



Minutes

Wednesday, October 19, 2011 11-12:02

Minutes of the meeting of Senate held on Thursday, September 22, 2011 at 2:30 p.m. in the Robert Vogel Council Room (Room 232, Leacock Building.)

PRESENT

Acker, Tom
 Aitken, Ellen
 Almasri, Mahmoud
 Barney, Darin
 Beheshti, Jamshid
 Benaroya, Sam
 Bernard, Daniel
 Bin Shahid, Usman
 Blachford, Gregg
 Boyer, Daniel
 Briones, Emil
 Brophy, James
 Carrier, Serge
 Clare, Emily Yee
 Clarke, Ian
 Cobbett, Stuart
 Crawford, Matthew
 Cuello, Claudio
 Di Grappa, Michael
 Dinel, Haley
 Doucette, Elaine
 Dudek, Gregory
 Etemad, Hamid
 Everett, Jane

Ferguson, Sean
 Gehring, Kalle
 Gillon, Brendan
 Gold, Richard
 Goldstein, Rose
 Gonnerman, Laura
 Grant, Martin
 Grütter, Peter
 Han, Lily
 Harpp, David
 Hashimoto, Kyoko
 Hepburn, Allan
 Hobbins, Joan
 Janda, Richard
 Johnson, Juliet
 Jonsson, Wilbur
 Jutras, Daniel
 Kirby, Torrance
 Kirk, Andrew
 Knight, Maggie
 Kreiswirth, Martin
 Kurien, John
 Kuzaitis, Ruth
 Leung, Jason
 Lowther, David

Luke, Max
 Ma, Annie
 Manfredi, Christopher
 Marcil, Olivier
 Masi, Anthony
 McCulloch, Mary Jo
 McDonough, Kevin
 Mendelson, Morton
 Michaud, Mark
 Misra, Arun
 Munroe-Blum, Heather
 Nassim, Roland
 Paterson, Adam
 Pekeles, Gary
 Peterson, Kathryn
 Richard, Marc
 Riches, Caroline
 Schloss, Melvin
 Wapnick, Joel
 White, Lydia
 Wolfson, Christina
 Zorychta, Edith
 Strople, Stephen
 (*Secretary*)

REGRETS: Paul Allison, Adam Bouchard, Leslie Breitner, Renzo Cecere, Roshi Chadha, Colleen Cook, David Covo, Brian Driscoll, Keelan Elwood, John Galaty, Charles Gale, John Gyakum, Terence Hebert, Jacques Hurtubise, Andrew Hynes, Ashraf Ismail, Richard Leask, Mark Lefsrud, Bruce Lennox, Chandra Madramootoo, H el ene Perrault, Andrew Piper, Judith Potter, Amir Raz, Mike Richards, Nigel Roulet, Honora Shaughnessy, Ada Sinacore, Arnold Steinberg, Peter Todd, Kevin Wade, Marc Weinstein, Ji Zhang.

SECTION I

1. Resolution on the death of Emeritus Professor Andreas P. Contogouris

Dean Grant rose and read the following death resolution, which was subsequently unanimously approved:

Senate members, it is with regret that I inform you of the death of Emeritus Professor of Physics Andreas P. Contogouris in Montreal, on March 18, 2011 at the age of seventy-nine. After his PhD in theoretical physics at Cornell University, he held positions in Athens, at CERN (Geneva, Switzerland), and at the Université de Paris-Sud (Orsay, France). Andreas arrived at McGill University in 1968 as a tenured associate professor. He rose through the ranks, and retired as a Full Professor in 1993. He was made Professor Emeritus on September 1st, 2009.

Andy (as he was known in Physics) Contogouris was a theoretical physicist, and most of his work was in the field of particle physics. His theoretical work has contributed much support and interpretation for the many results that came out of the experimental collaborations working during what now appears as the “Golden Years” of particle physics. He was an expert in the calculation of electromagnetic radiation by strongly interacting systems, an area that requires a combination of precise techniques and physical intuition. Professor Contogouris has written in excess of one hundred and fifty refereed papers and conference proceedings, and several of these contributions have stood the test of time and are now considered classic results.

Andreas Contogouris was a passionate man, well known for his total devotion to physics, and for his high research standards. He has continued to train a continuous stream of graduate students and postdoctoral fellows up to his retirement. After leaving McGill, he took up an appointment at the University of Athens, where he pursued his research interests.

The Senate extends its condolences to Professor Contogouris’ wife, Iris Angelidis, to his daughters Myrto and Ery, grandsons Sam, Ben, Aidan, Jason, and Jasper, and to his friends. We have lost a colleague who greatly enriched the life of this university.

2. Resolution on the death of Emeritus Professor Edward J. Stansbury

Dean Grant rose and read the following death resolution, which was subsequently unanimously approved:

Dr. Edward J. Stansbury, Emeritus Professor of Meteorology in the Department of Atmospheric and Oceanic Sciences, passed away in February 2011. Professor Stansbury was affiliated with the Department of Physics from 1956 until his retirement in 1986, while also participating in the Professor Stewart Marshall’s Stormy Weather Group.

He was born in Oakville, Ontario on August 1, 1927, earned his B. A. in Mathematics and Physics at the University of Toronto in 1949, and an M. A. (1950) and Ph. D. in Physics

(1952), also from the University of Toronto. He held positions as a Research Assistant at the U. of T. and at Bell Telephone Laboratories before arriving at McGill University in 1956. He joined the Eaton Lab, participated in electron beam studies, and later in a study of physical processes involved in the formation of the “E-cathode”. In 1959, he joined Dr. Marshall’s Stormy Weather Group in the study of nucleation of ice. This research led to the publication of seminal work, with his Ph. D. student, Gabor Vali, which still stands as the most adequate theory of heterogeneous ice nucleation.

While research and teaching were a major focus of Dr. Stansbury’s career, the university was quick to recognize his administrative talents and appointed him Associate Dean for Student Affairs and later Dean of the Faculty of Arts and Science. In 1971, he was appointed Dean of the Faculty of Science, a position he held until his appointment as Vice-Principal (Planning) in 1976. During his 10 years of service as V.-P. until his retirement in 1986, Dr. Stansbury was instrumental in transforming McGill from a “private” university to a special Quebec “public” university, in which McGill achieved the same level of government funding as other Quebec universities. He represented McGill skilfully and professionally during this long tenure. He was well known both inside and outside the university for his insight and thoughtful approach to all challenges, and was highly respected for his expertise and knowledge of the Quebec system of higher education.

