

**SENATE**  
MCGILL UNIVERSITY

08-09:03

Minutes of a meeting of Senate held on Wednesday November 5, 2008 at 2:30 p.m. in the Robert Vogel Council Room (Room 232), Leacock Building.

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**PRESENT:**

|                                |   |
|--------------------------------|---|
| Aitken, Ellen ( <i>Chair</i> ) | Kasirer, Nicholas                       |
| Algieri, Stefano               | Kirby, Torrance                         |
| Allison, Paul                  | Kreiwirth, Martin                       |
| Barralet, Jake                 | Kurien, John                            |
| Bishop, Alexandra              | Labban, Margaret                        |
| Blachford, Gregg               | Ling, Andrew                            |
| Boss, Valentine                | Low, Bronwen                            |
| Bouchard, Carl-Eric            | Lowther, David                          |
| Boulet, Benoit                 | Luther, Ryan                            |
| Brackett, David                | Madramootoo, Chandra                    |
| Bray, Dorothy                  | Manfredi, Christopher                   |
| Burgoyne, John Ashley          | McIntosh, Matthew                       |
| Cooke, Rosemary                | Mendelson, Morton                       |
| Covo, David                    | Moore, Timothy                          |
| Cuello, Claudio                | Neilson, Ivan                           |
| Dear, Judy                     | Oxhorn, Philip                          |
| DeGuise, Alexander             | Pekeles, Gary                           |
| Dourley, Barbara               | Pelletier, Johanne ( <i>Secretary</i> ) |
| Dowie, Vaughan                 | Perumal, Nandita                        |
| Driscoll, Brian                | Peterson, Kathryn                       |
| Etemad, Hamid                  | Pierre, Christophe                      |
| Everett, Jane                  | Potter, Judith                          |
| Ezzy-Jorgensen, Frances        | Quaroni, Enrica                         |
| Fox-Decent, Evan               | Richard, Marc                           |
| Franklin, Keith                | Robaire, Bernard                        |
| Gehr, Ronald                   | Roy, François R.                        |
| GowriSankaran, Kohur           | Saroyan, Alenoush                       |
| Grant, Martin                  | Schmidt, Janine                         |
| Grütter, Peter                 | Smith, Michael                          |
| Gulamhussein, Faizel           | Tallant, Beverlea                       |
| Harpp, David                   | Thérien, Denis                          |
| Hebert, Johanne                | Todd, Peter                             |
| Hendren, Laurie                | Turner, Kathleen                        |
| Hobbins, John                  | Van Eyk, Helen                          |
| Ismail, Ashraf                 | Wade, Kevin                             |
| Johnston, Will                 | Weinstein, Marc                         |
| Jonsson, Wilbur                | Wilkinson, Nadya                        |
| Jordan, Steve                  | Wolfson, Christina                      |
| Karmouty, Harry                | Zannis-Hadjopoulos, Maria               |
|                                | Zorychta, Edith                         |

**REGRETS:** Adelle Blackett, Ian Butler, Roshi Chadha, Alexander Dyck, Richard I. Levin, Anthony C. Masi, Heather Munroe-Blum, H el ene Perrault, Richard Pound, Robert Rabinovitch, Manon Vennat.

The Chair welcomed all to Senate.

## SECTION I

### 1. Report of the Steering Committee

The report of the Steering Committee (08-09:03) was received.

*Item 1. Approval of Minutes of Senate.* Professor Wade requested clarification regarding the Provost's response on the teaching programs listed in the Report of the Academic Policy Committee (D08-07), and whether the transcripts would indicate the specialization or only the major. The Deputy Provost replied that he would verify this and communicate the information to the Secretary General in order for the minutes to be amended as appropriate. On motion duly proposed and seconded, the minutes of the meeting of October 15, 2008, were approved.

*Item 2. Chair of Senate.* On motion duly proposed and seconded, Dean Aitken was approved as Chair.

*Item 3. Degrees and Diplomas,* for information.

*Item 4. Speaking Rights.* Senate, on motion duly proposed and seconded, granted speaking rights to Professor Jim Nicell for item IIB5 – Senate Committee on Physical Development Annual Report (D08-17), to Dr. Linda Jacobs Starkey for items IIB2 – Ombudsperson's Report (D08-14) and IIB3 – Proposed Terms of Reference – Ombudsperson for Students (D08-15), and to Professor William Foster for item IIB3 – Proposed Terms of Reference – Ombudsperson for Students (D08-15).

