

12 May 1999

Minutes of a meeting of Senate held on the above date at 1:30 p.m. in the Senate Chamber, Room 245 Engineering Building.

Those Present:

Dr. E.J.E. Szathmáry,
Chair
Prof. I. Adamson
Ms. L. Archer
Prof. L.M. Batten
Dean R.E. Berry
Prof. R. Bhullar
Prof. T. Booth
Dean E.A. Braid
Prof. R. Bruno-Jofre
Prof. E. Comack
Prof. J. Cooper
Mr. J.E. Cox
Dean M. Cox
Dean R.F. Currie
Dean F. de Toro
Dean J. de Vries
Dean B.L. Dronzek
Prof. H.W. Duckworth
Prof. M.L. Duckworth
Dean J.I. Elliot
Prof. M. Feld
Mr. S.J. Fletcher
Prof. R. Foster
Dean D.M. Fuchs
Prof. M. Gabbert
Prof. G. Giesbrecht
Prof. A. Gole
Dean D. Gregory
Prof. D. Hlynka
Prof. L. Horne
Warden J. Hoskins
Prof. T. Howorth
Prof. N.R. Hunter
Dean J.C. Jamieson
Prof. E. Judd
Prof. L. Kaminski
Prof. P. Kaufert
Mr. C.J. Kazina
Prof. R. Kueneman
Mr. E. Latif
Mr. J. Leclerc
Dean B. Levin
Ms. G. Lewis
Mr. M.W. McAdam
Ms. M. McKay

Ms. H.D. McKeen
Prof. B. McKenzie
Ms. M. Magsino
Dean R. Magsino
Ms. Michaud-Oystryk
Mr. A. Neufeld
Dean R. O'Kell
Prof. G.N. Ramu
Prof. R.T. Ross
Ms. K.L. Rutledge
Mr. P.A. Saydak
Dean A. Secco
Dean D. Shields
Prof. K. Simons
Mr. S. Stanley
Rector J. Stapleton
Prof. M. Stern
Prof. B. Stimpson
Prof. G.C. Tabisz
Mr. D. Wahl
Dr. G. Walz
Ms. C. Weselake
Ms. B. Sawicki,
University Secretary
Ms. S. Plett,
Recording Secretary

Assessors Present:

Prof. B. Cameron
Mr. P. Dueck
Mr. G. Fletcher
Dr. G. Glavin
Lt.Col. L.Hetherington
Mr. R. Levin
Prof. K.C. Ogden
Dr. L. Wallace

Regrets:

Prof. J.E. Anderson
Dean N. Anthonisen
Prof. F. Berkes
Prof. R. Bose
Prof. D. Chow
Mr. J. Edwards
Mr. H. Eliasson
Prof. P. Fortier

Mr. S.P. Foucault
Ms. L.M. Grabowecky
Dean J. Gray
Prof. L. Guse
Prof. S. Higgins
Prof. N. Holliday
Ms. M. Jay
Prof. J. Long
Prof. I. Macdonald
Dr. A.V. Mauro
Mr. R.K. Mehta
Dean A. Percival
Ms. C. Presser
Prof. W. Rennie
Rector P. Ruest
Prof. S. Simonovic
Dr. I.C.P. Smith
Prof. K. Vessey
Prof. R. Wedgewood

Absent:

Prof. S. Abeysekera
Ms. J. Basra
Dean R. Bird
Prof. R. Boyar
Prof. R. Burlison
Mr. W.R.L. Ewanchuk
Dr. J.S. Gardner
Prof. J. Gartner
Dr. G. Gerbrandt
Mr. J.B. Hochman
Dean D. Hrycaiko
Prof. J.C. Irvine
Mr. E. Janzen
Ms. L.N. Karanja
Dr. J.C. Keselman
Prof. J. Kirkpatrick
Mr. C. Koscielny
Dr. R. Legal
Prof. H. LeJohn
Prof. S. Macdonald
Prof. G. McClarty
Dr. D.R. Morphy
Prof. N. Pettigrew
Prof. R. Postuma
Prof. E. Rosenbloom
Ms. D.A. Selymes

