SENATE
McGILL UNIVERSITY

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

PRESENT:

Aitken, Ellen
Algieri, Stefano
Angus, Adrian
Bhatt, Vikram
Blachford, Gregg
Blackett, Adelle
Borkotoky, Aneerudha
Boulet, Benoit
Bracewell, Robert
Burgoyne, John Ashley
Burns, David
Cartwright, Glenn
Champoux Williams, Lynne
Cooke, Rosemary
Dear, Judy
Etemad, Hamid
Everett, Jane
Fujinaga, Ichiro
Gehr, Ronald
Gowrisankaran, Kohur
Grant, Martin
Harpp, David
Henderson, Ian
Henderson, Jim
Hobbins, John
Holdsworth, Phillip
Itzkowitz, Jake
Jean-Claude, Bertrand
Jonsson, Wilbur
Karmouty, Harry
King, Daniel
Kreiswirth, Martin
Kurien, John
Labban, Margaret
Levin, Richard I.
Lewis, Brian

Low, Bronwen
Lowther, David
Luther, Ryan
Manfredi, Christopher
Martin, Erica
Masi, Anthony C.
McIntosh, Matthew
McLean, Donald
Mendelson, Morton J.
Moore, Timothy
Munroe-Blum, Heather *(Chair)*
Ngadi, Michael
Oong, Daniel
Oxhorn, Philip
Paré, Anthony
Pelletier, Johanne *(Secretary)*
Peterson, Kathryn
Pierre, Christophe
Quaroni, Enrica
Richard, Marc
Roulet, Nigel
Roy, François R.
Ryan, Dominic H.
Schmidt, Janine
Sedgwick, Donald
Steinhauer, Karsten
Stroud, Sarah
Tallant, Beverlea
Todd, Peter
Van der Vooren, Jessica
Wade, Kevin
Waugh, Sean
Yu, Qing Jane
Zannis-Hadjopoulos, Maria

REGRETS: Ian Butler, Franco Carli, Roshi Chadha, Ronald Chase, Frances Ezzy-Jorgensen, Nicholas Kasirer, Frederick Kingdom, Pamela Lai, Chandra Madramootoo, Gary Pekeles, Richard Pound, Robert Rabinovitch, Bernard Robaire, Michael Smith, Denis Thérien, Manon Vennat.

SECTION I

1.   **Report of the Steering Committee**

The report of the Steering Committee (07-08:07) was received.

Item 1. Approval of Minutes of Senate. On motion duly proposed and seconded, the minutes of the meeting of February 13, 2008, were approved.

Item 2. Degrees and Diplomas, for information.

Item 3. Speaking Rights, Senate, on motion duly proposed and seconded, granted speaking rights to Professor William Foster for item B3 (Policy Amendments - Tenure Regulations), and to Mr. Marc Weinstein for item B4 (Presentation on Campaign McGill).

Item 4. Approval of Minor Amendment. On motion duly proposed and seconded, Senate approved a minor amendment to the Course Evaluation Policy brought forward by the Deputy Provost (Appendix B).

Item 5. Research Time Stipends, for information. Steering Committee requested that the Provost speak to any follow-up action resulting from the question to Senate on October 10, 2007 on Research Time Stipends. The Provost responded by stating that it is the right of individual members to apply for research time stipends, and the University is encouraging that when they are applied for, they will be accepted as part of the application. Professor Paré inquired if the University would disseminate standard guidelines for people who wish to apply for research time stipends. The Provost responded that they had not designed such guidelines yet, as they had not had a chance to think about how they would make guidelines that would reflect the specific situations of the different faculties, departments and individual positions. Each case must be considered at the local level. Deans are expected to make the process for RTS public within their faculties.

Item 6. Information Items, for information.

2.   Adoption of the Agenda

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

3.   Chair's Remarks

The Principal opened her remarks by thanking those who had attended Town Hall, the second of the year, the previous day. It was held in the University Centre, with Deputy Provost Morton Mendelson acting as moderator. There was a good turnout of faculty and staff as well as students. The feedback was that the University Centre should be kept as a venue, at least for another one or two Town Halls, to allow students to participate fully. Town Halls provide the Principal with an opportunity to interact with members of our community who do not interact with members of the senior team on a regular basis. The Principal indicated she received very good input on timely items, ranging from the importance of student athletic activities, to the challenges facing our doctoral students and our researchers. We will not be holding another Town Hall this year, but the aim is to return to three Town Halls next year.

The Principal congratulated Dr. Graham Bell, James McGill Professor of Biology, who has been named one of three finalists for the Natural Sciences and Engineering Research Council's Gerhard Herzberg Canada Gold Medal. Dr. Bell is a pioneer in the use of experimental

methods to study the evolution of microbial populations in real time. His latest work is aimed at predicting whether and how populations will adapt to global change. Named for Canadian Nobel laureate Gerhard Herzberg, the annual prize is widely recognized as the country's most prestigious science award. The Medal, which will increase the winner's research funding to $1-million over the next five years, will be awarded at a ceremony in Ottawa on March 17.

The Principal mentioned that two of this year's 10 Killam Research Fellowships were awarded to McGill University researchers. Stephen A. Smith, William Dawson Scholar in the Faculty of Law was awarded a Killam Fellowship for his studies in legal theory. Henri Darmon, James McGill Professor of Mathematics was awarded a Killam Fellowship for his research on algebraic number theory. The Killam Fellowship is administered by the Canada Council for the Arts, and is considered among Canada's most distinguished research awards. It has a value of $70,000 a year and enables Canada's best researchers to devote two years to full-time research.

The Principal also noted that this past December, two McGill professors were appointed Members of the Order of Canada: Professor Margaret Becklake, Faculty of Medicine, for her pioneering work in respiratory medicine and epidemiology, and Professor Armand de Mestral, Faculty of Law, for his contributions to teaching and to the development of Canadian constitutional law and international economic law.