*Item 5. Information Items.* Steering Committee requested that the Vice-Principal (Administration and Finance) speak to any follow up action resulting from the question posed at Senate on October 15 regarding the status of updating web-available pension unit values. Vice-Principal Roy responded that the practice has been to post, on the web site, the unit value based on the market value of the plan as at the end of the previous month. This information is then used to calculate individual members records, and is loaded to the web site on the first business day of the month following. The information is available in Minerva under each member's account. The Pension Administration Committee has said that this suits the requirements of the Plan, as these are not trading accounts. The members of the Plan can elect to withdraw from the Plan only once a month, hence more up-to-date information, although convenient, would not be useful to the administration of the Plan.

Steering Committee requested that the Provost provide an update on reporting on the breakdown of administrative and support staff numbers to Senate, and regarding inclusion of retirees within the online staff directory. In the Provost's absence, Deputy Provost Mendelson responded that the data requested on the breakdown of staff numbers will come forward at the next Senate meeting as part of a larger staffing report. On the issue of retirees, the Deputy Provost responded that this past summer, following a conversation with John Dealy, the MAUT representative for retirees, the Office of the Provost undertook an initiative to ensure that the contact information of retirees who held ranked academic positions could be found in the McGill central online staff directory. The goal of this initiative was to enhance the presence of the retired academic

community at the University. Until now, while departments have had the option of including such information on their individual web pages, not all Faculties and units have elected to do this. NCS is working diligently to ensure that the names of the retirees wishing to be included in the directory are entered without error or delay. Retirees who held ranked academic positions at McGill University will be active in the McGill online directory on November 20<sup>th</sup>, 2008. Those retirees who were not notified, and wish to be included are asked to send their request to provost.office@mcgill.ca.

## **2. Adoption of the Agenda**

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

The Deputy Provost made an announcement regarding the provincial election to be held on December 8 2008, which is an exam day at McGill. Provincial law requires that educational institutions in Quebec give leave to students on the day of a provincial election; this has always been interpreted as educational institutions being closed. McGill is currently petitioning the Director-General of Elections to give McGill leave to keep the exam schedule as is. Failing this, the University will reschedule the exams currently scheduled for December 8. The final exam schedule will be posted on November 6, with the exams on December 8 listed as "date to be determined". The final information will be communicated as soon as it is available.

The Chair thanked Deputy Provost Mendelson for his announcement, and opened the floor to questions.

Professor Jonsson wanted to know what contingency plans the University was considering. The Deputy Provost responded that various schedules were being examined and the University would determine the one that would be the least inconvenient to the community at large.

Mr. Hobbins asked for clarification as to whether the University was normally closed during a provincial election. The Deputy Provost replied that classes and exams are typically cancelled. Also, as required by law, the University allows all employees at least four hours of free time to participate in the election.

## **SECTION II**

### **PART "A" – QUESTIONS AND MOTIONS BY MEMBERS**

#### **1. Question Regarding Travel Warnings**

On the invitation of the Chair, Professor Moore asked the following question:

##### **BACKGROUND:**

*On September 25, 2008, Deans, Directors and Chairs received a memo from the Deputy Provost, which included the following statements:*

*"McGill University will no longer allow students to participate in any University related activities, be they curricular or co-curricular, in countries with a level-3 (avoid non-essential travel) or level-4 (avoid all travel) warning. In cases where such warnings are limited to specific regions in a country, the travel restriction described here applies to the regions.*

*In the coming months, my Office, with appropriate consultation, will develop and post guidelines, procedures, and necessary information to prepare our students for safe and successful educational experiences while they study and travel abroad.”*

*The Department of Foreign Affairs and International Trade web site currently lists 237 countries of which 64 (or 27%) are identified with a ‘Travel Warning’ (a red asterisk). This includes Panama, Kenya and Uganda, each with a country ‘Exercise high degree of caution’ and a regional ‘Avoid all travel’.*

**QUESTION:**

- 1. Given that the Panama and Africa Field Studies Seminars are due to take place in January 2009, what steps have been taken in the context of the above statement?*
- 2. What consultations with faculty, students and researchers at McGill were made prior to the above ‘directive’ being issued and what steps are being taken now to ensure adequate consultation with those who have deep experience with such risks?*
- 3. Has the university considered the potential impacts of this directive on McGill’s many field scientists who work in developing countries, their research programs and careers?*
- 4. What are the legal obligations of McGill to its students, and other members of our community, working in ‘insecure regions’?*
- 5. Given the international nature of the McGill community and its long and successful commitment to the ‘developing world’, how does the University Administration intend to balance the dangers against the importance of conducting research and teaching in ‘Travel Warning’ countries?*

