetable, or other academic activity, and subject to ratification by the Board of Governors its decision shall be final
- 13) make rules and regulations for the management of the University libraries and museums
- 14) exercise general disciplinary authority over the student body of the University and may delegate authority to make and enforce student disciplinary regulations to University bodies and officers of its choosing
- 15) regulate academic dress and University ceremonies
- 16) fix the academic calendar, including the dates of academic functions and holidays, or general suspensions of lectures; and shall co-ordinate all timetables affecting more than one faculty
- 17) appoint committees, boards, or other bodies as may be necessary for the proper exercise of its authority
- 18) determine the titles of all ranks and grades of the teaching staff below the rank of full professor

It is this long "special reference" list that determines Senate's oversight of academic activities.

2) In keeping in line with statute 6.3.2, why does Senate not have "control" over what issues are academic?

Please note that the Statutes also provide appropriately for leadership by a senior executive officer and a team of administrators. Specifically, sections 3.1, 3.3, 3.7-3.9, 4.1, 7.5, 8.1.4, etc.:

I will read, partially, only 3.1, 4.1, 7.5, and 8.1.4:

3.1 The Principal shall be the academic head and chief executive officer of the University and shall have general supervision over and direction of the University, including the teaching staff thereof, and all persons employed in connection with its work, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or may be assigned by the Board of Governors.

...

4.1 The Provost, Deputy Provost, and vice-principals shall perform such duties as may be assigned to them by the Principal, and shall be members of the Senate, of all faculties, and of all University committees designated by the Principal, other than the committees of the Board of Governors. A Provost, Deputy Provost, or vice-principal designated by the Principal may represent the latter and discharge the duties and exercise the authority of the Principal during the latter's absence...

In this context the Provost is the chief academic officer after the Principal and has been assigned responsibility for the academic affairs of the University. There is also a VP (Research and International Relations) whose portfolio on delegation from the Principal deals with the strategic research directions and some operational matters also clearly of an academic nature. The Deputy Provost (Student Life and Learning) has administrative responsibility for a broad range of matters, including a considerable number that are academic.

7.5 Each faculty shall, subject to the authority of Senate, control the courses of study and the academic work of the faculty, and provide rules governing the arrangement of its timetable and examinations and the conduct of its meetings.

8.1.4 The dean of each faculty shall, under the direction of the Principal, administer the affairs of the faculty, academic and executive. The Dean of Graduate and Postdoctoral Studies and the Dean of Continuing Education shall, under the direction of the Principal, administer academic and administrative affairs appropriate to their office.

The regulations relative to the employment of ranked academic staff define three areas of academic duties.

1.3.2 "Academic duties" of a member of full-time academic staff include:

- i) teaching (graduate and undergraduate classes and supervision of individual student programs);
- ii) research and other original scholarly activities, and professional activities; and
- iii) other contributions to the University and scholarly communities.

3.2 The allocation of academic duties is the responsibility of the departmental chair. The departmental chair shall take into account the pattern of such allocation obtaining within the department, faculty, and University.

3) What mechanisms and procedures are in place to resolve any disputes over the interpretation of what is an academic issue when this dispute is not between the Board of Governors and Senate?

It is my belief that members of the Senate and of the community more broadly do voice their concerns or disagreement on all matters at Senate, to their departments and faculties and to me directly – including on whether a matter should or should not come to Senate. I would note that such conversations – about what arises to Senate or not – have formed part of the extensive work that has been done by Senate and the Administration over the last year to define

committee terms and responsibilities, with each committee engaging on the nature of its work in relation to that of the academic administration. This work on committee structures, on the development of a calendar of business for the Senate (by the Secretary-General) has served to clarify and reinforce Senate's role.

I would like to mention the very important roles of Senate Steering and Senate Nominating in fulfilling the responsibilities of this governance body in relation to the academic mission of the University and its monitoring the activities of the administration in fulfillment of its obligations.

4) And if there are no procedures, does the Administration plan to work in conjunction with Senate to create these much-needed mechanisms for conflict resolution?

It is not my opinion that mechanisms for conflict resolution are "much-needed". While disputes will inevitably arise from time to time, I believe that McGill's collegial mechanisms for consultation, debate, and discussion have proven to be quite durable in allowing the community to come to a satisfactory resolution.

In managing its own affairs, Senate has a committee on its rights, and it would be up to that committee to determine if in the exercise of delegated and assigned duties in a given circumstance the rights of Senate have been violated.

