

Minutes of a meeting of Senate held on Wednesday, January 17, 2007, at 2:30 p.m. in the Robert Vogel Council Room (Room 232), Leacock Building.

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**PRESENT:**

Algieri, Stefano	Hoechsmann, Michael	Peterson , Kathryn
Angus, Adrian	Itzkowitz, Jake	Pierre, Christophe
Arnaert, Antonia	Jacobs-Starkey, Linda	Rhéaume, Alexandra
Barralet, Jake	Jean-Claude, Bertrand	Richard, Marc
Bartlett, Kim	Jobin, Pierre-Gabriel	Robaire, Bernard
Bennett, Hamilton	Jonsson, Wilbur	Roulet, Nigel
Bhatt, Vikram	Kasirer, Nicholas	Ryan, Dominic H.
Bouchard, Carl-Eric	Kingdom, Frederick	Saroyan, Alenoush
Bouchentouf, Myriam	Kirk, Andrew	Schmidt, Janine
Bracewell, Robert	Levy, Barry	Sedgwick, Donald
Burns, David	Lewis, Brian	Shaughnessy, Honora
Carli, Franco	Lund, James	Skaf, Dora Maria
Cartwright, Glenn	Madramootoo, Chandra	Slee, Roger
Chase, Ronald	Manfredi, Christopher	Smith, Michael
Chiang, Albert	Maric, Milan	Steinhauer, Karsten
Cox, Amy	Masi, Anthony	Tallant, Beverlea
Donny-Clark, Aaron	McDougall, Sally	Thérien, Denis
Dowsett Johnston, Anne	McGruthers, Lauren	Todd, Peter
Dowsley, Martha	McLean, Donald	Upham, Finn
Driscoll, Brian	McSweeney, Kerry	Vennat, Manon
Ezzy-Jorgensen, Frances	Mendelson, Morton	Wade, Kevin
Fujinaga, Ichiro	Moore, Timothy	Waugh, Sean
Glaser, Alison	Munroe-Blum, Heather ( <i>Chair</i> )	Whitesides, Sue
Glenn, Jane	Nemes, James	Wolfson Christina
Goldbloom, Michael	Newlove, Chris	Zannis-Hadjopoulos, Maria
Harris, Ralph	Paré, Anthony	Zhao, Xin
Henderson, Jim	Pekeles, Gary	
Hobbins, John	Pelletier, Johanne ( <i>Secretary</i> )	

**REGRETS:** Annick Chapdelaine, Kohur GowriSankaran, David Harpp, Richard Pound, Enrica Quaroni, Robert Rabinovitch, Sarah Stroud, Didier Serero.

Principal Munroe-Blum welcomed all members of Senate to the first meeting of 2007. She also welcomed two new members to Senate, Mr. Goldbloom (Vice-Principal – Inter-Institutional Relations), and Professor Brian Driscoll from the Faculty of Agricultural and Environmental Sciences, as well as Professor Jim Nicell, in attendance to answer questions in his capacity as the new Associate Vice-Principal (University Services).

**1. RESOLUTION ON THE DEATH OF PROFESSOR HELEN R. NEILSON**

The following resolution on the death of Emeritus Professor Helen R. Neilson was presented by Dean Chandra Madramootoo and adopted unanimously by Senate.

*Professor Helen Neilson was an Emeritus Professor of the School of Dietetics and Human Nutrition. That is a title granted to outstanding academic staff upon their retirement from active duties at the University. We were honored to have Helen as our first Emeritus Professor in the School.*

*Early life: Helen's early childhood was spent in Cap Rouge, west of Quebec City where her father, an artist (Director of the Ecole des Beaux Arts in Quebec City), had his studio and a boat. She attended school in Quebec City. Financial difficulties upon the death of her father and the onset of the Depression delayed a university education; an inheritance came to the family's assistance and Helen came to Macdonald College.*

*Helen's career: she enrolled in (then) Household Science at Macdonald College (now Macdonald Campus of McGill University) in 1934, at a time when students all lived on campus and had their activities pretty well restricted to campus. She was active in sports, proms and variety events. Upon graduation from Dietetics, in 1939 Helen began her internship at the Royal Victoria Hospital, Montreal. Interns at that time had every second Sunday off and a half-day during the week.*

*After completing the internship, Helen was employed as an assistant dietitian at the Montreal Children's Hospital, with a salary of \$65/week (food, laundry and lodging provided). Helen bought skis with her first pay cheque.*

*Helen was approached at war time to join the Air Force and soon was relocated to Toronto then on to her first station; Helen spent four years in the RCAF as Command Messing Officer in the Eastern Air Command traveling throughout the Maritimes including Labrador. Helen's work was recognized in her honour as an OBE (Order of the British Empire).*

*After her discharge, Helen returned to Macdonald to complete her Masters degree in nutrition, in digestibility studies. Upon graduation, Helen returned to Toronto to the Institute of Aviation Medicine, developing and testing rations for use in the Arctic and sub-Arctic.*

