CARLETON UNIVERSITY

Minutes of the 237th Meeting
of the
BOARD OF GOVERNORS

Time: Tuesday, May 30, 1972, at 4:30 p.m.
Place: Senate Room - Administration Building.

PRESENT:
Dr. J. L. Gray (Chairman), Mr. G. E. Beament, Mr. J. C. Clarke,
Mr. G. Collins, Dr. A. D. Dunton, Mr. R. Findlay, Mr. F. E. Gibson,
Mr. K. Kaplansky, Mr. G. H. MacCarthy, Dean H. H. J. Nesbitt,
Dr. S. Ostry, Miss R. Richards, Mr. D. A. Ross, Mr. H. Soloway.
Also present: Mr. A. D. Larose, Mr. J. K. Rettles, Mr. J. E. Whenham,
Dr. G. R. Love, and Mr. D. C. McCown (Secretary).

MINUTES:
The minutes of the previous (236th) meeting were circulated to the
members prior to the meeting. It was agreed that the minutes be
approved as distributed.

COMMISSION ON POST-SECONDARY EDUCATION:
The Chairman noted that the Council of Ontario Universities' response
to the Commission on Post-Secondary Education had been circulated
to members of the Board. After some discussion, in which it was
noted that other boards of governors had made submissions to the
Commission, it was agreed that the Board would not pursue the
matter further.

NOMINATING COMMITTEE:
It was agreed that the following persons be appointed to the Nominating
Committee:
The Chancellor
The President
The Chairman of the Board
Dean H. H. J. Nesbitt
Mr. C. G. Watt
Dr. S. Ostry
Mr. F. E. Gibson.

APPOINTMENTS, LEAVES, ETC:
It was agreed, upon recommendation of the President, that the academic
appointments, leaves, etc., contained in Confidential Appendix A
to these minutes be approved.

REPORT OF THE ADVISORY COMMITTEE ON PERSONNEL RELATIONS:
The minutes of the Committee were circulated to members of the Board
as the report of the Committee. It was agreed that the report be
approved. This report is contained in Confidential Appendix B to
the minutes of this meeting.
It was agreed, upon recommendation of the Bursar, that the staff changes as presented and as contained in Confidential Appendix C to these minutes be approved.

The President reported that members of the Council had had a very busy meeting schedule during the first portion of this month in which the Council met the Commission on Post-Secondary Education, the Committee on University Affairs, and the Minister of Colleges and Universities. He reported that, in regard to the Wright Commission, it appears the very many representations on the draft brief seem to be having some effect and some of the members have indicated changes of mind. In addition, the President indicated that the final report will probably be different in several aspects from the draft report. He reported about the meeting with the Committee on University Affairs and explained to the Board that the Committee had not been informed of the imposition of fees for graduate students during their third term and that they had only had the option of selecting out of a variety of proposals for reducing the government's contribution to universities and, as a result, had selected the fee increase as the least undesirable. He also explained that the Committee had agreed to reduce the amount of data that would be asked from each university for the annual meetings between the universities and the Committee.

In his report about the meeting with the Minister, he indicated that the Council members had asked the Minister several difficult questions. In general, he explained that it appeared that the Ministry was confused as to the application of some of the new directives issued by them and, as a result of this, there may be further modifications. He indicated that one of the modifications already agreed to had been that the government had given the university permission to pay bursaries to graduate students from their own funds to compensate for the imposition of the third-term payment of fees and that the situation was getting somewhat ridiculous in that, on one hand, the government had imposed third-term fees and now were planning to give it back to the students from university funds. He noted that as a result of all of these meetings general agreement had been reached that better consultation on these matters was necessary.

The President reported that the University had hosted the Council of the Association of Commonwealth Universities at the Rideau River Campus during the second week of May.

The President reported that the three convocations which had been held this year had gone extremely well under the able direction of Dean Nesbitt, Marshal of Convocation.

The document containing the Senate's recommendations concerning tenure and dismissal and related matters was circulated to the members of the Board prior to the meeting. The President began the discussion by outlining the development and discussions about this matter at the University. He explained that a number of years ago
discussions had begun at the University and that the Board at that time had settled certain procedures concerning preliminary and term appointments. Further discussion of the related matters of tenure and dismissal were postponed while the University considered the proposals contained in the Duff-Berndahl Report on university governments and the subsequent development of New University Government at Carleton.

These discussions then recommenced when, three years ago, a committee was struck of members of the faculty (including the then Chairman of the Staff Association) and a member of the Board. This committee produced a report which was circulated to members of the Senate a year ago. Beginning this fall, the Senate had a series of meetings in which this report was discussed, amended and re-drafted.