It is my belief that the academic administration of the University has been trying to work with Senate to build a shared common understanding regarding "academic matters" and the respective roles of governance, administration, and management. I would like to note that this administration has sought over the last six years to engage Senate on matters for which no formal approval role is required and to ensure that policies come forward early for discussion before approval is sought. This collegial engagement is an essential part of the history, customs, and traditions of McGill, which not only allow, but encourage, the liberty to raise concerns as they arise from time to time. The work that has been undertaken by the administration to modernise governance functions and structures has been and is being done to ensure the effective, transparent and accountable functioning of the University by, among other things, clarifying the respective roles of our governance bodies, Senate and Board, and the administration of the University.

The Principal thanked the Provost for the answer and asked if there were any supplemental questions.

Mr. Gulamhussein said that he did not agree that the list that follows the introductory phrase in Section 6.3.2 of the Statutes constitutes a limitation on Senate's general control of academic activities. He added that in his opinion, collegial mechanisms may not always be sufficient to resolve conflict over what constitutes an academic issue. He cited as an example the administration's decision not to respect the Senate motion of November that the student travel guidelines be embargoed.

In response to other questions and comments, the Provost reiterated that he believes the current collegial approach works and noted that he brings to Senate's attention matters that do not strictly require Senate discussion or approval. The administration tries not to be restrictive in defining what constitutes an academic matter, he said, and he expressed the belief that the debates that arise from time to time are not sufficient reason to establish a formal resolution mechanism. Furthermore, if Senate at any time believes that the administration has overstepped its authority, Senators raise their concern.

Mr. Gulamhussein asked whether the Provost would be willing to participate in a conflict resolution mechanism should Senate choose to create one. The Secretary General reminded Senate that there exists a Committee on the Rights of Senate and that this and other mechanisms are currently being reviewed.

PART “B” – MOTIONS AND REPORTS FROM ORGANS OF UNIVERSITY GOVERNMENT

1. 406th Report of the Academic Policy Committee (D08-30)

The Provost presented the Report of the Academic Policy Committee (D08-30). A correction was noted in item IA1: “Faculty of Science” should read “Faculty of Medicine”.

I. For Approval

A. New Teaching Programs

1) Faculty of Medicine

M.Sc. Experimental Medicine; Family Medicine (Thesis)

Item IA1, Faculty of Medicine: M.Sc. in Experimental Medicine; Family Medicine (Thesis), was approved.

III. Approved in the Name of Senate

Presented for information.

IV. For the Information of Senate

Presented for information.

2. Report of the Senate Nominating Committee (D08-31)

The Provost presented the Report of the Senate Nominating Committee (D08-31).

I. For Approval by Senate

Item 1, Appointments to Committees Arising From University Regulations, as circulated in D08-31, were approved.

Statutory Selection Committees

ACTION: Appointment of Senate representatives

For a Professor in the Faculty of Law:

Professor Ratna Ghosh (Department of Integrated Studies in Education)

Professor Robert Bracewell (Department of Educational & Counselling Psychology) **[alternate]**

Professor Marc Angenot (Department of French Language and Literature)

Professor David Harpp (Department of Chemistry) **[alternate]**

3. Motion to Amend the Charter of Students' Rights (Articles 10.2 and 15) (D08-32)

Dean Everett presented the Motion to Amend the Charter of Students' Rights (Articles 10.2 and 15) (D08-32).

She asked that the motion be split into two so that the changes to the two articles could be approved separately. On a motion duly proposed and seconded, that request was approved. Dean Everett spoke briefly about the right of students to be evaluated on written work submitted in French, particularly the need to remind students of their right and to help academic units carry out the work required when students do submit written work in French.

The motion to amend Section 10.2, which explains the right, was duly moved and seconded. Professor Robaire asked whether it is meant to encompass all written work, including, for example, lab reports and the content of Powerpoint slides for an oral presentation. Dean Everett responded that the idea is that the right covers all written work that is to be graded.

Mr. Hobbins asked whether students should be required to provide advance notice when they plan to submit work in French. Dean Everett said suggestions from units on how to handle this would be welcome.

Dean Grant spoke in favour of the motion.

Professor Grütter asked how the right can be exercised in the case of team assignments. Dean Everett said cases will have to be dealt with as they arise.

In response to a question from Professor Gehr, Dean Everett said that the right does not extend to work that is not to be graded. She noted the intent of amending this section of the Charter is to make sense of a right that has existed for a long time.

Professor Wolfson spoke in favour of the motion and suggested that there be a separate discussion about how to implement the right to submit in French. Dean Everett concurred and noted that her initial comments on implementation were not a formal proposal but ideas for such a discussion.

In response to a question from Mr. Johnston, the Provost said that if a problem arises regarding resources for supporting the right to submit in French, solutions will be found at that time.

Mr. Johnston and Mr. Gulamhussein made cases for approving this motion, saying it is right not only for the message it sends to those outside McGill but for its importance within the McGill community.