*In 1949 Helen returned to Macdonald as the Director of the (then) School of Food Science. In 1957-58 Helen was asked to go to Thailand on an assignment with the United Nations Food and Agriculture Organization. Upon her return from this one-year leave, Helen was named to the University Senate, the first elected female faculty member.*

*Director of the Women's Residence and Director of Laird Hall 1960 to 1967, not a position she sought, but one that brought her further involvement in student life.*

*Professor Nielson was an active member of the Canadian Dietetic Association, from whom (as now Dietitians of Canada) she was honoured with a lifetime achievement award. In 1956 she was a founding member of the Quebec Dietetic Association, now the professional order of dietitians. Again, upon retirement Helen was recognized with a lifetime achievement award.*

*In 1975, Helen Neilson resigned (after 26 years) as the director of the School of Food Science (Formerly Household Sciences). She returned to teaching, enjoyed a leave of absence to teach in Australia, and retired, finally, in 1977. Macdonald honoured Professor Neilson's contributions with the Mastery for Service Award, a recognition offered only each five years to an outstanding member of the Macdonald community.*

## **2. REPORT OF THE STEERING COMMITTEE**

The report of the Steering Committee (06-07:05) was received.

*Item 1, Approval of Minutes of Senate*, Ms. Upham asked whether the recommendations suggested by Deputy Provost Mendelson, in his response to a question by Mr. Eric Bouchard at the last Senate meeting, were communicated to the Chairs and Directors of the University. Professor Mendelson replied that they will be communicated to the Deans who will in turn inform their Chairs and Directors of these recommendations.

On motion by Professor Harris, seconded by Professor Robaire, the minutes of the meeting of December 6, 2006 were approved.

*Item 2, Confidential Minutes*, was noted.

*Item 3 Speaking Rights*, on motion by Mr. Henderson, seconded by Ms. Rhéaume, Professor Al Mucci was granted speaking rights to answer any questions regarding the Statement of Plans and Priorities of the Committee on Ancillary Services.

On motion by Professor Robaire, seconded by Mr. Richard, Professor Jim Nicell was granted speaking rights to answer the question regarding “Custodial Services during Long Breaks” and any questions arising in relation to the Committee on Ancillary Services.

On motion by Professor Tallant, seconded by Professor Zannis-Hadjopoulos, Professor Alain Pinsonnault was granted speaking rights to answer questions regarding the proposed joint Executive MBA with *H.E.C. – Université de Montréal*.

On motion by Ms. Dowsley, seconded by Mr. Hobbins, Professor Patricia Kirkpatrick was granted speaking rights to answer any questions regarding the Report of the Committee on Student Grievances (D06-33).

*Item 4, Statements of Plans and Priorities of the Committee on Ancillary Services*, Dean Kasirer raised concerns regarding this statement noting that, as it appears, the goals may overstep the authority of a Senate committee and deal with matters relating to the administration of the University. He explained that the mandate of this new Committee as described is large and it might present business that would trench on the powers of the Vice-Principal (Administration and Finance) or the Associate Vice-Principal (University Services). He asked whether the work and mandate of this Committee could be reviewed again in the light of the new position of Associate Vice-Principal (University Services) and wondered whether the matter could be referred to Senate Nominating Committee to further review.

The Principal responded assuring members of Senate Steering that she had not conferred with Dean Kasirer, as she had expressed strong reservations at Steering about the extent to which the goals and objectives of this Committee were appropriate for Senate. The Principal expressed her concerns that this Committee’s goals and priorities underlined the historical conflation of governance and administration, and that the separation of administration and governance would form a key part of the review of all Senate committees. She endorsed the suggestion that the matter be referred to Senate Nominating Committee to signal the changes in the administration (specifically the new AVP position) and their implications for the role of the Committee in question. She further affirmed the importance of having a respectful appreciation of the difference between administration and governance, and informed Senate that there would be regular reports from the administration to Senate on key matters of interest and urged members of Senate to communicate on any such matter that should be addressed.

The Principal called on Professor Mucci, Chair of the Committee, to comment on Dean Kasirer’s suggestion.

Professor Mucci indicated that the Committee had met with the Secretary-General, who clarified and cautioned that the mandate of this Committee related to policy only and not the administration of ancillary services. He said he welcomed further input on the Committee’s mandate. In reply to the Principal’s question as to whether the Committee’s terms of reference reflected a focus on policy, Professor Mucci replied that he and his Committee indeed welcomed discussion as to the revision of the terms as they remain the source of debate at the Committee.

Mr. Itzkowitz, on a point of order, asked the Chair if there was a motion on the floor from Dean Kasirer.

Dean Kasirer moved, seconded by Professor Jobin, to refer the matter to Nominating Committee for further review.

Ms. Upham noted that this is a new committee and encouraged Senate to give it a chance to explore its mandate, look at the issues in play and find ways to have a balance between governance matters and administrative matters.

Mr. Itzkowitz spoke against the motion, with concern that intervention at this stage would unduly dilute the Committee's mandate. He noted that the creation of this Committee was deemed necessary to ensure that matters of an administrative nature that directly affect academic issues and responsibilities would be addressed by a Senate Committee.

