CARLTON UNIVERSITY

Minutes of the 238th Meeting

of the

BOARD OF GOVERNORS

Time: Tuesday, June 27, 1972, at 4:30 p.m.
Place: Senate Room - Administration Building.

PRESENT:

Dr. J. L. Gray (Chairman), Mr. G. E. Beamont, Mr. J. C. Clarke, Mr. G. Collins, Mrs. J. H. Dunn, Dr. A. D. Dunton, Mr. R. Findlay, Professor M. C. Frumhertz, Mr. F. E. Gibson, Mr. C. L. Jeffrey, Mr. K. Kaplanisky, Mr. Justice B. Laskin, Mr. B. Loeb, Mr. G. H. MacCarthy, Dr. G. E. Maynard, Mr. T. R. Montgomery, Mr. R. J. Neill, Dean H. H. J. Nesbitt, Dr. S. Ostry, Professor K. Z. Paltiel, Dr. L. Raminsky, Miss R. Richards, Mr. D. A. Ross, Dr. W. G. Schneider, Mr. H. Solomon, Mr. W. Teron, Mr. F. K. Venables, Mr. C. G. Watt, Dr. H. L. Willis. Also present: Mr. A. B. Larose, Mr. J. E. Whrenham, Dr. G. R. Love, Mr. J. K. Kettles, and Mr. D. C. McDown (Secretary).

MINUTES:

The minutes of the previous (237th) meeting were circulated to the members of the Board prior to the meeting. It was agreed that the minutes be approved as distributed.

COMMUNICATIONS WITH THE MINISTER:

It was reported that the Chairman of the Board and the President had met with the Minister of Colleges and Universities concerning the St. Patrick's College matter and the Chairman reported on the results of this meeting.

It was also reported that as instructed by the Board the President had written the Minister concerning the matter of tuition fees.

APPOINTMEENTS, LEAVES, ETC:

It was agreed, upon recommendation of the President, that the academic appointments, leaves, etc., contained in Confidential Appendix A be approved.

The President reported to the Board the resignation of the Director of the School of Social Work and of the appointment of the Interim Director and the Interim Assistant Director of the School.

The Chairman reminded the Board that as previously provided in the statutes and by-laws Dean H. H. J. Nesbitt would be Acting President during the period there was a vacancy in the office of President. On behalf of the Board, the Chairman expressed to Dean Nesbitt the Board's gratitude for his successful performance of this function in the past and assured him of the Board's continued support for the future.
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of Governors, 27 June, 1972

APPOINTMENTS,
LEAVES, ETC.
(CONTINUED):

It was moved by Mr. Soloway, seconded by Dr. Kasminsky, and
unanimously carried that the following resolutions affecting appoint-
ments to standing committees and authorization for signing officers
be approved:

i) That the name of Dr. A. D. Dunton be deleted from the member-
ships of the standing committees of the Board and the
authorization for signing officers, effective June 30, 1972.

ii) That the name of Dean H. H. J. Nesbitt, Acting President, be
added to the memberships of the standing committees of the
Board for the period 1 July, 1972, to 31 August, 1972.

iii) That the name Dr. M. Oliver, President, be added as an ex
officio member to the memberships of the standing committees
of the Board and to the authorization for signing officers,
effective 1 September, 1972.

iv) That Mr. J. E. Whenham, Director of Physical Plant, be
authorized as a signing officer of the University for the
period 1 July, 1972, to 31 August, 1972.

SPECIAL
APPOINTEE
TO SENATE:

It was agreed, upon request of the Senate, that Dr. M. S. Macphail
be appointed as a special appointee to the Senate, effective
1 July, 1972, for a three-year term.

REPORT OF THE
EXECUTIVE
COMMITTEE:

The Chairman reported that the Executive Committee had met between
the meetings of the Board and had ratified the conditions and terms
of employment for the President, Dr. M. Oliver. He further reported
that a university residence for the President had been acquired.
The minutes of this committee meeting are attached to the original
of these minutes.

