

SENATE
MCGILL UNIVERSITY

08-09:01

Minutes of a meeting of Senate held on Wednesday September 17, 2008 at 2:30 p.m. in the Robert Vogel Council Room (Room 232), Leacock Building.

PRESENT:

Aitken, Ellen	Kurien, John
Algieri, Stefano	Labban, Margaret
Allison, Paul	Levin, Richard I.
Bartlett-Esquillant, Gillian	Ling, Andrew
Bishop, Alexandra	Low, Bronwen
Blachford, Gregg	Lowther, David
Blackett, Adelle	Luther, Ryan
Boss, Valentine	Madramootoo, Chandra
Bouchard, Carl-Eric	Manfredi, Christopher
Boulet, Benoit	Martin, James G.
Brackett, David	Masi, Anthony C.
Bray, Dorothy	McIntosh, Matthew
Butler, Ian	McLean, Donald
Caplan, Eric	Mendelson, Morton J.
Cooke, Rosemary	Moore, Timothy
Covo, David	Munroe-Blum, Heather (<i>Chair</i>)
Cuello, Claudio	Neilson, Ivan
Dear, Judy	Oxhorn, Philip
DeGuise, Alexander	Pekeles, Gary
Dourley, Barbara	Pelletier, Johanne (<i>Secretary</i>)
Dowie, Vaughan	Perrault, H�el�ene
Dyck, Alexander	Perumal, Nandita
Etemad, Hamid	Peterson, Kathryn
Everett, Jane	Pierre, Christophe
Ezzy-Jorgensen, Frances	Potter, Judith
Fox-Decent, Evan	Quaroni, Enrica
Franklin, Keith	Ragan, Christopher
Fried, Gerald	Richard, Marc
Gehr, Ronald	Robaire, Bernard
GowriSankaran, Kohur	Roy, Fran�ois R.
Grant, Martin	Saroyan, Alenoush
Gr�utter, Peter	Schmidt, Janine
Gulamhussein, Faizel	Sieber, Renee
Harpp, David	Smith, Michael
Hebert, Johanne	Steinhauer, Karsten
Hendren, Laurie	Tallant, Beverlea
Hobbins, John	Th�erien, Denis
Honoroff, Zach	Todd, Peter
Ismail, Ashraf	Turner, Kathleen
Johnston, Will	Van Eyk, Helen
Jonsson, Wilbur	Vennat, Manon

Jordan, Steve
Karmouty, Harry
Kasirer, Nicholas
Kirby, Torrance
Kreiwirth, Martin

Wade, Kevin
Weinstein, Marc
Wilkinson, Nadya
Wolfson, Christina
Zannis-Hadjopoulos, Maria
Zorychta, Edith

REGRETS: Antonia Arnaert, John Ashley Burgoyne, Roshi Chadha, Jan Ericsson, Richard Pound, Robert Rabinovitch.

The Principal welcomed all to the first meeting of Senate for the academic year and thanked them for their commitment to Senate. She also welcomed the newly elected and re-elected Senate members.

SECTION I

1. Resolution on the death of Jacqueline Kirk

The following resolution on the death of Jacqueline Kirk was read by Professor H el ene Perrault, Dean of the Faculty of Education, and adopted unanimously by Senate.

The McGill community joins Dr. Andrew Kirk of the Faculty of Engineering in mourning the death of his wife, Dr. Jackie Kirk, an adjunct professor in the Department of Integrated Studies in Education and a humanitarian aid worker with the International Rescue Committee (IRC). Jackie, along with two other aid workers and the driver of the car in which they were riding, was a victim of an ambush by the Taliban in Afghanistan on August 13. At the time they were returning to Kabul from the town of Gardez where they were assessing IRC-supported programs to integrate handicapped children into mainstream schools.

As the outpouring of support from so many aid and humanitarian organizations around the world attests, Jackie's work, particularly in the area of guiding education in conflict and post-conflict settings, has been nothing short of exceptional. As a Specialist in Education in Emergencies, Conflict and Post Conflict Education and Education in Fragile States with a particular focus on gender and on teacher-related issues, Jackie was a leading authority in the area. For the last eight years Jackie has worked as an adviser to many organizations, from UNESCO, UNICEF and United Nations Girls Education International (UNGEI), CIDA, CARE International, the Inter-Agency Network on Education in Emergencies (INEE) and, at the time of her death, IRC, to bring about stability for children and teachers. Her fieldwork and her policy work reached so many people.

