

**Minutes of a meeting of Senate held on the above date at 1:30 p.m. in the Senate Chamber, Room E3-262 Engineering and Information Technology Complex**

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**Members Present**

Dr. D. Barnard,  
Chair  
Dr. C. Adams  
Prof. G. Anderson  
Prof. John  
Anderson  
Prof. Judith  
Anderson  
Prof. M. Araji  
Prof. B. Austin-Smith  
Dean S. Baum  
Mr. B. Bawdon  
Dean J. Beddoes  
Dean M. Benarroch  
Ms. D. Bennet  
Prof. T. Booth  
Prof. O. Botar  
Very Rev. R. Bozyk  
Prof. M. Brabston  
Ms. M. Brolley  
Dean. D. Brown  
Mr. T. Burton  
Prof. A. Calder  
Prof. J. Carlberg  
Prof. P. Cattini  
Prof. P. Dass  
Dean E. Dawe  
Ms. A. Dewar  
Dean J. Doering  
Prof. P. England  
Dean E. Etcheverry  
Prof. G. Fitzell  
Acting Dean  
H. Frankel  
Mr. R. From  
Prof. M. Gabbert  
Prof. J. Gilchrist  
Ms. S. Gottheil  
Prof. J. Guard  
Dean N. Halden  
Prof. R. Hechter  
Dean G. Hepburn  
Prof. D.  
Hiebert-Murphy

Prof. J. Honeyford  
Ms. E. Isabey  
Prof. T. Ivanco  
Ms. S. Jordan  
Mrs. V. Keown  
Dr. J. Keselman  
Prof. J. Kettner  
Mr. P. Kochan  
Mr. B. Kohistani  
Prof. L. Landrum  
Mr. E. Loewen  
Prof. A. MacDonell  
Prof. S. McClement  
Ms. J. McConnell  
Prof. D. McMillan  
Prof. A. McNicol  
Prof. A. Menkis  
Dean J. Mulvale  
Ms. L. Oakes  
Dr. C. Ould Moulaye  
Prof. J. Owens  
Ms. K. Penner  
Ms. C. Plumton  
Prof. D. Polyzois  
Dean B. Postl  
Prof. C. Rocke  
Ms. A. Roscoe  
Dean R. Stern  
Prof. R. Tate  
Dean J. Taylor  
Mr. A. Thapa  
Prof. C. Trott  
Ms. C. Uchime  
Ms. D. Vafabakhsh  
Dean K. Wittenberg  
Prof. A. Young  
Mr. J. Leclerc,  
University Secretary  
Dr. S. Coyston,  
Recording  
Secretary

**Assessors Present**

Mr. J. Adams  
Dr. J. Blatz  
Dr. D. Collins  
Ms. A. Ducas  
Prof. M. Hudson  
Ms. R. Kunzman  
Mr. N. Marnoch  
Dr. J. Ristock  
Prof. G. Smith  
Dr. D. Stewart  
Ms. D. Young

**Regrets**

Ms. O. Alaka  
Prof. D. Brewin  
Prof. F. Burczynski  
Prof. M. Campbell  
Prof. T. Chen  
Prof. A. Chiu  
Recteur G. Csepregi  
Dean N. Davies  
Ms. S. Dveris  
Prof. B. Elias  
Prof. T. Falkenberg  
Prof. G. Giesbrecht  
Prof. B. Hallman  
Prof. P. Hess  
Prof. P. Hultin  
Dean A. Iacopino  
Dr. D. Jayas  
Prof. E. Judd  
Mr. J. Kearsey  
Prof. W. Kinsner  
Mr. J. Lieberman  
Prof. D. MacPherson  
Dean D. Mandzuk  
Prof. K. Matheos  
Prof. T. Papakyriakou  
Prof. F. Parkinson  
Ms. L. Rempel  
Ms. M.-J. Romaniuk  
Dr. H. Sector  
Ms. R. Taylor

Prof. H. Unruh  
Mr. G. Westdal  
Prof. D. Wirtzfeld

**Absent**

Ms. K. Banera  
Ms. T. Choong  
Ms. S. Connelly  
Mr. J. Danyluk  
Mr. J. Diamond  
Mr. E. Ekine  
Prof. J. Embree  
Prof. R. Eni  
Prof. D. Funk  
Dr. G. Glavin  
Prof. J. Hughes  
Mr. T. Krawetz  
Ms. F. Lee  
Ms. T. McVannel  
Mr. M. Michalak  
Dean B. O'Connell  
Ms. B. Silverstein  
Prof. D. Smyth  
Ms. O. Stein  
Dr. M. Torchia  
Mr. A. Turnbull  
Dean L. Turnbull  
Prof. B.-C. Wang  
Prof. L. Wang