The Principal added that these are all great examples of the exceptional talent across our two campuses and in our affiliated teaching hospitals and represent only a sampling of the awards recently conferred.

Last month, more than 250 people from McGill's research community and special guests of the University gathered at the Montreal Science Centre in the city's Old Port for Applause 2008, an annual event. The gala evening, hosted by Vice-Principal Research and International Relations Denis Thérien, celebrated prestigious awards received by McGill researchers in 2007 and also offered a first-hand look at some of the most exciting current McGill research projects. The evening's keynote speaker was former Canadian Prime Minister the Right Honourable Joe Clark, who is a Professor of Practice at McGill's Centre for Developing Area Studies.

The Principal stated that government relations are intense and that she cannot recall as dynamic a government policy environment over the last 15 years. One of the great challenges at both the national and Quebec level is that there is more dissembling among the universities about what the policy priorities should be. Governments face many competing lobbies and the members of a group must be able to speak with a common voice or they will be passed over.

At the federal level, the government did not in its recent budget announcement invest at the scale we would have liked, but it did create new programs and topped up those that reward excellence The Principal said McGill applauds the establishment of 20 Canada Global Excellence Research Chairs. These will fund innovative researchers and their teams, for up to seven years - without the requirement to reapply within that period - and for up to $10M, and will be offered in the four priority areas targeted in the Government's science and technology strategy: the environment; natural resources and energy; health; and information and communication technologies. We are working to ensure that those areas are defined broadly enough to allow room for the social sciences and humanities areas to participate.

The Principal discussed the newly created Canada Student Grants Program, a needs-based, non-repayable student assistance grant program replacing the Canada Millennium Foundation Scholarship Program. The new program will provide $350 million per year in funding, increasing

to $430 million per year by 2013. Provinces that have opted out of the Canada Student Loan Program can opt out of this program under the same terms and conditions. We will monitor how Quebec implements its own program if it chooses to opt out.

The Principal stated that there has been progress in federal government commitment to reducing bureaucracy with respect to immigration processes for international students, both for getting them into the country and allowing them to find work. Also, the creation of the Vanier Canada Graduate Scholarship Award will provide 500 internationally competitive doctoral scholarships to talented Canadian and international students. These awards will each be worth $50,000 per year for up to three years.

The Principal mentioned that we were pleased to see a $20 million endowment to enhance the Gairdner International Awards to promote exceptional achievement in health research. It is the Canadian international award program that is most often recognized as being in the same league as the Nobel Prize.

The Principal said that the two main sources of disappointment in the federal budget were that, first, an $80 million increase across the three federal granting councils is not enough. She stressed however that McGill researchers need to apply wherever they can to optimize these research funds. The second source of disappointment was that only $15 million was committed to the Indirect Costs of Research Program, which leaves McGill under-supporting the services and infrastructure that are key to its work.

The Principal added that the Quebec budget announcement was expected to take place the following week. On Monday, she and Vice-Principal Public Affairs Michael Goldbloom participated in Premier Charest's Day of Reflection, a day-long session on "how to increase new economic space" for Quebec. It was a great opportunity to interact with cabinet ministers and colleagues from the private sector and other organizations. She stated that we know that $187 million of the federal transfer Quebec will receive for 2008-09 will be going to post-secondary education. We do not yet know how the money will be divided between universities and CÉGEPS, but we are doing our best through CRÉPUQ to advance the interests of universities.

Regarding the matter of ancillary fees, the Principal thanked the student groups for working closely with the administration to present common cause. She said that the University feels that this issue is another expression of government intrusion on university autonomy. She added that it was unfortunate that the rector of the Université de Montréal came out with his own opinion piece on student fees this past weekend, contrary to an agreement with CREPUQ on how to manage this issue.

The Principal announced that the McGill Martlets, winners of the Quebec conference title, will travel to Ottawa in search of their first-ever CIS women's ice hockey national championship title, from March 6-10. The McGill Redmen have also won their conference title, and will playing for the CIS men's national championship title in Moncton, from March 20-24. She offered congratulations to these talented men and women for making it this far and wished them all the best.

SECTION II

PART "A" – QUESTIONS AND MOTIONS BY MEMBERS

1. Question re Administration, Governance and the Role of Senate

On the invitation of the Principal, Mr. Angus asked the following question:

PREAMBLE:

Over the past few months, in several forums, the Principal has discussed the relationship between administration and governance at McGill. The Principal gave an excellent and informative presentation on her views on this issue at Senate Nominating Committee. The reason I pose this question to the administration is so that the administration has the opportunity to share its views with Senate. In my opinion, all Senators would benefit from such a presentation, helping us understand the role of this institution at McGill.

The statutes state that the Senate "shall exercise general control and supervision over the academic activities of the University, with special reference to the development of the curriculum and courses of study in the several faculties and schools" and "shall examine and make recommendations concerning any project involving the academic policies of the University or any faculty or school or the establishment of any academic building" (McGill University Statutes).

The administration's conception of these statutes is integral to its model of administration and governance.

QUESTION:

Can the administration give its interpretation of these statutes, the role of Senate and the relationship between governance and administration as it relates to the McGill Senate?

The Principal responded as follows:

Thank you, Senator Angus, for the question.

Clearly, this is a question of considerable interest for our community, and one that in some respects is a work in progress, and one that we will continue to work on in order to ensure that McGill functions in an optimal way to support the pursuit of our mission of excellence in teaching, research and service to the community by students, academics administrative and support staff, and indeed all those associated with our University. For this reason, we continue to work, with our Secretary General, Johanne Pelletier, and members of Senate and Board, to reinvigorate and optimize the role of our governing bodies.

When I joined the University in 2003 as Principal, I was struck by the ways in which our administrative and governance structures reflected a fusion of responsibilities, and sometimes a confusion of responsibilities, with senior administrators often taking responsibility quite autonomously for policy development, and Senate and Board involved in the day-to-day management and administration of the University.