Jackie taught school in the United Kingdom, Japan and Belgium before coming to Montreal. She completed her PhD work in the Department of Integrated Studies in Education in 2003 under the supervision of Claudia Mitchell. Her thesis "Impossible Fictions: The Lived Experiences of Women Teachers of Karachi" stands as one of the first studies to highlight the critical conditions for women teachers in development contexts, and paved the way for significant work within a number of international organizations to expand work focusing on the situation of women teachers. From this project, which was supported by funding through the Shastri-Indo-Canadian Institute, the Canadian Bureau of Education and FQRSC, Jackie also went on to complete a

postdoctoral study (also funded through FQRSC) at the UNESCO Centre for Pluralism, Human Rights and Democracy at the University of Ulster.

As far reaching as Jackie's work has been in Pakistan, the Sudan, the DRC, Niger, Liberia, Ivory Coast, Indonesia, Ethiopia, Uganda, Kenya and Rwanda through the various international organizations, she also managed to leave an indelible mark on the Montreal community and on Canadian education through her involvement in the Canadian Global Campaign for Education. This work included strong links to immigrant and refugee girls and women in Montreal, through for example, the South East Asia Women's Association, Women Educators for Peace, and Rights and Democracy, and also work in local schools such as Sinclair Laird in Park Extension in Montreal. She was also instrumental in creating linkages between McGill and the Université de Montreal by setting up the Inter-University EFA (Education for All) Seminar Series involving faculty, students and global partners. Jackie was passionate in her efforts to build communities and the fact that she included university communities is an important one.

*As a activist-academic, Jackie had already edited a number of books, directed and produced several documentaries, and had published dozens of articles and monographs in the areas of girlhood, women and peace building; minimum standards for education; and on the preparation of classroom assistants in Sierra Leone as a strategy for combating sexual abuse in schools in militarized zones. She was also a founding co-editor of *Girlhood Studies: An Interdisciplinary Journal*.*

We offer our condolences to Andy, Jackie's parents, Brian and Ann Aket, and her two sisters, Catherine and Vivienne. The world is all the better for Jackie's work, and all the sadder in losing her. She had so much more she wanted to do, even though in her 40 short years she had accomplished so much. In order to help continue her work, a memorial fund has been established in her name at McGill.

2. Report of the Steering Committee

The report of the Steering Committee (08-09:01) was received.

Item 1. Calendar of Business. This item was presented for information. A resource for Senators, the Calendar of Business provides an overview of business coming forward over the course of the academic year, has been updated for 2008-2009 by the University Secretariat, and is web available.

Item 2. Approval of Minutes of Senate. On motion duly proposed and seconded, the minutes of the meeting of May 21, 2008, were approved.

Item 3. Speaking Rights. Senate, on motion duly proposed and seconded, granted speaking rights to Ms. Lynne Gervais to answer any supplemental questions for item IIA – Question 1 (Payment of Salary to Teaching Assistants); to Professor Jim Nicell to answer any supplemental questions for item IIA – Question 2 (Senate Consultation on University Guidelines); and to Professor William Foster for items IIB2.1 (Policy on Individual Conflict of Interest) and IIB2.2 (Regulations on Conflicts of Commitment and Consulting for Academic and Librarian Staff).

Item 4. Committee of the Whole. On motion duly proposed and seconded, Senate agreed to move into Committee of the Whole for 30 minutes, for discussion of item IIB2.1 (Policy on Individual Conflict of Interest), and for an additional 30 minutes for discussion of item IIB2.2 (Regulations on Conflicts of Commitment and Consulting for Academic and Librarian Staff).

Item 5. Chair of Senate. On motion duly proposed and seconded, Dean McLean was approved as chair for the discussion of the *Principal's Report*, based on recommendation of Steering Committee.

Item 6. Information Items. These included the results of recent Senate elections for Steering and Nominating Committees, as well as a reminder of the meeting dates for Senate for 2008-2009.