Ted Stansbury was an avid lover of music, and Scottish country dancing. His keen intellectual curiosity was evidenced by his regular attendance at McGill seminars until very recent years. Dr. Stansbury epitomized the gentlemen scholar, with his kindness, intelligence, and a quiet, thoughtful reserve. He will be sorely missed by his colleagues and former students. The Senate offers its most sincere condolences to his family.

3. Resolution on the death of Emeritus Professor Jal Choksi

Dean Grant rose and read the following death resolution, which was subsequently unanimously approved:

It is with regret that I must inform the Senate that Professor Jal Choksi died on March 30, 2011.

Jal Choksi joined the Department of Mathematics and Statistics in 1968, first as a visiting professor, then on the regular staff from 1971, becoming a Full Professor in 1976 and an Emeritus Professor in 2000. His path to McGill was a long one. Born into Bombay’s Parsi community in 1932, he moved to England in the 1950’s, first obtaining an undergraduate degree in Mathematics at Cambridge in 1954, then a doctorate in Mathematics at Manchester in 1957. From then, he had a six-year stint at the Tata Institute for Fundamental Research in Bombay in the early sixties, then temporary appointments at Yale and Illinois.

Jal’s area of research was mathematical analysis, and in particular, ergodic theory, an abstraction of problems arising in statistical physics, whose concern is what happens to physical systems as they are allowed to run for a long time. Jal’s knowledge of classical analysis was broad and deep, and his scholarship was exemplary. His last paper, written after

he became an Emeritus Professor and published in *l'Enseignement Mathématique*, is a masterly account of Vitali's Convergence Theorem on term-by-term integration.

It is a sign of the esteem in which he was held by his colleagues that he was the person chosen in 1979 to replace Edward Rosenthal as Chair.

If one should describe Jal's way of being in a few words, it is one of calm wisdom, combined with amusement at the world's follies, with the odd sign of irritation showing through. He cared deeply about his job, and in particular about students; they often confided in him, and he was mentor to more than one. His breadth of knowledge was wide, and not only of mathematics, but also of literature, and in particular of music. An anecdote concerns the coda of the first movement of the Beethoven violin concerto, where Jal knew the precise differences in the orchestral score between the various versions composed by Beethoven, and could comment with authority on the choices made by all the main recording interpretations.

The Senate extends its condolences to Jal Choksi's beloved wife, Shernaz, his children Rustum, Anjali and Jahangir, their partners and his grandchildren.

4. Report of the Steering Committee

The report of the Steering Committee (11-12:02) was received.

Item 1. Approval of Minutes of Senate. On motion duly proposed and seconded, Senate approved the minutes of the September 22, 2011 meeting.

Item 2. Selection of an Alternate Chair. The Chair informed Senate that Professor Ellen Aitken, Dean of the Faculty of Religious Studies, has agreed to Chair the meeting while she presents the Annual Report from the Principal.

Item 3. Speaking Rights. On motion duly proposed and seconded, speaking rights were granted for Ms. Jana Luker, Executive Director (Student Services) for item IIB4 (Annual Report of the committee on Student Services) and Professor Jim Nicell, Associate Vice-Principal (University Services) for item IIB8 (Report from the Senate Committee on Physical Development).

Item 4. Notice of Motion to Amend the Statutes. The Chair gave a notice of motion that Senate would receive a motion to amend the Statutes of McGill University, which seeks to add a new *ex officio* member of Senate, the University Registrar and Executive Director of Enrolment Services.

Item 5. Confidential Session. On motion duly proposed and seconded, Senate agreed to move into Confidential Session for consideration of item IIB1 (Confidential Report of the Honorary Degrees and Convocations Committee, D11-10).

5. Adoption of the Agenda

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

6. Chair's Remarks

The Chair began her remarks by providing a summary of the strike activities since September 1 noting that on the first day of classes, 1,700 administrative and academic support employees, laboratory technicians and library assistants, who are part of MUNACA, and affiliated with the Public Service Alliance of Canada (PSAC) went on strike. She reminded Senators that we are currently in Week 8 of the strike and that this is an unfortunate event, we all wish to resolve as quickly as possible.

The Chair stated that McGill remains committed to reaching a negotiated settlement that is fair to both sides, reasonable and that recognizes and respects the financial realities in which the University operates. Despite the challenges brought about by the strike, the University is working to fulfill its important academic and research mission—and to maintain services to the best of our ability, but it is not business as usual. She informed Senate that on October 13th, the parties returned to the negotiating table after a two-week delay. The Chair thanked all employees who have been working longer hours and with additional workloads, and informed Senate that the administration is aware of the strain this strike is putting on students and staff.

The Chair reminded Senate that on the first day of the strike, the union asked for conciliation, to which the University immediately agreed. To date, the parties have met eight times with the conciliator. She noted that the schedule of the negotiations and the order in which items are discussed are determined by the conciliator. Technical and non-monetary issues will be dealt with first; salary and other monetary (or economic) issues will be considered toward the end. She stated that it is not the university that sets the order or the dates of the negotiation sessions. The parties continue to address unresolved issues in the order in which they agreed. Notwithstanding all the issues that remain to be addressed at the negotiation table, and there are several dozen, we will get through this strike and come out with a settlement. She noted the op-ed piece by Vice-Principal (Administration and Finance), Michael Di Grappa, in *The Gazette*, entitled “Strike at McGill: Facts on Fairness.” His message describes McGill’s position and she encouraged all to read it.

The Chair closed her remarks on the strike with a few words on civility, and by again reminding us that we are all members of the McGill community, and we respect and are proud of all of our employees as well as our students. She spoke out regarding tactics that moved from reasonable, civil free speech into threats and vandalism, noting the events which had occurred at Homecoming, including acts against elderly alumni at the Annual Red and White Dinner. She stated that such actions are unacceptable in a civilized society. She urged all of us to move forward in our longstanding McGill tradition of respectful and civil discourse, where people are free to speak, to disagree and voice their views without harassment, intimidation and insult. She pledged that the University would continue to do all it can to bring this dispute to a timely conclusion.