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

*I would like to thank Senator Moore for raising this issue in Senate. Before answering his questions, I want to stress that the reason behind my memo to Deans, Directors, and Chairs was to ensure the safety of McGill students. Moreover, the approach taken was consistent with that of the Canadian International Development Agency (CIDA) and with other universities. McGill encourages students to include an international educational experience as part of their studies. Specific programs of study, internship placements, and research activities are initiated at various levels, in some cases by individual professors or students. However, we have no stated university-wide set of standards or procedures guiding approval of international travel activities. Thus, my memo was sent with the intention of communicating widely our initial position on this important matter and to inform the community of the work to be done. We need to provide information, establish standards and ensure consistency by providing a single set of rules for this growing and important area of our academic activities. At minimum, this means widely adopting the following practices, which are already in place in certain areas of the University:*

- selecting destinations for suitability and safety;*
- instructing University personnel, including professors, who travel with students to provide prudent supervision;*
- sufficiently informing students about the dangers inherent in a particular activity;*

- *providing students instruction in safe practices before they become involved in the activity.*

*The Senator's first question concerns field-study semesters. Travel warnings can be issued by the Department of Foreign Affairs and International Trade (DFAIT) for a country or for a region of a country; the current advisories for Panama, Kenya and Uganda are regional, so restrictions on student travel apply only to certain areas. I understand that the practice of the Faculty of Science in running Field Study Semesters is appropriately to avoid travel to an area when there is a travel advisory in place. Thus, in the winter semester of 2008, the itinerary of the African Field Study Semester was completely reorganized at quite a late date to avoid travel to Kenya, because of a country-wide travel advisory. It was understood that the semester would be cancelled if alternate plans could not be made. And, because of regional warnings, the Field Study Semesters have avoided travel to the affected areas.*

*The second question concerns consultation. The issue of the memo was discussed with the Deans of the faculties before it was distributed. Moreover, as indicated in the memo, we intend to establish and post guidelines, procedures and necessary information to prepare our students for a safe and successful educational experience while studying and traveling internationally.*

*We intend to consult widely as the guidelines are developed. The Deans will of course be canvassed first and will have an opportunity to comment fully on any areas of concern and potential impact on the programs of study and research in their faculties. Professors will also be consulted, and we will of course be interested in hearing from students. I welcome all constructive comments and invite written submissions from any interested person or group even at this stage.*

*Before addressing the third question, I would like to turn to the fourth, concerning McGill's obligations to its students and other members of the community who work in 'insecure regions'. As mentioned, our students' safety is important to us. Moreover, we owe our students a duty of care. Curricular and co-curricular activities conducted in certain locations can carry a risk of harm. While the University is not required to anticipate, and take measures, to prevent every possible potentially harmful incident, it is required to address normally foreseeable possibilities with reasonable measures to avoid harm.*

*The third question concerns the potential impacts of the directive on the community and the final one concerns the balance between safety and the importance of conducting research and teaching. Safety is certainly of primary concern. Thus, the University will not be able to support student travel to all countries or regions. Nonetheless, we are confident that the primary impact of the guidelines will be to share best practices and to ensure that all students have access to the information and preparation that they need for safe and successful educational experiences while they study and travel abroad.*

The Chair thanked Deputy Provost Mendelson for his response, and opened the floor to supplemental questions.

Mr. Neilson asked which activities fall under the definitions of curricular and co-curricular and how the directive would affect programs such as Engineers Without Borders, which frequently operate in countries reflected by the directive.

The Deputy Provost answered that anything that earns a student credit is considered curricular. Co-curricular activities are activities that are organised by the University, whether or not they yield academic credits, such as internships and participation in research.

Ms. Turner asked about the impact the guidelines would have on McGill students from affected countries hoping to do research on social conditions in their home countries. The Deputy Provost replied that this was something that they would have to deal with within the full set of guidelines.

Professor Moore questioned the University's reliance on DFAIT's evaluations, and the one-size-fits-all approach being taken.

Professor Saroyan wanted to know if these were guidelines or policies. She also asked whether they would extend to faculty members, and if so, what impact would they have on academic freedom.

