

Item: Board of Governors Minutes, March 1994
Call Number: Board of Governors Fonds UA-1, 60.4

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**BOARD OF GOVERNORS
DALHOUSIE UNIVERSITY**

AGENDA

Tuesday, March 15, 1994 (4:00 p.m.)
University Hall, Macdonald Building

- 4:00 1) Approval of Agenda
- 2) Minutes of Board Meeting of February 15, 1994
 (enclosure)
- 3) President's Report (to be distributed at the
 meeting)
- 4:10 **Items for decision**
- 4) Proposed policy on discriminatory (Clark)
 harassment (enclosure)
- 5) Sociology Ph.D. Programme (enclosure) (Clark)
- 6) Residence Redevelopment Proposal (enclosure) (McKee)
- 7) 1994-95 Residence Fees (enclosure) (McKee)
- 8) 1994-95 Finance and Budget Committee (Risley)
 recommendation for interim spending
 approval (information to be distributed at
 the meeting)
- 4:40 **Items for discussion**
- 9) Budget Plans (enclosure) (Clark)
- 10) Rationalization (Clark)
- 11) Response to the Shapiro Report on (Clark)
 Teacher Education in Nova Scotia
- Items for information**
- 5:40 12) Progress Report - Presidential Search (Shaw)
 Committee
- 13) Special In-Camera Board Sessions (Shaw)
 April 5 and April 7 (enclosure)
- 5:45 14) In Camera : Arbitration decision by (Clark)
 D. Soberman (previously distributed)
- 6:00 14) Adjournment

Board of Governors
Dalhousie University
Tuesday, March 15, 1994

MOTIONS TO BE PROPOSED

Item No.

BE IT RESOLVED:

4. THAT the Board of Governors, upon the recommendation of Senate, approve the proposed Policy on Discriminatory Harassment, with the removal of the term "vexatious" from the document as published and circulated.
5. THAT the Board of Governors defer approval of the proposed Ph.D. programme in Sociology until the Faculty of Arts and Social Sciences has developed an appropriate three-year budget plan and has established clear priorities that will allow it to address worsened financial circumstances.
6. THAT, on the recommendation of the Finance and Budget Committee with the concurrence of the Student Relations and Residence Committee, the Board of Governors approve the proposed Henry Street Residence Renovation Project ("Project"). The Board hereby authorizes the borrowing of an amount not to exceed \$1,380,000 and the placing of a mortgage on the lands and premises known as civic number 1250-1258 Henry Street, Halifax, N.S., and the placing of a fixed charge on all personal property of the University located thereon for the purpose of assisting in the completion of the Project on such terms and conditions as the President and Vice-Chancellor may authorize.
7. THAT, on the recommendation of the Finance and Budget Committee with the concurrence of the Student Relations and Residence Committee, the Board of Governors approve the Residence Room and Board Rates for 1994-95 as presented.

8. THAT, on the recommendation of the Finance and Budget Committee, in order to allow the continued operation of the University until such time as the 1994-95 Operating Budget is given final approval, the Board of Governors authorize expenditures of up to 25% of the financial framework as described in the third report of the Budget Advisory Committee which the Board approved on October 19, 1993 as the basis for developing the University's 1994-95 Operating Budget. The President, or his designate, is authorized to approve expenditures in excess of 25% in special cases to permit the orderly management of the University.

Minutes of a meeting of the
Board of Governors held on Tuesday,
March 15, 1994 at 4:00 p.m. in
University Hall

Dalhousie University
Halifax, Nova Scotia

PRESENT:

Mr. Allan C. Shaw
 Chairperson
Mr. David J. Almon
Dr. D. Wayne Bell
Mr. Dov Bercovici
Mr. Peter Bryson
Mr. Daniel M. Campbell
Dr. Howard C. Clark
 President
Mrs. Charlotte Cochran
Mr. J. Dickson Crawford
Dr. Kenneth Dunn
Dr. Brian Flemming
Mr. Fred S. Fountain
Dr. William Hare
Mr. Lewis Jacobson
Ms. Carolyn Johnson