3. Senate Orientation (D08-01)

The Secretary-General presented a brief orientation guide to Senate. The items included the regulatory framework of the University, composition of Senate, Senate meetings, Senate Committees, and the role of the Senate Steering committee.

4. Adoption of the Agenda

The Provost requested that further consultation be undertaken with respect to item 2.2, the proposed Regulations on Conflicts of Commitment and Consulting for Academic and Librarian Staff (D08-04). He requested that Associate Provost Foster, in consultation with MAUT, form a work group to review the policy before it is returned to Senate. On motion duly proposed and seconded, item 2.2 was withdrawn from the agenda.

The Provost spoke to the matter of the Joint Board-Senate meeting, scheduled for October 27, which will be a discussion of intellectual property. Work groups have been formed to prepare the meeting, and there will be preparatory materials to read in advance .

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

The Principal stated that her remarks would be incorporated in her presentation of the *Principal's Report* later in the meeting.

SECTION II

PART "A" – QUESTIONS AND MOTIONS BY MEMBERS

1. Question Regarding Payment of Salary to Teaching Assistants

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

BACKGROUND:

The McGill community is pleased that the University Administration and AGSEM, the TA Union, have reached an agreement on a new contract. McGill professors, lecturers and instructors look

forward to working together with TAs to enhance the educational experience of our undergraduates.

AGSEM called a strike on April 7 and pay to all TAs was stopped from that date until the end of the contract (generally the end of April). Several TAs had already completed their tasks by April 7 and thus were penalized by not being paid for work already done.

QUESTION:

Is the University Administration in agreement with paying TAs for all work completed in the winter 2008 term?

As a list of those TAs who completed their tasks before April 7 has been sent to the Administration by units during the summer, when can TAs expect to receive the approximately 15% of their winter term salary?

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

The University has already paid TAs what was legally and contractually owed to them prior to the declaration of the strike on 8 April 2008, but there are complaints arising from our interpretation of the application of the previous collective agreement that are before the Labour Board (CRT) and hearings are scheduled for February 2009.

The usual method for settling outstanding claims once a new contract has been successfully negotiated is by means of stipulating an orderly back-to-work protocol. However, in the case of the TA strike in question such a protocol was not satisfactorily negotiated, so the new contract came into force without fully settling all outstanding issues arising from the strike.

Insofar as the rates of pay contained in the new contract are higher than in the previous contract and are deemed to have been in effect as of 1 January 2008, members of the bargaining unit who were actually TAs during the winter term 2008 will receive retroactive augmented amounts, for the pay already received, before the end of September.

These are not simple, straightforward matters. They are regulated by the terms and conditions of a legally binding collective agreement and by provisions of the Quebec Labour Code. The previous contract, and indeed the new one, require the University to pay for TA work in equal instalments across the term, which we have done. However, when a union declares a strike, payroll is frozen and the employment of all members of a bargaining unit whose union has declared a strike must cease immediately according to article 109 of the Labour Code.

Labour disruptions of any kind have a negative impact on collegial administration, governance, and relationships. I am sure that most of us at McGill are looking forward to the re-establishment of a more collegial environment with our TAs now that we have a new contract and once the issues before the Labour Board are cleared.

The Principal thanked the Provost for his response.

2. Question Regarding Senate Consultation on University Guidelines

On the invitation of the Chair, Ms. Turner asked the following question:

BACKGROUND:

McGill University prides itself on being a vibrant and culturally diverse community where contentious ideas can be discussed with openness and academic rigour. This is enabled by the freedom of members of the McGill community to explore new ideas in a variety of ways.

There is a fine balance between ensuring that the normal academic activities of the University continue uninterrupted and protecting the freedom for members of our community to come together outside the classroom to experiment with unconventional forms of learning.

Senate, as this community's highest academic governing body, is charged with guiding policies deciding where that balance should fall. This body was responsible for the Advisory Committee on the Accommodation of Outdoor Campus Events, established in 2003-04 and mandated to make recommendations on the use of University property for outdoor academic and non-academic events. Senate was then consulted on acceptable Venues for Outdoor Gatherings. However, it was not consulted on the recent establishment of Guidelines for Booking Occasional Events, a document which has set the types of events deemed to be part of a vibrant campus community.