The Chair moved on to speak of Homecoming events where McGill received thousands of alumni at both campuses and at events around the city. She noted that McGill was delighted to confer upon Austrian pianist Alfred Brendel an Honorary Doctor of Music. Dr. Brendel also

delivered this year's Beatty Memorial Lecture, which included a piano recital. This joint honorary degree ceremony and lecture formed the centrepiece of a highly successful weekend hosted by the Schulich School of Music as part of McGill's homecoming events. Glowing accounts of the events had been received, including from the MSO's Kent Nagano. The Chair recognized and thanked Dean Sean Ferguson for his Faculty's hosting of the event.

The Chair spoke of the McGill Centraide Campaign, informing Senate that this year's fundraising goal was \$450,000. She acknowledged the Campaign co-chairs Morton Mendelson, Chandra Madramootoo and Judy Stymest, and thanked student Senators Roland Nassim and Max Luke for serving on this year's committee and for organizing fundraising activities. She reminded Senators that Centraide funds community agencies and projects that help over half a million people. Centraide has a network of 360 agencies that provide support to vulnerable people and has 23,000 volunteers.

In response to a question from Senator Han regarding vandalism at homecoming events and the fairness of the portrayal of strikers at these events, the Chair responded that where illegal acts have occurred, legal action would be undertaken. The Chair reminded Senators that the union's allegations made against the University to the Quebec Labour Board have been found to be without merit.

Senator Janda asked whether the University's efforts at the negotiation table are sufficient to resolve the issues as quickly as possible. Senator Janda also stated that perhaps the McGill community should start recognizing the need to do a triage of its activities to avoid staff member burnout.

Senator McDonough asked whether the University could and would create opportunities and settings to share conflicting views on the strike among all members of the University community. The Chair reminded Senate that the events of the Red and White dinner were the only time that she spoke out on the activities of strikers. She stated that there have been many views expressed in a variety of ways across campus, and took under advisement whether there could be more. The forum in which outstanding labour issues are dealt with in the context of collective bargaining is at the negotiation table.

Senator Knight asked whether the University would give updates to the community as negotiations continue. The Chair stated that the Thursday updates would continue.

The Deputy Provost (Student Life and Learning) showed Senators the Centraide Campaign banner that will be hung across campus. He asked Senators to give to the Campaign.

SECTION II

Part "A" – Questions and Motions by Members

1. Question Regarding Revised Thesis Review Procedures

Senator Gold asked the following question:

As of September 1, 2011, the Graduate Studies Office implemented a new procedure for selecting and contacting external reviewers for doctoral and masters theses. Among the changes is the requirement that thesis supervisors directly contact potential external referees to encourage them to review their students' theses. While the Graduate Studies Office did undertake some consultation with Graduate Offices on campus, no direct consultation process was undertaken with supervising faculty.

The outcome of the new procedures is to create an environment in which there is likely to appear a conflict-of-interest between the supervisor and the external reviewer despite the conflict of interest checklist provided. The new procedure opens up the perception that the supervisor has had to trade something with the external reviewer especially given that the supervisor and external reviewer are likely to either know or know of the other, work on similar topics and attend similar workshops and conferences. Such trade-offs may be a reciprocal agreement to conduct an external review for the reviewer, agreement to participate in the reviewer's grant or workshop or an agreement to submit an article or book chapter. Such arrangements would not run afoul of the conflicts of interest checklist. Whether such trade-offs actually occur or are just perceived to occur, the academic integrity of McGill's graduate programme will be in question. Further, the policy may disadvantage more junior faculty who will have more limited networks upon which to draw for external reviewers. Given Senate's ultimate responsibility for the academic integrity of McGill's programmes, this policy is one that directly invokes the jurisdiction of Senate.

Will the Graduate Studies Office agree to suspend the policy until Senate has reviewed and passed the policy?

The Associate Provost (Graduate Education) and Dean of Graduate and Postdoctoral Studies and answered as follows:

Procedures regarding Graduate and Postdoctoral Studies (GPS) have never come to Senate, nor should they.

I would like to correct the impression in the opening paragraph of the preamble that GPS did not consult with supervising faculty. This is entirely mistaken. In fact, there was extensive (some units complained excessive) consultation with all stakeholders: graduate students, academic staff, and those in administrative and staff positions: Faculty Associate Deans, Chairs, Graduate Program Directors, PGSS officers, Graduate Program

Coordinators, and others. From April to August, this issue was discussed in the GPS Advisory Committee, with the PGSS executive, informally with Associate Deans and in Faculty GPD meetings, and formally discussed and approved at the Graduate and Postdoctoral Studies Council. E-mail consultation with all units across the university was carried out four times, including a direct request for feedback that was taken into account to create the final procedures. There were also two well-attended information sessions and the posting of new web materials specifically devoted to communicating these procedures. I have a document that lists all the communication and consultation on this issue, including the specific materials communicated.

Second, it is most important to understand the reason for the change in procedures. The goal is simply to make the thesis examination process more straightforward and efficient so that graduate students may better complete their degrees in a timely fashion. One of the most common complaints GPS receives from graduate students (and supervisors) is the length of time between initial thesis submission and completion (particularly for PhD students.) The previous process took an inordinate amount of time to choose and gain acceptance from examiners, unduly extending the examination process, frequently to the detriment of the student.

Also, in and of itself, the previous process did not guarantee that the examiner was free from a conflict of interest, since the three potential examiners were still proposed by the supervisory unit. Like our peer universities, the results of the consultation showed that McGill believes that the goal of ensuring the arms-length of external examiners can be achieved by clarifying and emphasizing conflict of interest guidelines.