Dean Todd spoke in favour of the motion, stating that the amendment represents a sensible refinement of the existing section of the Charter.

In response to Professor Robaire, Dean Everett said she has not conducted research to determine whether the Université de Montréal is contemplating the institution of rights for those who may wish to submit written work in English.

The vote was called and the motion was approved, by a two-thirds majority of those present as required by the Charter.

The motion to amend Section 15, so that the right to submit in French becomes a requirement for course outlines, was duly moved and seconded.

Professor Sieber asked about the phrase “where appropriate” as it applies to course outline requirements. Dean Everett agreed that this wording is problematic but said that it is not meant to qualify the course outline requirements. With regard to a concern raised by Professor Sieber about the growing length of course outlines, Dean Everett said that the additions reflect what is covered under student rights, for instance the statement on academic integrity.

The Deputy Provost said that this addition to the course outline is meant to deal with the fact that students are not always aware of this right and even when they are aware are not always comfortable with exercising their right. Ms. Wilkinson said she strongly encouraged that this amendment be approved as a means of helping students better exercise their right.

Professor Hendren said that in discussions within the Faculty of Science, she believes the consensus has been that course outlines should be restricted to academic matters and that the matter of this right need not be included.

Professor Wade said he did not support this addition to the course outline.

Dean Perrault said that as someone who has tried to encourage francophone students at McGill, she was in favour of the addition.

The vote was called, and the motion was approved by a two-thirds majority of those present, as required by the Charter.

4. Advising Mission Statement (D08-36)

Dean Everett presented the Advising Mission Statement (D08-36). She explained that the University-wide advising website will have self-assessment and feedback mechanisms and contain FAQs for students and staff, and faculties would also have their own websites. Other faculty-based advising initiatives would be launched, and examples from the Faculty of Arts include meetings between academic advisors and exit surveys of students on the quality of their advising experience. Training modules are being developed by HR for advisors, and an advising resource centre will be created. Teaching and Learning Services will also provide training for academic and peer advisors. Assessment of progress with advising will be ongoing, with a comprehensive review in two years.

Professor Gehr asked where the Mission Statement would appear, and whether it would be made clear that staff acting as advisors would not be held responsible for errors made as a result of their advice. Dean Everett replied that the Statement would be included in the Undergraduate Calendar, and would also be publicised in advertising materials. She added that it was understood that mistakes were sometimes made in the advising process, and that these were dealt with as effectively as possible when they became known.

On a motion duly proposed and seconded, the motion was approved.

5. Proposed Terms of Reference for Ombudsperson for Students (D08-33)

The Deputy Provost presented the Proposed Terms of Reference for the Ombudsperson for Students (D08-33). He underlined that the Terms were identical to the version brought before Senate on November 5, 2008, with the exception of the addition of the word “preferably” in Section 2.1. This was added to avoid a situation arising where someone well qualified for the position would be excluded.

Mr. Gulamhussein asked what was meant by ‘a “need-to-know” basis’ in Section 6.1. The Deputy Provost replied that this might refer to the safety of an individual.

Ms. Wilkinson proposed a friendly amendment – the addition of “Subject to Section 5, ” at the start of Section 4.2.2. The Deputy Provost accepted the amendment.

Professor Harpp asked what the next steps will be. The Deputy Provost replied that a Committee on the Selection of the Ombudsperson has been formed and is now meeting. The Interim Ombudsperson, Dr. Linda Jacobs Starkey, is in place for the time being, and a new appointment will be made when the terms have been approved by the Board of Governors.

On a motion duly proposed and seconded, the motion was approved.

6. University-Related International Travel Activity by Students and University Staff Accompanying Them (D08-34)

The Deputy Provost presented for discussion the document on University-Related International Travel Activity by Students and University Staff Accompanying Them (D08-34). The Principal thanked the Deputy Provost for his presentation, and opened the floor to questions and comments.

Mr. Hobbins thanked the Deputy Provost for his work in preparing the document. He expressed concern at the scope of the additional bureaucratic load that would be introduced by its provisions, and suggested that only travel activity to Level-3 and Level-4 countries should trigger registration of the activity. The Deputy Provost replied that there would be an online Minerva form for registration.

Professor Robaire thought Section 1.3 was too bureaucratic and its provisions should be removed for travel to Level-1 and Level-2 countries.

The Principal indicated that the Deputy Provost would receive all comments under advisement.

Professor Gehr observed that some programs involve more than one dean, so the language should be changed to reflect that, and suggested that the personal property insurance requirement be removed.