REPORT OF THE
NOMINATING
COMMITTEE:

The Chairman reported that the Nominating Committee had met at the
noon hour prior to the Board meeting. He reported that the Senate
nominations to the Board which will be forthcoming at the September
meeting will not include a student member. Regret was expressed that
this will mean that there will not be a student member of the Board.
It was pointed out that at the time of the discussions about New
University Government the Board had increased the number of nominees
from the Senate from three to four and had expressed the hope that
Senate would see fit to at least nominate one student member of the
Senate. The Chairman proposed and the Board concurred that the Board's
regret would be conveyed to the Senate with the information that the
Board would hold a vacancy in the hope that the Senate might be able
to propose a method to overcome this deficiency in the Board's mem-
bership for this particular instance.

It was further reported that the Alumni Association had requested an
additional position for an Association nominee be accepted this year
to redress the difficulty caused by the change in the Alumni Association
year and leaving one of the past-presidents of the Association without
the opportunity to serve as a member of the Board according to the
desired sequence. The Chairman explained that this would be difficult
to do since it appeared there would only be once vacancy available which the Board wanted to hold at this time for the reasons outlined above, and suggested, and the Board concurred, that he inform the President of the Alumni Association of the difficulties and discuss with him other solutions to the problem.

It was noted that the Committee proposed to ask those members whose terms expire in September, and who are not nominees of other bodies, to serve for an additional term.

The staff changes as proposed by the Bursar were circulated at the meeting. It was agreed that these staff changes, as contained in Confidential Appendix B, be approved.

The President reported that, to date, applications for new admissions are lower than has been experienced in previous years. He, however, indicated that the acceptance of offers for admission was a shade higher than previously experienced and, as a result of these two factors, the picture of the enrolment for the next academic term is, to a high degree, uncertain.

He reported to the Board that the evening summer school enrolment is up 15% from last year and that there are approximately 5,200 students enrolled.

The President reported the appointment of Professor James M. Holmes, Chairman of the Chemistry Department, to the Committee on University Affairs.

The President reported that an Internal Commission on the School of Social Work had been established some time ago to deal with problems that had arisen within the School. He explained that within the field there is a growing uncertainty as to the future development social work education should take and that this had been manifested in serious disagreements amongst the faculty about how its affairs should be conducted and what particular configuration the academic programme at the Carleton School should take.

He explained that since it appeared that the School had been unable to resolve these difficulties by themselves, he had set up a Commission consisting of four senior faculty members outside the School to examine the problems. He explained that this Commission had worked very intensively over the last four months and had conducted a number of open meetings to which faculty, students and outside interest groups had been invited, and that the Commission had also had a series of discussions with a variety of interested persons and parties.

The President was pleased to report that the Commission had been able to make its report in a very short time and indicated that he felt that the report was very substantial and would assist greatly in the resolution of the problem. He explained that their recommendations ranged widely and would be important in determining the direction of the School and the structure of its decision-making. In regards to the latter point,
he explained that the School consisted of some 12 faculty and 100 students, and being at the graduate level argued for a specific structure which would provide for the unique environment which existed.

He reported that the Senate had concurred with the recommendations, so that at this point the University could go ahead with the development of the academic programme along the general lines as proposed and reconstitute the decision-making structure in accordance with the recommendations.

He explained that the present Director has resigned and, that while a search is undertaken for a new Director, provision has been made for the interim. He concluded his remarks by pointing out that the School had, in the past, a distinguished record which was built on solid work and that with the implementation of this report he expressed the hope for the continuing success of the School.

It was noted that the report of the Commission had been circulated to members of the Board prior to the meeting, and that this report and the President's remarks had been submitted to the Board for information.

The Senate's document on tenure and dismissal had been circulated to the members of the Board prior to previous meetings and was attached to the material circulated to this meeting of the Board as an appendix to the minutes of the previous meeting. The University solicitor's comments on the document were circulated at the meeting and are attached as Appendix A to these minutes. Professor Brown, President of the Academic Staff Association, was asked to join the discussion of this item. The Board discussed a number of issues relating to this document which are summarized below:

1. Paragraph 115.

Members objected to the proposition that a faculty member who was appealing dismissal before the Review Committee could have his expenses for his participation in this process paid by the University if the Review Committee agreed to them. It was argued that a faculty member who invoked the procedure could do so to prolong his employment at the University in circumstances where he had poor cause for appeal and, thus, there should be a deterrent established to prevent the misuse of the procedures available.