I find the hypothetical description of the questionable “environment” purportedly created by the new thesis procedures at best unpersuasive and at worst disheartening. The logic here is that if an academic accepts another academic’s request to take on a common professional responsibility – examining a thesis—his or her imputed motive is to expect something in return. It’s not clear to me how this environment is newly created by the change in procedures, given that with the prior procedures, regardless of measures taken for initial confidentiality, the reviewer knew his or her identity would be divulged at the final defence. For conflict of interest to be perceived in this situation requires the assumption that fundamental academic collegiality is subsumed to behaviours based on trade or exchange. I think we would all agree that part of our professional responsibilities as academics are to perform tasks because they are required by the profession. This is one of those tasks, and “the environment” of academic integrity, while of course not guaranteed, is at least made abundantly clear by the new conflict of interest checklist.

Finally, the changes discussed here are clearly in procedures, procedures for choosing a thesis examiner. There is no record of Senate ever discussing procedures for thesis examinations in the past.

In response to the question, Senator Gold proposed the following motion, which was seconded by Senator Janda:

Be it resolved that the new procedure on contacting external reviewers for Master's and Doctoral theses be suspended until Senate has reviewed and adopted the policy.

Senator Gold noted that although he recognizes the consultations undertaken, he asked whether this should be a decision of Senate, even if it has never been brought to Senate before, because it raises questions of academic integrity. The Provost spoke against the motion, stating that many students' theses were currently in course and that to suspend the application of this procedure, which does not clearly fall within the purview of Senate, would delay students' graduation. Unlike many peer institutions, McGill sends theses out for examination and this was a policy approved by Senate. The Provost opined that the policy belongs to Senate and the procedures are a matter of administrative implementation. If the procedures interfere with the application of the policy, they should be reviewed, but at this time, it has not been determined whether any such interference exists.

The Chair asked the Provost if he could address the concerns raised by Senator Gold while continuing with the procedures in the interim. The Provost stated that he would bring the concerns forward to the Academic Planning Committee without suspending the application of the procedure. Senator Janda asked whether APC could report to Senate early in the new year, and focus on the need for some buffer between the internal and external supervisor. The Provost committed to bringing this issue forward in January or earlier if possible without suspending the current application of the procedure.

Senator Gold withdrew his motion.

2. Question Regarding the McGill Strike Policy (Academic Staff)

Senator Janda asked the following question:

McGill's Policy on the non-performance of academic duties during a legal strike specifies that if members of the academic staff conclude that as a matter of conscience they cannot perform some or all of their academic duties, they shall report this to their departmental chairs without delay with the consequence that their entire salary shall cease. The policy does not specify where those academic duties are to be performed. However, the University administration has taken the position that McGill responsibility over timetabling and potential liability claims by students entail that the academic duties in question must be conducted on campus.

Will the administration of the University undertake disciplinary measures against members of the academic staff who:

- (a) Teach off campus but who use the internet to conduct their classes virtually;
- (b) Teach off campus but team teach with a colleague on campus and appear on screen in the classroom;

- (c) Teach off campus but secure the free and informed consent of students to waive liability claims against the University when conducting a class off campus but in close proximity to the campus; or
- (d) Teach in space that is physically on campus and covered by University liability insurance but is treated by MUNACA as not controlled by the University administration and thus does not give rise to crossing picket lines.

The Associate-Provost (Policies, Procedures, and Equity) answered as follows:

Senator Janda's question concerns potential disciplinary measures relating to off-campus teaching but is framed in the context of non-performance of academic duties during a strike. The University Strike Policy, which has been in effect for at least 20 years, states that "members of the academic staff who conclude, as a matter of conscience, that they cannot perform some or all of their academic duties" shall forfeit their entire salary for as long as they feel unable to perform such academic duties. There is no disciplinary penalty involved in such cases.

The question asks about the possibility of disciplinary measures being taken – in various hypothetical situations – against academic staff who engage in off-campus teaching. Decisions about when to take disciplinary measures are the responsibility of deans and are considered on a case-by-case basis. Each case is assessed on its own merits, on the basis of a precise set of facts. Hence, it is not possible or appropriate to state in a general way whether or not discipline would be imposed or recommended by a dean in any of the circumstances described in the question.

During a strike, professors who choose to continue to perform their academic duties have a duty to fulfill these duties as they normally would. The University has the right to set teaching schedules and to determine when and where classes will take place and students have a right to expect a dependable schedule and course offerings. The fact is that most teaching takes place on campus, and for good reason.

Our first duty is to our students. The Charter of Students' Rights imposes an obligation to provide safe and suitable conditions of learning and study, adequate security, and an appropriate environment for learning and assessment activities. The campus is designed as such an environment, where these rights can be ensured and protected without a complicated and impractical oversight mechanism.

To address a few specific points raised by the question. First, it is unethical to ask students to waive their rights. Furthermore, contracts signed by individuals that limit or waive liability, particularly when dealing with physical injury or death, are generally unenforceable in law in Quebec. Secondly, free and informed consent between a student and a professor is severely constrained in reality, because of the imbalance of authority. Even more so when the consent is obtained casually, on short-notice, and in circumstances where peer pressure is a factor. It is not appropriate to pressure or inconvenience students, and to put them and the University at risk in any way.

In conclusion, let me reiterate that the Strike Policy does not impose any kind of sanction, with the exception of loss of salary, on those whose conscience dictates that they cannot perform some or all of their academic duties during a strike.

In response to a follow-up question from Senator Janda, the Associate Provost (Policies, Procedures, and Equity) stated that the University could not make a blanket response for any of the situations described by Senator Janda in his question, and that the matter of disciplinary action falls within the discretion of a Dean.

In response to a question from Senator Gehring on the strike at University of Sherbrooke, the Principal stated that she was not in a position to comment on this but invited Senator Gehring to submit a specific question via the written form for review by the Steering Committee.

Senator Ferguson noted that it is impossible for some courses to be taught outside the University, such as those in the Faculty of Music where large instruments are used. Senator Kirk stated that students expressed concerns at the Faculty of Engineering council meeting for having courses taught off campus, as a result of the inconvenience this would cause them the potential to put their education at risk. In reference to concerns about crossing a picket line, Senator Aitken stated that professors are doing the work of the University, wherever they are. Senator Leung also expressed student concerns about disciplinary actions against professors wanting to hold classes off campus during the strike in a show of solidarity.

Senator Barney asked leave of the Chair to present a petition on the subject of off-campus teaching. The petition had been signed by 248 members of the McGill community and 36 non-McGill community members. He read the last three paragraphs of the petition, which is attached as Appendix A. The full petition forms part of the official minutes on file at the Secretariat.