Because of this, and indeed in the six months prior to formally assuming office, the wide-ranging consultations that I did on our campuses that raised the question of governance, I initiated early on in my first term a review of our governance structures, beginning in the first year with a review of the Board of Governors in the Spring of 2003, against a backdrop of governance developments worldwide taking place at the time, including an increasing public interest, and, I might add, government interest, in accountability and transparency. Our obligation was and

remains to be vigilant about our governance practices to ensure that they meet the rigorous expectations and standards emerging in public discourse. It is only this – having high standards of governance – that allows me to be quite assertive with government, for example, or others, when they try to intrude on our autonomy.

This attention to good governance is not new to McGill - in the late 1960s and early 1970s, McGill demonstrated an avant-garde sensibility about governance issues, as well as leadership in reviewing its governance structures. Despite a leadership role in defining a university model of good governance, McGill fell behind other universities in developing its academic administrative framework – distinct from its governing bodies – that would define strategic direction and manage the University's functions. These matters – both the strategic direction and the day-to-day management – fell to our governing bodies by default, and resulted increasingly in some confusion about governance and administration that I inherited in 2003.

This is not to suggest that McGill's administration between the early 1970s and 2003 was derelict in any way in fulfilling their duties – our legacy of academic and non-academic administration of the University is strong. It was simply more traditional than the models that many other peer universities had moved to over the same period. In our history, there is a legacy of governing bodies whose roles evolved historically to include active management in matters which are not governance but administration. Our emeritus colleague, Dr. Stanley Frost, said that this arose out of the fact that we were viewed to be a private university, i.e. completely independently funded from provincial government but not federal government right up until the early 1960s, when the Quebec university system was created. And at that time all universities: Bishop's, Laval, Université de Montreal and McGill, folded into the Quebec university system so that we became public in the provincial sense as well as in the federal sense. But prior to that, for almost 150 years, the governors sat around the table – remember we were founded on a benefaction with a notion that whatever the delta was between what we desperately needed and what we had, the governors would pull out their cheques and take care of. You can imagine the confusion that might arise historically in that kind of a context.

Our governing bodies are critical in their provision of oversight, on policy creation and direction, looking at whether or not we are implementing policies as an administration as the governing bodies have determined they should stand and on providing an invigorated forum for administrative accountability. They are not, however, to be active in the day to day management – indeed the administration – of the University.

This confluence of governance and administrative roles is not entirely unique to McGill, and may have indeed been a consequence of a lack of understanding of the proper role of governance and a formal understanding of governance, and, more critically, of the responsibility of the administration to determine strategic direction and lead, as well as to make decisions on matters related to the daily functioning of the University.

To be as clear as possible on the statement of principle, the role of a University's academic administration is to develop a strategic vision, set key priorities, and manage the University, including the implementation of the policies set by our governing bodies.

The role of our governing bodies is to provide advice in relation to that strategy, provide oversight to ensure the accountability of the senior administration in its management of the University – each of the two governing bodies on its respective theme – to give policy guidance on academic matters for the Senate, and financial and related matters for the Board of Governors.

The work we have undertaken and are continuing to undertake to modernize governance functions and structures seeks to ensure the effective, transparent and accountable functioning of the University by, among other things, clarifying the respective roles of our governance bodies, Senate and Board, and clarifying the roles and responsibilities of the administration of the University. This means positioning responsibility and accountability for setting strategic directions and managing the University within the administration. This includes the allocation of monies once the budget has been approved in overarching terms by the Board of Governors. This also means restoring an invigorated governance role to Board and Senate, including, in accordance with the functions of each of these bodies, oversight of accountability in relation to financial and human resources matters, and the setting of academic policy to guide the administration.

Our work on the modernization of governance structures began with the Board of Governors review that was completed in 2005, and continues with the review of Senate Committees and their roles in fulfilling Senate's mandate to provide general oversight in relation to the academic activities of the University.

As you know through your own experience, Senate serves as a critical source of engagement on the range of matters that shape our academic community and academic life at McGill. The specific elements of Senate's mandate include: the nature of the curriculum or course of study in the different Faculties and Schools; the approval of requirements for degrees diplomas and certificates offered by the University; the granting of all degrees, both in course and honorary, and all diplomas and certificates offered by the University; as well as the making of recommendations concerning any project involving the academic policy of the University;

More broadly, Senate serves as a forum – and this very importantly – for engagement with members of Senate as representatives of the community on the heart of our mission as a University. Senate provides assistance and information and support to the senior administration in its management of the university, by acting as a sounding board and a source of institutional memory, and constructive and critical feedback as is helpful within that context. As we work on the review of Senate committees, one of the concerns of Senate that was raised in 2003, at the time of the Board of Governors review – one of the dramatic changes in the operation of the Board of Governors was in its structure, where we moved from 65 formal members of the Board to 25 – was will Senate be next, and is it a goal of this administration, and in particular the Principal, to take down the numbers of Senate, when we moved sequentially to a review of Senate. I asserted at the time, and I want to assert again, that there is no interest at all in having fewer members of Senate. In fact, it feels like a terrific framework, both on the constituency representation and the numbers that we have, and I welcome the fulsome participation of the members of Senate and I think that in that respect McGill has much to be proud of. Many of you who have come newly to McGill will have sat in different Senate chambers where the majority of members did not routinely show up for Senate meetings as they do here.

Thank you.

The Principal opened the floor to supplemental questions and comments.

In response to Mr. Itzkowitz, the Principal confirmed that her remarks would be included in their full length in the Senate minutes.

2. Question re Career Services

On the invitation of the Principal, Mr. Borkotoky asked the following question:

PREAMBLE:

In an independent survey conducted by the Student Society of McGill University, only 25% of graduating students surveyed responded that they felt well prepared to enter the workforce. In another survey conducted by the Globe and Mail, students rated the quality of career services across the university as worthy of C+.