Deputy Provost Mendelson responded that this was not a policy, but a statement of the university's stance on these issues. There will be a set of guidelines issued. The University is not taking a stance on the activities of faculty, as there is not the same duty of care as for students. Faculty members or other members of the University staff are asked to register their University-related activity with Human Resources, which is the current practice.

Professor Oxhorn asked how the administration would draw on the expertise at McGill for determining what is and is not safe. He stated his concern about the ability of the guidelines to distinguish between internships and undergraduate courses, and graduate field work. He also asked how we would deal with graduate students who come to McGill specifically to work in certain geographic areas, and are suddenly told that they cannot do the projects that they had come to McGill for.

Deputy Provost Mendelson agreed that these issues would have to be addressed within the guidelines, and that McGill will have to build a certain amount of flexibility into them.

Professor Robaire asked for an assurance that these guidelines would be brought to Senate for discussion prior to being put in place. The Deputy Provost responded that they were willing to bring the guidelines to Senate for consultation. However, these are not an issue for Senate's approval, but rather an administrative issue.

Professor Robaire stated that this issue should be discussed and approved by Senate. The Secretary-General intervened and recommended that this issue be taken to Senate Steering for further discussion.

Mr. Bouchard asked whether any consultation had been done with students, and if any data existed on where students had been going, and for what reasons. He suggested that the University hold workshops to help educate students going overseas. He also asked what would happen to students who are in a country which becomes a level 3 or 4 while they are there.

The Deputy Provost stated that these were among the issues that would be addressed. There will be consultation with deans regarding the potential impact on programs in their faculties. Orientation sessions for students going overseas are best practices that are currently undertaken at McGill in various programs, and will have to be expanded.

Mr. Johnston wanted to know if this policy would affect graduate and undergraduate students equally, and if not, were there concerns that this could create the perception that undergraduate research was not of value to the university community.

The Deputy Provost explained that the guidelines still had to be drafted and consultation still had to be done, therefore he was not able to answer questions such as this directly. This issue has been raised – travel restrictions may more seriously affect graduate students than undergraduate students, in terms of research.

Mr. Gulamhussein proposed a motion that any policy or directive which attempts to restrict student or faculty travel would have to be approved by Senate first. He further recommended that this issue be brought to the Committee on the Rights of Senate and that the final policy on student travel be sent to the Academic Policy Committee and returned to Senate with APC's recommendation. The Secretary-General clarified that it was the practice of Senate that motions be put through Senate Steering, and that a motion from the floor was not in line with the custom and tradition of Senate. The Secretary-General also noted that it was clear, from the Deputy Provost's comments, that he was in favour of bringing the guidelines to Senate for consultation.

The Chair noted that there was now a choice to accept this motion, or move it to Senate Steering for consideration.

Professors GowriSankaran, Oxhorn, and Robaire suggested that the matter be referred to the Steering Committee. Professor Robaire further requested an assurance from the Deputy Provost that these guidelines be embargoed until Senate Steering makes a decision on them and brings it to Senate.

Deputy Provost Mendelson responded that the current restriction is in effect, and the administration is trying to come out with a more nuanced statement as quickly as possible. There will be an initial consultation draft by the beginning of the week of November 10 in order to begin a conversation around this issue.

Mr. Gulamhussein stated that, in letting this issue pass, the rights and purpose of Senate could be circumvented on other issues, but he said he would be willing to allow his motion to come to Steering to be dealt with.

Professor Robaire stated that, given the lack of consultation with Senate, and the lack of willingness to embargo, he was proposing a motion, which was duly seconded, that the present policy be embargoed until further discussion by Senate Steering and Senate. At the request of the Chair, Professor Robaire clarified the motion, saying he was moving that the policy be suspended and not go into effect until it has gone through the appropriate review.

The Deputy Provost explained that the practice in the memo is currently followed by many faculties and departments at McGill. It would seem peculiar for Senate to state that these practices should be suspended. They are prudent, and conform to CIDA regulations, and have been undertaken with due regard to student safety, and with respect to the administration's responsibility to oversee the health and safety of McGill students.

Dean Madramootoo commented that while he supported the proposal to bring this to Steering, he felt that the academic community had a responsibility to ensure the safety and security of its staff and students involved in curricular, co-curricular, and research activities in other countries.