Professor Sieber asked how changes of travel itinerary in the field would be handled, and expressed concern about maintaining the confidentiality of personal information submitted. The Deputy Provost explained that student registration will be on Minerva and subject to all the normal Minerva security for regular student information.

Mr. DeGuise asked for clarification of the meaning of Appendix B, point 13 in relation to work for Médecins Sans Frontières. The Deputy Provost replied that this point will be looked at again and clarified.

Mr. Johnston asked whether a student would be able to receive partial credit in a situation where a country was reclassified from Level-2 to Level-3 or Level-4 and they were called back at a late stage in the student's program. The Deputy Provost replied that there is a mechanism for exemptions, and each case would be looked at individually.

Professor Moore said that the policy was too heavy on defence against litigation and too light on preparing students adequately for safety in the field. He said it relies too heavily on DFAIT advisories, and asked whether the procedure applied to postdoctoral fellows. He also asked whether McGill would be able to respond quickly in a Mumbai-like situation to get someone out quickly. The Deputy Provost replied that there has been discussion of postdocs, they are not mentioned here, and he would welcome input from Senators in this regard.

Mr. Richard noted that in Appendix B, point 11 requires a valid visa and immunization booklet, but these are not in fact always required. He therefore suggested adding the words "where required" to point 11.

Ms. Wilkinson said she was concerned about the content and tone of the document, and noted that it mentions decisions by deans and chairs, but is silent on the relationship between students and professors, and students and advisors.

Mr. Burgoyne noted that in Appendix B, point 13 would cause problems for part-time students who commute internationally.

Professor Gehr expressed the view that in Appendix B, point 15 was stated too strongly by including the words "for any reason whatsoever". The Deputy Provost replied that this wording had been discussed but it was necessary to include it, for instance to address a situation that had occurred where an individual not taking medication had caused significant disruption.

Professor Quaroni said that she takes 150 students to Florence each year, and was concerned about the paperwork that would now be required. She suggested splitting the document into two parts, with a Part 1 for Level-1 and Level-2 countries, and Part 2 for Level-3 and Level-4 destinations.

Professor Bartlett-Esquillant asked whether emergency evacuation insurance was necessary, noted that it can be difficult to acquire in the circumstances contemplated by the document, and asked that the insurance requirements be clarified. The Deputy Provost replied that there would be some situations where evacuation insurance would be required, but the point was noted.

Ms. Turner asked whether extra resources would be made available to deans' offices to implement the new procedures. The Deputy Provost said that some Faculties were already implementing them and said he understood there may be resource implications.

Mr. Blachford noted, in reference to point 13 of Appendix B, that some internships are paid, so this provision needs to be reworded, perhaps by addressing occupations or trades unconnected with the travel activity. He asked, in view of all the suggestions being made, whether a revised version of the document would be brought back to Senate. The Deputy Provost replied that it could be sent to Senators by email, and would be publicized.

Mr. Bouchard reiterated the previous concern at the general nature of the language of Appendix B, point 15. The Provost replied that the wording is not an abstraction, but drawn from real experience, and sometimes people's behaviour creates dangers for themselves, and others, and threatens McGill's continued participation in a station or activity. That necessitates a statement worded in that manner, although the Deputy Provost has received considerable feedback and may find appropriate words to modify it.

Mr. Gulamhussein asked for clarification of the purpose and legality of point 14 of Appendix B, and whether graduate students would be given greater leniency for exemptions than undergraduate students. He also maintained that the subjects being discussed remain academic issues over which Senate has general control and supervision.

The Principal stated that after the next two speakers, any further contributions on this topic should be submitted to the Deputy Provost directly.

Mr. McIntosh asked if the Deputy Provost would be willing to attend a town hall to answer questions on this issue. The Deputy Provost said that he would.

Dean Grant thanked the Deputy Provost for his work on the issue, and noted that in relation to Appendix B, point 15 is no different to ejecting a disruptive student from a classroom.

7. Staffing Report (D08-35)

The Provost presented the Staffing Report (D08-35). A correction was noted to Table II.B in Appendix II: the heading "Ratios: Total Number of Full-Time Administrative and Support Staff/ Academic Staff" should read "Ratios: Total Number of Full-Time Academic Staff/ Full-Time Administrative and Support Staff in the Faculties and Libraries". The Provost explained that the new format for the Staffing Report will be used from now on.

The Principal thanked the Provost for his presentation, and opened the floor to questions and comments.

Mr. Hobbins thanked the Provost for the Report.

Professor Moore asked whether Tables 13 and 14 could be linked to trace the location of new M staff. The Provost replied that this would be possible, but an analysis had not been undertaken to produce the report.

On a motion duly proposed and seconded, the meeting was adjourned at 5:40 p.m.