QUESTION:

- 1. What was the consultation process for the creation of the Guidelines for Booking Occasional Events?*
- 2. Why was Senate not involved in the consultation process for the creation of these guidelines as was the precedent for policy of this type in the past?*

The Principal invited the Deputy Provost to respond. The Deputy Provost responded as follows:

I would like to thank the Senator for her questions concerning the Guidelines for the Booking of Occasional Events. The administration fully endorses the principles articulated by the Senator. Indeed, the Guidelines in question open with the following:

The goal of these guidelines is to enable gatherings of individuals affiliated with McGill in University facilities for occasional events that are expressions of the political, cultural, ethnic, or religious diversity of the McGill community – a goal that supports an overarching aim to promote vibrant campus life.

I would like to fill in some of the background alluded to in the preamble to the Senator's questions. Senate, on December 3, 2003, mandated the Vice-Principal (Administration and Finance) to strike a committee to review the University's policies, practices and procedures regarding the approval and accommodation of outdoor events. The Committee proposed interim recommendations in April 2004 and final recommendations in May 2005, which included various stipulations, such as the affirmation of various articles of the Charter of Students' Rights and the Code of Student Conduct and Disciplinary Procedures as well as the following:

It is understood that the use of these sites would conform with the current administrative policies related to outside events (2004).

Any outdoor event approval policy must be communicated to, and understood by, the community, and applied, in a transparent and fair manner (2005).

Senate, in passing the regulations, recognized the important distinction between its policies and the implementing administrative policies, which are what the Guidelines for the Booking of Occasional Events concern.

As the individual in the Senior Administration who is very occasionally called upon to make decisions about requests for booking indoor and outdoor events, I believed that it would be useful to articulate the basis for these decisions. The best way to achieve transparency and fairness – which indeed had been called for by Senate – was to make explicit the principles with which requests for the use of University space are evaluated. Drafting the guidelines did not set new policy, so wide consultation was not deemed to be necessary.

As stated in the guidelines, the criteria are meant to encourage, not discourage, the use of University space. And this has been the practice over the last number of years, to the benefit of the whole community. Nonetheless, there can, of course, be legitimate reasons for denying permission to hold an event on University property. For example, the high demand for a limited amount of space restricts the University's ability to permit regular repeated bookings; and important questions of security and liability demand that we not permit overnight events. More generally, the guidelines contain the following:

Mindful of its obligation to provide a safe, secure, and respectful environment to the members of the McGill community, the University is free to deny permission for any gathering and at any time, if the University has reasonable cause to believe that the gathering would disrupt normal University activities, otherwise disrupt the University environment, or promote hatred or violence.

As the Senator noted, McGill does indeed pride itself “on being a vibrant and culturally diverse community where contentious ideas can be discussed with openness and academic rigour.” There is nothing in the guidelines that would contradict her observation. Indeed, they support it.

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

Ms. Wilkinson asked if it would be possible to make the provenance of all University policies clearer – including when and by what governing body they were established. The Principal responded that this was currently under consideration.

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

1. The Principal's Report (D08-02)

Dean McLean moved into the chair for the presentation of the *Principal's Report* and discussion following.

The Principal presented her report. The report presented an overview of the accomplishments of the University over the past year, capturing the thematic areas being targeted for progress and report on exemplary achievements in that regard, including discussion of academic recruitment, student life and learning, enrolment, research, funding, sustainability, infrastructure, and international partnerships.

Dean McLean thanked the Principal for her report, and opened the floor to questions and comments.

Mr. Richard inquired as to whether the new legislation concerning University governance would be similar to last year's Toulouse Report. The Principal responded that, in speaking with the Minister earlier, everything proposed was invoked in the name of the Toulouse Report, but goes far beyond the spirit of the report, to a one-size-fits-all approach. However, the draft legislation has not yet been tabled.

Mr. Johnston wanted to know whether there were any plans to implement the ten winning suggestions in the "Cut the Red Tape" contest. The Deputy Provost responded that the suggestions have been, in large measure, implemented, and the information can be found on the Report Card on the web. The Principal added that she will report annually to Senate on the progress of the commitments undertaken by the Principal's Task Force on Student Life and Learning.