3. Question regarding Academic Freedom

Senator Han informed Senate that she had submitted a motion for the consideration of Senate Steering that was subsequently revised on the advice of Steering, and that the Committee had supported presenting to Senate this alternate question. Senator Han asked the following question:

The university administration's recent (notice of potential) disciplinary actions against academic staff who choose to fulfill their academic duties off-campus to align their actions with considerations of conscience has highlighted the question of how to establish a balance between faculty obligations to adequately fulfill their academic duties and their right to academic freedom.

These two concepts – academic duties and academic freedom - are intricately intertwined. For in order to teach with excellence, that is, to truly fulfill their academic duties, an academic staff member must have free reign to explore new ideas, seek out innovative approaches, and creatively address research issues and challenges in ways that uphold personal morals and ethics, that is, with academic freedom.

Thus, it is in the best interest of the university to recognize that the rights and the obligations of academic staff are neither contradictory nor at cross-purposes, but on the contrary, complementary. And on that premise, the university should strive to establish policies that neither compromise the pedagogical and educational quality of classes, nor suppress, censor, or penalize academic staff for adhering to their ethical and moral standards.

How will the university ensure that the academic freedom of academic staff is not compromised through suppression, censorship or penalization while at the same time ensuring the fulfillment of academic duties?

The Provost answered as follows:

I would like to thank Senator Han for posing a question that deals with the link between academic freedom and academic duties.

Let me start by considering the concept of “academic freedom”. The second paragraph of the preamble to Senator Han’s question provides the following definition: “an academic staff member must have free reign to explore new ideas, seek out innovative approaches, and creatively address research issues and challenges.” The spirit of that categorization of academic freedom provides a starting point for my answer.

Academic freedom is commonly understood to mean freedom in the choice and pursuit of research and teaching. It has been expanded in some jurisdictions and institutions to include:

- (a) freedom to criticize, including criticism of the University and its administration,
- (b) freedom from censorship from inside or outside the University, and
- (c) freedom to consider and study all available expressions of knowledge and intellectual activity.

In the interests of the pursuit of knowledge and its transmission, universities often allow “expression” that may be considered by some elements of society to be unconventional, unpopular, or even unacceptable.

The basic principles that have guided McGill’s interpretation and implementation of the concept of academic freedom come from the “AAUP 1940 Statement of Principles on Academic Freedom and Tenure”. According to this statement, academic freedom is essential to good teaching and research.

Good teaching and research deserve to be protected from unwarranted interference as well as from intrusion by extramural authority. At McGill, the need to ensure academic freedom is part of the justification for the tenure system as described annually in a statutory

meeting, both attended by the Principal and I and at which we present, for all individuals who participate in the tenure review process.

Academic freedom, then, provides a vital protection for professors, by allowing them to pursue their research and teaching without fear of interference from inside or outside the academy. Academic freedom must be used in a manner consistent with the scholarly obligation to base one's research and teaching on an honest search for knowledge within one's sphere of expertise. Academic freedom does not provide a "license" to make use of teaching and research opportunities to expand personal opinions, including political opinions, rather than scholarship.

To the point at hand, academic freedom does not mean that professors are totally free about the choices they have to perform their academic duties. Academic duties include, importantly, the requirement that professors teach classes and that they are available to their students outside class-time for advice, counselling, and instruction on matters related to the student's course-work and academic program.

Academic freedom does not confer legal immunity, nor does it diminish the obligation of academic staff to meet their responsibilities to the University community. Academic freedom does not mean that professors can choose when and where they perform their duties, especially their teaching duties. As the Associate Provost indicated in her answer to Senator Janda's question, that is an administrative matter.

The University has the obligation to provide safe and suitable conditions for teaching and learning and it is the University that determines the schedule and the locales in which teaching occurs.

In conclusion, I find the wording of the preamble and question to be misleading. No one's academic freedom or freedom of speech, which are not the same things, is being compromised: professors are free to speak out about their own views, including their views on the University's position (pro or con) with regard to the strike, as some are currently doing. No disciplinary measures have been imposed. The withholding of pay is not a disciplinary procedure.

As to fulfilment of academic duties, our obligations to our students, as well as security, convenience and timetabling considerations, constrain where they can take place.

Senator Han read an alternate definition of "academic freedom" from the Canadian Association of University Teachers, stating that expression did not only mean verbal expression, but also meant action.

4. Motion on Academic Amnesty

Senator Clare read the motion as follows, and it was seconded:

SSMU Senate Caucus researched the history of Academic Amnesty at Canadian universities, including McGill. By grasping the complexity of the issue from a historical perspective, the motion addresses prominent concerns, such as the possibility of abuse and vagueness in regards to defining ‘reasonable accommodation’. Additionally, Caucus engaged in extensive consultation with the vast majority of faculties and schools at McGill. Feedback was solicited in multiple ways, including but not limited to, social media, interpersonal relations, listservs, mini-town halls and different student committees.

Students need for a safe avenue to express moral and ethical views in regard to issues pertaining to the McGill community in the event of a strike or a lock-out. This motion encapsulates the base understanding that students have the individual responsibility and choice to form ethical standpoints. Academic Amnesty is by no means a “free pass”; it is an active process that forces the individual to carefully consider the implications of invoking such a motion. Furthermore, “reasonable accommodation” entails a discussion and negotiation between the professor and student

Whereas strikes and lock-outs have a direct impact on the academic climate of a university and the student population therein;

Whereas McGill University Senate is the ultimate academic authority;

Whereas McGill prides itself as “...a university that is known worldwide for its academic freedom and freedom of speech...”¹;

Whereas Academic Freedom includes freedom to express freely one’s opinion about the institution, its administration, or the system in which one works; freedom from institutional censorship; the right to contribute to social change through free expression of opinion on matters of public interest.