The above information would either imply that students do not think that McGill places sufficient emphasis on helping students make the transition from McGill into the workplace or graduate school, or that students do not think that career services at McGill are up to the university's high standards in other areas. Career services matter to students for two reasons: they are a service to students – students look to career services when selecting which university to come to – and they are also a critical means by which we provide a service to our alumni.

QUESTION:

What does the administration believe to be the role of career services in a research intensive university that "does not provide applied training"[1]?

Does encouraging "student success" at McGill (as outlined in the Report of the Task Force on Student Life and Learning) include improving the employability of students so that they can make a successful transition to the workplace?

Does McGill track the career path of alumni over time? If not, does the university intend to conduct graduate destination surveys in the future?

In the context of Campaign McGill, what efforts are being made to leverage our extensive network of successful alumni to help students feel better prepared to enter the workforce?

The Principal invited the Deputy Provost to answer. Professor Mendelson responded as follows:

I want to thank Senator Borkotoky for giving me the opportunity to address the progress that is being made in the area of career preparation at McGill. I'd also like to thank Gregg Blachford and Honora Shaughnessy who have each contributed information to help me respond to Senate.

Although applied training is not the goal of many programs at McGill, the University is still committed to ensuring that students have opportunities to help them reach their career goals – that is, to help them improve their own employability, if that is what they are here to do. Indeed, many faculties and schools at McGill help students make the transition to employment in a variety of ways:

1. *Many professional programs have compulsory practica or "stages" that are essential for entering the profession.*

2. *Some faculties have courses related to entering the professional world, such as Engineering and Music.*

3. *Many faculties provide academic credit and/or transcript recognition for optional internships and help students find appropriate internships, for example, through the Internships Office of the Faculty of Arts. Internships help students gain the skills needed to make career decisions and provide networking opportunities that help them get jobs upon graduation.*

4. *In cooperation with student associations, several faculties have set up their own Career Centres, such as the faculties of Law, Management, and Engineering.*

5. *We have also set up a McGill Internship Offices Network and a McGill Careers Network to ensure coordination across the University, a common face to outside employers, and non-duplication of services across the various offices that are doing similar work.*

6. *McGill now offers students a new job-search and career-tools suite (called "myFuture"), which was made available to students on February 24th and which had over 3,000 students sign in during its first week. This successful initiative is the result of close collaboration between the Project Management Office in Information Technology Services and Career and Placement Services (CAPS), the Engineering Career Centre, and other administrative units.*

7. *Dean Martin Kreiswirth is advocating a role for Graduate and Postdoctoral Studies (GPS) in providing graduate students a range of services to help them become more employable, whether in the academic or non-academic fields. As an example, GPS is working very closely with CAPS to ensure that graduate students' needs can be met in that unit.*

8. *Many departments take the initiative to work directly with CAPS and/or their own faculty career centre to organize events such as Career & Graduate School Panel Discussions which bring alumni to McGill to talk about the academic and professional options available to students upon graduation.*

That's a suite of things that are going on at McGill, and there are others that could be included. Unfortunately, McGill does not currently have a university-wide mechanism in place to track the career progress of graduating students and alumni over time. However, representatives from Enrolment Services, GPS, the Planning and Institutional Analysis Office, CAPS and Development and Alumni Relations will be meeting later this month to begin discussions on how such data can be gathered.

In answer to the final question, the McGill Alumni Association (MAA) has recently enhanced its programs to strengthen and expand the ties between students, graduates and the University and now offers a number of programs to help prepare students for the workplace:

The McGill Mentor Program is a partnership of MAA and CAPS. Matches between "mentees" and mentors officially last one academic year and the student and mentor decide on the nature of communication and the frequency of contacts. So far in 2007/2008, there have been approximately 300 alumni-student matches.

Backpack to Briefcase is a program that is now in its third year of operation. It is a series of special workshops and lectures presented by the MAA to help prepare students for the workforce and life after McGill. In 2006, the program was expanded to a month-long format, with close to 400 students participating. The series now incorporates multiple CAPS panel discussions, career fairs and workshops that were formerly advertised under CAPS Career Month.

Through its Alumni Branch network, MAA offers networking receptions, which provide an opportunity for recent graduates to interact with professional and business alumni.

Finally, MAA offers volunteering opportunities - both paid and unpaid – to students. Some of these include volunteering at alumni events, which enable current students to meet and interact with graduates in the workforce.

The Principal thanked Professor Mendelson for his answer and opened the floor to supplemental questions.

Dr. Karmouty mentioned a recent survey aimed at post-docs, where many stated that they were dissatisfied with the level of career advice available. Many participants were unaware of CAPS, or had not used them. Of those who had used the service, many did not find it beneficial. He stated that they would like to see an improvement in access to CAPS and noted that although career fairs and events are open to post-docs, they are infrequently advertised to them. Dean Kreiswirth responded that GPS had recently received the responses to the survey and was looking at ways in which they can help further with those kinds of issues. He stated that it was important that post-docs, as well as graduate students, are given the kinds of services that are needed to enhance their opportunities beyond their time at McGill.

Professor Tallant asked how long CAPS assist with career placement following graduation. The Deputy Provost replied that new graduates are eligible for CAPS services for one year. Mr. Blachford added that for a fee of $50 per semester, they may access these services for a further two years, for a total of three years.

Ms. Champoux-Williams asked if McGill ensures that emphasis is placed on skills transferable to the workplace, and if so, how. Dean Todd responded that, in the Desautels Faculty of Management, among other faculties, there are advisory boards and other groups that provide input to the curriculum, which is useful in determining how to build the right kinds of programs to meet the market. The Principal added that, in professional faculties, there is an emphasis on thinking about this match. She added that while McGill does not see itself as a training ground, our commitment to making the university experience a productive one, and one that positions students well for what comes afterwards, is something that we take very seriously.