Dean McLean spoke in favour of the motion, expressing concern that accepting the goals and priorities without noting the recent administrative change would be inappropriate. He suggested that the Chair of the Committee and the Associate Vice-Principal (University Services) meet to review the mandate and discuss how to proceed.

The Principal invited Associate Vice-Principal to speak.

Associate Vice-Principal Nicell welcomed the invitation to meet with Professor Mucci to discuss and clarify the functions of the Committee and noted his support to the motion.

Professor Robaire spoke against the motion, noting that the report presents plans only, not activities of the Committee and expressing the view that functions of committees should not be tied to or affected by changes in administrators whose work is associated with those committees. He noted that this report is presented for information only and to delay it would be inappropriate.

Professor Masi explained that this is not simply a case of changing administrators. The entire administration structure underlying the office of the Vice-Principal (Administration and Finance) was restructured. The new position of Associate Vice-Principal (University Services) calls into question the existence of the unit, Ancillary Services, that this committee was meant to address. By referring the document back, it would give the new Associate Vice-Principal (University Services) the opportunity to interact with the chair of the Committee and with the Nominating Committee to discuss whether the terms are appropriate. He urged Senate to refer the matter back to Nominating Committee with instructions to come back to Senate with a clear mandate for the Committee.

Principal spoke in response to Professor Robaire, expressing concern with McGill's deep conflation of governance and administration, leaving accountability and responsibility in both areas in question. She further asserted her discomfort with the Committee's charge.

Professor Harris spoke against the motion. He noted that there are two issues addressed on the floor. The first is the acceptance of the report and the second are the terms of reference of the Committee. He noted that voting in favor of the motion would simply delay the presentation of the report.

The Principal stated that the motion did not exclude presentation of the report, as it has in effect been presented to Senate.

The vote was called and the motion to refer the matter of the Committee's report to Senate Nominating Committee carried.

### **3. AGENDA**

On motion by Professor Tallant, seconded by Professor Robaire, the Agenda was approved as amended by the addition of an addendum to the Report of the Nominating Committee.

### **4. CHAIR'S REMARKS**

The Principal opened her remarks by informing Senate of her reappointment by the Board of Governors as Principal and Vice Chancellor of McGill University for another term. She thanked everyone for their confidence.

She said she was delighted to announce the appointment of Professor Mourad El-Gamal as the new Associate Vice-Principal (Research and International Relations) and Ms. Lynne Gervais as the Associate Vice-Principal (Human Resources).

The Principal announced that a reception would be held on February 1 at the New Residence to recognise the dedicated services of Professor Morty Yalovsky who stepped down from his position as Vice-Principal (Administration and Finance) at the end of December. She noted that, in accordance with the Statutes, a committee would be struck to advise her on the appointment of a successor for Professor Yalovsky.

The Principal announced with regret the passing of two senior members of the McGill community. Professor Patrick Cronin, former Dean of the Faculty of Medicine, and the Honourable Michel Proulx, former law professor who taught for twenty two years at McGill University, judge and one of Canada's top criminal lawyers, both passed away recently.

She congratulated all who participated in the Centraide campaign. McGill surpassed its goal of \$285,000 by \$15,000.

She then updated Senate on government relations. On the federal level, the Minister of Finance's strategic plan, Advantage Canada, represents a commitment to making Canadians the best equipped workforce in the world and is a lead up to a full budget in March. There are rumours of a plan to solve the current fiscal imbalance, including transfers for post-secondary education and infrastructure. The Standing Committee on Finance has recommended that indirect costs of research be reimbursed at 40%, which has been a priority of the University and one for which we will continue to advocate. The Principal and Vice-Principal Goldbloom will be meeting with federal government members in the coming days.

At the provincial level, McGill's recent presentation to the commission parlementaire de l'éducation focussed on a few key points: the need for substantial reinvestment in universities, with a new funding framework based on sustained effective government investment; higher tuition linked to increased student aid; an end to the punitive "ajustement McGill"; recognition of the unique role and needs of Quebec's four research-intensive universities, with graduate and medical programs; recognition of McGill's unique international role and impact in Québec; and the importance of the major hospital projects of the MUHC and CHUM. The Minister of Economic Development, Innovation and Export Trade, announced an investment of \$888 million in research and innovation over three years, including support for university research and graduate students. The Premier's promise of additional university funding has been kept. There will be \$240 million in new funding invested in the university system over the next three years, with McGill assured of \$12.4 million for 2007-07.