Be it resolved that the McGill University Senate grant the right to Academic Amnesty, as outlined in the provisions below, for all students in the case of a strike or lock-out involving a McGill affiliated organization. Provisions:

1. Academic Amnesty includes the right to abstain from participating in academic commitments for reasons of conscientious objection and/or cases of ethical or moral conflict without penalty.
2. Any student who chooses to exercise their right of Academic Amnesty shall notify the appropriate faculty members and relevant department of their upcoming absence at least 72 hours prior.
3. The notice of absence shall name the relevant strike or lock-out. However, the student shall not be required to state their stance on the issue.
4. Faculty members shall be required to provide reasonable accommodation for the deferral of any assignments or course related projects with deadlines that fall within the duration of Academic Amnesty for the student.

¹ Jabir, Humera. Heather Munroe-Blum in "Senate Discusses Choose Life and MBA Tuition." *The McGill Daily*. 15 Oct. 2009. <http://www.mcgilldaily.com/2009/10/senate_discusses_choose_life_and_mba_tuition/>.

5. Academic Amnesty shall not be exercised and shall not apply to the following academic commitments:
 - a. Assignments worth 35% or more of the final grade
 - b. Pre-scheduled mid-terms
 - c. Final examinations
 - d. Mandatory clinicals, field placements and rehearsals

6. Academic Amnesty will apply to any student for the duration of up to 3 consecutive or non-consecutive working days.

Be it Further Resolved that no action shall be taken by the University or a Member of the University Community against the Student for having exercised or attempted to exercise their right to Academic Amnesty under this Resolution.

Be it Further Resolved that the McGill University Senate ensures the provision of Academic Amnesty is communicated to all faculty, staff and students.

Be it Further Resolved that this Resolution of Academic Amnesty take effect immediately for the duration of a year.

Senator Clare then provided an additional background rationale for her motion. She stated that students need a safe avenue to express moral and ethical views in regard to issues pertaining to the McGill community in the event of a strike or a lock-out. Her motion encapsulates the base understanding that students have the individual responsibility and choice to form ethical standpoints. It is by no means a “free pass”; it is an active process that forces the individual to carefully consider the implications of invoking such amnesty.

Senator Clare noted that extensive consultation was undertaken throughout the drafting of the motion and up until today. She stated that Student Senators wanted to be sure that they effectively represented student needs. It became clear through discussions that students understood the value of such a motion regardless of whether they wished to use ‘Academic Amnesty’ themselves. This motion was being presented at Senate because in accordance with the Statutes of McGill University under Article 6.3.2: Senate “shall exercise general control and supervision over the academic activities of the University”. In 2007, the Policy for the Accommodation of Religious Holy Days was brought to Senate. In 2009, Senate passed a Policy on Conflict of Interest and a Policy on Safe Disclosure. Both were developed to protect members of the University community as well as to outline their rights and responsibilities.

Senator Clare stated that McGill has a significant history of accommodating students and has developed the practical procedures and protocols necessary to accommodate students such as for documented illness, religious holidays and deaths in the family. The motion took this into consideration: it requires notice and documentation. Senator Clare emphasized that the motion was drafted with the understanding that the policy will only be used by a small minority of students.

As members of an academic community, we know that ethics are inherent to education. They are closely linked to every individual. Students’ experience within the University extends beyond

our academic world. McGill is a creative centre for extracurriculars and sports. 5 of our students are now representatives in Parliament. It is important that students feel safe to express their views in a structured manner, particularly in the context of whether or not to cross a picketline. Senator Clare stated that this motion helps cultivate an understanding of safe space at the University. A safe space can be defined as the cultivation of an atmosphere in which individuals are free from discrimination, harassment, and any activities that may make an individual feel uncomfortable or unsafe. This motion provides the structure for students to express themselves in a manner that is respectful, responsible and considerate. Built into the motion is a requirement of careful consideration for the student's deep-held beliefs or conscience. It forces students to ask the question: Do they really wish to make the statement that they are making? Students want to go to a university where there is a safe space to express themselves. Senator Clare expressed that this motion passing would be a really strong symbol of McGill's commitment to fostering informed political discourse and action amongst its students.

Senator Nassim proposed an amendment, by adding the following sentence to number 4 of the motion: "When the instructor and student are unable to agree on suitable accommodation, the matter will be referred to the Associate Dean. The Associate Dean will decide whether reasonable accommodation without undue hardship is possible and what accommodation is to be made in this instance and will convey the decision to the instructor and student." He stated that this was taken from the existing Policy for the Accommodation of Religious Holy Days. Senator Clare accepted this amendment to her motion and the seconder agreed.

Senator Jutras indicated that he would vote against the motion for pragmatic reasons, and even if the resources were available to monitor this motion, he would vote against because of the larger principle that students should live with the consequences of their important ethical decisions.

Senator Grant stated that he would also vote against this motion, on the basis that this is a good example of Senate interfering with the day-to-day business of department chairs and faculties and would result in chaos on how laboratories and class timetabling are provided. He also agreed with Senator Jutras that students should not have to bear the results of other students' moral choice.

Senator Barney stated he would vote in favour of the motion. He noted that the motion was crafted for the specific case where students feel that for ethical or moral conflict, they cannot cross the picket line, much like a religious commitment in which the student has no choice but to observe.

Senator Acker spoke to the pragmatic aspects of the opposition to the motion, stating that it would only be used by a minority of students, and that mechanisms built into the motion would prevent abuse by students.

Senator Kirk spoke against the motion stating that it was peculiar that the motion was described as a "right" to academic amnesty, but that this right contained so many restrictions. He stated that it sounded more like a negotiation.

Senator Luke repeated that there would be a small number of students who would use this process.

Senator Ferguson stated that although he spoke to a student senator about the motion and understood the passion behind the motion, the impact on other students would be great in any group context. He noted that students don't choose the dates of religious holidays, but would choose when they would use academic amnesty to relieve themselves of their educational obligations.

Senator Sinacore suggested an amendment under section 5 of the motion which would read : “e) where the request may compromise the work of a group of students, for example such as group presentations and group projects and no reasonable accommodation is feasible based on the impact of that group of students.” Senate was in favour of accepting this as a friendly amendment.

Senator Cuello expressed his disagreement with the motion and with Senator Barney's opinion. He saw no moral ground for the rationale of this motion.

Senator Ma reiterated that only a small portion of students would use this motion, such as when a small number of students refuse some activities of dissection in class. She stated that students would accept the consequences of the application of their choice to use this motion.

Senator Dudek expressed his concern for the potential of abuse.