Professor Gehr asked if it was within Senate's purview to pass a motion to suspend these guidelines, and Professor Wade wanted to know what weight the motion would actually have, if passed in Senate. He also commented that the effect of the motion might be to leave the safety of students in a vacuum. He asked if the motion could be withdrawn on the understanding that there would be new guidelines brought to the next Senate meeting.

Professor Saroyan spoke in favour of the motion, stating that a unilateral decision had been made. She said that teaching staff were concerned about student safety and were not about to make decisions which would endanger students.

Professor Oxhorn stated that the new directive was different from the status quo in that it affects graduate students. He urged flexibility to ensure that graduate students are able to complete their research.

Professor Jonsson said that he was in favour of the motion, noting that it need not prevent the faculties from enforcing their own regulations.

Dean Grant spoke against the motion, adding that there would be no embargo on this directive in the Faculty of Science. He stated that a common set of guidelines for the entire University makes sense, and said he appreciated the Deputy Provost's commitment to return to Senate with more complete guidelines.

The Deputy Provost said the guidelines reflected a statement of status quo of decisions being made in central administration, and he was surprised by the suggestion that these decisions were inappropriate. He added that this motion would call on administrators to make decisions that were not necessarily in the best interests either of the University or of student safety.

Professor Fox-Decent spoke in favour of the motion. He said the Faculty of Law has many internship programs in countries that would typically be listed by DFAIT as places of concern. He said that he did not feel it was productive to circumscribe the research and practical interests of students.

In response to a question from Professor Cuello, the Deputy Provost said the directive is consistent with standards set by CIDA, and similar to decisions being made by other universities in Canada and the United States.

Professor Pেকেles spoke against the motion, noting judgments had always been exercised, with some faculties having specific guidelines at the faculty-wide level. He would agree with letting the guidelines stand if there were an acknowledgement on the part of the Deputy Provost regarding the possibility of the guidelines having negative implications on McGill's academic mission, and, if, after careful consideration, this would come back as policy for formal approval at Senate.

Mr. Bouchard spoke in favour of the motion.

Interim Vice-Principal Dowie spoke against the motion, stating that he felt that it was a function of Senate Steering to determine who has the authority to issue these guidelines.

Professor Oxhorn spoke against the motion, as he felt that it would be sending the wrong message. He strongly encouraged that a consensus be found.

Ms. Wilkinson spoke in favour of the motion. She stated that the directive could not stand as is, as Senate did not have an idea of how it worked and what its parameters were. As it was not developed according to the procedures of the University, letting it stand would send the wrong message.

The Chair asked Professor Robaire to restate the motion, in order to proceed with a vote.

Professor Robaire restated the motion, to suspend the current guidelines until they are properly dealt with by Senate Steering and Senate.

The motion was passed.

## **2. Question Regarding Canada Revenue Agency Declaring Post-Doctoral Stipends as Taxable**

On the invitation of the Chair, Dr. Karmouty asked the following question:

### **BACKGROUND:**

*McGill University prides itself in being a leading research institution in the world. The University's research strength lies not only in its outstanding professors, involved in cutting-edge research, but also in attracting and retaining equally exceptional graduate students and postdoctoral researchers. Post-docs are an essential pillar to the University's research strength, as they are highly qualified individuals pursuing innovative research projects under the supervision of a professor. However, postdoctoral fellows at McGill presently do not enjoy any benefits associated with students or with other research personnel.*

*On October 8th 2008, an article was published in Le Devoir ([www.ledevoir.com/2008/10/08/209605.html](http://www.ledevoir.com/2008/10/08/209605.html)) stating the decision of the Canada Revenue Agency (CRA) to declare post-doctoral stipends as taxable. The article explains that post-docs will be expected to pay federal tax on their stipend of 2008 as well as in advance for 2009. In Quebec, post-docs earn approximately \$35000 annually, forcing them to shell out approximately \$7000 in taxes this year. The article explains that by July of the present year; the CRA had notified the Conférence des Recteurs et des Principaux des Universités du Québec (CREPUQ), of which McGill is a member, that postdoctoral fellows were NOT eligible for a T2202A (Tuition, Education and Textbooks amounts) certificate that made post-docs exempt from paying federal taxes. In Quebec, 1500 post-docs will be affected, of which approximately 700 are at McGill.*

*This decision will have substantial impact on McGill research strength for the following reasons. Postdoctoral researchers will become trivialized as they will earn less than PhD students supported by federal funding agencies, and they will continue to enjoy few if any benefits. Recruitment and Retention: many top-quality post-docs may decide to start or continue their research in other institutions than McGill. Postdoctoral conditions may deter enrolment of graduate students, as there will be little incentive for them to pursue further research.*

### **QUESTION:**

1. Does McGill plan to issue post-docs with a T2202A for the year 2008-09?
2. Why have post-docs not been informed about the decision of the CRA by the University? This would have allowed us more time to plan financially.