3. Question re Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law

On the invitation of the Principal, Ms. Martin asked the following question:

PREAMBLE:

The Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law (approved by Senate December 7th, 2005) reflects important principles valued throughout the McGill community. This policy is an integral part of the University's self governance and

therefore must be both implemented fairly and be seen to be fair. Several groups have raised questions on the policy, and we were hoping to allow the Administration an opportunity to clarify these issues.

These issues include Section 5.5.3, "Where the Provost agrees with the recommendation of the Assessor that disciplinary measures are justified, the Provost shall:
ii) institute disciplinary proceedings", specifically how the Administration defines "institute".

Another issue is McGill's definition of sexual harassment in Section 2.9, which states that for Conduct of a Sexual Nature to be met as described in Section 2.5, the section requires "intent in whole or in part". Therefore the policy requires the presence of intent, in whole or in part to be necessary for sexual harassment to have occurred. This differs from the Université de Montréal, Queen's University and our colleagues in the Ivy League .

QUESTION:

What are the prerogatives of the Provost in instituting disciplinary procedures? Does this require starting formal disciplinary hearings?

What opportunities for appeal exist in this process, including external appeals?

Does this differ from other processes of the University which contain several levels of appeal?

When there is a question as to interpretation of this policy, with whom does the power of interpretation lie?

Why does McGill's definition of Sexual harassment require "intent, in whole or in part" which is different from the definition of the Université de Montréal, Queen's University and our colleagues in the Ivy League?

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

Thank you, Senator Martin, for your question, and the opportunity to clarify some of the concerns that you have raised. The questions posed by Ms. Martin concern the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law, a relatively new University Policy which was the product of broad consultation from the various constituencies comprising the University Community. There were numerous reviews and much iteration over a number of years before it was approved by both Senate and the Board of Governors in December of 2005.

The Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law, applies to all members of the University community and is aimed to strike an appropriate balance between the rights and interests of complainants and respondents, and the obligation of the University to address such matters.

The Policy provides for a confidential and expeditious process of investigation of a formal complaint. However, before a formal investigation is started by the Assessor, the policy encourages an informal resolution between the parties. Consequently, there for four possible steps in the handling of a complaint:
1) informal consultation with an Assessor by a potential complaint prior to the initiating a complaint;

2) *informal resolution of a complaint once initiated but prior to the investigation of the complaint;*
3) *informal resolution of a complaint following an investigation; and*
4) *as a last resort, formal resolution of complaints.*

Only on the conclusion of step 4 does an Assessor submit a written report to the Provost.

Before turning to Ms. Martin's questions, it must be stressed that potential complainants are not compelled to utilize the Policy's mechanisms for complaint resolution – although in passing this policy it is hoped that they will do so. Except where a mutually acceptable resolution has been reached (section 1.3), which is evidenced in writing and witnessed by the Assessor, all complainants retain their right to pursue their complaints through other formal internal or external channels. Both complainants and respondents are advised of this right, and of the other formal internal and external channels available, when they meet with an Assessor.

To turn now to Ms Martin's specific questions:

QUESTION 1: The Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law gives the Provost the "discretion" as to whether to accept the recommendations of an Assessor. Where the Provost, after careful review of, and reflection on an Assessor's report, decides not to accept the Assessor's recommendations, the Provost must notify the parties in writing and provide reasons for that decision.

Where the Provost determines that discipline is appropriate in a case, he also notifies the complainant and the respondent as well as the appropriate disciplinary officer. The process of discipline is instituted by the disciplinary officer in accordance with the policies and procedures applicable to the person who was found to be at fault.

QUESTION 2: There is no "appeal mechanism" within the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law. Once the Assessor has delivered the written resolution of the complaint which ends the matter internally, or produced the report and the Provost has rendered a decision on the recommendation made to him, the matter is closed in so far as the Policy is concerned.

Again, unless there is a mutually agreeable resolution, nothing in the Policy prevents a complainant from pursuing his or her complaint in front of another internal or external body or tribunal. As well, there is nothing which prevents the respondent from internally appealing a sanction that may be imposed.

For example, a student complainant would have the option of initiating a grievance against the respondent under the McGill Code of Student Grievance Procedures for violation of the McGill Charter of Students´ Rights. A student respondent would have available the option of contesting the disciplinary sanction under the Code of Student Conduct. Similar, not identical, options are available to other members of the McGill community.

QUESTION 3: The short and obvious answer is yes and the policy outlines a method of investigation which may lead to a decision to impose or not to impose a disciplinary measure. The internal appeals procedures available to the individual are not affected or modified in any way.

QUESTION 4: The Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law states that it is to be interpreted "in a manner that is consistent with the goals given in the "Statement of Principles," as well as the provisions of the Civil Code of Quebec, the Quebec Charter of Human Rights and Freedoms, and the Labour Standards Act of Quebec."

As with any policy, the persons charged with responsibility for their implementation will seek advice if issues of interpretation arise, especially if they lack familiarity with particular terminology, especially as used in the law. However, ultimately the interpretation of a particular term is the responsibility of the person charged with making the decision.

QUESTION 5: The definition of sexual harassment and conduct of a sexual nature as appearing in the Policy was carried over from the previous policy entitled Regulations Concerning Complaints of Sexual Harassment. No concerns were expressed with the definitions during the consultations leading to the current Policy – nor when the current Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law was received and approved by Senate and the Board of Governors.

These definitions vary slightly from other comparator institutions – many make reference to the laws that exist in their jurisdictions, as our policy does. Many of the policies indicate context of behaviour as compared to intent. I am not going to be able to review, for Senate here, all of the possible differences in those variances. We do have a file folder on them and all of the URLs can be made available if you would like to look at all of the comparator institutions. I would stress that McGill University has been mindful of the requirement to be consistent with the Quebec law (i.e. the provisions of the Civil Code of Quebec, the Quebec Charter of Human Rights and Freedoms, and the Labour Standards Act of Quebec) on this matter and to respect of the interests our particular community and its policies.