**Also Present**

Prof. P. Bose  
Ms. C. Christie  
Prof. J. Compton  
Mr. J. Danakas  
Ms. C. Davidson  
Ms. S. Foster  
Ms. P. Gareau  
Ms. L. Halket  
Mr. B. Hughes  
Mr. G. Juliano  
Prof. R. Lobdell

**Also Present** (continued)

Ms. K. McQuarrie-  
Smith

Ms. P. Mehta

Ms. H. Morris

Ms. M. Novak

Ms. V. Shaff

Ms. V. Shantz

Prof. W. Simpson

Ms. P. Trupish

Ms. B. Usick

Ms. S. Utsunomiya

Ms. M. Versace

Prof. D. Wallin

Ms. M. Watson

Ms. M. Yoshida

The Chair informed Senate that the speaker of the Senate Executive Committee was Dean Emily Etcheverry, College of Rehabilitation Sciences.

**I CANDIDATES FOR DEGREES,  
DIPLOMAS AND CERTIFICATES – FEBRUARY 2015**

Mr. Marnoch reported that 804 students would graduate in February 2015.

Senate was asked to approve three degrees notwithstanding a deficiency. The College of Nursing recommended that a student, who had completed all of the required coursework but had not met the College's residence requirement, be allowed to graduate with a Bachelor of Nursing. The student had completed a 3 credit hour course at another institution on a Letter of Permission from the College.

The College recommended that a Bachelor of Nursing be awarded posthumously to a student who was short 13 credit hours.

The Faculty of Social Work recommended that a Bachelor of Social Work be awarded posthumously to a student who had 24 credit hours remaining in the program.

**Dean Etcheverry MOVED, on behalf of the Senate Executive Committee, THAT the list of candidates recommended for degrees notwithstanding a deficiency be approved.**

**CARRIED**

**Dean Etcheverry MOVED, on behalf of the Senate Executive Committee, THAT the list of graduands provided to the University Secretary by the Registrar be approved, subject to the right of Deans and Directors to initiate late changes with the Registrar up to February 6, 2015.**

**CARRIED**

**II MATTERS TO BE CONSIDERED IN CLOSED SESSION - none**

**III MATTERS RECOMMENDED FOR CONCURRENCE WITHOUT DEBATE - none**

**IV MATTERS FORWARDED FOR INFORMATION**

**1. Report of the Senate Committee on Awards  
[December 11, 2014]**

Page 3

Mr. Adams responded to two questions sent to the University Secretary prior to the meeting. First, he indicated that the George Mower Memorial Prize is not open to students in the B.Sc.(Maj.) or the B.Sc.(Hons.) in Psychology. The terms of reference for the award specify that the recipients must be enrolled full-time in the Department of Psychology in the Faculty of Arts. In response to the second question, regarding the possibility of revising the name of the V.E. Barber Memorial Fellowship in Arctic Research, to include the name of the Clayton H. Riddell Faculty of Environment, Earth, and Resources, Mr. Adams said the terms of reference do stipulate that the fellowship is for students who are supervised by a faculty member in that Faculty. Any change to the name of the fellowship would

have to be made in consultation with the donor and would require the approval of the Senate Committee on Awards and the Board of Governors.

2. **Annual Report of the University Discipline Committee**

Page 8

The Chair said Professor Fuchs, Chair of the University Discipline Committee (UDC), was not available for the meeting. He indicated that Mr. Leclerc could respond to questions concerning the Report.

In response to a question from Professor Kettner, Mr. Leclerc said the number of incidents refers to separate incidents that had been reported by disciplinary authorities across the University. The number of individual students involved in discipline incidents might be lower, as some individuals might have been involved in more than one incident. He said he would look into whether it would be possible to report on both the number of incidents and the number of students involved in discipline incidents in future reports.

Professor Kettner suggested future reports might indicate the number of repeat offences and include a summary of the disciplinary measures imposed and the outcomes, so Senate could assess whether disciplinary actions have been effective. Mr. Leclerc said consideration would be given to whether it would be possible for disciplinary authorities to provide this information in such a way that it would not be possible to identify individual students involved.