3. *What is the position of McGill with respect to the decision of the CRA and what is the University's strategy in dealing with this issue?*

4. *In lieu of the CRA decision what are the University's plans to improve conditions for post-docs at McGill? Particularly how will McGill lead the way in continuing to recruit and retain first-class researchers?*

The Chair invited the Dean of Graduate and Postdoctoral Studies to respond. Dean Kreiswirth responded as follows:

*Thank you, Dr. Karmouty, for the opportunity to respond to this important issue in another venue beyond that of the more detailed communication that I sent to the university community on Monday.*

*As noted in your question and in my communication, the fundamental taxation issue revolves around whether or not Postdoctoral trainees should be categorized as students. In Quebec, the only province that officially registers postdocs, they have been specifically defined as "trainees" ("stagiaire" in the Ministry documents) since 1992 and accordingly, the financial support they received from agencies or supervisors was treated as monies to aid in their training and were thus eligible to be viewed as non-taxable "education amounts." Entitlement for the deduction is dependent upon the Postdoctoral fellow submitting a T2202A form or equivalent, indicating that the taxpayer is registered in a qualified educational program. This form is normally supplied by the institution offering the educational program.*

*Postdocs at McGill and many other universities in Quebec and the rest of Canada have consistently received the 2202A form and have been treated by the Canada Revenue Agency as eligible to declare the non-taxable "education amount." However, as the Le Devoir article notes, the Agency sent a letter this past summer essentially reversing its previous position. This "opinion" indicates that the Agency considers that postdoctoral trainees are not students according to the law and therefore not eligible to receive T2202A forms and hence not eligible to deduct the full amount of Postdoctoral fellowships from their Federal income tax.*

*Despite the Agency's letter, the issue is, however, far from clear. Different and sometimes contradictory interpretations and decisions on this issue have been offered not only by the Canada Revenue Agency itself, but also by other Federal organizations and Federal tax court decisions.*

*The Quebec universities (through CREPUQ) have responded to the Canada Revenue Agency, unanimously reaffirming the trainee status of postdocs. As well, universities across Canada, as demonstrated recently at the annual conference for the Canadian Association for Graduate Studies, of which I am president, are united in this opinion and are pursuing concerted action to have the Canada Revenue Agency's administrative decision reversed. CREPUQ has struck a working group that is in the process of pursuing remedies to this situation, including a legal response.*

*McGill's decision whether or not to issue 2202A forms to postdocs will be based on having all available information at our disposal, in particular, the results of the CREPUQ working group and legal opinion. We should have this information in a few weeks and will consult and keep all relevant parties informed in the decision process.*

The Chair thanked Dean Kreiswirth for his response, and opened the floor to supplemental questions.

Dr. Karmouty wanted to know what factors would influence McGill's decision to issue T2202A forms. Dean Kreiswirth responded that they would make a decision only once they had the proper information, as this was a legal issue.

Professor Grutter asked for confirmation that Quebec taxes were not under debate, just the federal portion. He asked if there was a 20% amount owing that would have to be covered, did the University have any suggestions as to how researchers could continue functioning without cutting the number of postdocs and graduate students they fund.

Dean Kreiswirth answered that there had been no directive from Quebec regarding this issue. Everyone concerned is very aware of the financial implications of this issue. Whether the University issues T2202A forms or not is something that has to be decided upon, but how the T2202A form is treated is not under McGill's control. He said that a decision would be made as soon as the legal advice was received.

## **PART "B" – MOTIONS AND REPORTS FROM ORGANS OF UNIVERSITY GOVERNMENT**

### **1. Appointment of Assessors under the Policy on Harassment, Sexual Harassment, and Discrimination Prohibited by Law (D08-13)**

The Deputy Provost presented the Appointment of Assessors under the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law (D08-13). On a motion duly proposed and seconded, the appointments were approved.

Mr. DeGuise wanted to know how the process came to Senate, as opposed to going through the Senate Nominating Committee.

Deputy Provost Mendelson said that, in accordance with the Policy, consultation is done with the constituencies as described in the policy. Professor Foster stated that names are normally sent by letter to the presidents of various groups mentioned asking if they are acceptable, and if there are no objections then the names are brought forward to Senate.