Senator Knight reiterated that this would only be used by a small portion of students, and recognized that students were not asking for a blanket amnesty because they knew Senate wouldn't approve this. She expressed that 3 days was not a long period of time and could be seen as similar to accommodation due to illness.

Senator Clare stated that the days chosen by students would not be arbitrary. Typically, these would be on days of mobilizations or rallies.

The Provost clarified that he would vote against this motion. He stated that in the last 10 years, Senate debated 3 times motions for academic amnesty. Matters of conscience are not dealt with in 3 days and are not subject to certain exam percentages. Students must be willing to live up to their conscience and to deal with the consequences of their actions.

Senator Ferguson noted the contradictions between the statement that there would be a small number of students exercising this right and that this right would only be invoked in the context of events such as rallies.

Senator Crawford stated that students should not be asked to choose between their academic future and their moral commitments.

Senator Janda stated that by voting in favour of this motion, Senate would make a gesture of concern for those who are dissenting precisely with the view to creating the community the Chair had spoken of. He noted that students were already being accommodated, and that the students

were simply asking for a framework and consistency. He expressed that this would be a modest gesture that would send a positive signal beyond the strike.

Senator Han spoke in favour of the motion stating that comments regarding potential abuse questions the integrity of students at McGill. She stated that the construction of this motion was well-researched.

Senator Pekeles asked whether Senate could put the motion forward in the interest of time in order to allow Senate to move onto other matters. Senator Paterson asked for a vote by secret ballot. The Chair stated that there were only a small number of speakers left and that after this, Senate would vote on the motion to proceed to a vote by secret ballot.

The Deputy-Provost (Student Life and Learning) said that he believed the motion is fundamentally flawed. Reasons include the confusion of “right” in the motion, “strike” is not defined. Further, the motion could not be implemented and would create a serious precedent for Senate.

Senator Manfredi stated that he would vote against the motion for the reasons previously stated, and that as a result of the conditions set forth in section 5, the right would in fact be meaningless. He expressed concern that implementing this motion could encourage undesired behaviours.

Senator Aitken spoke against the motion and reminded Senate that there are forms of appeal for grades given by a professor. She expressed concern for the confusion between conscientious objection, political action and religious belief. She rejected the analogy between conscientious objection and religious belief.

Senator White spoke against the motion as a professor because of the unpredictability that the application of this motion would bring.

Senator Knight recognized that such a motion could be done via inclusion in the *Handbook on Student Rights and Responsibilities*. She stated that this motion was encouraging something that is responsible and reasonable.

Senator Janda proposed that the motion be tabled and the matter be referred to the Committee on Enrolment and Student Affairs. This motion was duly seconded. Senator Janda proposed that the matter come back to Senate in February. Senate held a vote and 31 Senators voted for this motion, 38 voted against and there were 4 abstentions. The motion failed to carry.

Senator Paterson moved a motion to vote by secret ballot which was duly seconded by Senator Diné. Senate held a vote and 34 Senators voted for this motion, 36 voted against, and there were 2 abstentions. The motion failed to carry.

On the main motion regarding academic amnesty, with the proposed amendments, 26 Senators voted in favour of this motion, 44 Senators voted against, and there were 3 abstentions. The motion failed to carry.

Part "B" – Motions and Reports from Organs of University Government

1. Report of the Honorary Degrees and Convocations Committee (D11-10)

Senate moved into confidential session to discuss the Confidential Report of the Honorary Degrees and Convocations Committee (D11.10) (this minute is approved by the Senate Steering Committee and is not published or circulated, but is attached to the permanent minutes of Senate as Appendix "B").

On a motion duly proposed and seconded, item 4, the Annual Report of the Committee on Students Services, and item 5, the Annual Report of the Committee on Enrolment and Student Affairs were tabled until the next meeting.

2. Annual Report from the Principal

A hard copy of the *Principal's Report 2010-2011* was distributed to Senators at the meeting. The report is a digest of McGill's activities and performance during the 2010-11 academic year. She stated that a tremendous amount of work and talent on the part of the McGill community underlies the considerable accomplishments presented in the report and focused her remarks on McGill's plans and challenges for the coming year.

In terms of strategic planning, the Principal stated that a key focus this fall and early winter would be the development of two essential and interlinking strategic plans for the university. She noted that Achieving Strategic Academic Priorities, the new academic plan led by the Provost, and a new strategic research plan, led by the Vice-Principal (Research and International Relations), will chart intertwining paths for the university's development. On the Principal's Task Force on Diversity, Excellence and Community Engagement, the Principal reiterated the recommendations and stated that the Provost will release a draft Administrative response and related commitments to these recommendations in the coming months.

With respect to the Strategic Reframing Initiative, achieving the broad strategic aims of our new strategic plans and the Task Force will require finding new resources, and realigning existing ones to advance our priorities. To do this, we require nothing less than a renovation of the administrative operations of the university. There remains too much bureaucracy in many of McGill's operations, as well as unmet needs in some areas where outmoded operational approaches continue. She reminded Senate that last year McGill launched the Strategic Reframing Initiative, or SRI, to decrease bureaucracy and modernize our administrative processes. The goal is to streamline costs and diversify revenue sources, enhancing our research, scholarship, teaching and services and achieve systemic improvements in our administrative culture and operations. She informed Senate that the SRI initiatives are likely to see a first positive impact on our budget beginning in FY2013.

In regard to McGill's research and scholarly performance, the Principal made particular mention of a group of linked SRI initiatives to enhance services and support to McGill researchers and boost McGill's research performance. Last year, the SRI working group on research performed fact-finding and competitive analysis to determine where we should focus our efforts for

maximum benefit. We know that McGill's research talent is \ nationally and internationally well-ranked, as the accomplishments outlined in the Principal's report demonstrate. In 2010, for example, 13 McGill researchers became Fellows of the Royal Society of Canada, the most of any university. As Senate saw in Vice-Principal Goldstein's report on research performance last month, McGill does well in discoveries and activities early in the innovation process. But in this competitive and global environment, talent and ideas are not enough. A more coordinated, strategic approach and enhanced support and services will ensure McGill receives a share of recognition and funding commensurate with our talent and ambitions.