Professor Austin-Smith noted that there is some ambiguity about what are mitigating and aggravating factors, as some actions are identified as both in the report. Mr. Leclerc said the UDC would look at the possibility of developing better definitions of these things.

3. **Student Accessibility Services Annual Report, 2013 - 2014**

Page 82

Professor Kettner thanked the authors for the Annual Report. He suggested that future reports might also provide data on the proportion of students within each faculty, college, or school, who have registered with Student Accessibility Services (SAS). Based on the data in Table 1, he said it appears that the College of Medicine has a higher than average proportion of students registered with SAS. He proposed that the Annual Reports might include a summary and some analysis of trends or issues, from the perspective of the SAS.

Referring to Table 2, Professor Kettner remarked on the number of students in the disability category, mental health. He suggested that it would be useful to receive information on the numbers of students with particular types of mental health disabilities, for example, mood disorders and psychosis, in order to better understanding of the patterns that might exist within this category.

4. **Student Advocacy Annual Report, 2013 - 2014**

Page 95

Ms. Usick called attention to updates on two recommendations made by Student Advocacy in last year's report. One concerns definitions for different examples of academic dishonesty that have been developed by the Academic Integrity

Working Group. The second relates to developing educational opportunities on the proper use of social media.

Ms. Usick said Student Advocacy is recommending that new academic administrators and others with disciplinary authority avail themselves of training on fair investigation and/or fair hearing offered by the SAS and the Office of Legal Counsel.

**5. Report of the Senate Committee on Academic Review** Page 104  
**RE: Undergraduate and Graduate Program Reviews**  
**[November 27, 2014]**

Dr. Collins referred members to the Report, for the observations of the Senate Committee on Academic Review. Referring to observation 3, he said one program review that had been under review in the faculty in November is now under review in his office.

Dr. Collins informed Senate that changes to the undergraduate and graduate program review processes are being contemplated. He reported that a pilot project involving programs in the Departments of Biological Sciences and History has been initiated to explore the possibility of combining the undergraduate and graduate program review processes. He said Senate would receive the results of the pilot at a future meeting.

Professor Kettner said it would be useful if the Report reviewed significant information that would give a sense of how well the University is doing. Dr. Collins noted that materials provided to Senate include reports on the status of current undergraduate and graduate program reviews and externally accredited programs. Information provided to Senate typically is scant. The possibility of providing executive summaries of program reviews is being considered.

**6. Notification of Establishment of Geopolitical Economy** Page 116  
**Research Group**

Dr. Blatz reported, for information, that the Vice-President (Research and International) had approved the establishment of the Geopolitical Economy Research Group.

Professor Kettner recommended that faculty from the Faculty of Health Sciences might be invited to participate in the Research Group, as the Faculty has strong research programs in population health and global health, which are important issues in the context of global political economy. Dr. Blatz said he would share this suggestion with the proponent of the Research Group.

**7. Suspension of Admissions to the M.Sc. in Family** Page 121  
**Social Sciences, President's Approval**

## **V REPORT OF THE PRESIDENT**

President Barnard read a statement in response to the Canadian Association of University Teachers' Report on the Department of Economics at the University of Manitoba. A copy of the President's statement and a link to the CAUT Report are appended to the minutes of the meeting.

President Barnard invited Dean Taylor to comment on the CAUT's report. Dean Taylor said an internal search for the headship of the Department of Economics is underway and a search committee has been established. He said the search would continue irrespective of the CAUT's recommendation that an acting head from outside the Department should be appointed. The current Head's term concludes in May 2015. Dean Taylor reminded Senators that the University of Manitoba Faculty Association Collective Agreement specifies that the search committee will automatically consider the incumbent unless that person declines to be considered. The search committee had met that day to consider applications for the position.

Dean Taylor said the Faculty of Arts would continue to work to ensure a healthy work environment in the Department. He said that, when he had met with the Ad Hoc Investigatory Committee of the CAUT, he had indicated that he felt the investigation would not help but would, rather, hinder the efforts of the Faculty in this regard. He said he had made the same recommendation to Dr. Turk, who was then Executive Director of the CAUT. Dean Taylor said the contents of the report confirm his initial concerns regarding the wisdom of the report.

