

Item: Senate Minutes, February 1994

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**DALHOUSIE UNIVERSITY**  
**MINUTES**  
**OF**  
**SENATE MEETING**

Senate met in regular session on Monday, 14 February 1994 at 4:00 p.m. in University Hall, Macdonald Building.

**Present** with Mr. Dunn in the chair were:

Andrews, Archer, Arklie, Atherton, Bankier, Barkow, Belzer, Bérard, Binkley, Birdsall, Bleasdale, Brett, Burns, Calkin, D.M. Cameron, Campbell, Carlson, Carr, Cassin, Clark, Clarke, Clovis, F.G. Cohen, Conrod, Craig, Cross, Crouse, Cummings, Curri, Easterbrook, Eberhardt, Fillmore, Fingard, Fitzgerald, Frick, Friedrich, Fullerton, Gaede, Gilroy, Glazov, Hare, Hobson, Holloway, Hoskin, Huebert, Kaspar, Kemp, Kozey, Kussmaul, Laidlaw, Lewis, L.C. MacLean, MacLeod, R.M. Martin, Mason, McIntyre, McKee, McNiven, McPhee, Melanson, Novakowski, O'Shea, Owen, Parkins, Poel, Pross, Ravindra, Ritchie, Ruedy, Sandhu, Schroeder, Schwarz, Shafai, Sherwin, A.M. Simpson, Sinclair-Faulkner, K. Smith, Sorge, Stolzman, M. Stone, Stuttard, Sullivan, J.E. Sutherland, Thiessen, Taylor, Van Feggelen, Verabioff, Wainwright, Winham, F. Woodman, Yogis.

**Invitees:** B. Crocker, M. MacDonald.

**Regrets:** J. Black, Carruthers, M. Crowley, Ghiz, J. Gray, Hare, D.W. Jones, J.V. Jones, MacInnis, D. MacLean, Mann, Maxner, Moss, Murray, Myers, Roald, Schewenger, Starnes, Waterson, Wien, C.N. Williams, D. Williams, K.S. Wood.

The meeting was called to order at 4:08 p.m.

**94:022**

Conferral of Degrees - All Faculties

Mr. Dunn asked a representative from each Faculty to present their candidates for degrees, diplomas and certificates.

College of Arts and Science

Mr Taylor proposed that degrees, diplomas and certificates be awarded as follows:

Bachelor of Arts .....	29
(First Class Honours 2, Honours 2)	
Bachelor of Arts Advanced Major Certificate .....	1
Bachelor of Arts Honours Certificate.....	1

(Honours 1)	
Bachelor of Education.....	10
Bachelor of Science .....	27
(Honours 5, Distinction 1, Adv. Major 6)	
Bachelor of Science Honours Certificate .....	1
(Honours 1)	
Bachelor of Science Advanced Major Certificate .....	2
Diploma in Engineering.....	8
TOTAL .....	79

Faculty of Graduate Studies

Ms Fingard proposed that degrees and diplomas be awarded as follows:

Doctor of Philosophy.....	19
Master of Arts.....	8
Master of Science .....	11
Master of Education .....	4
Master of Business Administration.....	4
Master of Environmental Studies .....	1
Master of Public Administration .....	2
Diploma in Public Administration .....	1
Master of Developmental Economics .....	3
Master of Health Services Administration .....	1
Master of Social Work.....	2
TOTAL .....	56

Faculty of Management

Mr McNiven proposed that degrees and certificates be awarded as follows:

Bachelor of Commerce .....	21
(Distinction 1)	
Certificate of Public Administration .....	1
TOTAL .....	22

Faculty of Law

Mr Yogis proposed that degrees be awarded as follows:

Bachelor of Laws .....	2
TOTAL .....	2

Faculty of Health Professions

Ms McIntyre proposed that degrees and diplomas be awarded as follows:

Bachelor of Physical Education .....	8
Bachelor of Science (Nursing) .....	1
Bachelor of Science (Health Education) .....	2
Bachelor of Science (Kinesiology) .....	1
TOTAL .....	12

It was moved and seconded (L. McIntyre/G. Curri)

**that the candidates proposed and identified in correspondence to the Secretary of Senate should be awarded their respective degrees, diplomas and certificates by Senate.**

The motion carried without dissent.