The Principal offered congratulations on remarkable achievements by a number of members of the McGill community:

- Four faculty members received the Principal's Prize for Teaching Excellence at fall Convocation ceremonies: David Plant (Electrical and Computer Engineering); Daniel Levitin (Psychology); André Costopolous (Anthropology); Axel Hundemer (Mathematics and Statistics);
- Dr. Arthur Porter, MUHC director general and CEO, has been appointed to the governing council of the Canadian Institutes of Health Research;
- Two McGill students have been awarded the Rhodes Scholarship: David Matthews (Music and Biology), a member of the Principal's Task Force on Student Life and Learning, will pursue graduate studies in global health and social policy at Oxford; while Katherine Trajan (Civil Engineering, Environmental Engineering and World Religions) will study water policy and management;
- Four researchers have been awarded a Canada Research Chair: Grace Egeland, Canada Research Chair in Environment, Nutrition and Health (renewal of existing chair); Joe Kincheloe, Canada Research Chair in Critical Pedagogy; Navin Ramankutty, Canada Research Chair in Land Use and Land Cover Change; and Boswell Wing, Canada Research Chair in Earth System Science;
- The McGill women's hockey team remains the number one-rank team in the nation;
- And the student-run Snow-AP was a great success.

## 5. QUESTION RE CUSTODIAL SERVICES DURING LONG BREAKS

Professor Ryan asked the following question:

*The "Holiday Newsletter" from Institutional Planning & Analysis that was circulated on Monday, 4 December 2006, contained the following statement:*

*"BUILDING SERVICES (Cleaning Staff)*

*Holiday Break: Closed from Thursday, December 21, 2006 (11:00 p.m.) to Wednesday, January 3, 2007 (7:00 a.m.) inclusively.*

*Any requests for special (billable) services during the holiday period should be communicated to the District Supervisor in your area or to [special.events@mcgill.ca](mailto:special.events@mcgill.ca). Requests should detail the building, dates, hours, as well as a FOAPAL to be charged. Building Directors are to communicate to Building Services no later than December 8, 2006 for any request for services during the holiday period. This service is highly recommended for buildings with open access during the holidays."*

*As is clear from <http://www.mcgill.ca/hr/policies/holidays/2006/> and Article 29.04 of the MUNACA collective agreement, we were all expected to work on Friday December 22, and about fourteen exams were scheduled, yet there was no proper custodial coverage for the entire McGill campus.*

*This appears to have become standard practice for long holidays, but it makes no sense to cut custodial coverage the day BEFORE everyone else stops working and then not restore it until the evening AFTER everyone comes back, works a full day and teaches a full schedule of classes.*

*The effect of the current policy is that students and staff return to, and are expected to work in, a building that has not been cleaned or even seen a basic garbage pick up for twelve days.*

*In the teaching-only or purely administrative buildings, this might be an acceptable situation, and doubtless the decision to introduce this policy was made by an occupant of the latter group of buildings. However, for those of us working in one of the many research-purposed buildings on campus, the conditions we are subjected to are deplorable. Dirt and garbage accumulate, while the washrooms are depleted of supplies and ripen to a state rarely achieved even by the classic British pub.*

*We tout McGill as a research-intensive university, but fail to provide one of the most basic necessities: a clean workplace. Research is a 24/7 activity and many of our best people choose to continue their efforts through the long breaks. They should be provided with a proper environment in which to work, by the institution whose standing they enhance.*

*Under the current policy, a clean building constitutes a "special service" and we are expected to pay for the privilege.*

*Question: Would it be possible to for this institution to accept its responsibility to provide a proper working environment for the people who work to make McGill (one of) the best research-intensive university in Canada, and establish a revised policy for providing adequate custodial coverage of the research-purposed buildings on campus, during long holiday breaks?*

Professor Jim Nicell provided the following reply:

*Yes, it is essential that we have a proper working environment during extended holiday periods. For our next extended holiday period (December/January 2007/2008) and no later than September 30, 2007, University Services will:*

- 1. Work with our Building Directors to understand the extended holiday period custodial services challenge,*
- 2. Include the University's stakeholders in the development of an action plan to ensure a clean working environment during extended holiday periods,*
- 3. Ensure that this action plan clearly defines our respective roles and responsibilities to work within the University's budget to ensure a clean working environment for extended holiday periods, and*
- 4. Communicate this Extended Holiday Period Clean Working Environment Plan University wide.*

*I am looking forward to the day in the near future when we can all say that together we found a way to have proper working environments during extended holiday periods at our University.*

Professor Saroyan asked if this plan would extend to classrooms and offices that had a direct impact on academic work.

Professor Nicell replied that building directors would be asked to assess the needs in all the buildings and resources would be allocated to resolve any identified problem.

Mr. Hobbins asked whether custodial services would be available during non-holiday periods such as weekends where some buildings such as libraries are heavily used.

Professor Nicell indicated that he would work within the budget to resolve all these problems.

The Principal asked whether there is a clear process for people to give input to their local directors on their own considerations.

Professor Nicell replied that a process is underway. Directors of all buildings are called upon to identify problems and challenges that would be resolved according to priority.

Professor Ryan thanked the Associate Vice-Principal (University Services) for his reply and said he looked forward to working with him.