Mr. Donald A. Kerr
Mr. Thomas E. G. Lynch
Ms. Bernadette Macdonald
Mr. George W. MacDonald
Ms. Suzan MacLean
Hon. Jacqueline Matheson
Dr. Sharon Oliver
Dr. Norman G. O. Pereira
Mr. Jefferson Rappell
Mrs. Josie Richard
Mr. John C. Risley
 Honorary Treasurer
Mrs. Cynthia Robertson
Mr. Byron G. Sarson
Ms. Tina Sweeney
Mrs. Carol D. Young
Mr. Robert Zed

Also present were Mr. George Piercey (immediate past Chairperson, Board of Governors); Dr. Deborah Hobson (Vice-President, Academic and Research); Mr. Bryan G. Mason (Vice-President, Finance and Administration); Mr. Eric A. McKee (Vice-President, Student Services); Mr. Henry E. Eberhardt (Vice-President, External); Dr. Colin Stuttard (President, Dalhousie Faculty Association); Mr. Brian C. Crocker (University Secretary and Legal Counsel); Dr. Jim McNiven (Dean, Faculty of Management); Dr. Marian E. Binkley (Associate Dean, Faculty of Arts and Social Sciences); Dr. Richard Apostle (Chair, Department of Sociology and Social Anthropology); Mr. Michael Roughneen (Director, Personnel Services); Mr. Ian Nason (Director, Financial Services); Ms. Marilyn MacDonald (Director, Public Relations); Ms. Mary Somers (Editor, "Dal News"); Mr. James Connor (incoming Student Representative to the Board); and Ms. Joann Griffin (Secretary).

Regrets were received from Mr. Robin Calder, Mr. James S. Cowan, Dr. Margaret Hansell, The Hon. Alex Hickman, Mrs. Ann Petley-Jones, Dr. Carmen Moir, Mr. Kenneth Rowe, and Miss Barbara Walker.

The Chairperson called the meeting to order at 4:05 p.m.

Approval of Agenda

Board Members agreed to approve the agenda as circulated.

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Minutes of Board Meeting of February 15, 1994

Mrs. Young moved and Ms. Macdonald seconded a motion THAT the Minutes of the February 15, 1994 Board of Governors meeting be approved. The motion carried.

President's Report

Dr. Clark reviewed the Report of the President which is attached to these Minutes. In addition to the information contained in that Report, he noted with respect to rationalization that the Engineering and Computer Science Reports probably will be released during the week of April 4, and with respect to accomplishments he noted that a NSERC Women's Faculty award has been granted to Professor Sara Iverson of the Biology Department.

Items for decision

Proposed Policy on Discriminatory Harassment

Mr. Shaw commented that clearly this is a major policy issue that has already generated considerable debate, and he hoped that all Board Members had taken the time to carefully consider the proposed policy. He then called upon Mr. Eric McKee, Chair of the committee that developed the proposed policy, to explain the history leading up to the policy and comment about it before he called upon Board Members to express their views.

Mr. McKee noted that Dr. Clark, being aware of the extent to which discriminatory harassment issues were already being discussed in campuses all across North America, established the committee in late 1990. Mr. McKee commented that the current proposed policy was the third version and that there had been extensive opportunities for discussion at Senate and elsewhere of all versions which had in turn also received lively media coverage. He spoke of the committee's efforts to develop a policy that suited Dalhousie's needs. He briefly reviewed the proposed policy and acknowledged that Part 2 - Definition was controversial, and he also stressed the important educational component of the policy. He commented that the policy was relatively cautious and would not regulate opinions or ideas, and that the emphasis would be on discussion and mediation.

There followed a lengthy discussion with many Board Members offering their views. Messrs. Almon, Flemming, Bercovici, MacDonald, Kerr, Bell, Bryson and Campbell all expressed their concerns and reservations about the proposed policy although the good intentions of the committee which developed the policy was acknowledged. To summarize their concerns, it is noted that they were troubled by the possibility that freedom of thought and

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discussion might be restricted and that the definitions of "abusive behavior" contained in the policy were too broad and vague. The lack of a body of evidence to indicate how prevalent the problem of discriminatory harassment is was raised as a concern and it was suggested that while the policy encourages, it does not guarantee, freedom of speech. Despite reservations about the policy being the appropriate approach it was recommended that we should not hide discrimination that exists at Dalhousie; that it should be exposed and confronted. Mr. Risley pointed to the financial implications associated with implementing the policy as another matter of concern.