It was moved and seconded (B. O'Shea/J. Gilroy)

**that the Provost of the College of Arts and Science or the Dean of the appropriate Faculty and the Registrar, in consultation with the Chair of Senate, be authorized to add to and remove from the graduation list the names of any students who have been omitted from or included in the graduation list due to demonstrable errors on the part of the University or one of its officers, and that any such additions or deletions be reported to Senate.**

The motion was carried without dissent.

**94:023**

Senate Mailings

Mr Dunn reported that the Senate Steering Committee has discussed reducing the amount of material distributed from the Senate Office. A recommendation will be brought forward to the 28 February of Senate to send only the agenda for meetings to each member. Full packages would be sent to each unit for posting or internal distribution.

**94:024**

Proposed Policy on Discriminatory Harassment

Mr McKee provided background to the development of the policy document on discriminatory harassment (previously circulated). He said that administrators found it difficult to deal with complaints about discriminatory harassment in the absence of a policy. He explained that the document under consideration was a third draft, which incorporated many suggested changes made by members of the University community. Mr McKee noted that the drafting committee had agreed to delete the word "vexatious" from the document in response to cogent criticisms of the use of that word in the policy. He asked that members of Senate consider carefully the document that

had been produced rather than those in place at or proposed for other universities, noting that the aim of the Dalhousie policy was to limit the right of the University to restrict or define the right of free expression.

Ms Bankier informed the members that the Dalhousie Faculty Association had not taken an official position on this matter and had indicated that its officers should vote their consciences.

Mr McKee asked that the policy be split into sections and each section considered and voted on separately. Mr Dunn ruled that this would be acceptable. Several members objected to this ruling, arguing that the sections as written were inseparable.

It was moved (E. McKee/S. Sherwin)

**that Senate approve the preamble and section 1 of the proposed Policy on Discriminatory Harassment, with the removal of the term "vexatious" from the document as published and circulated.**

Ms Bankier said that the policy would benefit most the junior professoriate as well as various historically disadvantaged groups. She said that all rights must be reciprocal but that, in practice, this did not always seem to be the case in the University. She argued that passage of the policy would help persons of different backgrounds and views to speak more freely and without fear.

Mr Belzer asked that any final version of the policy document should correct the usage of the terms "which" and "that". Mr McKee agreed that this could be done. Mr Belzer also claimed that the term "discriminatory harassment" should be replaced by "discriminatory offenses" or some such term, arguing that "harassment" implied continuing behaviour, while the policy covered single instances of abusive speech or conduct. Mr R.M. Martin agreed, saying that the difference was important, particularly as the application of the policy could lead to serious disciplinary action against a member of the University community. Mr McKee and Ms Bankier replied that the use of the term "harassment" has been used to cover individual offenses in certain circumstances. Mr Campbell said that racial slurs, for example, can be viewed as harassment in the context of continuing societal discrimination.

It was moved (E. Belzer/J. Cummings)

**that the term "discriminatory harassment" be replaced throughout the document with the term "discrimination".**

Mr Stuttard argued that members should not be attempting to fine tune a complex policy at a large meeting. Mr Clarke and others expressed concern that the term "discrimination" was a very broad one and would make the policy even more difficult to vote on.

The question having been called, the amendment failed on a voice vote.

Mr Andrews said that he was troubled by the "right to courtesy and respect" promised him in the policy, saying that he has learned a great deal from instances when he has not been shown courtesy and respect. Ms Sherwin said that the general statement of policy was aimed at expressing the drafting committee's objections to racism and sexism. She said that she was

concerned that, should the policy not receive approval, any sort of abusive speech might be allowed at Dalhousie.

Mr Kussmaul said that he found the policy ambiguous. He asked if it was intended to protect all members of the University community against abusive speech by all other members or if it was meant to protect only some members against speech by some members. Ms Stone said that she was troubled that the major beneficiaries of the policy were not present at Senate. She said that all groups who have experienced systemic discrimination need a policy to ensure that they are treated with courtesy and respect in the University.

Mr Verabioff said that the debate had demonstrated the difficulty of dividing the policy and that he wished to challenge the ruling of the Chair to allow the vote on the policy to be divided. It was moved (L. Verabioff/R. Bérard)

**that the ruling of the Chair to allow voting on the policy document to be divided be overturned and that the whole document be voted on.**

The question having been called, the motion to overturn the decision of the Chair passed by a vote of 46 in favour to 38 opposed.