It was suggested that a more appropriate condition should be that the expenses of the faculty member in these circumstances would only be paid by the University when his appeal was successful and that if it was not successful he be responsible for his own expenses.

It was noted that the expenses had not been clearly defined in the document and that the suggested modification proposed by the Staff Association did not assist in clarifying the matter but provided new problems of definition by reference to legal and non-legal expenses which, some suggested, could not be differentiated. It
was pointed out that under such proceedings there would likely be four categories of expenses. These were:

i) the expenses of the members of the Review Committee;

ii) the costs of transcribing the proceedings;

iii) the costs of witnesses;

iv) the costs of legal counsel or other advisors that the person invoking the appeal might wish to have.

It was recognized that the University would likely have to bear the cost of the first two categories but questions were raised as to the appropriate allocation of the expenses of the latter two. It was suggested that the necessity for the proceedings to be transcribed was questionable. It was argued, however, that the person who invoked the appeal might wish to have a transcript on the basis of having it available to him for future reference and explanations of his position - a complete record of the proceedings. In contrast to this suggestion, it was noted that the person invoking the appeal had the option of requesting that the proceedings be open and, secondly, that the reasons for any decisions taken by the Review Committee would likely be in a written form and available as a matter of record. This latter situation was also noted as a method in which the record could be used to establish precedents from which subsequent Review Committees could work in the form of a body of case law governing dismissal proceedings.

A number of arguments were raised that the University had an obligation to ensure that all of its proceedings in regard to dismissal could stand close public scrutiny and, for this reason, it was suggested that the University would be better advised to have a procedure which could not be construed as unfair to any person who was subject to these procedures. It was proposed, therefore, that the University could be more generous and provide for the costs of the appeal so that any person who might be dismissed could not argue that he had not been fairly treated.

The Board did not conclude its discussion of this item and left the resolution of this problem for further study.


Concern was expressed that the document was not sufficiently precise and well-worded to provide for easy interpretation. It was explained that the document had originated through the work of a committee, had been reviewed by, and had suggested revisions prepared by, all of the faculty boards, and that it had been subject to the detailed study and revision by the Senate at several meetings. As a result, it was suggested, the process had probably left some weaknesses in the style, content, and wording of the document. As a result of these concerns, it was suggested that the document could be improved in this regard if a small group undertook editorial responsibilities for it. It was noted in this discussion that there were a series of minor amendments proposed by the Staff Association and their president agreed that these amendments could be considered by the group conducting the editorial review.

It was argued that the document was lacking a statement of a code of ethics which would establish the criteria on which faculty members' performances would be judged in relationship to the procedures established by this document. In reply to this criticism, it was suggested that to come to some successful understanding of the duties and obligations of a faculty member would be an extremely difficult process and that there is within the university community at large a tacit understanding by its members of what the obligations and responsibilities are which, analogous to the conditions of common law, is a more appropriate mechanism from which judgements as to the adequacies of performance can be measured.

4. Procedure.

Concern was expressed that should the document not be adopted the faculty would not have a clear understanding as to the conditions of tenure and that these conditions of tenure were needed for the University's operations immediately. It was argued that the general questions contained in this document had been before the Board for ten years and that for a variety of reasons the Board had postponed dealing with the matter during this period. It was argued on the other hand that this document itself had taken three years in its preparation and that the Board had only had two months of that three years in which to conclude its discussions.

It was also noted that the University solicitor in his letter on this subject had asked for further time to consider the matter and some members felt that this further time was needed so as to ensure that none of the provisions of the document constituted illegal proceedings under current legislation.

It was agreed that a committee of the Board under the chairmanship of Mr. Justice Laskin, with other committee members to be appointed through consultation between the Chairman of the Board and Mr. Justice Laskin, be appointed to conduct an editorial review of the document so as to improve its precision, to consider clause C15 and prepare such recommendations as it sees fit to achieve satisfactory resolution of the problem concerning this clause, and to consult with the University solicitor about his concerns with this document.