Professor Saroyan asked the Principal to discuss what her primary institutional and public policy agendas for the next few years would be. The Principal responded that there were several institutional policies, all of which could be found in the Calendar of Business, and that the main goal was the implementation of these policies.

Professor Tallant inquired as to the impact of the financial campaign. The Principal replied that the campaign, being led by Vice-Principal Weinstein, was launched on October 2007 with a goal of \$750 million by the end of 2012, and we are now at \$429 million. Looking at the goals, there is still a long way to go on student support, infrastructure, and faculty support, but we have been doing quite well on program support and support for emerging priorities. Some very generous gifts have been made in spite of the economic downturn. The McGill community campaign will be launched later this year.

Professor Wade asked whether, given that the University was looking to increase its share of doctoral students, and with a fixed amount of money for graduate students, this would mean a decrease in the number of Masters students in the future. The Principal responded that, while McGill has decreased the number of Masters students as it has increased doctoral student enrolment, it is currently considering what size the University should be with respect to the student population, and the overall proportion of undergraduate, graduate and doctoral students. Graduate student support has been McGill's weakest area of competitiveness. Associate Provost Kreiswirth added that many of McGill's PhD students are recruited as research Master's students, so their funding must be increased.

Professor Robaire commented on the relative loss of research funding in the area of biomedical sciences compared to other universities, and wanted to know what steps were being taken to identify the source and remedy the problem. The Principal stated that Vice-Principal Thérien would have to come back to Senate to speak in detail to this, but said the first step was to let

people know what they are eligible to apply for, and then ensure they have the resources to do so. Research planning that plays off of McGill's areas of strength and priority will be led by departmental chairs and associate deans of research.

Mr. Gulamhussein wanted to know if there was a plan in place to address deferred maintenance. The Principal responded that the deferred maintenance bill is over \$600 million, and the institution is trying to balance urgent needs, such as health and safety, along with those targeted as priorities from an academic and aesthetic point of view. Vice-Principal Roy added that we are currently working on \$100 million of projects that will be done over the next three years, but that scheduling and resources are impediments that would make it impossible to undertake all deferred maintenance projects now, even if the funding existed. The work has been prioritized and most urgent issues will be addressed first. The Principal added that the campaign can play an important role in this area.

Mr. Hobbins questioned why the deferred maintenance bill had grown from \$250 million last year to \$600 million this year. The Principal explained that, for the first time, a full inventory consistent with objective criteria in evaluating deferred maintenance had been done. Vice-Principal Roy clarified that the \$600 million figure is the result of full studies by McGill and CREPUQ, which includes everything, some that are urgent and some that have a much longer time horizon. The \$250 million figure was not definitive, but a good indication of what needs to be done most urgently.

Professor Jonsson asked what effect the turmoil in the stock markets would have on McGill's funding and endowments. The Principal responded that the economic situation would clearly have a destabilizing effect across the board and does create uncertainty. McGill is being proactive on this issue, with regards to our work with government and the management of our investment portfolio, in addition to looking at our expenditures and the costs of providing services and supporting our infrastructure. Expert guidance is being provided to us through various channels. Vice-Principal Roy added that he will be reporting to Senate later this year on returns for the pension and endowment funds. Markets have been difficult, and while there will be consequences on the endowment, the University has a very conservative investment policy which serves us well in down markets. As a result, while there will be negative returns, we expect to do better than our peers.

Ms. Wilkinson wanted to know if, in view of the Quebec sustainable development act, there were any plans for community dialogue and consultation on the forthcoming required action plan. The Provost responded in the affirmative.

The Principal returned to the chair.

2. Policy Matters:

2.1 Policy on Individual Conflict of Interest (D08-03)

The report was presented for discussion and exchange. As agreed, Senate moved into Committee of the Whole for 30 minutes, with the Principal in the Chair, for a discussion of item 2.1 "Policy on Individual Conflict of Interest." The notes for this Committee of the Whole are attached to the minutes as Appendix A.