Dr. Clark then observed that he would not speak for or against the policy but wanted to respond to questions about the extent of the problem at Dalhousie. While observing that Dalhousie is not different from the rest of society, he noted we historically do reflect what is happening in the larger society. He illustrated the significance of the problem by noting various situations that lead to his identifying the need for a policy and cited various examples of current discriminatory harassment matters that are under review through panel hearings. He suggested that the primary concern was to determine to what extent discriminatory harassment interferes with Dalhousie's ability to educate.

Dr. Pereira commented that the existence of discriminatory harassment at Dalhousie could not be denied; that it will continue and needs to be addressed in a humane, liberal fashion, but he suggested that the particulars of the proposed policy were inadequate.

Dr. Hobson, while acknowledging that she did not have a vote, expressed her dismay that during the discussion we had not heard from those most likely to be affected by discriminatory harassment, and she noted that the focus of the policy was on education and mediation. She stressed the significant effect on the ethos of the University that approval of the proposed policy would represent.

Ms. Robertson commented that the intent of the policy was to address inequality and that it was important for Dalhousie to be a leader in eliminating discriminatory harassment which should not be confused with freedom of speech.

Mrs. Richard observed that it was not a punitive, but rather a positive policy that was being proposed.

Dr. Stuttard noted that, while he too did not have a vote at the Board, when the policy was being debated in Senate, he had been persuaded, despite its flaws, to support it. He, and others,

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suggested that the proposed policy possibly required further refinement.

Mr. McKee observed that the situations that provoked the creation of this policy will continue to occur and had a policy been in existence at that time it would have been helpful. He acknowledged that he could understand the apprehension about freedom of expression being restricted but suggested that the proposed policy was not a draconian measure.

On the understanding that it did not presume that support was inherent, Mr. Risley moved and Mr. Lynch seconded a motion THAT, upon the recommendation of Senate, the Board of Governors approve the proposed policy on discriminatory harassment with the removal of the term vexatious under Part 2 - Definition from the document as published and circulated.

Mr. Jacobson moved and Mrs. Richard seconded a motion THAT the above motion be tabled. The motion to table was defeated.

The Chair then called for the vote on the main motion. The motion was defeated. The following absentions were noted: Dr. Howard C. Clark, Mr. J. Dickson Crawford, Dr. William Hare, Mr. Lewis Jacobson, Dr. Norman Pereira, and Ms. Cynthia Robertson.

Sociology Ph.D. Programme

Dr. Clark referred to a memorandum that had been pre-circulated which touched lightly on the lengthy history of the proposed Sociology Ph.D. Programme, and he explained the Chair of Senate's discomfort that the President had expressed reluctance to bring a programme that had been approved by the Senate to the Board of Governors. He commented that discussions with the Dean of the Faculty of Arts and Social Sciences about their budget plan were ongoing and that he felt a clearer sense of priority within the faculty was needed prior to approving a new programme as we will probably have to address even more serious financial concerns shortly. He also noted that the recent arbitration decision by D. Soberman indicates that it would be difficult to close programs and therefore the Board should be cautious about adding any new programs. He noted an error in that memorandum in that it should have stated that the Senate Financial Planning Committee had felt there were some financial problems associated with offering the programme, but the Senate Academic Planning Committee had taken a different view.

It was acknowledged that there was no question about the academic desirability of the proposed Ph.D. Programme in Sociology and its potential value and importance to the development of the department was recognized. It was noted that what was being

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recommended was a positive deferral and that it was hoped that in due course it would be possible to approve the programme. Dr. Clark moved and Mr. Zed seconded a motion THAT the Board of Governors defer approval of the proposed Ph.D. programme in Sociology until the Faculty of Arts and Social Sciences has developed an appropriate three-year budget plan and has established clear priorities that will allow it to address worsened financial circumstances. The motion carried.