Professor Wolfson asked why one of the new appointees was only being appointed for one year, instead of for two years.

The Secretary-General explained that in this instance, the appointment was a replacement for a colleague who had to step down, and the hope is that the appointee would accept a reappointment.

### **2. Ombudsperson's Report (D08-14)**

Dr. Linda Jacobs Starkey, Interim Ombudsperson, presented the Ombudsperson's Report (D08-14) for information. The Chair thanked Dr. Jacobs Starkey and opened the floor to questions and comments.

Professor Quaroni stated that she had not been aware that the Ombudsperson may become involved in student discipline cases, and also mentioned that she took exception to the francophone translation of ombudsperson, "protecteur des étudiants" and its implications.

Dr. Jacobs Starkey said that she would look at the translation. Regarding student discipline, she explained that this normally refers to a student seeking advice or information on that issue.

Professor Saroyan asked what, under table 4, the category of "other" comprised.

Dr. Jacobs Starkey responded that cases were reported based on an information form, and as some cases, while not academic, did not fit into any of the other categories, they were placed under this category.

Mr. Neilson wanted to know if there were any plans to improve direct student outreach, and if so, how this might best be achieved.

Dr. Jacobs Starkey replied that the need to increase visibility of the office has been noted as a priority. With a move to new office space, and the next agenda item, terms of reference for the Ombudsperson for Students, there would be momentum to move forward on this issue.

Mr. Ling wanted to know, regarding the item of "admission" on table 4, if it was possible to see the Ombudsperson without being a student.

Dr. Jacobs Starkey explained that the office is for McGill students, but this item could refer to an undergraduate student who was refused admission to a graduate program, or who had requested transfer to another faculty or program and was not admitted. Usually, it refers to someone asking for information as to who to contact, or how to appeal a decision. One role of the Office is to let students know that there are places in the University where they can get answers and issue resolution.

Ms. Turner inquired if it would be possible to highlight systemic issues in future reports of the Office of the Ombudsperson. Dr. Jacobs Starkey confirmed that this would be not only possible, but also appropriate in future reports.

Mr. DeGuise asked, regarding table 3, student requests for assistance, why there appeared to be an increased use of the office by graduate students. Dr. Jacobs Starkey explained that if one looked at the numbers and not the percentage, it did not indicate an increase.

Professor Covo wanted to know if the number of cases handled by the office was consistent with the experience of other universities. Dr. Jacobs Starkey responded that at many universities, there are one or more full-time ombudspersons, and more activity around advice, with the office working more like a legal office. When compared to similar ombuds offices in Quebec, the number of cases seemed consistent.

### **3. Proposed Terms of Reference – Ombudsperson for Students (D08-15)**

The Deputy Provost presented the Proposed Terms of Reference – Ombudsperson for Students (D08-15) for discussion. The terms will be brought back to Senate for approval at a later date. He requested all suggestions regarding the terms of reference be sent to him by e-mail, in order for them to be considered before the document is returned to Senate for approval.

Mr. Blachford wanted to know why the proposed terms of reference specified that the ombudsperson be a tenured academic why the position was only half-time.

The Deputy Provost responded that many of the problems seen by the office related to academic issues that students felt should be dealt with by someone who understood and was involved in the academic mission of the University, and this was also a recommendation of the Ombudsperson at the time, with the agreement of the students on the committee. Rather than appoint a full-time ombudsperson, it was felt that the position should remain a half-time position, and should the need arise, a second half-time position should be created.

Professor Robaire asked if there was a plan to have more than one ombudsperson.

The Deputy Provost replied that he did not believe that there had been an indication of a need for another person. However, he added that once the new rules are adopted and someone is in the position, if there was evidence that another person was needed, then it would be seriously considered at that point.

Mr. Hobbins inquired as to whether, given that the intent of an ombudsperson is to be at arms' length, whether that relationship would be maintained in the event of the Dean of Students would replacing an ombudsperson who recused himself or herself.

The Deputy Provost answered that the Dean of Students' responsibility is in part for the oversight of student well-being, and that position has a neutral stance with respect to student issues. In the past, the Dean of Students has typically been appointed as the acting ombudsperson.

Professor Quaroni asked regarding the phrase "prove ineffective" in article 1.1(i), who would determine whether that was the case. The Deputy Provost responded that it would be from the student's point of view.