President Barnard said his statement would be made available on the University's webpage. He invited Senators to provide their considered reviews once they had had an opportunity to think about the statement and the CAUT's report. He said the matter is of interest to members of Senate, given their role in establishing and maintaining the values of the University.

## **VI QUESTION PERIOD**

Senators are reminded that questions shall normally be submitted in writing to the University Secretary no later than 10:00 a.m. of the day preceding the meeting. No questions were received.

## **VII CONSIDERATION OF THE MINUTES OF THE MEETING OF JANUARY 7, 2015**

**Professor Brabston MOVED, seconded by Professor McMillan, THAT the minutes of the Senate meeting held on January 7, 2015 be approved as circulated.**

**CARRIED**

## **VIII BUSINESS ARISING FROM THE MINUTES – none**

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

**1.      Report of the Senate Executive Committee      Page 122**

Dean Etcheverry said the Executive Committee met on January 21, 2015. Comments of the committee accompany the reports on which they are made.

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

Ms. Ducas said the Senate Planning and Priorities Committee (SPPC) had completed its deliberations on a proposal to merge the Department of Textile Sciences, Faculty of Human Ecology, with the Department of Biosystems Engineering, Faculty of Agricultural and Food Sciences.

Ms. Ducas said the SPPC had endorsed a proposal for a Direct Entry process for the Faculty of Science. The proposal will be brought forward to Senate in due course.

Ms. Ducas reported that the committee is considering a proposal to renew an articulation agreement between the University and UCSI University, in Malaysia, concerning Engineering programs. The SPPC is also considering a proposal for a Master of Science in Genetic Counselling.

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

**1.      Revised Name for the Bachelor of Medical  
Rehabilitation (Respiratory Therapy),  
College of Rehabilitation Sciences      Page 123**

Dean Etcheverry said the College of Rehabilitation was proposing to change the degree designation for the Bachelor of Medical Rehabilitation Therapy to “Bachelor of Respiratory Therapy”. She recalled that the name of the College itself had recently been changed from “School of Medical Rehabilitation” and noted that other programs offered by the College no longer refer to “medical rehabilitation”.

**Dean Etcheverry MOVED, seconded by Professor Kettner, THAT Senate approve a proposal to revise the name of the Bachelor of Medical Rehabilitation (Respiratory Therapy) to “Bachelor of Respiratory Therapy”, effective upon approval.**

**CARRIED**

2. **Reports of the Senate Committee on University Research**

- (a) **RE: Proposal for Endowed Research Professorship in Neurosciences** Page 126

**Dr. Blatz MOVED, on behalf of the committee, THAT Senate approve and recommend that the Board of Governors approve, the establishment of an Endowed Research Professorship in Neurosciences.**

**CARRIED**

- (b) **RE: Periodic Review of Research Centres and Institutes: University of Manitoba Transport Institute** Page 134

Dr. Blatz said the University of Manitoba Transport Institute has undergone a number of changes in recent years, including the recent appointment of a new Director. He said the Senate Committee on University Research is requesting that Senate approve a six-month extension for the review of the Institute.

**Dr. Blatz MOVED, on behalf of the committee, THAT Senate approve the Report of the Senate Committee on University Research, on the periodic review of the University of Manitoba Transport Institute, regarding a recommendation that the Institute be granted a six-month extension, ending June 30, 2015.**

**CARRIED**

XI **ADDITIONAL BUSINESS** - none

XII **ADJOURNMENT**

The meeting was adjourned at 2:26 p.m.

These minutes, pages 1 to 8, combined with the agenda, pages 1 to 134, and the President's "Response to CAUT Report on the Department of Economics at the University of Manitoba" comprise the minutes of the meeting of Senate held on February 4, 2015.

**Response to CAUT Report on the Department of Economics at the University of Manitoba<sup>1</sup>**  
**Prepared for a Meeting of the Senate, University of Manitoba**  
**David T. Barnard, President and Vice-Chancellor**  
**February 4, 2015**

In November this Senate approved, with no dissenting votes, *Taking Our Place: University of Manitoba Strategic Plan 2015-2020*<sup>2</sup>. The context for the details of the Plan is set by this statement:

Mission: To create, preserve, communicate and apply knowledge, contributing to the cultural, social and economic well-being of the people of Manitoba, Canada and the world.

Vision: To take our place among leading universities through a commitment to transformative research and scholarship and innovative teaching and learning, uniquely strengthened by Indigenous knowledge and perspectives.