## **6. QUESTION RE STUDENT GRIEVANCES**

Mr. Donny-Clark asked the following question:

*The Senate Committee on Student Grievances was created to allow grievances arising within the university to be reviewed and answered internally, and the Code of Student Grievances is tailored to address the particular difficulties students face in defending their rights within their own educational institution. Historically, it is normal to wait two or three months for a case to be heard, with additional weeks to receive a decision, and this system that has satisfied the student community for a number of years.*

*Despite cases being filed, the Senate Committee on Student Grievances has not met in the last eight months. There are currently cases that have been delayed up to five months, with no end in sight. This kind of delay is unreasonable considering the pace of academic life. Instead of having a fair hearing, students are being penalised as if their grievances failed, preventing them from move on constructively from these situations. With a growing backlog of potential cases, and no meeting dates currently scheduled for any of the pending files, it is getting to the point where it is unreasonable to expect students to address their grievances internally instead of pursuing recourses external to the University.*

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*The consideration of time in a fair and reasonable hearing is recognized in the Code of Student Grievance Procedure by the Appeals Committee, specifically in article 6.7.1 which states a maximum delay of 40 days from the decision for leave to appeal until the appeal hearing. While this is not always respected, the suggestion does indicate a relationship between time and a fair hearing, if only for a student's second hearing on the issue.*

*Question: Given that these delays are resulting in the violation of students' right to a fair grievance process, my questions are the following:*

- 1) Where, within McGill, does the responsibility lie for ensuring hearing dates are set in reasonable time?*
- 2) Given the implications of hearings never being held, why is there no maximal time limit for the first hearing of a student's grievance?*
- 3) What university bodies or procedures exist to hear grievances against the Student Grievance Committee?*

The Secretary-General provided the following reply:

*Thank you Senator for the question – it offers a welcome opportunity to alert Senate to an issue arising in the support of the important work of the Committee on Student Grievances. As the preamble to the question includes inaccurate statements positioned as fact, my response aims to clarify any distortions of this Committee's service suggested by the preamble and address the important questions posed.*

*First Senators should be aware that the procedures relating to the Committee on Student Grievances as referred to in the preamble and question are defined by the Code of Student Grievance Procedures. The University Secretariat (that is the office of the Secretary-General) is charged with providing administrative support to this Committee, including acting as the office of deposit for grievances filed and coordinator for the Committee's meetings. The Senate Committee on Student Grievance comprises nine voting members: four academics and four students (two graduates and two undergraduates), in addition to the Committee Chair. From this slate of members, a three-member hearing Committee is struck for each grievance filed.*

*The preamble makes the claim that "Despite cases being filed, the Committee on Student Grievances has not met in the last eight months." I can report that in the calendar year 2006 (i.e.: January through December 2006) a total of five grievances were filed. In two of the cases, settlements were reached before hearings were scheduled, eliminating the need to convene a Committee.*

*The three remaining grievances were filed in the fall of 2006, specifically on September 29, October 10, and November 3. Note that a meeting of the Committee requires the fulfillment of section 3.2 of the Code (specifically, the assurance of clarity regarding the nature of the grievance filed and the receipt of a reply from the respondent or other parties named in the grievance). In sum the Committee cannot convene until said responses are received. The Code does not require the Committee to meet within a specific delay but establishes a 15 day period in which fulfillment of section 3.2 of the Code must be achieved.*

*In each of the three grievances filed in the fall of 2006 responses from the other parties named were received within the 15 day delay as prescribed by the Code. For the grievance filed on September 29, a response was received from the respondent on October 15; for the grievance filed on October 10, a response was received on October 25; regarding the final grievance received in 2006 filed on November 3, a response was received on November 20. In each of these cases attempts to schedule meetings of a Committee began immediately following receipt of the reply from respondents (or other parties named in the grievance). In the case of the September 29 and October 10 grievances, I can only report that there were particular contingencies arising in scheduling these meetings, including scheduling conflicts noted by all involved (including members of the Committee, the grievors and respondents). In the case of the remaining three grievances, efforts to schedule meetings were maintained through December but hindered by the exam period (December 7 through 22) as well as the December holiday break. The unfortunate delays have their source in nothing more intriguing than the challenges of finding meeting times suitable to all.*



*I would add that these matters are treated very seriously – as are all dispute resolution mechanisms supported by the University Secretariat. Every opportunity is pursued to minimize delays, including those resulting from contingencies of scheduling Committee meetings. While the University Secretariat manages and supports this process, and takes a leadership role in ensuring the Code is followed, the responsibility to respond in a timely way and offer maximum availability when grievances arise is shared by all parties involved. It remains that the current approach relies on a reasonable consensus on meeting dates in an effort to best accommodate all involved – including students grieving who may also indicate conflicts with meeting dates and times proposed. The Secretariat has been reviewing the procedures related to establishing such meetings and has considered the possibility of amendments to the Code that would impose delays further encouraging the spirit of the Code to resolve matters in a timely manner - specifically such proposals would have us impose delays to compel the Committee to meet within a certain period. Other solutions may be considered that do not require changes to the Code (including the establishment of set meeting dates during the year) – this however might not sufficiently compel parties to meet as would a specific delay articulated in the Code itself. Note that currently grievors dissatisfied with the results of a Grievance Committee proceeding may appeal the decision as per section 6.7.1 of the Code of Student Grievance Procedures.*