3. Committee Reports:

3.1 403rd Report of the Academic Policy Committee (D08-05)

The Provost presented the Report of the Academic Policy Committee (D08-05).

I. For Approval

A. New Teaching Programs

Item 1, Faculty of Arts: B.A.; Major Concentration in Software Engineering, and B.A.; Supplementary Minor Concentration in Mathematics, were approved.

Professor Lowther asked if sufficient consultation had been done within the Faculty of Engineering, the departments, and the appropriate committees. The Provost confirmed that there had indeed been consultation and sign-off through all of the proper channels, and that this concentration was mainly for Computer Science students.

Item 2, Faculty of Engineering: General Engineering Engineering first year for non-Quebec students enrolled in the Faculty of Engineering, was approved.

Item 3, Faculty of Medicine: M.Sc. in Epidemiology and Biostatistics; Non-Thesis – Epidemiology Stream – Environment option, was approved.

Item 4, Faculty of Science: PhD. in Biology; Developmental Biology, was approved.

III. Approved in the Name of Senate and IV. For Information

Presented for information.

3.2 Report of the Senate Nominating Committee (D08-06)

Professor Tallant presented the Report of the Nominating Committee (D08-06).

I. For Approval by Senate

Item 1, Membership of the Senate Standing Committees as circulated in D08-06 were approved.

Item 2, Statutory Selection Committees.

Professor GowriSankaran questioned why in many cases, both choices on committees were potentially from the same faculties. The Secretary-General responded that Senate Nominating had considered this, and in their view there was no issue, as the choice of members serving was not the same as the faculty of the individual being considered. These slates were put together based upon recommendation from faculties. The Principal suggested that this point be taken under advisement going forward. The Provost asked that Senate approve this slate with the alternates in place, where it is possible they will use

alternates that differ from the regulars in the same faculty, and where it is not possible to do so, new names will be brought forward for approval by Steering on behalf of Senate.

The following committees were approved on that basis.

a) For a professor in the Faculty of Dentistry

Professor Sharon Wood-Dauphinee (School of Physical and Occupational Therapy)
Professor Gerald Batist (Department of Oncology) [alternate]

Professor David Ostry (Department of Psychology)
Professor Kim Cornish (Department of Educational and Counselling Psychology) [alternate]

b) For a professor in the Department of Integrated Studies in Education

Professor Linda Davies (School of Social Work)
Professor Gershon Hundert (Department of Jewish Studies) [alternate]

Professor Abby Lippman (Department of Epidemiology, Biostatistics & Occupational Health)
Professor John F. Hayes (Department of Animal Science) [alternate]

c) For a professor in the Desautels Faculty of Management

Professor David Avis (School of Computer Science)
Professor Ferri Hassani (Department of Mining and Materials Engineering) [alternate]

Professor Richard Riopelle (Department of Neurology and Neurosurgery)
Professor Ian Butler (Department of Chemistry) [alternate]

d) For a professor in the Department of Family Medicine

Professor Masad Damha (Department of Chemistry)
Professor Gregory Brown (Department of Biology) [alternate]

Professor Céline Le Bourdais (Department of Sociology)
Professor Debbie Moskowitz (Department of Psychology) [alternate]

e) For a professor in the Department of Human Genetics

Professor Wendy Thomson (School of Social Work)
Professor Morton Weinfeld (Department of Sociology) [alternate]

Professor Arvind Sharma (Faculty of Religious Studies)
Professor Maurice Boutin (Faculty of Religious Studies) [alternate]

f) For a professor in the Department of Medicine

Professor Vojkan Jaksic (Department of Mathematics and Statistics)
Professor Frances Aboud (Department of Psychology) [alternate]

Professor Donald Taylor (Department of Psychology)
Professor Jorge Vinals (Department of Physics) [alternate]

g) For a professor in the Department of Medicine

Professor Jacques Hurtubise (Department of Mathematics and Statistics)
Professor Gerald Pollack (Department of Biology) [alternate]

Professor Laurette Dubé (Desautels Faculty of Management)
Professor Niky Kamran (Department of Mathematics and Statistics) [alternate]

h) For a professor in the Department of Medicine

Professor Martin Lechowicz (Department of Biology)
Professor Ngo Long (Department of Economics) [alternate]