Values: To achieve our vision, we require a commitment to a common set of ideals. The University of Manitoba values: Academic Freedom, Accountability, Collegiality, Equity and Inclusion, Excellence, Innovation, Integrity, Respect, Sustainability

If our shared work as Senate in deriving the plans and documents that shape the University of Manitoba is to be meaningful, then together we must be committed to these important ideals included in that foundational document.

I want to talk to you today about an issue – a sequence of actions, really – that calls out to be considered in a context of values and deep commitments.

If we want Academic Freedom, we need to defend it against attempts to weaken the concept.

If we value Accountability, we should stand aside from attempts to hide behind anonymity.

If Collegiality matters to us – whether in its sense of shared power and responsibility or in its sense of cooperative activity – then we need to take personal and collective responsibility for building and maintaining a collegial environment.

If we want Equity and Inclusion, we must resist efforts to preserve privilege and prevent participation by groups traditionally excluded.

If Excellence is important, we must respond to it wherever we find it among us and nurture it.

If Innovation matters we should be shaped but not shackled by the past.

If we believe Integrity is important we must practice it ourselves and demand it from others.

If we are convinced that Respect is important then we should accept that lively and even edgy debate about our work is possible without demeaning each other.

If we want Sustainability we need to build up rather than tear down our shared space, our common Mission, “To create, preserve, communicate and apply knowledge, contributing to the cultural, social and economic well-being of the people of Manitoba, Canada and the world.”

I want to talk to you today about the situation in which our colleagues in the Department of Economics find themselves, and ask you to think together – as a Senate and as representatives of the larger University of Manitoba community – about how best to bring our ideals to bear in this difficult situation.

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<sup>1</sup> Report of the Ad Hoc Investigatory Committee into the Department of Economics at the University of Manitoba, Canadian Association of University Teachers, January 2015. <http://www.caut.ca/docs/default-source/reports/caut-ahic-report---manitoba-economics-%282015-01%29.pdf?sfvrsn=2>

<sup>2</sup> [http://umanitoba.ca/admin/president/media/PRE-00-018-StrategicPlan-WebPdf\\_FNL.pdf](http://umanitoba.ca/admin/president/media/PRE-00-018-StrategicPlan-WebPdf_FNL.pdf) Accessed February 2, 2015

With a letter addressed to me dated January 28, 2015, David Robinson, the Executive Director of the Canadian Association of University Teachers (CAUT) forwarded the Report of an ad hoc investigatory committee that was asked to

- “investigate whether there has been an attempt to eliminate or significantly reduce the heterodox tradition in the Department of Economics at the University of Manitoba;
- determine, if such an attempt is found to have occurred, whether it constitutes a violation of academic freedom; and,
- make any appropriate recommendations.”

I remind you that, as I indicated when CAUT first announced its intention to investigate the Department of Economics, I have serious issues with this undertaking, both from a jurisdictional and a process perspective. At the time, I made clear my reservations about what I saw as an inherently flawed process, well outside CAUT's jurisdictional boundaries, and infringing on the University of Manitoba's.

There are internal processes that can be invoked when there is difficulty between or among colleagues. These processes, because they are internal, can have access to a variety of sources of information that are not available to anyone outside the University. However, in this case those internal processes were not invoked. I am not aware of any formal complaints filed by any member of the Department of Economics about the violations of academic freedom that the Report claims to find. Why were internal procedures – which have been agreed between the University and UMFA – not invoked? Why does CAUT involve itself from outside when internal processes were not even invoked, much less exhausted? How can the University and UMFA work together to achieve common goals when agreed procedures can be bypassed by some from outside?

Even with the best of intentions, such external investigations are inherently flawed because there can be no guarantee that all the relevant information is available to the investigators. Those who do choose to speak to an external investigating committee are bound by laws and policies protecting information pertaining to individuals or confidential proceedings from being shared with those outside the University. This means that if confidential information is material, as is often true in investigations, the investigating committee will be lacking crucial information. Further, the investigating committee cannot compel witnesses and thus cannot ensure that an appropriate diversity of perspectives and views have been taken into account. In my view this renders such investigations of questionable value so my expectations of the eventual result were low.

Now, after a first review of the Report, it is evident that my concerns were well-founded. The Report is deeply flawed in numerous ways that compel the University of Manitoba to look more closely and seriously at the full implications of this matter, legal and otherwise.