4. Question re Dissemination/Availability of Scholarly Articles by Faculty Members

On the invitation of the Principal, Mr. Burgoyne asked the following question:

PREAMBLE:

The Faculty of Arts and Sciences of Harvard University recently voted to license the university to disseminate all scholarly articles from their faculty members through an open-access online repository and, although the authors will maintain the copyright on their articles as previously, to act on their behalf where necessary to exercise copyright. Unless the authors request a waiver, all faculty-authored articles will be submitted to the provost for inclusion in this repository.

In the official press release (Harvard University Gazette, 13 February 2008), Harvard University Provost Steven E. Hyman describes the motivation behind this legislation: "The goal of university research is the creation, dissemination, and preservation of knowledge. At Harvard, where so much of our research is of global significance, we have an essential responsibility to distribute the fruits of our scholarship as widely as possible." Recognizing the role that Canadian universities play in our society, the Canadian Federation of Students has expressed a similar motivation for encouraging all institutions of higher education in this country to allow open access to their research.

QUESTION:

1. How much of the research published by McGill researchers is submitted to our own eScholarship@McGill repository and how does the Library encourage faculty and students to disseminate their work using this repository?

2. Does the University maintain a list of journals that allow authors to distribute their articles freely online after publication (or reasonable time lag following publication)?

3. How, if at all, does the University promote publication in such journals and other open-access channels?

The Principal invited Janine Schmidt, Trenholme Director of Libraries, to answer. Mrs. Schmidt responded as follows:

Thank you, Senator Burgoyne, for raising such an important question.

QUESTION 1: The eScholarship@McGill http://www.mcgill.ca/library-findinfo.escholarship/ was launched by the Library on October 1, 2007. Since that time, work has been undertaken on the development of the search interface and the addition of e-theses to the portal. As of today, the search interface is complete and the database contains 420 e-prints, which undoubtedly represents a small percentage of the total research output of McGill University. E-prints include articles (often pre-prints and post-prints), conference papers, working papers, research papers, and books and book chapters by members of the McGill academic community.

The Library encourages use of the repository via:
- *Information provided in printed brochures and on the website*
- *Visits and presentations at Faculty meetings and contacts with individual faculty and graduate students by the eScholarship Coordinator and our Liaison Librarians*
- *Presentations by the Director of Libraries and Associate Directors at various sessions for graduate students and faculty, including one this Saturday.*

A new coordinator, Genevieve Gore, was appointed late last year and further activity is being taken to extend the outreach activities. The Library would be pleased to receive further materials to add to the database and thanks Senator Burgoyne, for being the best publicity machine that we have been able to get.

QUESTION 2: The Library consults several internet sites created primarily by European universities which provide information about open access policies and electronic journal publishers. The most important and useful of these is http://www.sherpa.ac.uk/romeo.php. SHERPA (Securing a Hybrid Environment for Research Preservation and Access) is a group of 26 higher education institutions and the British Library in the United Kingdom, and its RoMEO database lists journals and publishers and classifies them according to their status as far as permission for inclusion of articles in institutional repositories is concerned. For example, articles published in Cell cannot be posted as pre-prints. In most cases, even if the publisher will not allow the published version of the article to be deposited into the eScholarship@McGill repository, it is permissible to deposit pre-and post-prints. Some countries are expanding on the publisher and journal information included in RoMEO. We are building our own knowledge about sources not covered in those databases. It is somewhat disappointing that Canada does not have one, and we shall try to take action to encourage that.

Various organizations are also seeking to work together to change the entire process of scholarly communication and in particular to develop alternative copyright arrangements made by individual authors in the first place. The eScholarship Coordinator can provide information to faculty and students on the use of author addenda instead of standard publisher agreements to retain important rights for future use of their own publications. The Library is a member of CARL (Canadian Association of Research Libraries) and ARL (Association of Research Libraries) which sponsor organizations taking action to ensure that open access goals are put in place in scholarly communication and publishing. The two major groups are Create Change Canada http://www.createchangecanada.ca and SPARC (Scholarly Publishing and Academic Resources Coalition) www.arl.org/sparc/. Addenda for use by faculty are available.

QUESTION 3: The topic of Open Access has been addressed in seminars sponsored by the Library in 2004 and in 2007, and the topic has been discussed on many occasions by the Senate Committee on Libraries. The Director of Libraries in addressing the Deans, Faculties and graduate students has also raised the issue. The Library hopes to sponsor another seminar this year on the topic. It would be fair to say that until now there has not been a great deal of enthusiasm for open access initiatives expressed by academic authors at McGill, although there has been a growing groundswell of support for various open access initiatives worldwide since the Budapest Open Access initiative, and similar activities http://www.soros.org/openaccess/; requirements by several research funding authorities that authors deposit the results of their research in some form of open access, including institutional repositories; and the recent resolution by the Faculty of Arts and Science at Harvard announcing an open access policy.

The questioner in raising these issues may well have in mind the possibility of mandating submission of material by academic authors here at McGill. We can place it on the agenda for the Senate Committee on Libraries to come back to the Senate for further discussion.

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

1. 398th Report of the Academic Policy Committee (D07-34)

The Provost presented the Report of the Academic Policy Committee (D07-34).

I. For Approval

D. Academic Performance Issues/Policies/Governance

Item I.D.1, Proposed revisions to McGill's graduation honorifics, the proposed guidelines for faculties wishing to assign the "Distinction" accolade, for implementation at the June 2010 convocation, were approved.

In discussion regarding the proposal, Professor Quaroni asked how it would affect faculty-specific or program-specific designations such as first-class honours. The Provost and Deputy Provost responded that it would have no effect on them. Mr. Sedgwick inquired as to whether the intent was to use the same process for determining the cut-off for "Distinction" that is currently used for Dean's Honour List, which at present is determined in the spring based on those who are graduating in the spring and those who graduated in the preceding fall term, and is applied at the spring and fall convocation. The Deputy Provost responded that the intent was for the designation of Distinction to be applied in the same way as Dean's Honour List is currently applied.