*There is, however, contrary to the Senator’s claim, no evidence of a “growing backlog of potential cases”. Of the remaining grievances the Chair of the Committee and the staff of the Secretariat have conveyed their assurances that meetings have been tentatively scheduled for each of the cases between January 22 and February 12, 2007. Regarding the reference to the delay requirement of 40 days noted in the Senator’s preamble – there is indeed such a delay requirement but it applies to appeal proceedings in section 6.7.1 of the Code of Student Grievance Procedures. The claim that this is not respected is however unfounded – in the last five years there has been only one circumstance in which the scheduling of an appeal hearing surpassed the delay limit in the Code – in this particular instance the members of the Appeals Committee were either in conflict or had heard the case at an earlier stage. While I cannot comment further on the nature of these matters and/or any specifics related to the cases currently with the Committee, I can assure Senate that the evolution of this review, should it result in proposed amendments to the Code, would return to Senate for its consideration.*

## **7. QUESTION RE STUDENT INFORMATION**

Ms. Cox asked the following question:

In recent news, the surveillance of university students has been implicated as a valid anti-terrorism tool. In the United States for example, since the September 11th attacks, the Federal Bureau of Investigation has launched an investigation titled Project Strike back. This program works jointly with the Federal Education Department, whereby personal information is being mined from hundreds of specifically selected student loan applications. Supporting the potential need for such a surveillance is a recent article published by the Globe and Mail which delineates the criminal actions of a female student from Carleton University who played a key role in funnelling money to known terrorist groups.

*Given these recent revelations, it is reasonable to infer that a similar political climate of student information mining exists in Canada.*

*Question:*

- 1. Has McGill ever been approached by any agency, Canadian or otherwise, asking for the release of student information for the purpose of anti-terrorism surveillance?*
- 2. In the event McGill is ever approached, does the University have a position on the release of student information for the purposes of intelligence gathering?*

Professor Masi provided the following reply:

*I would like to begin by thanking Ms. Cox and the PGSS Senators for their question insofar as it allows me to elaborate on an answer I gave to this body two years ago, almost to the day, at the Senate Meeting of 12 January 2005. Then Senator Noumoff posed a similar question, but focused on the US Department of Education and a*

*proposal to create a “unit” data base. I replied that McGill University had not been asked to submit information and that in conformity with Quebec’s privacy legislation, ARR does not provide nominative information for any student without the express written consent of the student in question. I did note, however, that McGill provides information to the US Department of Education’s Federal Student Aid (FSA) program for those students who have applied for student loans or grants in the USA. Those students are asked to provide their consent to the conveyance of this information, using a standard form that they themselves must complete in order to apply for those loans and grants.*

*The current question is somewhat broader dealing with data mining and potentially involving “intelligence gathering” activities by the Canadian or a foreign state agencies.*

*At the present time, no one in the McGill University administration is aware of any specific policies or practices regarding the systematic mining of student information in Canada or Quebec.*

*Occasionally, the central administration, Faculty offices, departmental support staff, or individual employees of McGill University receive requests from various law enforcement authorities for access to documents concerning individuals who are, or are believed to be, students of the University.*

*All such requests must be referred to the Secretary General, who is the person at McGill who is responsible for the application of the Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information.*

*Section 41.2 of the Act provides that documents containing information concerning a person may be released without the consent of such individual in the following cases:*

- ◆ *to a body responsible by law for the prevention, detection or repression of crime or statutory offences, if the information is necessary to prosecute an offence under an Act applicable in Québec;*
- ◆ *to a person or body if the release of information is necessary for the application of an Act in Québec, whether or not the law explicitly provides for the release of the information.*

## **8. MOTION RE ACADEMIC AMNESTY**

Ms. Upham moved, seconded by Mr. Donny-Clark, approval of the following motion:

*Whereas the SSMU is participating in the pan-Canadian Day of Action on Postsecondary Education on the afternoon February 7<sup>th</sup>, 2007;*

*And whereas the SSMU is leading the organization of the Day of Action activities local to Montreal;*

*And whereas the theme of the Day of Action is "Fund the Future", a call for reinvestment from all levels of government into postsecondary education;*

*And whereas McGill University is recognized as being grossly under funded, along with all other universities in Quebec;*

*And whereas it is important for students to be able to engage the larger community on such an important issue without academic backlash;*

*And whereas many Canadian Postsecondary Education Institution have already granted academic amnesty for the Day of Action, including:*

- *University of Victoria*
- *University of Winnipeg*

- Trent University
- University of Ottawa
- Ryerson University
- University of Toronto
- Memorial University of Newfoundland

And whereas Academic Amnesty is here defined as the forgiveness of academic duties by such means as:

- not penalising students for not attending lectures with “mandatory” attendance;
- rescheduling onsite assessment activities to an earlier or later date;
- allowing students to attend alternate sections of lectures and labs so as to be available to participate in the activities of the Day of Action;

And whereas on November 30<sup>th</sup>, 2006, the SSMU Council motioned that the SSMU representatives request academic amnesty for its members through the relevant University channels;

And whereas Senate is the highest governing body on all things academic at McGill University;

Be it resolved that Senate grant Academic Amnesty to the students of McGill University for the afternoon of February 7<sup>th</sup>, 2007.