Mr. N. Singh
Prof. D. Smyth
Prof. D. Strong
Mr. K.D. Toyne
Prof. J. Whiteley
Ms. C. Wood
Ms. R.M. Wover
Prof. K. Wrogemann
Dean G. Zhanel

I **MATTERS TO BE CONSIDERED IN CLOSED SESSION**

1. **Report of the Senate
Committee on Honorary Degrees**

In keeping with past practice, the minutes of this agenda item are not included in the circulated minutes. They appear in the original minutes which are available for inspection by members of Senate.

II **CANDIDATES FOR DEGREES,
DIPLOMAS AND CERTIFICATES - MAY 1999**

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MOVED by Dean Secco, on behalf of the Executive Committee, that the list of candidates recommended for degrees notwithstanding a deficiency be approved.

CARRIED

MOVED by Dean Secco, on behalf of the Executive Committee, that the list of graduands provided to the Secretary by the Director of Student Records be approved, subject to the right of Deans and Directors to initiate late changes with the Director of Student Records up to 14 May 1999.

CARRIED

III **REPORT ON MEDALS AND PRIZES
TO BE AWARDED AT THE MAY CONVOCATION**

Dean Currie advised that the Faculty of Arts had requested a variation in the regulations for the awarding of University Programme Medals, such that two students in the General Degree should receive this medal, and he wished to know whether both students had been included on the list.

Mr. Dueck replied that the regulations for University Programme Medals had been established so that typically there was only one winner, but that this had been a special circumstance, and the Awards Office was recommending that two students be given the award in this instance.

Professor Gole added that a similar case had arisen in the Faculty of Engineering some years ago. The rules had been very stringent that only one student was to receive the award, but after all the criteria had been applied, there had still been a tie, and two students had been given the medal in that case.

Mr. Dueck noted that this was an equally special case, but for different reasons. He explained that the student involved did not meet the requirement for a certain number of 300-level courses. This was due however to the fact that the Faculty of Arts did not offer enough courses at the 300-level, and the student was advised to take the required courses at the 200-level.

Dean Currie added that, because the course options were limited, the student was 6 credit hours short of the required 24 credit hours of courses at the 300-level. Following an appeal by the student, the Faculty of Arts had decided that the student should be included for consideration for the Programme Medal, but not at the expense of other students who met all the criteria. This had resulted in a tie, and accordingly Faculty Council was recommending that two students should be given the medal.

MOVED by Dean Currie, seconded severally, that two University Programme Medals be awarded this year in the General Degree Programme within the Faculty of Arts.

Dean Braid reminded Senators that the rules stipulated that there could not be a tie, and that only one medal should be awarded.

Mr. Leclerc noted that this circumstance had arisen because the University was not offering enough 300-level courses, and he thought that the motion should be approved.

Dean Currie advised that the Faculty of Arts would be seeking a clearer definition of the progression from 200-level to 300-level courses.

Dean Currie's motion was then CARRIED.

MOVED by Dean Secco, on behalf of the Executive Committee, that the list of winners of medals and prizes provided to the Secretary be approved.

CARRIED

IV **MATTERS RECOMMENDED FOR CONCURRENCE WITHOUT DEBATE**

1. **Report of the Senate Committee on Awards** Page 18

Mr. Dueck advised that page 26 should be removed from the agenda, as it was a duplication.

MOVED by Dean Secco, on behalf of the Executive Committee, that the report of the Senate Committee on Awards dated 14 April 1999 be approved by Senate.

CARRIED

2. **Report of the Senate Committee on Curriculum and Course Changes** Page 28

MOVED by Dean Dronzek, on behalf of the Committee on Curriculum and Course Changes, that the report dated 9 April 1999 be approved by Senate.