Residence Redevelopment Proposal

Mr. McKee reviewed the information that had been pre-circulated about the Henry Street Residence Renovation Project and noted that the houses are currently among the worst that we use for student housing. He noted that the redevelopment would result in accommodation being available for 72 students whereas at the moment the houses accommodated only 28 students so the project can be financed from the additional rental revenue and therefore we would not be adding to our debt load. He commented that this project had been reviewed and approved by the Student Relations and Residence Committee, the Finance and Budget Committee and the Buildings and Grounds Committee. Mr. Mason noted that Dalhousie would be the general contractor for the project and would be contracting out to various sub-trades via tender calls. It was noted that the cost to renovate this building was considerably less than to build a new one, but it was acknowledged that we would not get the same results as would be possible with new construction.

Mr. Risley moved and Mr. Zed seconded a motion THAT, on the recommendation of the Finance and Budget Committee with the concurrence of the Student Relations and Residence Committee, the Board of Governors approve the proposed Henry Street Residence Renovation Project ("Project"). The Board hereby authorizes the borrowing of an amount not to exceed \$1,380,000 and the placing of a mortgage on the lands and premises known as civic number 1250-1258*Henry Street, Halifax, Nova Scotia, and the placing of a fixed charge on all personal property of the University located thereon for the purpose of assisting in the completion of the Project on such terms and conditions as the President and Vice-Chancellor may authorize. The motion carried.

260 and
1266
amended
21 April
21/94
BOG

1994-95 Residence Fees

It was noted that information about the 1994-95 Residence Room and Board Rates had been pre-circulated, and Mr. McKee noted that the proposed increase in residence room charges is one percent and that it is customary for the Board to approve such fee increases. Mr. Fountain moved and Mrs. Richard seconded a motion THAT, on the recommendation of the Finance and Budget Committee

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with the concurrence of the Student Relations and Residence Committee, the Board of Governors approve the Residence Room and Board Rates for 1994-95 as presented. The motion carried.

1994-95 Finance and Budget Committee Recommendation for Interim Spending Approval

Mr. Risley noted that the motion to be presented was self-explanatory and that we are unable to finalize our budget until we know what funding will be received from the provincial government. Mr. Risley moved and Ms. Macdonald seconded a motion THAT, on the recommendation of the Finance and Budget Committee, in order to allow the continued operation of the University until such time as the 1994-95 Operating Budget is given final approval, the Board of Governors authorize expenditures of up to 25% of the financial framework as described in the third report of the Budget Advisory Committee which the Board approved on October 19, 1993 as the basis for developing the University's 1994-95 Operating Budget. The President, or his designate, is authorized to approve expenditures in excess of 25% in special cases to permit the orderly management of the University.

The motion carried.

Items for discussion

Budget Plans

Dr. Clark referred to the memorandum about Budget Plans which had been pre-circulated and, as time was beginning to press, he reviewed it briefly. He noted that he was primarily interested in receiving advice from Board Members before he made a final decision with respect to the auxiliary fees that were being proposed by the Faculty of Arts and Social Sciences and the Faculty of Management both of which faculties he noted have been working very hard to achieve significant budget reductions.

Mr. Pat Bradley, President of the MBA Society, noted that MBA students would be paying a high cost for their programme and wanted to see an identified benefit coming back to their own programme and were interested to know how much of the additional fee they could keep in house and how much had to be shared with other graduate programme areas in the Faculty of Management. Ms. Sweeney expressed an interest in wanting to know precisely where the money would go and asked if students would see an improvement that is evident. Mr. Rappell suggested we need to weigh the quality of education versus what we are paying and he commented that the auxiliary fees are not a very innovative response and wondered what other alternatives there might be. Dr. Pereira indicated that auxiliary fees for the Faculty of Arts and Social Sciences won't be seen as so much of a hardship now as they would have been two years ago; that cost recovery is essential; and

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that it made sense to approve the auxiliary fee. Dr. Binkley observed that it was a pay for service fee that would not be spread across the faculty. Mr. Bercovici suggested that most students would be prepared to pay more if they saw direct tangible results. Mr. Jacobson echoed Mr. Rappell's concern in that he too wants to see more innovation such as faculty and staff being called upon to accept across-the-board wage roll backs. Dean McNiven said he personally agreed with Mr. Jacobson's suggestion of a wage roll back and suggested that the choice we have is either a higher cost existing program or a lower cost non-existing program.