Item I.D.2, Proposed approval paths for new and revised courses and teaching programs.

The Provost explained that the effect of the proposal would be that minor to moderate changes to either courses or teaching programs would not come to APC for routine approval or discussion, only as an information document, and therefore would not come to Senate, except once a year as a report about such changes in a statistical way. Responsibility for changes to courses, and up to moderate changes in programs, would reside at the Faculty curriculum committee level. There would have to be at least some review by the Chair of SCTP to ensure that a moderate change had not become a major change, but this review would not have to go to the full committee. This proposal would eliminate three levels of approval.

Mr. Angus said that while he understood the motivation behind the proposal, he was concerned that SCTP had not been redefined given its new authorities in this document. In his understanding, SCTP is not a committee with representative members of faculty and students. He also voiced concern about the role of the SCTP Chair, and stressed that approval of programs should remain part of the central role of Senate. In a motion proposed and seconded, it was suggested that this proposal should be referred back to APC to reconsider and further define the role of SCTP.

The Provost responded that SCTP exists as a subcommittee of APC, and the terms of reference of APC define the subcommittee; therefore it was clear that APC had delegated a lot of work that was coming forward in a routine fashion. While APC and Senate must play a crucial role in any major changes, this proposal refers to minor changes, and is a way of eliminating unnecessary steps and the bureaucratization of Senate's role. Rather than discussing major changes of substance, Senate is often presented with long reports that it does not review. This proposal will free up time for Senate to discuss major curricular changes, strategic developments and policy directions, and not the wording of a course title which has already been evaluated by a curriculum committee at the faculty level as a minor change. Minor to moderate changes will be screened by a trusted member of the administration and member of APC – the Chair of SCTP – and if there is any question as to whether or not it transgresses the boundaries of moderate change into major change, it will come forward.

Mr. Itzkowitz echoed Mr. Angus' comments, explaining that his concern was with the distinction between minor and moderate changes. He said he wished to have clarification as to how that distinction is made. In addition, he stated that, as policies made today will be in place for many years to come, they must take into account not who is the administrator at this time, but future administrators, and that therefore there should be some review other than the Chair of the subcommittee to say what comes forward and what does not.

Professor Paré spoke against the motion to table. He stated that this was a move to return some of the responsibilities back to curriculum committees in the faculties and departments, which was a good move, not only lightening bureaucratic loads, but shifting responsibilities back to where they should be. He encouraged students to ensure that they have representation on departmental and faculty curricula committees in order to catch these things locally rather than waiting for them to get to Senate.

Mr. Angus said that there needs to be some level of representation from the entire University on one of our core missions, which is what course offerings we are going to provide. He said he did not think that SCTP could perform that necessary function.

Deputy Provost Mendelson explained that there has been a great deal of discussion around this document, which had been 18 to 24 months in the making, with faculties to see what would meet their needs, as well as with SCTP and APC. We are trying to strike a balance, where, on the one hand, we ensure that the responsibility for curriculum development lies where it should lie, and that, on the other hand we are satisfied that there is an appropriate level of university-level oversight for the issues that require it. We want to make sure that we have a process that works as expeditiously as possible, and we want to cut down the time required to make changes that faculties want to have made.

Professor Tallant stated that as the chair of a curriculum committee, she was greatly interested in speeding up the process for course and program revisions. However, as a Senator, she was concerned that we retain some approval process for new courses and programs. She asked if it was possible to split the two approval paths, and approve only the approval path for revised courses and teaching programs, not new ones.

The Deputy Provost clarified that there is no change to the approval processes for either new courses or new programs – those currently come to Senate and will continue to do so. The main change is that there will be a lighter central touch for the approval of revisions to programs.

The Provost further clarified that APC had requested that, in the first year of implementation, every decision come back to APC as a report, to ensure that the Senate committee was not ceding too much of its oversight capacity. He recommended strongly that this proposal not be referred back to APC.

Professor Harpp inquired about the constitution of SCTP. The Provost responded that it is a subcommittee of APC mandated to review courses and teaching programs. This role had originally been part of APC, but the volume of work was so great that it was devolved to a subcommittee. Those subcommittees do not have the same statutory status as the committees of Senate, so the Chair of SCTP is delegated by the Chair of APC to review courses and teaching programs with the committee. The committee itself has deliberated, and felt that it was not adding sufficient value to the revision for courses or minor to moderate revisions for programs.

Professor GowriSankaran asked about the membership of the subcommittee. The Deputy Provost responded that the memberships of SCTP and the other subcommittees of APC are voted upon by the membership of the full committee. When there is a position available on the subcommittee, a proposal for a new member is brought to APC for approval. There are members of faculty and student representation, and individuals from administrative offices who attend as resource people.

Dean Grant stated that he believe he was speaking on behalf of all Deans of the faculties in saying this was a most welcome submission from the Provost and Deputy Provost, and they applaud this move to put the responsibility where the responsibility starts – in the faculties and in the departments.

Mr. McIntosh questioned why program retirements were only considered moderate revisions, as seen recently in the Life Sciences program in the Arts and Sciences degree. The Provost responded that there have been retirements of programs almost every year, often because departments are no longer able either to recruit the required number of students, or to offer the programs within the requirements that were established when they were first proposed. In the case of this specific retirement, it was grandfathered – people in it would be allowed to continue, and an alternative was set up for the Life Sciences in the Faculty of Science that would be available for those students that required it. It was considered minor because it was a minor within a major, and there was no change to the major itself.

The motion to refer the proposal back to APC was defeated. The Secretary-General stated that Mr. Angus' question reflects a thematic discussed at the Senate Review working group. The question pertains to the nature and extent of delegated authority for committees and where the line is drawn as to what one can approve at a committee on behalf of Senate, and what one must bring forward. This matter is under active review. The issue was reviewed by APC last year when its terms of reference were revised with the approval of Senate. There would be no objection for APC to revisit this issue, to clarify the delegated authority.