Dean Berry pointed out that the correct name for course 064.2AA in the Faculty of Human Ecology (page 29) was *Textiles **Product Development, Foundations***. [change shown in bold face].

Dean Dronzek's motion was then CARRIED.

3. **Report of the Senate Committee on Awards** Addendum

MOVED by Dean Secco, on behalf of the Executive Committee, that the report of the Senate Committee on Awards dated 28 April 1999 be approved by Senate.

CARRIED

V **MATTERS FORWARDED FOR INFORMATION**

1. **Actions of the Board of Governors of Interest to Senate** Page 43

Dr. Szathmáry advised that this item should be removed from the agenda, as the memorandum had been sent in error.

2. **Correspondence from the University Secretary re Report of the University Research Committee of Senate** Page 44

3. **Correspondence re New Programmes**

- a) **B.A. (General) and B.A. (Advanced) in Global Political Economy** Page 45

- b) **Ph.D. in Natural Resources and Environmental Management** Page 47

- c) **Ph.D. in Social Work** Page 49

4. **In Memoriam: George Morley Alexander Young** Page 51

5. **Program Accreditation: 1998 Annual Update** Page 52

With reference to page 57, Dean Shields pointed out that the Faculty of Engineering had been given an extra year, and the programmes were accredited until 2001.

6. **Election of Faculty Members to Senate**

Deans and Directors are reminded that where elections of faculty members are required, the results must be reported in writing to the University Secretariat (244 Engineering Building) by 20 May where possible, but in no case later than 31 May.

7. **In Memoriam: Alfred Henry Shephard** Hand-out

VI **REPORT OF THE PRESIDENT**

Dr. Glavin announced that the Canada Foundation for Innovation had recently decided, as the result of an appeal by the University of Manitoba based on our sponsored research income, to increase the base funding amount in the new opportunities competitions.

The Social Sciences and Humanities Research Council of Canada had awarded monies for a conference on democracy at the University of Manitoba. The conference will likely be held in March

of 2000, and will be entitled *The Changing Nature of Democracy and Federalism in Canada*. This was one of only two such awards in Canada, and Dr. Glavin congratulated Dean Currie and the Faculty of Arts. This was met with a round of applause.

Professor Ogden announced that the Board of Governors had recently approved two decanal appointments: Dr. David Collins as Dean of Pharmacy and Dr. Robert O'Kell as Dean of Arts. This was met with a round of applause.

Mr. McAdam invited students and staff members to participate in the Campus Beautification Day scheduled for Wednesday, 19 May. He then advised that the University had been granted a contract to provide supplementary caretaking and housekeeping for the Village during the Pan Am Games this summer. This would create approximately 280 jobs for students at between \$7.69 and \$10.00 per hour.

Mr. McAdam noted that the University of Manitoba had received an operating grant increase of 2% this year. This, together with an average 8% increase in tuition fees plus an average 2% reduction to units' budgets, had produced a balanced budget. The University had also received significant funding for special capital projects: \$400,000 for renovations to the library in the School of Medical Rehabilitation, \$185,000 for improvements to disability access, and \$239,000 for renovations to the roof and the animal care facilities in the Chown Building. As well, \$2.8 million had been allocated for the first year of the major chiller replacement project, which could total between \$15 and \$20 million.

Dr. Szathmáry was pleased with the increased funding for capital projects. However, she expressed concern about the property tax situation. Manitoba is the only province in Canada which requires its universities to pay property taxes. Although the provincial government has been transferring \$13.4 million annually for this since its imposition in 1996, the institution's property taxes have gone up by \$2.4 million since then. That imposes a terrible burden on the academy, and makes it very difficult for the University to move ahead.

Dean Currie wondered whether it would be possible for the University to be made aware of its operating grant earlier in the year, and Dr. Szathmáry indicated that that suggestion was made to the provincial government every year.

She then noted that the Special Convocation for President Havel had been very successful.

The President advised that Town Hall Meetings would be held on both campuses during the next few weeks, and she invited members of the University community to attend.