The President explained that similar procedures and policies have been adopted by many of the universities in Canada. In the discussion that followed, concern was expressed about the tone of the document which appeared to be set solely for the benefit of the faculty and did not seem to take into account the legitimate interests of the students, other constituents of the University, and the general public.

In reply to questions, it was explained that the awarding of tenure to a faculty member is not done lightly. There is, first of all, a departmental committee evaluation in which tenured and non-tenured members of the faculty consider each proposed award of tenure. Tenure is only recommended after a candidate has successfully satisfied the committee in regard to three factors: his teaching ability, his scholarly activities, and his general contribution to the University—with the first two having equal evaluation and being weighted heavier than the third. It was noted that it is often easier to measure a candidate's scholarly activities than his contribution to teaching, and that a variety of methods are used to evaluate teaching abilities, but as yet there does not seem to be a completely satisfactory method of determining this attribute. It was reported that there is no direct student involvement, in that New University Government precludes students being members of committees considering faculty personnel matters, but it was reported that several other informal methods are used to try to gain a student evaluation of teaching.

It was reported that once the departmental committee has completed its review, the recommendation is reviewed by a faculty committee in an attempt to achieve some conformity of the application of the policy, but it is recognized that different disciplines do require adaptations to the measuring tools used.

It was noted that this year 15 candidates who were proposed for tenure did not receive it.

Some concern was expressed that tenure as delineated in this document applied to the life of the individual and that there should be a termination of this condition upon retirement. Some felt that the application of the rules governing the Retirement Plan were not sufficient to achieve this condition and, therefore, it was agreed that on page 2, third paragraph, second line, following the word "continue" the phrase "until the age of 65" should be added to the document.
It was noted that paragraph C11, found on page 9, did not specifically specify how the Review Committee would determine its decision. It was noted that the Faculty Association in its suggested amendments to the tenure and dismissal document (a copy of which is attached as Appendix A) had proposed that the decision of the Review Committee must be unanimous. Several members felt that this would be very impractical and difficult to operate and suggested that in this regard a majority decision of the Review Committee should be binding.

It was moved by Mr. Soloway, seconded by Mr. Clarke, that the following words be added to paragraph C11 at its conclusion: "A decision by the majority shall be the decision of the Review Committee." Carried.

The Board then turned its attention to the discussion of paragraph C15. Concern was expressed that there was no effective mechanism to prevent a faculty member subject to dismissal proceedings from prolonging the procedure unnecessarily and involving the University in large expense if the proposed procedure were adopted. It was suggested that a faculty member who felt he had a poor defence against dismissal proceedings could utilize the provisions of this paragraph to delay proceedings as long as possible and to utilize the most expensive counsel available to him to carry out this activity. It was argued that since a faculty member in this situation was entitled to full pay while the proceedings were underway he had no incentive to settle the situation quickly and, secondly, that he had the resources available to him to conduct his defence. It was pointed out that under the provisions of this paragraph the Review Committee had the power to determine what were reasonable expenses and, being relatively independent, could provide the mechanism in which the assessment of any expenses could be allocated to the University and to the individual involved. It was argued that this process being a quasi-legal procedure certain analogies to this situation could be found both in law and in the practice of professional associations which, in both cases, provided that the costs of such proceedings can be assessed to the individual if he loses an appeal and that this would be a more appropriate mechanism to adopt. After some discussion, it was agreed that consideration of paragraph C15 would be postponed until the next meeting so that there would be an opportunity to assess the variety of options open for the implementation of such a provision.

It was moved by Dean Nesbitt, seconded by Mr. Clarke, that the proposals as presented be received and approved in principle, including the amendments proposed by the Board, with the exception of paragraph C15. Carried.

It was further agreed that the whole document would be referred to the University solicitor in regard to the legality of its provisions and that the matter would be discussed once again at the next meeting, including paragraph C15 and the recommendations for amendments proposed by the Academic Staff Association, being 22, 27, 210, and recommendations 1 and 2, which are contained in the document attached as Appendix A.

A letter from the Minister of Colleges and Universities addressed to Dr. Banting, dated May 17, was circulated to members of the Board at the meeting. It was noted that the letter contained a directive that the University should increase its undergraduate fees by $100.00 per year and that part-time and graduate fees be increased as directed. It was noted that this letter seemed to contradict the Minister's public statements in which he indicated that the universities had the power to set their own fees and that the previous indication that standard fees had been increased only represented a reduction in the amount of support from Provincial authorities.
Concern was expressed that such a directive as contained in the letter challenged the autonomy of the universities and could provide a precedent for further government intervention in the internal workings of the university.