Mr. Henderson voiced a concern regarding programs that had been introduced at other universities where costs for libraries had been great, and were not taken into consideration. He asked about procedures that would ensure that at an early stage, library considerations would be put into play. The Deputy Provost stated that there were library members on some faculty curriculum committees, and a library member of Senate on SCTP, so library perusal of these new programs exists both at the local level and at the level of SCTP. The Provost added that there has always been a review of the resource requirements for the introduction of new programs, and that resource allocations are discussed as new programs are brought forward.

Mr. Itzkowitz requested an amendment that that this proposal be reviewed by Senate, or perhaps by APC, in three years' time. The Provost responded that he would take this as a friendly amendment.

Mr. Borkotoky asked what criteria the SCTP Chair would be using to determine whether a program retirement is major or minor. The Deputy Provost responded that there were a number of issues, and it would depend on the situation. Some examples would be if there were a large enrolment in the program, or if it intersected with other programs in the faculty or with programs in other faculties. Most of the time, programs end because the enrolment has dropped.

The Principal added that one of the most common issues raised in the context of student life and learning is that of class size. If you look at the distribution of workload across the professoriate, it is clear that one of the challenges is the number of courses we offer and the extraordinary variability in enrolment. She assured the students that this proposal was supportive of the directions that they have been advancing.

The proposed approval paths for new and revised courses and teaching programs were approved, with the provision that a review take place in three years.

III. Approved in the Name of Senate

Presented for information.

IV. For Information

Presented for information.

2. Report of the Nominating Committee (D07-35)

The Provost presented the Report of the Nominating Committee (D07-35).

I. For Approval by Senate

Item 1. Statutory Selection Committees were approved.
a) For a professor in the Department of Pharmacology and Therapeutics

Professor Robert Hess (Department of Ophthalmology)
Professor Orval Mamer (Department of Medicine) [alternate]

Professor Harriet Kuhnlein (School of Dietetics and Human Nutrition)
Professor Suzelle Barrington (Department of Bioresource Engineering) [alternate]

b) For a professor in the Department of Educational and Counselling Psychology

Professor Debbie Moscowitz (Department of Psychology)
Professor Yuriko Oshima-Takane (Department of Psychology) [alternate]

Professor Shari Baum (School of Communication Sciences and Disorders)
Professor Nico Trocmé (School of Social Work) [alternate]

Mr. Hobbins noted that at a previous Senate meeting he had inquired why, given the practice that one Senate representative to a Statutory Selection Committee is from the same faculty, but not the same department, and the other from a different faculty, there was no one from the Libraries named to a Committee for a Librarian. The Provost had replied that in the case of small faculties with no departments both Senate representatives are chosen from outside the faculty, and that the Library was considered a small faculty for this purpose. He asked why in this report for the Faculty of Education both Senate representatives are from outside the faculty given that Education has two major departments.

The Provost said that the general practice should be – whenever possible – that Senate not nominate representatives from the same faculty as the candidate. He noted that the membership of the Statutory Selection Committees includes the Dean of the candidate's faculty; in some small faculties, there is also an area representative but in others there is only the Dean. There would also be the potential for an area representative in the case of the Libraries.

3. Policy Amendments to Tenure Regulations (D07-36)

The Provost spoke briefly to the document that was distributed (including a revised page under the section numbered 6). The Provost, seconded by Professor GowriSankaran, moved that the proposed policy amendments be approved.

Mr. Richard asked whether the additional changes proposed under the paragraphs "Added materials" in the section 6 would also be made to the Regulations Relating to the Employment of Librarian Staff. Associate Provost Foster confirmed that they would.

Professor GowriSankaran congratulated Professor Foster on developing these much needed changes.

In response to a question from Mr. King regarding the lack of undergraduate representation on University Tenure Committees, the Provost pointed out that there are also no non-tenured academic members on those committees. In response to a question from Mr. Borkotoky, the Provost said that a candidate's publications in practicing journals would be considered as part of service to the community rather than part of the scholarly dossier.

The Policy Amendments to Tenure Regulations were approved.

4. Report on Campaign McGill (D07-37)

Marc Weinstein, Assistant Vice-Principal (Development and Alumni Relations) and Director of University Campaigns, presented a report on Campaign McGill, which was launched in October 2007 and has now raised more than $390 million towards the goal of $750 million. The Principal thanked Mr. Weinstein and opened the floor to questions.

Professor Gehr asked for clarification about the campaign start date of June 1, 2004. Mr. Weinstein explained that a campaign takes several years of a "silent phase" to build momentum. The start date also reflects the beginning of the University's fiscal year. The Principal noted that the date was set at the time and was not established retrospectively. Further, the silent phase was short in compared with the cases of many of our peer institutions.

Ms. Martin asked for an explanation of how a donor-centric campaign approach relates to the goal of maintaining the integrity of academic freedom at the University. Mr. Weinstein stressed that every donor agreement clear states that academic freedom cannot be compromised. A donor-centric approach does not mean that the University yields to the donor's wishes but rather that it works to identify and link up with the donor's interests. In response to a question from Mr. Borkotoky, Mr. Weinstein confirmed that donors can choose to contribute to specific areas rather than to a central fund.

In response to a question from Ms. Yu, Mr. Weinstein stressed that McGill's campaign is focussed on individual rather than corporate donors because individuals have personal attachments to the university, e.g. as their alma mater. This is very different approach than that of the Université de Montréal, for example, which during its last campaign obtained 77% of its gifts from corporate donors.

Speaking from experience having worked at Martlet House, Ms. Yu asked about development events which don't appear to raise much money despite high ticket prices. Mr. Weinstein said he would look into this but stressed that an effort is made to ensure costs are covered when such events are run.

On a motion duly proposed and seconded, the meeting was adjourned at 4:50 p.m.