It was then moved (E. McKee/S. Sherwin)

**that Senate approve the proposed Policy on Discriminatory Harassment, with the removal of the term "vexatious" from the document as published and circulated.**

Mr Huebert said that free speech can be limited legally but must be considered as prior to other social ends. Ms Bankier replied that the right of free speech, like all rights, ends when it interferes with the rights of others.

Ms Conrod said that instances of discriminatory harassment have taken place. The policy being considered, she said, was not perfect but it was better than having no policy, and it should be tried and reviewed in due course. Ms S. Campbell (Philosophy) said that the policy should be considered as part of Dalhousie's continuing commitment to affirmative action in education. Mr Brett said that, while he agreed with the objectives of the policy, he questioned whether, in the light of the experience of American and other Canadian universities, the policy would achieve those objectives.

Ms K. Vivehlin (Philosophy) said that, as a woman and a junior, untenured member of the faculty, she would not feel safer should the policy be adopted. It should be understood, she said, that members of an academic community should treat one another with courtesy and respect, it was not possible to legislate all forms of behaviour. She added that anonymous reporting of alleged instances of discriminatory harassment would do less to promote such courtesy and respect than to encourage complaints against people who espouse controversial views. Mr Wainwright said that freedom of speech exists practically only for members of faculty and that he did not feel his academic freedom threatened by the policy, which, he added, is aimed more at mediation and education than punishment. Mr Taylor said that the implementation of the policy will be, inevitably, somewhat contentious, but the current draft of the policy had been improved significantly over earlier versions, particularly in its attention to the rights of those about whom complaints are

received.

Mr Winham said that he feared that the climate for open discussion might be chilled by the process proposed in the policy. Ms Sherwin replied that the drafting committee consulted widely in preparing the policy document and had tried to avoid many of the problems encountered by other universities that had implemented comparable policies. Without such a policy to provide a clear and responsive process for dealing with cases of discriminatory harassment, Dalhousie could experience the boycotts, pickets, and disruptions that have occurred at other institutions. Mr Sinclair-Faulkner said that it was important to be able to raise controversial issues at the University and that the policy, in his view, did not impede his ability to do so. He recalled the anti-Catholic writings of Thomas McCulloch, the first president of Dalhousie, and suggested that a policy such as the one under consideration might have been useful in McCulloch's time.

Ms Cassin said that the policy signals forward thinking on the part of the University. Mr A. Surovell (Mathematics/Transition Year Programme) said that the mediation proposed in the policy is not likely to be benign. The policy, he said, was vague, could encourage frivolous complaints, and would likely stigmatize those against whom complaints were lodged. Ms Owen and Mr McPhee said that they did not believe that their education would be jeopardized by the policy, particularly in view of the specific recognition of the need for the widest possible freedom of speech for bona fide educational purposes.

Mr R.M. Martin said that the policy was vague and poorly drafted. He said that speech codes have been used for repressive political purposes at many universities, and he suggested that, if the policy is tested in the courts, the University will lose. Ms Stone said that Senate should not, like Dickens' Circumlocution Office, continue to talk round this issue in the hope that nothing would be done. Problems with discriminatory harassment have arisen, she said, and the University needs a policy to deal with them.

Mr McKee thanked the members of the drafting committee and all members of the University community who had taken part in debating the policy and suggesting revisions and improvements.

The question having been called, the motion carried on a voice vote.

**94:025**

#### Report of the President

Mr Clark presented his report (appended).

**94:026**

#### In Camera - Approval of Honorary Degrees

Mr Bérard explained the voting procedures for dealing with the approval of honorary degrees. On behalf of the Honorary Degrees Committee it was moved and seconded (R. Bérard/J. Gilroy)

**that Senate approve the slate of ten nominees for honorary degrees.**

Mr Cameron asked that Senate should be allowed more time than remained in the current meeting

to discuss the slate of names from the Honorary Degrees Committee. Mr Bérard said that, had more time been available, it would have been possible to read aloud the brief biographies of each nominee. Mr Dunn said that the names and short biographies of those nominated had been available to members of Senate for nearly two weeks, and Mr Clark noted that there was some urgency to deal with the initial vote on honorary degrees at this time. Mr Bérard said that a specific period of time is normally set aside for this item and that, in future, every effort would be made to preserve that time period.