VII QUESTION PERIOD

The following question was received in written form from Professor Giesbrecht:

"A great deal of controversy has been generated in the news over the past month regarding Dr. Hymie Rubenstein and the pamphlet he distributed at a public meeting of the Winnipeg School Division #1 on April 13, 1999. Much discussion has ensued about whether this Professor has the right to present this material under the banner of free speech and academic freedom, or whether it constitutes hate literature.

"On April 14, 1999, the Executive Committee of the University of Manitoba Student's Union simultaneously presented Dr. Rubenstein's pamphlet to the University Equity Office to look into the

possibility of it constituting hate literature, and wrote a letter of concern to the University Board of Governors, the Head of the Department of Anthropology, and the President of the University. Copies of this letter were received by the national media and reference was made to it in the *Winnipeg Free Press*, April 20, 1999. The next day, the communications director of UMSU was quoted in the *Free Press* that "at the very least they've exposed Rubenstein's homophobic character". This public comment was obviously made before a written response to UMSU's letter was provided by the University President to UMSU President Mr. Kozier, on April 21, 1999.

"From a professorial point of view the University's response of April 21, 1999 (which was reported in the *Free Press* on April 23) was disappointing. Instead of asserting professors' rights of freedom of opinion and speech, and academic freedom, it merely stated that Dr. Rubenstein's activities were not covered under University regulations because he was not engaged in University-related activities at the time. This response certainly did not assert his academic freedom and it is interesting that this freedom of opinion and speech was actually defended by editorials in the *National Post* on April 21, and in both the *Winnipeg Free Press* and the *Winnipeg Sun* on April 24.

"The final relevant history is the letter written by Mr. Lawson, Ms. Dempsey and Ms. Millan to the University on April 23, 1999 (which appeared in the *Free Press* on May 3) asking the University to distance itself from Dr. Rubenstein. The Vice-President (Academic) responded on April 29, 1999 and took a firm stand upholding the rights to express one's views and that "This is a principle on which the University must not compromise", and that "It is my responsibility as an officer of the University of Manitoba to ensure that this forum of free expression remains a hallmark of our society and University community". It is important to note that both sets of complaints have received public coverage, but only the initial University response of April 21, has been published in the press.

"1) Would the UMSU Executive Committee agree that once they ask the University Equity Office to provide a ruling as to whether a professor's handouts constitute hate literature, that the reasonable and fair approach would be to refrain from continued character degradation in the public forum, at least until a response is received from the Equity Office or other University officials?

"2) Given the obvious implications for academic freedom of professors, why did the University's response on April 21, 1999 to Mr. Kozier not take the opportunity to include the University's assertion of academic freedom for its members?

"3) What has the University done to date to see that Dr. Gardner's response of April 29, 1999 (which does assert academic freedom) be presented in the public forum, and will they make a concerted effort until this response is published?

"Thank you for your attention to these matters. I look forward to hearing the responses at the upcoming Senate meeting."

Dr. Szathmáry indicated that the first question was not a matter for Senate, and Professor Giesbrecht should take it up directly with UMSU Executive.

With regard to the second question, Dr. Szathmáry advised that she had written to the President of UMSU, as his letter had been addressed to her in her capacity as the senior University officer ultimately responsible for the institution's policy on human rights. If the recipients of her letter chose to make its contents public, that was their right, but she as writer of that letter should not be doing so. This issue had generated a great deal of debate across the country, including editorials in a number of newspapers. Dr. Szathmáry then read the following letter she had written to the Editorial Page Editor of the *Winnipeg Free Press*:

"Recent editorial opinions and letters in the *Free Press* have commented on a complaint against Professor Hymie Rubenstein by the University of Manitoba Students' Union Executive. The complaint alleged that Dr. Rubenstein's leaflet on "myths and realities" of homosexuality contravened the University's human rights policy. A decision on the complaint was reached in less than a week, and communicated to the students and to Dr. Rubenstein. The subsequent commentaries in the *Free Press* have chastised the University for not speaking forcefully enough in defense of Dr. Rubenstein's freedom of speech (e.g. April 24, 1999), or implore the University to distance itself from the substance of Dr. Rubenstein's remarks in his leaflet (e.g. May 3, 1999), and several have criticized the students for expressing their concerns and acting on them.