Since some of the flaws are directly relevant to the responsibilities of this Senate, I have decided to present an initial response to the Report here in Senate. This is not an attempt to comprehensively catalogue the shortcomings of the Report, but simply to give the flavor of them.

## **Economics**

To set some context for those members of Senate to whom this is new, I will begin, as the Report does, with terminology – though I will do so more briefly. The Report states that there is in the discipline and in the University of Manitoba's Department of Economics a neoclassical, mainstream or *orthodox* faction

that wants only its perspective presented to students, a *heterodox* faction, and a third group that believes the Department to be strong because of the presence of both approaches. The terms or constructs “orthodox” and “heterodox” are presented in such a way as to make us think that the first label is attached to those who are unwilling to consider a broad range of views while the second group does not suffer from that limitation. Although the Report gives a generic description of what “heterodox” might mean, it is apparently applied more narrowly in practice by some who use it, since from what I am told that group does not, for example, include the feminist economists in our own Department.

No member of the investigatory committee is an economist (one wonders in passing why not), and nor am I. However, I have been given some help by present and former colleagues who are economists, as I suspect the authors of the Report must have been as well. In particular, I was referred to a paper by Roger Backhouse and Steven Medema<sup>3</sup> about the definition of the discipline of economics. Here is the abstract of that paper:

Modern economists do not subscribe to a homogeneous definition of their subject. Surveying definitions of economics from contemporary principles of economics textbooks, we find that economics is the study of the economy, the study of the coordination process, the study of the effects of scarcity, the science of choice, and the study of human behavior. At a time when economists are tackling subjects as diverse as growth, auctions, crime, and religion with a methodological toolkit that includes real analysis, econometrics, laboratory experiments, and historical case studies, and when they are debating the explanatory roles of rationality and behavioral norms, any concise definition of economics is likely to be inadequate. This lack of agreement on a definition does not necessarily pose a problem for the subject. Economists are generally guided by pragmatic considerations of what works or by methodological views emanating from various sources, not by formal definitions: to repeat the comment attributed to Jacob Viner, economics is what economists do. However, the way the definition of economics has evolved is more than a historical curiosity. At times, definitions are used to justify what economists are doing. Definitions can also reflect the direction in which their authors want to see the subject move and can even influence practice.

I am particularly struck by the observation that “economists are generally guided by pragmatic considerations of what works or by methodological views emanating from various sources, not by formal definitions.” This aligns with my experience of economists over many years in different places. One of our colleagues in the Department, Janice Compton, wrote in a blog<sup>4</sup> prompted by reading the Report that, “Economics is not static and the working definition of what is inside and outside the mainstream is constantly changing.” I expect that many of us could say this about our own disciplines, thus it should be no surprise to us. Further, she says, “As has been stated many times by many on the so-called ‘orthodox’ side, many of us believe that heterodox is a valid and important field in economics, but no more or less valid and important than the other fields represented in the department.”

So while I describe the construct placed on the entire exercise, and while it is used as a shorthand description by our colleagues of themselves, it is in many ways a limiting one, not widely accepted by

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<sup>3</sup> Roger E. Backhouse and Steven G. Medema, Retrospectives: On the Definition of Economics, *Journal of Economic Perspectives*, 23 (2): 221-33, 2009. <https://www.aeaweb.org/articles.php?doi=10.1257/jep.23.1.221>

<sup>4</sup> The CAUT Investigation, January 29, 2015 <https://hnhblog.wordpress.com/2015/01/29/the-caut-investigation/>

the practitioners of the discipline as a whole, not accepted uniformly and comfortably in our own Department and not something to which our colleagues should be bound.

We, and especially our colleagues in Economics, can legitimately wonder why this somewhat artificial, somewhat local perspective has been used to define and to stir up our Department. Who gains from this?

In the remainder of this statement I will not attempt to provide detailed background or full context, but I will point out what I believe to be particularly problematic aspects of the Report. I encourage you to read it and form your own opinions if you have not already done so. It can be found by going to the CAUT web page<sup>5</sup> and searching for “Manitoba Economics”, or by going to the UMFA web page<sup>6</sup> where the link is posted without comment under the “UMFA News” label.

### **Academic Freedom:**

Our academic institutions are predicated on the search for knowledge, and then the dissemination and application of it. Academic freedom is intended to protect those who are involved in this searching, disseminating and application. It is a fundamental value for the University of Manitoba and for all such institutions. We should stand strong for the concept and defend attacks against it.