The motion was carried without dissent.

**94:021**

Adjournment

The meeting adjourned at 6:05 p.m. upon motion (T. McPhee/R. Carlson).

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Secretary

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Chair



**DALHOUSIE UNIVERSITY**  
**MINUTES**  
**OF**  
**SENATE MEETING**

Senate met in regular session on Monday, 28 February 1994 at 4:00 p.m. in University Hall, Macdonald Building.

**Present** with Mr. Dunn in the chair were:

Bankier, Bérard, Birdsall, Bishop, J. Black, Breckenridge, Brett, M.P. Brown, R.G. Brown, D.M. Cameron, Carlson, Cassin, Clark, Cross, J.E. Crowley, Doolittle, Dykstra, Easterbrook, Farrell, Fingard, L. Fraser, E.A. Frick, S. Frick, Geldart, Ghiz, M.W. Gray, Gupta, Hansell, Hobson, Kaspar, Kimmins, Klassen, E. Klein, Kozey, Lewis, K. MacDonald, MacInnis, MacLennan, MacLeod, Mahony, R.M. Martin, Mason, McCabe, McKee, McNiven, McPhee, Myers, Myrick, F.C. Novakowski, R. Nowakowski, Nugent, O'Shea, Poel, Pross, Ravindra, Richards, Rutherford, Ryall, Schroeder, Shafai, A.M. Simpson, Sinclair, Sinclair-Faulkner, Singer, K. Smith, Starnes, Stolzman, M. Stone, Stuttard, Sullivan, J.E. Sutherland, Sutow, Taylor, Van Feggelen, Walker, Wolf.

**Invitees:** J. Eastman, M. MacDonald.

**Regrets:** Archer, Bleasdale, Clarke, Craig, M. Crowley, Ghiz, Friedrich, Gilroy, J. Gray, Haley, Hare, Laidlaw, Lane, D. MacLean, Maxner, Murray, Owen, Rappell, Roald, Schewenger, Sketris, Waterson.

**94:028**

Minutes of Previous Meetings

The minutes of the meeting of 17 January 1994 were approved, with the following corrections:

**p. 1** - The location of the meeting should read  
"Old Senate and Board Room, Arts and Administration  
Building"; and

**p. 1** - The list of members present should include Mr Clarke;

upon motion (G. Klassen/W. Kimmins).

The minutes of the meeting of 31 January 1993 were approved upon motion (G. Klassen/W. Kimmins).

**94:029**

Matters Arising

Mr Dunn reported that the Presidential Search Committee has met twice and has agreed to a process of consultation, which will involve meetings with representatives of various constituencies in the University community and two major public meetings, scheduled for 21 March and 24 March 1994. The Committee has also agreed to engage the services of Landmark Consulting, an executive search firm. Mr Stuttard asked if this firm had been engaged in the last presidential search. Mr Dunn replied that the firm had not been involved but that one of the principals in the firm had been involved in the last search. Mr Pross asked if the firm had been involved in the recent search for a new president for the Nova Scotia College of Art and Design. Mr Dunn said that he did not know the answer to that question, but he noted that the firm had been involved in the presidential search processes at the Technical University of Nova Scotia.

Ms Bankier asked if the Presidential Search Committee would be given the report of the Morale Committee and have an opportunity to meet with that committee. Mr Dunn replied that the report would be made available but that he could not say if the Presidential Search Committee would meet with the members of the Morale Committee.

**94:030**

Nominations to Senate Committees

On behalf of the Committee on Committees, Mr McCabe tabled the following names for election to committees.

**Senate Physical Planning Committee**

**A. Ismail (Dentistry)**

**Senate Academic Appeals Committee**

**V. Miller (FASS)**

**Mount Saint Vincent University Senate**

**S. Semple (Education)**

Mr. Dunn called for further nominations three times and hearing none declared the nominees elected by acclamation.