"The comments raise questions regarding public understanding of how a University handles internal disputes, and the role of universities in public debate.

"To address these matters, I must reiterate first what I have said throughout this controversy: the University of Manitoba holds freedom of speech to be a cornerstone of a civil society and academic freedom to be a core principle of our University. At the same time the University strives to create an environment free of inappropriate discrimination, in which all members of our University community can learn, and in which their personal dignity is respected. To create and to maintain an environment that is true to these principles in an academic community that has some 25,000 members, a formal policy on human rights is necessary, and that policy must be applied consistently.

"In the case of the complaint against Professor Hymie Rubenstein and his leaflet on the "myths and realities" of homosexuality, the University of Manitoba responded in accordance with its policy. The first step taken by our Equity Services Office was to determine if the matter under discussion fell under the jurisdiction of the Human Rights Policy. The Equity Services Office concluded that it did not because Dr. Rubenstein was engaged in activities as a private citizen. On the other hand, because Dr. Rubenstein's leaflet did include his University e-mail address, the students could have concluded that Dr. Rubenstein's opinions arose as a consequence of his University activities. The students were advised that were that the case, the proper way to challenge Dr. Rubenstein's views and ideas is through public debate, research, and other forms of academic discourse and disputation.

"It is worth emphasizing that the decision reached by the Equity Office in the case of Dr. Rubenstein says nothing about the University of Manitoba's position on his views and opinions or the views and opinions of the students. The ruling implicitly acknowledges the right of the students to lay a complaint, and explicitly advises them that in the given instance the University's human rights policy did not have jurisdiction. On the other hand, even if Dr. Rubenstein's opinion arose as a consequence of his work as a professor, the University's approach in dealing with dissenting scholarly and scientific opinions is to encourage open debate. Without discussion there can be neither a refutation of unfounded claims nor an establishment of fundamental truths. In such debates the University of Manitoba does not provide a seal of approval for the opinions of either party.

"A public controversy such as this one is never a pleasant experience for a University. If it had any positive result, though, I hope it has reiterated to our own community and to the world outside that the University of Manitoba does not engage in actions that block the rights of its members to speak as private citizens. Furthermore, the University takes seriously both academic freedom and the maintenance of a learning environment free of discrimination. Sometimes those two principles will appear to conflict, and when that happens, we will apply our policies fairly, consistently and dispassionately to arrive at a result that respects both of those values."

This was met with a round of applause.

With reference to the third question, Dr. Gardner's letter had also been directed to the writers and had not been intended for publication.

Professor Giesbrecht wished to clarify that he was not speaking on behalf of Professor Rubenstein. Rather, his questions were based upon the principle of academic freedom. With regard to his first question, he was not complaining about whether UMSU took issue with Professor Rubenstein's statements, as he believed UMSU had every right to disagree with and challenge those statements, and he noted that he would be addressing his question to UMSU directly.

Dr. Szathmáry referred to her earlier dealings with the issue of academic freedom when she was Dean of Social Science at the University of Western Ontario and a member of the academic staff was under attack for his research. On occasion she still has to speak to his right to do research in his area, and thus she feels she knows the issues surrounding academic freedom.

VIII **CONSIDERATION OF THE MINUTES OF THE MEETING OF 7 APRIL 1999**

Ms. Sawicki advised that the fifth paragraph on page 3 should be corrected to read: "She had also taken part in the opening of the **UNEVOC** Centre in the Faculty of Education, which **will** focus on teaching in the area of vocational and technological education. This centre, which **is** sponsored by UNESCO, **is** the only one of its kind in Canada, and so the University of Manitoba **has** real opportunity to make a world-wide impact in this area" [changes shown in bold face].