Rationalization/Response to the Shapiro Report on Teacher Education in Nova Scotia

Dr. Clark observed that the Green Paper which was first expected in late November, 1993 was now not expected until early in April. With respect to the Shapiro Report on Teacher Education in Nova Scotia he noted that the University had been given an opportunity to comment on that Report and raise questions by February 7 and then was to have until the end of March to make a formal institutional response which was expected to go to the NSCHE (Nova Scotia Council on Higher Education) and then to the Minister shortly thereafter.

He noted that since then the time table has been shortened considerably with a formal response having been requested by March 13. He observed that the NSCHE is clearly under pressure from the Minister and yet because of that revised schedule it was clear that we could not manage to have a formal institutional response considered by Senate and the Board so therefore we could not respond. He drew attention to a March 11 letter to The Honourable John MacEachern and Dr. Janet Halliwell which had been distributed at the meeting. He noted that letter explains in considerable detail why we would not be submitting a formal institutional response to the Shapiro Report and he indicated it is difficult to predict what impact the letter will have.

Dr. Dunn observed that the Senate had endorsed the preliminary response to the Shapiro Report and that the Senate also endorsed Dr. Clark's March 11 letter to the Minister and Dr. Halliwell.

Items for Information

Progress Report - Presidential Search Committee

Mr. Shaw drew attention to two open meetings of the Presidential Search Committee that have been scheduled; the first being on Monday March 21 at 12 noon in the McInnes Room of the Student Union Building; and the second on Thursday, March 24 at 4:00 p.m.

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in Theatre "A" of the Tupper Building. Mr. Shaw noted that some people are saying that the decision about the next President has already been taken and he stressed that nothing could be further from the truth; and that the committee has not even begun to discuss or look at potential candidates. He noted that the Committee is seeking the broadest possible range of input during this initial phase when issues are being identified and a profile of the President is being developed. He noted that the Committee hopes to make a recommendation to the Board of Governors by the end of this year.

Special In-Camera Board Sessions April 5 and 7

Mr. Shaw acknowledged that, while this meeting may have been an exception, all too often we cannot devote as much time as would be desirable to discuss various Board matters in a forward-looking manner and therefore Board Members had received a memorandum in their package for this meeting informing them about two special **In-Camera** sessions of the Board that have been scheduled for April 5 and 7. He noted that the agenda for both of these meetings would be the same, and he hoped as many Board Members as possible would be able to attend one of the sessions. He noted we would be discussing matters that will require decisions over the next few months, but these sessions will be for informal discussion only so we are better prepared when decisions must be made.

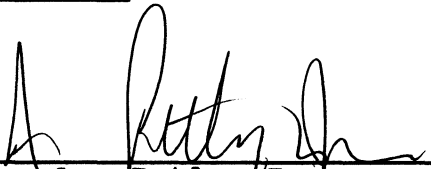
It was agreed that the in-coming student representatives to the Board of Governors would be invited to attend these sessions.

Immediately prior to non-Board Members leaving the meeting prior to the **In-Camera** session Dr. Stuttard commented briefly on the arbitration decision by D. Soberman. He drew attention to information in the DFA Dialogue about the arbitration decision and suggested that the options available to the University regarding programme closures are those that are in the collective agreement. He noted that the Dalhousie Faculty Association had consistently given advice to the Board of Governors which has now been affirmed by the arbitration decision. He asked that Dr. Clark now loudly announce and publicize that the previously targetted programs would continue in an effort to recover student enrolments.


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Adjournment

There being no further business, at 6:15 p.m. the meeting adjourned with Board Members only being asked to remain for an In-Camera session.



Mrs. Ann Petley-Jones
Honorary Secretary



Mr. Allan C. Shaw
Chairperson

Attachment: Report of the President