Professor Jonsson asked why the name used was not a gender neutral term, such as agent for students. The Deputy Provost replied that there had been discussion about the term to be used, and the recommendation had been to continue using the term "ombudsperson". He said he will receive comments and bring the terms back to the next meeting of Senate, for approval.

#### **4. Campaign McGill Report (D08-16)**

Vice-Principal Weinstein presented the Campaign McGill Report (D08-16) for information. The Chair thanked Vice-Principal Weinstein and opened the floor to questions and comments.

Professor Jonsson asked if the graph indicating the growth in giving could be shown in constant dollars, indicating real growth. Vice-Principal Weinstein responded that he would check the presentation that was done by the consultants, to see if the dollar amount was indicated. If so, it would be provided to Senate at a later date.

Professor Gehr questioned the use of the word "confidential" on the first slide of the presentation. Vice-Principal Weinstein stated that this was the template used by Development and Alumni Relations, but that the presentation would be available on the Senate web site following the meeting.

In response to a question from Mr. Hobbins, Vice-Principal Weinstein replied that McGill has not concentrated on the corporate donation side, but that more effort will be placed on pursuing corporate donors.

Professor Zannis-Hadjopoulos questioned whether a negative effect on the campaign could be expected from the current market problems. Vice-Principal Weinstein responded that while they were seeing more donations in the alma mater fund, they were for smaller amounts. Regarding large donations, several individuals have already called to renegotiate their commitments for this year.

## **5. Senate Committee on Physical Development Annual Report (D08-17)**

Professor Nicell presented the Annual Report of the Senate Committee on Physical Development (D08-17) for information. The Chair thanked Professor Nicell, and opened the floor to questions and comments.

Mr. Bouchard asked about whether the issue of pedestrian access on campus was being discussed with the City of Montreal.

Professor Nicell responded that a group meets with the Director General of the city every two months, and there are many issues that are dealt with at those meetings, including the safety issue associated with bicycles going through the campus. Hot spots for traffic safety are being discussed, and substantial headway is being made, as the City is beginning to make strong commitments as to what they will do to improve safety in our area.

Professor Wade asked, with regards to projects listed as being in the planning stage, about the bridge over Highway 20 being decommissioned and torn down.

Professor Nicell replied that, according to the City, the bridge should reach the end of its useful life in 2010, and that plans for its ultimate destruction should be made. McGill is currently entering into talks with the local communities to ensure that our needs are met. In order to arrive at the best solution for the long term, they are exploring how traffic can be handled in and around the area without the bridge, and looking at the city traffic currently passing through the campus via the bridge.

Professor Wade emphasized that students and researchers currently have access to the field and animal facilities on the other side, which should be taken into consideration.

Professor Zorychta wanted to know if anything could be done about the scarcity of large lecture theatres at McGill, which impacted not only classes, but also midterm exams. Professor Nicell explained that this question was outside of the Senate Committee on Physical Development's mandate, but was a question being addressed by both him and Vice-Principal Roy. A comprehensive analysis of space needs and usage is currently being undertaken, in order to optimise the use of McGill's space. New initiatives on the horizon at McGill will include classroom and teaching lab improvements. As part of the revision of the mandate of SCPD, the structure of the meetings themselves are being changed, in order to focus on specific topics, and the topic of the next meeting will be classroom improvement.

Deputy Provost Mendelson added that the administration is currently addressing the issue of problems with midterm exams, and is drafting a proposal that would provide for the possibility of centrally offering midterm exams.

Professor Robaire asked about two priorities which had been previously identified – social space for student and faculty exchange, and space for graduate students - neither of which appear to be included in the planned projects on this report. He wanted to know if there was any discussion of these.

Professor Nicell replied that a five-year principles implementation plan was being put in place, and both of these issues will be addressed in this plan. All Deans will be provided with information about their spaces, in the hopes of trying to identify where spaces such as these could be constructed.

Mr. Bouchard wanted to know if the MUHC project was moving forward independent of the Université de Montréal project. Professor Nicell responded that, while he was not dealing with it, the MUHC project was advancing independently, and had gone out for proposals.

Professor Wolfson commented about the lack of official university representation on the committees discussing space usage for the MUHC. Professor Nicell replied that the teaching needs of the University must be accommodated in the development plans for the hospital, and this was a major priority for Dean Levin.

On a motion duly proposed and seconded, the meeting was adjourned at 5:20 p.m.