She noted that the activities of the Day of Action are designed to encourage awareness in students of the relationships between government, politics and education, specifically the issue of funding for post-secondary education. The Day of Action is also an opportunity for McGill students to cooperate with other students from Concordia, Université de Montréal, UQAM and Montreal CEGEPS to promote the issue of funding of post-secondary education. She noted that this event would be publicized in every major city in Canada to encourage student awareness. She asked that students be encouraged to become engaged citizens by having the right to join the Day of Action and thus support the administration’s call for increased funding from all levels of government by participating in this Day of Action.

The motion was duly proposed and seconded.

Dean Lund indicated that he supports participation of students in the *Day of Action* but does not support the motion. He noted that students have other important responsibilities such as that towards their patients, in the case of students in his Faculty. He added that the responsibility to find ways to participate should rest with the students.

Mr. Angus moved an amendment to the motion to read: “*Be it resolved that Senate recommend the granting of Academic Amnesty to the students of McGill University for the afternoon of February 7<sup>th</sup>, 2007.*”

Ms. Upham accepted this as a friendly amendment.

A long discussion ensued. Senator Chase noted this is just one of many worthwhile activities for which academic amnesty might be requested.

Ms. Upham replied to questions from Professor Harris explaining that the recommendation would be addressed to the members of the academic community to make them aware that Senate had suggested granting of amnesty to participating students. She also noted that this would be a recommendation and not something to be enforced.

Provost Masi noted that, in the past six years, Senate has not granted amnesty to any group regardless of the worthiness of the cause. He argued that in spite of the importance of the cause and the role of students in helping to obtain funding for postsecondary education, Senate should not be in the business of granting academic amnesty for the business of any specific political campaign.

Professor Hoechsmann spoke in favour of the motion, noting that this motion is mildly stated, does not ask for relief from any work and is simply asking for the rescheduling of academic activities where possible.

Professor Harris also spoke in favour of the motion. He indicated that the motion as amended is distinct from the original proposed motion in that it constitutes a recommendation to grant – rather than the granting of – academic amnesty.

Mr. Angus said that as the administration engages in a campaign to raise funds for the University, the students would also like to engage in this *Day of Action*, to show their support for the call for increased education funding from the government. He asked Senate to support the students in this action.

Dean Madramootoo said that although he supports the initiative taken by the students to increase funding to the University, he could not support the motion. He stated that as Dean of the Faculty of Agricultural and Environmental Sciences, he believes it is impossible for his faculty and staff to reorganize labs and assignments in such a short period.

Ms. Upham reiterated the fact that this motion is only a recommendation to grant amnesty. She further commented on the Provost's statements, noting that a number of our peer institutions, including the University of Toronto, have granted their students amnesty. She stressed that this case is closely aligned with the University's interests. She said the Day of Action highlights importance of our role in the political system and in setting the priorities of our society.

Dean Grant spoke against the motion, reiterating the concerns raised by Dean Madramootoo.

Mr. Donny-Clark reiterated the importance of Senate showing solidarity with students and the cause of solving under-funding of the universities, to the extent possible.

Provost Masi raised additional concerns regarding the irregularity with which these applications may be granted and the possibility of grievances from students who do not benefit. However, the primary reason to vote against the motion is that Senate should not be approving academic amnesties.

The Principal called on Mr. Angus to read the amended motion:

*“Be it resolved that Senate recommend the granting of Academic Amnesty to the students of McGill University for the afternoon of February 7<sup>th</sup>, 2007.”*

The vote was called and the motion as amended was defeated.

## **9. 386<sup>TH</sup> REPORT OF THE ACADEMIC POLICY AND PLANNING COMMITTEE**

Professor Masi presented the 386<sup>th</sup> Report of the Academic Policy and Planning Committee (D06-32). He noted that there were some changes to be made to the Report that he will address as he presents each item.

Regarding item I.A.1, New Teaching Programs, Faculty of Education, the Ph.D. in Information Studies was approved.

Regarding item I.A.2, New Teaching Programs, Desautels Faculty of Management, the B.Com; Major Concentration in Mathematics for Management Students, and the B.Com.; Major Concentration in Statistics for Management Students were approved.

The EMBA – Executive Master's in Business Administration, The Provost clarified that only the motion for a joint Executive MBA degree with HEC and Université de Montreal would be presented today to Senate for discussion and approval. He explained that HEC is a mono Faculty University with a rector but its degrees are conferred by

Université de Montreal. The second motion, which was erroneously included in the Report, would not be presented as a resolution at this time as it is dependent upon the approval of the degree program in the first motion. He stated that if Senate approves the degree program then a notice of motion to amend Article 13 of the Statutes is warranted and would be presented at the next meeting of Senate.

He further indicated that the agreement includes the authorization of a joint degree between the two universities and moved approval of the proposal.

Professor Robaire welcomed the possibility of having cross university programs. He raised concerns regarding the structure and asked for clarification about who would be the responsible party in case of grievances etc..