Professor Laurette Dubé (Desautels Faculty of Management)
Professor Rajinder Dhindsa (Department of Biology) [alternate]

i) For a professor in the Department of Medicine

Professor Daniel Schoen (Department of Biology)
Professor John Toth (Department of Mathematics and Statistics) [alternate]

Professor Christopher Green (Department of Economics)
Professor Thomas LaMarre (Department of East Asian Studies) [alternate]

j) For a professor in the Department of Neurology and Neurosurgery

Professor Blaine Ditto (Department of Psychology)
Professor Ross Anderson (Department of Kinesiology and Physical Education) [alternate]

Professor Lauren Chapman (Department of Biology)
Professor David Hanna (Department of Physics) [alternate]

k) For a professor in the Department of Neurology and Neurosurgery

Professor Michael Smith (Department of Sociology)
Professor Richard Koestner (Department of Psychology) [alternate]

Professor Nico Trocmé (School of Social Work)
Professor Colin Chapman (Department of Anthropology) [alternate]

l) For a professor in the School of Physical and Occupational Therapy

Professor Ross Anderson (Department of Kinesiology and Physical Education)
Professor Peter Leonard (School of Social Work) [alternate]

Professor Annmarie Adams (School of Architecture)
Professor Gerald Pollack (Department of Biology) [alternate]

m) For a professor in the Department of Psychiatry

Professor Michel Loreau (Department of Biology)
Professor George Just (Department of Chemistry) [alternate]

Professor Cynthia Weston (Department of Educational and Counselling Psychology)
Professor Yoshio Takane (Department of Psychology) [alternate]

n) For a professor in the Department of Surgery

Professor Wendy Thomson (School of Social Work)
Professor Michel Loreau (Department of Biology) [alternate]

Professor Robert Pihl (Department of Psychology)
Professor Timothy Moore (Department of Geography) [alternate]

o) For a professor in the Faculty of Religious Studies

Professor Patrick Glenn (Faculty of Law)
Professor Mary Dean Lee (Desautels Faculty of Management) [alternate]

Professor Hans Beck (Department of History)
Professor Allan Young (Department of Social Studies of Medicine) [alternate]

Item 3, Membership of the University Tenure Committees for Recruitment, was approved.

Item 4, Membership of Committees Arising from the Regulations, was approved.

II. For Information

Item 1, Membership of the Advisory Committee for the Appointment of a Vice Principal (Public Affairs), Item 2, Membership of the University Appeals Committee 2008-2009, and Item 3, Alternate Chair for University Tenure Committee for the Faculty of Management, were presented for information.

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

Committee of the Whole

Policy on Individual Conflict of Interest

Chair: Principal Heather Munroe-Blum

The Provost presented the Policy on Individual Conflict of Interest. He explained that there were currently seven different policies covering conflicts of interest at McGill, and this proposal would create one comprehensive policy.

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

Professor Hendren wanted to know what the relationship was between the seven existing policies and the new one. Professor Foster explained that the old policies addressed a particular range of potential conflict situations. As new problems arose, rather than expanding the existing basic policies, the idea of the workgroup was to create one policy that would govern all conflict situations, whatever their nature. The policy does not prohibit conflict of interest situations, but calls for their disclosure and management. In the existing policies, there are gaps and duplication. This policy will clarify issues and concerns, and provides reasonable guidance. Professor Hendren asked what the gaps in the existing policies were. Professor Foster replied that he would have to re-read the policies in order to provide that information.

Professor Wolfson asked about the interpretation of B.13 regarding related parties, and whether this could apply to situations involving spouses employed at McGill. Professor Foster replied that Appendix B, which is not part of the policy, was included to illustrate the breadth of potential conflict situations. These are not necessarily situations that are prohibited, but should be addressed by the basic principles applicable in dealing with conflict situations.

Professor Gehr inquired as to, regarding section 3.1, whether it might be easier in certain situations for an individual to withdraw from a committee or other activity, rather than make full written disclosure as called for in the policy. Professor Foster agreed that this could be the case, and stated that perhaps the disclosure requirements would have to be revisited and fine-tuned.