After further discussion as to what options the University might have in response to this letter, it was recognized that the University was left little room to do anything but what the letter directed. It was therefore agreed that the fee schedules as distributed, which incorporated the fee increases directed, be approved, and that the University communicate to the Minister that this action had been taken but that it did so still reserving explicitly its full legal right to set fees.

Mr. Clarke, in place of the Chairman, presented the report of the Building Committee. He explained that there was no documentation available for the Board because the Committee had met just prior to the meeting of the Board.

It was reported that approximately six weeks ago Algonquin College had approached the University to see if it would be possible to rent space at the St. Patrick's Campus for use by the College. These discussions had gone forward to the point where arrangements were underway to transfer the property at St. Patrick's Campus to Algonquin College with new and renovated space being provided at the Rideau Campus for the St. Patrick's College Division of the Faculty of Arts and the School of Social Work. It was explained that on Friday, May 26, after the University had been in close consultation with the Ministry of Colleges and Universities in which they had previously approved and encouraged this transfer, the University had been informed by telephone that the Ministry was now not prepared to proceed with the project.

It was reported that information had been presented to the Users' Sub-Committees, a special meeting of the Building Advisory Committee, and the Building Committee just prior to the Board meeting on May 30. It was also reported that several attempts had been made to clarify the new government position but several difficulties had been experienced in obtaining a definitive answer from the officials of the Ministry and that the precise reasons for the situation were not yet clear.

It was explained that the best information available seemed to indicate that the project had been halted by the Colleges of Applied Arts and Technology Branch of the Ministry because a study was underway to examine the needs of this branch in the Ottawa area and included consideration of the incorporation of the Kemptville Agricultural College and the development of a unilingual, French-language college in the Ottawa area. The most recent information seemed to suggest that there was still a possibility, once the study was completed, that the project might go ahead. It was further reported that the exact details of the government's decisions would be forwarded to the University in a letter which was being prepared on this date and should be received on the next day.

It was explained that in the consideration by the various committees due to the lack of specific information the committees did not think it advisable at this time to call a halt to the planning and, therefore, recommended that planning continue until June 6 at which time preliminary
designs would be received from the planning teams for the new facility for the St. Patrick's College Division on the Rideau River Campus. It was suggested that it would be appropriate to maintain the impetus of planning until this time so as to provide the University with the opportunity to clarify the situation. Mr. Clarke explained that the Building Committee, in considering the information available, had agreed to the recommendations and had further recommended that the Chairman of the Board and the President visit the Minister as soon as possible to clarify the situation. The Board agreed to this recommendation.

In the discussion that followed, it was noted that University officials had visited the Ministry on three occasions and even as late as May 24 the advice received from the Ministry was to proceed as quickly as possible. It was also noted that information received from Algonquin College was that the Treasury officials from the Province had recommended proceeding with this project based on the situation that the adoption would be the most economical way of providing the variety of educational facilities required by the two institutions in the performance of their functions.

Extreme concern and disappointment was expressed with the actions of the Ministry. It was noted that intensive efforts have been underway at the University during the last six weeks to attempt to respond to a critical situation in a very responsive and responsible manner. It was noted that the University had committed substantial resources in the terms of much staff time and faculty and student involvement in the development of the project to its present condition. It was also felt that the proposal had many useful and constructive aspects for both the institutions concerned and that it appeared still worthy of continuation.

It was noted that there had been a suggestion by government officials that Algonquin College had been told some two weeks ago that the project was in jeopardy but the Board found this difficult to understand when it was known that Algonquin had agreed to admit 400 additional students based on the availability of new facilities and that they had appeared to be negotiating with the University in good faith and still were. It was agreed that the University would maintain continued communication with the College so as to coordinate their approaches to the Ministry.

In respect to other items concerning this matter, the Board agreed to the recommendation of the Building Advisory Committee that a site north of Russell House within the residence area as delineated by the recommendations be approved as the site for the new St. Patrick's facilities. It was further agreed that the architectural firm of Dobush, Stewart, Bourke, Longpre, Marchand, Goudreau, and Hein be confirmed as architects on a per diem basis for the new St. Patrick's facilities. It was explained that this firm had been retained by the University some weeks ago with the concurrence of the Chairman of the Board and the Chairman of the Building Committee to work on the planning for the new facilities as part of the procedures necessary to ensure that planning went on as rapidly as possible.
This report is attached as Appendix B to the minutes.

1. **Patent Agreement:**
   
   It was agreed as recommended that a patent agreement with Canadian Patents and Development Limited be executed as proposed.

2. It was agreed to receive the items entitled: "Operating Grant Instalment Payment" and "Bequests and Trusts."

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**TERMINATION:**

The meeting terminated at 6:45 p.m.

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Dr. J. L. Gray,
Chairman.

Mr. D. C. McCown,
Secretary.