Dean Todd explained that a joint set of regulations would be developed and these joint regulations would govern the students' behavior and requirements. The details of the implementation as to grievances and appeals will also be developed.

Deputy Provost Mendelson explained that there would be agreements with HEC and Université de Montreal regarding some of the points raised by Senator Robaire. However, such agreements would not come to Senate for approval; the situation, is similar to that of an exchange agreement with another university, the details of which would be approved by the Academic Policy and Planning Committee. He continued to explain that there is a trial period of two and a half years to review and evaluate the program. He added that this is a venture between a trusted partner and a motivated Faculty, and it is appropriate to allow the Faculty to work out the agreements after the degree program is approved by Senate.

In reply to a question from Ms. Cox regarding some concerns raised by CGS to APPC, Professor Masi explained that discussions were ongoing for a year. These concerns were addressed at many levels. They were discussed at SCTP, CGS and APPC. He noted that CGS voted and approved to forward the program to APPC. The Academic Policy and Planning Committee raised these concerns at a meeting where Dean Todd and Professor Pinsonnault answered all questions. The program was unanimously approved by APPC to be presented to Senate for approval.

Mr. Itzkowitz raised concerns regarding the lack of distinction between this degree, a private degree fully funded by its tuition, and the McGill MBA degree. He suggested that the main problem in approving this degree is that it appears to be the equivalent of a McGill MBA but is not vetted by the Quebec government or paid for by the Quebec MELS granting system. He urged Senate not to vote for approval unless there is a clear distinction made between this degree and the McGill MBA degree.

Professor Mendelson explained that McGill grants degrees which are not distinguishable from each other on the diploma but have a distinction in degree which appears on the transcript.

The Provost added that this program has been vetted at every level required by the academic policies that govern McGill University. Any concerns raised have been debated at three different Senate sub-committees. All three committees recommended to Senate approval of this program. He continued to explain that McGill University has offered in the past private degrees. He cited the example of a program with the World Bank to train individuals for Masters in Economics Policy Management..

Interim Dean Nemes also confirmed that McGill already has self-funded programs that do not require the approval of the provincial government. He noted that this program was debated at the Council of Graduate and Postdoctoral Studies and the concern was the difference in the number of credits between the two programs. This issue was addressed by APPC and there are plans to revise the credits for the MBA program so that both programs would have 45 credits.

In reply to a question from Professor Roulet regarding the inclusion of a sunset clause, Dean Todd replied in the affirmative. He explained that the notion of a two and half year trial would give us the opportunity to re-evaluate the program and ensure the possibility of completion of degree for any students already enrolled.

Ms. Bouchentouf noted that the EMBA program would allow McGill University to remain competitive with other universities however, some universities who have proposed similar programs have gone international. McGill has chosen a local partner which, she believed, is inconsistent with the goals of the University in attracting international graduate students.

Dean Todd explained that the E in the EMBA program indicated the format in which the program is delivered and targets a special audience: executives and full-time employees with significant working experience. The program is structured to deliver to people in a local market place so they can benefit from an MBA while still working. He explained that the international partnerships that Ms. Bouchentouf referred to, have been developed after having a local EMBA program on which they built their international platform. The Montreal market is relatively small and it is best to work with, rather than compete with, a strong local partner like HEC.

The motion to approve the joint Executive MBA program with H.E.C. – Université de Montréal for five years, as per the agreement with H.E.C., subject to a review after two-and-a-half years, was carried.

Item D, Academic Performance Issues, “McGill Supervisory Guidelines and Regulations for doctoral and master’s thesis students was withdrawn from the report at this time.

Item II. Approved in the Name of Senate and Item III. For the Information of Senate were noted.

## **10. REPORT OF THE NOMINATING COMMITTEE**

Professor Tallant presented the Report of the Senate Nominating Committee (D06-34).

Item 1. Statutory Selection Committee was approved.

Professor Tallant proceeded to present the Addendum to the Report of the Senate Nominating Committee.

Item 1. Appeal Committee for Student Discipline and Grievances, Mr. David Carre was appointed to the Committee as one of the graduate student members for a term ending August 31, 2007.

Item 2. Statutory Selection Committee was approved.

Item 3. Advisory Committee for the Selection of a Vice-Principal (Administration and Finance), the following individual were appointed to serve on the Advisory Committee for the Selection of a Vice-Principal (Administration and Finance):

Professor Graham Bell (Faculty of Science)  
Professor Chandra Madramootoo (Faculty of Agricultural and Environmental Sciences)  
Professor Peter Todd (Desautels Faculty of Management)  
Ms. Helen Wilicka (Faculty of Arts)

Professor Bernard Robaire (Faculty of Medicine) [alternate]  
Professor Gordon Roberts (Faculty of Engineering) [alternate]

## **11. 2003-2006 REPORT OF THE COMMITTEE ON STUDENT GRIEVANCES**

The 2003-2006 Report of the Committee on Student Grievances (D06-33).

Ms. Upham suggested to include a distinction between academic and non-academic cases in future reports. Professor Kirkpatrick noted a confusion in the total number of cases, which was in fact 10, not 11.

Meeting ended at 5:30 pm.