Professor Zannis-Hadjopoulos asked how many cases of conflict of interest arise per year at McGill. Professor Foster responded that he did not have this information, but they are not uncommon in a range of situations.

Professor Sieber wanted to know what the role of the academic unit would be in setting the standards defining what non-university activities should be disclosed. Professor Foster replied that service (including outreach) is one of the three arms of academic duties, therefore would form part of an individual's academic duties. However, any activities which fall outside of academic duties, if they start impinging on an individual's ability to adequately perform their academic duties, could become a problem.

Mr. Hobbins stated that the policy was so all-encompassing, that it would generate all kinds of disclosure at all levels, potentially leading to a flood of relatively unimportant disclosures. This comment was taken under advisement.

Professor Cuello questioned what the intent of the policy was, in that the hyper-legalistic documentation potentially required by this policy could be viewed as conflicting with the University's attempts at creating a climate of trust and loyalty.

Professor GowriSankaran commented that the scope of this document was too broad, specifically regarding the definition of conflict of commitment. Professor Foster responded that there was a separate document dealing with conflict of commitment for academic staff, while conflict of commitment in this document was only addressed to non-academic staff of the University.

Professor Gehr said that many of the problems found in Appendix B could be resolved if the wording of the first sentence were fine-tuned to read "...Conflict of Commitment could be present, and which could require compliance..." This comment was taken under advisement.

Mr. Ling asked if, in Appendix B, item D.1 could cause a problem with a member of the student society of McGill, for example, as this was an outside organization doing business with the University. Professor Foster responded that as long as the University was aware, and there was disclosure, this could be dealt with, and the mere act of sitting on a board would not be a problem. The purpose of this particular clause was in order to deal with the issue of direct personal benefit.

Professor Saroyan inquired whether, using the descriptions provided in paragraph 3 of the preamble, there were any situations which could be construed as not being in conflict of interest. Professor Foster stated that he would take this under advisement.

Mr. Richard wanted to know if article 2.1 extended the principles of the workplace into the private lives of university employees, and what the level and type of public scrutiny being contemplated were, as the language used seemed quite ambiguous. Professor Foster agreed that the terminology used could lead to some confusion.

Professor Fox-Decent questioned the broad wording of article 1.2, regarding what a "reasonable" person might consider to be a potential conflict. This comment was also taken under advisement.

Professor Martin stated that while the intent of Appendix B was to suggest a list of possible scenarios, it could have the potential to become the rules of the institution. Professor Foster replied that these illustrations give rise to potential situations, and the hope was to provide a mechanism whereby conflicts could be managed and resolved satisfactorily. He added that the work group would continue to review this document, and if there were other specific concerns with particular examples, he hoped Senators would communicate them.

Professor Jonsson commented that many aspects of this document appeared to be micro-management, and wanted to know if the document could be rethought as a small number of general principles.

Professor Robaire said that while the goals of this policy were largely laudable, the way that the policy was written was untenable in many respects. While extreme situations had to be included, there were major flaws in this document, including the fact that there is no possibility of appeal.

Professor Fried commented on the process of documentation, and that this could occupy an enormous amount of effort and time. Professor Foster replied that this had not been the intent, and it was an issue that would be considered.

The Principal thanked Senators for the helpful and fulsome exchange. She stated that the government views McGill's employees to be employees 24/7, and there is no question that the University comes to bear liability when things go awry. One of McGill's great desires is to be an institution that operates in a collegial fashion with a high degree of integrity and commitment. However, there are widespread practices at this institution that undermine our achievements, reputation, and the way our integrity is viewed outside of this university. We must monitor, govern and administer ourselves at a high level of ability and integrity or the government will do it for us. Our goal is not to micro-manage but to create a framework of administration and governance that is sufficiently accountable and well-managed. It is important for us not to be naive. Our own current standards do not reflect best practices in research-intensive universities in North America with respect to conflict of interest.

The Provost closed by stating that this discussion had given the working group a framework with which to clarify mechanisms and definitions, streamline the proposal, and ensure that examples are relevant. The comments are appreciated, and will be acted upon. McGill has no choice but to proceed, because we are out of step and out of time.

Senate rose from Committee of the Whole.