Ms. Sawicki pointed out that the second sentence of the first paragraph on page 11 should be corrected to read: "She was not sure, in an **era** when the University faced restricted hiring, whether the distribution could be improved" [change shown in bold face].

MOVED by Dean Shields, seconded by Mr. Leclerc, that the minutes be approved as amended.

CARRIED

IX **BUSINESS ARISING FROM THE MINUTES**

Further to the questions asked about the University's agreement with the Monsanto Corporation, Professor Feld indicated that he still had some concerns, particularly in light of the federal government's refusal to answer questions on what kind of research Monsanto would be doing on the campus. It was his belief that Senate ought to be debating proposals such as this one or the Smart Park, and he suggested that the Senate Executive Committee consider the question of whether Senate ought to be involved in the approval process of such proposals.

Dr. Szathmáry indicated that the University's decision to have a research park on the campus had been taken in 1982, and that the management agreement essentially gave veto rights to the University over what type of development would be allowed in the Smart Park.

With reference to Monsanto, Dr. Szathmáry reminded Senators that the University of Manitoba had been approached by Agriculture Canada about the re-negotiation of their lease to allow Agriculture Canada to work with Monsanto on the campus. This matter came under the domain of the University's Administration and was dealt with accordingly.

The President believed that it behooved the professoriat to show leadership in true scholarly and scientific discussion and disputation, and she encouraged individuals to publish their opinions on issues such as the agreement with Monsanto in *The Bulletin*.

With regard to Professor Feld's suggestion that Senate ought to be considering research agreements such as this, Dr. Szathmáry agreed that under the terms of *The University of Manitoba Act* Senate could indeed comment on any issue it deemed important, and she undertook to have this considered further by the Executive Committee of Senate.

Professor Duckworth indicated that he too had some concerns about the agreement with the Monsanto Corporation. He believed the University should consider carefully whether it wanted to be associated even indirectly with a company which even for all its achievements had a questionable reputation with regard to some of its research activities.

Dean Elliot explained that the research arrangement was between Monsanto and Agriculture Canada, and not the University. Furthermore, there was no joint research between Monsanto and the Faculty of Agricultural and Food Sciences. It was his understanding that if for some reason Monsanto were to abandon the research project, the laboratory and greenhouse facilities would revert to the University and not to Agriculture Canada. It was also of benefit to the University to have this kind of biotechnological capability when attracting developers to the Smart Park.

Professor Gabbert believed that Senate had some obligation to know what kind of research was going on on the University campus, particularly when there was some possibility of controversy. He suggested that Senate should at least be informed as part of the process of approving such an agreement, perhaps by way of a list from the University Research Committee of Senate including the names of private funders, the amounts of money involved, and the department or faculty. Furthermore, the Executive Committee should consider whether Senate should be part of the approvals process for cases like the one involving the Monsanto Corporation.

Dean Jamieson thought that Senate should not be having to consider all the research projects at the University, as there simply were too many of them.

Dr. Szathmáry indicated that, given the multiplicity of perspectives, the issue would be considered further by the Executive Committee of Senate.

X **REPORTS OF THE EXECUTIVE COMMITTEE OF SENATE
AND THE SENATE PLANNING AND PRIORITIES COMMITTEE**

1. **Report of the Executive
Committee of Senate**

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2. **Report of the Senate
Planning and Priorities Committee**

XI **REPORTS OF OTHER COMMITTEES OF SENATE,
FACULTY AND SCHOOL COUNCILS**

XII **ADDITIONAL BUSINESS**

XIII **ADJOURNMENT**

The meeting adjourned at 3:10 p.m.

These minutes, pp. 1 to 10, together with the material handed out at the door as well as the agenda, pp. 15 to 73, and the addendum, distributed earlier, comprise the minutes of the meeting of Senate of 12 May 1999.

/sgp