In order to provide a definitive statement concerning the conditions of tenure, it was proposed that the Board approve the first seven pages of the document which included the statement on tenure. It was argued that the general conditions described by this document had already been approved by a previous motion at the last meeting but some were concerned that this motion would not convey sufficient authority to make these conditions operable immediately. It was also suggested that in view of the University solicitor's comments it was not appropriate to ratify the document until discussions with him had been concluded. It was therefore proposed as an amendment to this motion that the matter be referred to Mr. Justice Laskin's committee and, in the interests of a speedy conclusion, that the Executive Committee during the summer ratify the document.
In the discussion that followed, it was argued that the Executive Committee was not an appropriate body for an issue of such substance and that its forms and proceedings were not sufficiently public to provide the necessary environment for the satisfactory introduction of such a major undertaking. The amendment put to a vote was defeated and the original motion was withdrawn in favour of the following:

It was moved by Mr. Dunton, seconded by Dean Nesbitt, that the Board approve the tenure and dismissal document except for paragraph 115, subject to revision following the report of the Laskin Committee which is requested to consider all comments of the University counsel. Carried.

It was reported that the Building Committee had met just prior to the Board meeting and Mr. Teron, Chairman of the Building Committee, reported orally on its deliberations to the Board. He reported that:

a) The Building Committee had reviewed with the architect the preliminary design for the new St. Patrick's College and the Building Committee had concurred with the recommendation of the Building Advisory Committee and the Users' Sub-Committee that the design as presented be approved.

b) The Building Committee had reviewed with the staff the proposed renovations programme related to the relocation of the School of Social Work in the C. J. MacKenzie Building and that the Building Committee had concurred with the recommendation of the Building Advisory Committee that the renovations programme be approved.

c) The University had received a telegram from the Minister of Colleges and Universities at 2:30 p.m. just prior to the Building Committee meeting in which the Minister had informed the University that Algonquin College would be authorized to obtain St. Patrick's Campus property subject to certain conditions.

d) The Building Committee had recommended continuation of the planning for the construction of the new St. Patrick's College Facilities subject to satisfactory letters of intent being received from Algonquin College and the Ministry indicating:

i) that Algonquin College was prepared to have the property transferred to them;

ii) that the Ministry of Colleges and Universities agreed to the appropriate transfer of entitlement arising from the exchange of property and that authorization to proceed with this planning be delegated to the Chairman of the Board, the President, and the Chairman of the Building Committee.

e) The Building Committee had considered a proposal to increase the budget for the Practice Theatre by $51,024 and had approved this recommendation.
f) A budget for general renovations at the University for the next fiscal year of $49,200 had been presented and approved by the Building Committee.

g) The Building Committee had reviewed the tendering procedures for the new Athletic facilities under the project management system and were satisfied that the prices received which represented 71% of the project were within the budget which had been approved and were recommending proceeding to construction subject to satisfactory receipt of a U.A.C.P.-8 from the Ministry of Colleges and Universities.

It was agreed that the report of the Building Committee as presented be approved.

The minutes of the 115th meeting of the Investment Committee were circulated to the members of the Board as the report of the Committee. Mr. Beament, Chairman of the Investment Committee, led the discussion of the report. The minutes, as the report, are attached as Appendix B to these minutes. It was agreed that the report as presented be approved.

A paper prepared by the Graduate Students' Association was circulated to the members of the Board prior to the meeting. Mr. M. Prue, President of the Graduate Students' Association, and Mr. S. Cameron, President of the Carleton University Students' Association Inc., were asked to present their respective arguments concerning the proposition that the Student Association fees paid by graduate students should be allocated to the Graduate Students' Association by the University. It was agreed that this matter be referred to a committee of the Board under the chairmanship of Mr. Gibson in the hope that the committee could resolve the differences between the two associations or, if that were not successful, propose recommendations to the Board for action by the University.

The Bursar's Report is attached as Appendix C. It was agreed that the information presented be received and the recommendations proposed be approved.

The meeting terminated at 6:35 p.m.