On working with the government, she stated that McGill would continue to work strategically this year, through appropriate channels, to ensure that government funding for fellowships and student aid, basic education, research and infrastructure continues to grow, and that the government policy environment supports high quality innovation, higher education and research. McGill still faces serious capital challenges. The Quebec government has made significant increases to infrastructure investment in recent years but faces considerable challenges to repair infrastructure across the province. For students, McGill is advocating, as has been done in the past, for fair and equitable student aid that is available broadly to all students who study in Quebec, as well as reiterating that the fees our students pay reside at McGill, and requesting that appropriate funding be made available to be able to deliver innovative programs and key services.

Referring to McGill's financial position, the Principal noted the \$400 million infrastructure gap threatens our ability to fulfill our mission. The market continues to negatively affect endowment and pension funds at McGill, as at other universities and organizations. Philanthropic giving and government investment are a continuing challenge. McGill's pension fund has been severely affected by the economic downturn, requiring the University to contribute \$4.8 million from operating budget to meet the pension fund obligations. McGill's situation is far from unique. In fact, relative to other Canadian pension plans, McGill's pension fund has a solid performance. If we turn from the worldview to Quebec, we see that Quebec universities have the lowest average operating funding per student of any province.

The Principal noted that we need to provide a level of support to ensure that any qualified student, regardless of financial means, can attend McGill. All aspects of student life and learning, including innovation in program delivery and expanding student research, international and internship opportunities, must continue to improve and grow. She stated that the dedication and talent of the McGill community has realized enormous gains – and we must continue to punch above our weight.

The Principal ended her report by stating that in all these areas, and the many others stemming from our strategic planning, we need to turn our ambitions into actions. We must evolve and in some cases transform, and we need to deliver and be accountable for our mission, to society, to our major sponsors and to government, for there are many other worthy causes for government to support with its scarce resources.

In response to a question from Senator Richard, the Principal stated that this report would be available on her website soon.

Senator Crawford noted that although student enrolment is on the rise, the work of teaching assistants is not. The Principal expressed that McGill values the work of teaching assistants and that there were currently discussions underway at the negotiation table.

In response to Senator Janda's question regarding our financial difficulties and the work of the Strategic Reframing Initiative, the Principal noted that by undertaking a multi-year look at how we are doing things, we can refine our systems and be more efficient in the way we do things. The Principal also noted that in doing this exercise, we can also focus our energies in how we will endeavour to seek additional funding from various sources. The Principal noted the work of Dr. Pierre Moreau in this initiative.

Senator Pেকেles asked what financial impact the strike would have on this year's operations. The Principal informed Senate that the provincial government will hold back from its operating grant to McGill the amount in salaries that have not been paid to employees who are on strike,; depending on the outcome of negotiations, there could be additional financial implications.

3. Association of American Universities Data Exchange/Collaborative on Academic Careers in Higher Education Survey Presentation (D11-11)

On a motion duly proposed and seconded, item 3, the Association of American Universities Data Exchange/Collaborative on Academic Careers in Higher Education Survey Presentation was deferred to the next meeting.

Senator Nassim asked whether the results of the full survey could be made available for the next meeting.

4. Annual Report of the Committee on Student Services (D11-12)

On a motion duly proposed and seconded, item 4, the Annual Report of the Committee on Student Services was deferred to the next meeting.

5. Annual Report of the Committee on Enrolment and Student Affairs (D11-13)

On a motion duly proposed and seconded, item 5, the Annual Report of the Committee on Enrolment and Student Affairs was deferred to the next meeting.

6. 431st Report of the Academic Policy Committee (D11-14)

The Provost presented this report and addressed questions regarding the extent of the proposed mandate for this centre.

On a motion duly proposed and seconded, Senate approved the proposal for the creation of the Indian Ocean World Centre (IOWC)/ Centre d'études du monde de l'océan Indien (CEMOI) in the Faculty of Arts and so recommended to the Board of Governors.

7. Report of the Nominating Committee (D11-15)

On a motion duly proposed and seconded, Senate approved the recommendations contained in the Report of the Senate Nominating Committee (D11-15).

8. Annual Report of the Senate Committee on Physical Development (D11-16)

The Associate Vice-Principal (University Services) presented this annual report and provided his input on the Committee's new structure since its reform in 2009.

9. Other Business

There being no other business to deal with at the meeting, on motion duly proposed and seconded, the meeting adjourned at 6:05 p.m.

END

The complete documents, including presentations at Senate, are kept as part of the official minutes.

Petition read by Senator Barney

Appendix A

We are McGill

On September 20, 2011, Provost Anthony Masi and Vice-Principal Michael di Grappa issued a communiqué concerning classes being held off-campus during the MUNACA strike. This followed an incident a week earlier in which a McGill professor was threatened with suspension for carrying out her academic duties by teaching off-campus so that she and her students would not have to cross the MUNACA picket line. The message from the Provost and the Vice-Principal was clearly intended to justify this threat in the eyes of the McGill community, and to intimidate other faculty members who might be contemplating similar action in support of their MUNACA co-workers.

In presuming to express “McGill’s position” on this issue – as if the senior Administration were identical with the University—the Provost and the Vice-Principal selectively invoked regulations which they interpreted as requiring that academic duties be performed on campus. They also suggested that professors who teach off-campus during the strike are failing in their obligation to students by inconveniencing them and exposing them to unsafe learning conditions.

We reject all of this.

Teaching off-campus during strikes is a practice with a long and noble history at North American universities, one that allows faculty members and students to respect their co-workers, and their own consciences, while still meeting their obligations to each other. The Administration’s aggressive disregard for the integrity of this practice displays the very same lack of respect for the University’s diverse constituents that has characterized its treatment of McGill’s unionized support staff.

We, the undersigned, call for the immediate removal of the threat of suspension against professors who teach their classes elsewhere while the campus is being struck and picketed. Our commitment to our students demands more than providing for their immediate convenience; it requires that we also commit to each other to protect the university as a space free of arbitrary authority and coercion.

We are members of the McGill community who believe in academic freedom, freedom of conscience, decent working conditions and fair compensation for everyone who works at the University. We respect the dignity of our co-workers. We believe in collegial governance. We are McGill.