**94:031**

## APC Motion re Procedures and Criteria for Priority Setting

Mr Dunn introduced a report (previously circulated) from the Senate Academic Planning Committee in response to Senate's request for a set of procedures and criteria to be used in setting academic priorities among units in the University. On behalf of SAPC, it was moved (R. Bérard/E. Sutow)

**that Senate support the SAPC proposal for an open debate over the future direction of Dalhousie University and to support a vote or survey being carried out once such an open debate has taken place.**

Mr Brett said that SAPC had produced neither criteria nor procedures for setting academic priorities among units, although he recognized the difficulty in attempting to do so. He suggested that any criteria eventually adopted should include a unit's potential for change, a criterion included in Senate's 1989 priorities document. He noted that SAPC's report offered an option of horizontal cuts after an initial "equalization" process but suggested that the "equalization" process had been insufficiently explained. He noted that the "focused" approach, suggested as one of the options in the SAPC report, was thought to mean making the focus of Dalhousie its programmes in science, but said that the University Mission Statement had not identified science as a specific focus for the University. Finally, he observed that the recent ruling by an arbitrator in a grievance brought against the University might rule out adopting the "focused" approach.

Mr Stuttard said that the open debate called for in the motion might be better informed after the release of the long-promised Green Paper on the university system in Nova Scotia from the Nova Scotia Council on Higher Education. He said that the SAPC exercise appeared to be primarily about the reduction of faculty positions and observed that provisions to effect such reductions existed already in the Collective Agreement between the Board of Governors and the Dalhousie Faculty Association. Finally, Mr Stuttard expressed his concern about vesting decision-making in the small group of "well respected individuals" referred to in the report.

Ms Walker said that any attempt to implement the "equalization" option should take account of possible changes in the university system in Nova Scotia. Mr Kimmins, too, thought it premature to act without a view to possible changes in the university system. Mr Sinclair said that the "equalization" option did not adequately take account of the fact that Faculties had different salary/non-salary ratios because they had made the choice to spend their budgets on different priorities.

Ms Bankier said that proper long-range planning would involve open meetings in the spring, summer, and early fall terms. She added that senators should read the DFA Collective Agreement to see what the role of Senate is. Mr Sinclair pointed out that the DFA Collective Agreement, e.g. §26, called for Senate to participate in setting academic priorities.

Mr D.M. Cameron said that SAPC should have admitted its incompetence or inability to respond to the charge given the Committee by Senate and consider other measures. He indicated that, in his view, no consensus about the future of Dalhousie existed in the University community and suggested that the motion be defeated or tabled until such time as the problem could be looked at by a restructured Senate. Mr Kimmins said that the Provincial Budget would also determine the future of the University as a whole.

Mr Cross responded that SAPC was not trying to duck its responsibilities but was seeking a process which involved broad and open consultation. Ms Stone said that such a process was a mechanism by which to build a consensus about the future of the University that may, at present, be absent. Ms Stone added that, in view of the poor quality of the consultants' report on teacher education done for the Nova Scotia Council on Higher Education and the confused messages coming from the Council, Senate should not restrict itself from acting. Mr Sutow said that the three options presented by SAPC might not be the only ones possible and that the consultative process could, conceivably, suggest alternative directions for the University. Mr D.M.Cameron argued that if the SAPC report could not even present three distinct visions of the University's future, it should simply be rejected.

Mr McNiven said that members of Senate should recognize that financial problems demanded financial solutions and should not make the common error of trying to meet financial problems through debating alternative academic visions. He said that the implications of the NSCHE consultants' report on teacher education were that Dalhousie would lose money with the loss of the School of Education, money which would have to come from the budgets of other units.

The question having been called, the motion carried, 40 in favour, 20 opposed, and 5 abstentions.

**94:032**

#### SFPC Report re BAC Discussion Paper

Mr Carlson introduced a report (previously circulated) from the Senate Financial Planning Committee in response to the recent Budget Advisory Committee (BAC) Discussion Paper. He said that SFPC sought to review the academic implications of various budget options and to develop a number of general principles for debate.

It was moved (R. Carlson/D.M. Cameron)

**that Senate adopt the Preamble and Principles contained in the SFPC Report.**

Ms Bankier argued that several of the principles recommended fall outside the jurisdiction of Senate and relate to matters negotiated between the DFA and the Board of Governors. She said that the implementation of §27 of the DFA Collective Agreement provided a better mechanism for dealing with any financial crisis than the proposals made in the SFPC report, such as that suggesting possible across-the-board salary reductions. Mr Clark replied that, while many of the principles outlined did relate to matters that are open to negotiation between the Board and the DFA, the Board has indicated that it would welcome a debate in Senate over these principles. Mr Stuttard responded that debate over the principles was fine but he would not recommend accepting all of them. Mr Kimmins said that SFPC had tried to give a representative and concrete response to the BAC and that their report should be given serious consideration.

Mr Taylor said that, while he found some proposals constructive, he objected to references to cutting programmes. He suggested that Senate might be willing to receive, rather than adopt, the report and its principles. Messrs Stuttard and Sinclair-Faulkner suggested that SFPC might wish to reconsider and revise its report in the light of the arbitration ruling mentioned earlier. Mr D.M. Cameron replied that the arbitrator's decision applied to a specific grievance and need not be

applied generally. He defended the principles in the report aimed at assisting Senate to recover its control over academic planning for the University. He proposed a substitute motion, agreed to by the mover,

**that Senate receive the SFPC Report and debate, seriatim, the preamble and the nine principles contained in the Report.**

Ms O'Shea argued that several of the principles seemed contradictory to her, e.g., suggesting that more planning be done at the Faculty and departmental levels but recommending reducing administrative costs at those levels. Mr Carlson asked that the debate be conducted according to what the report says, noting that each principle had been worded to give Senate broad flexibility in applying it. Ms Bankier said that Senate was dominated by full professors and was not representative of the faculty as a whole.

The question having been called, the motion carried on a voice vote.

Mr Brett asked if the nine principles would be debated at the same time. Mr Dunn said that they would be debated together. It was moved (T. Sinclair-Faulkner/C. Stuttard)

**that Senate direct the SFPC and SAPC to study the ruling of the arbitrator and report to Senate on how that decision will guide the strategy of Senate in dealing with the current financial crisis.**

Mr D.M. Cameron argued that the motion was inappropriate and out of order, and he questioned what "strategy" was being referred to in the motion. Ms Bankier said that administrators have been trying to evade the responsibilities of the DFA Collective Agreement and that it would be helpful if SAPC and SFPC were informed. Mr Kimmins said that he believed the motion required notice. Mr Dunn ruled the motion in order.

The question having been called, the motion was defeated on a voice vote.

**94:033**

#### Senate Mailings

Mr Dunn reported that, in response to a major budget reduction recommended by the BAC, the Senate Office was now planning on 1 April to limit the mailing of full packages to unit offices. Agendas and motions will still be sent to all members of Senate. Ms Bankier said that such a plan might just shift photocopying costs to the unit level. She said that the plan would lead to a serious reduction in the level of information available to members of Senate. She also expressed concern that the budget of the Senate Office was given a major cut, greater than that assigned, for example, to the President's Office.

**94:034**

#### For Information - Board Approval of Senate Recommendations

Mr Bérard reported that the Board of Governors had approved the proposed Nova Scotia

Agricultural College degree option in Aquaculture, subject to the availability of the external funding identified in the proposal, approved changing the name of the Department of Russian to the Department of Russian Studies, and approved changing the designation of the B.Sc. in Microbiology to a B.Sc. in Microbiology and Immunology.

**94:035**

Report of the President

Mr Clark presented his report (appended). He said that he has found the performance of the Nova Scotia Council on Higher Education in dealing with its consultants' report on teacher education very unsatisfactory and has communicated his concerns to the Minister of Education.

Mr Clark said that he took exception to comments suggesting that the administration had sought to evade its responsibilities under the DFA Collective Agreement. He said that grievances often arise over differences of interpretation of specific words or phrases. He noted, for example, that §27 of the DFA Collective Agreement can be invoked to prevent the "financial collapse" of the University and asked if there was universal agreement on the meaning of the term "financial collapse". He added that he will respect the decision of the arbitrator, but that the decision and the administration's acceptance of it will not help to deal with the current financial problems of the University.

Mr Taylor asked if the President would make a statement affirming that the Departments of Music, Theatre (including Costume Studies), the School of Public Administration, and the School of Library and Information Studies will remain open. Mr Clark said that he would present his response to the proposed three-year plans of the Faculties to the meetings of the Board and Senate in mid-March and issue a further statement in due course.

**94:036**

Adjournment

The meeting adjourned at 6:03 p.m. upon motion (G. Klassen/R. Carlson).

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Secretary

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Chair