I have stated on other occasions that I believe the greatest threat to academic freedom in Canada is stretching the definition so that the concept becomes so attenuated as to lack meaning and relevance. In Canadian law, no single right trumps every other right. If inside the academy we allow “academic freedom” to be used as a loose label to cover many things not intended by the indisputably important basic idea, and in particular allow it to be used in justifying abuse of other rights, then we head down a dangerous path.

The Report in two of its findings claims to have found violations of academic freedom. They are brief so I will quote them in their entirety before commenting:

14. It was a violation of academic freedom for the Department Council to direct a review of Professor Chernomas’s course in Health Economics in response to his proposal for a new course in the “economics [sic] determinants of health.”

The Report gives more detail in its “Narrative of Events” but the essence of the issue in item 14 should be clear. In response to a proposal for a new course, which was approved, Department Council asked for the review of an existing course. It is easy to see how this might come about through concerns about coverage of material, whether both courses are needed and so on. Department Council is empowered to make recommendations to the head or other appropriate officers or bodies in the University. It is certainly within the role of Department Council to choose to review courses and curriculum; indeed it ought to be considered a responsibility. Senate approves courses and curricula on recommendation of Faculty Councils. Department Council plays an important role in these considerations.

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<sup>5</sup> <http://www.caut.ca/docs/default-source/reports/caut-ahic-report---manitoba-economics-%282015-01%29e78833f1c6ef6d389810ff00005eecd3.pdf> Accessed February 1, 2015

<sup>6</sup> [http://www.umfa.ca/pdf/miscellaneous/CAUTreport\\_economics\\_investigation.pdf](http://www.umfa.ca/pdf/miscellaneous/CAUTreport_economics_investigation.pdf) Accessed February 1, 2015

It should be clear to everyone in this room that courses are approved by Senate. They are the University's courses. They are offered by faculties and departments. They do not belong to any one faculty member, even if they are regularly taught by a particular faculty member.

Section 5 of the CAUT policy on Academic Freedom<sup>7</sup> says:

Academic freedom requires that academic staff play a major role in the governance of the institution. Academic staff members shall constitute at least a majority on committees or collegial governing bodies responsible for academic matters including but not limited to curriculum, assessment procedures and standards, appointment, tenure and promotion.

This is true for department councils, faculty councils and Senate. Not liking the result of a process does not turn that process into a violation of academic freedom. All faculty members in Economics are free to teach as they see fit, within the very broad curriculum and course outlines approved collegially.

Does any member of Senate seriously believe that the review of an existing course that is prompted by the introduction of a new related course is a violation of the academic freedom of the person who most recently taught the existing one and will teach the new one?

The second alleged violation of academic freedom is this item in the Report's findings:

15. It was a violation of academic freedom when orthodox members of the department behaved in ways that discriminated against doctoral students being supervised by heterodox economists. This included treatment at oral examinations, advice about potential areas of study, funding decisions, and advice that their choice of heterodox supervisors was unwise in terms of their future careers. Academic freedom requires that colleagues within the academy, notwithstanding different views or disagreements, not undermine the scholarship of their colleagues.

This omnibus carries many passengers, so many things could be said about it. Since it is not my intent at this point in time to be exhaustive, but instead to choose illustrative examples, I will focus on only one of its broadside of undocumented accusations of the behaviour of our colleagues. This is the reference to a description in the Report of one faculty member apparently having told a graduate student that positions are not as plentiful in some parts of the discipline as in others.

Does any member of Senate seriously think that expressing the opinion that some subfields of one's discipline offer greater employment opportunities than others can legitimately be described as a violation of the academic freedom of colleagues who work in subfields where new positions are not plentiful?

The Report's construal of such incidents as violations of academic freedom is precisely the type of abuse of the concept that will weaken it.

Why are these findings of the abuse of academic freedom, which I expect many members of this body will find objectionable, present in the Report? The investigation was commissioned<sup>8</sup> "as specified by the

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<sup>7</sup> <http://www.caut.ca/about-us/caut-policy/lists/caut-policy-statements/policy-statement-on-academic-freedom>

Accessed February 1, 2015

<sup>8</sup> Report, p.4.

*CAUT Procedures in Academic Freedom Cases*” and one might be justified in wondering if such findings were its inevitable – perhaps predetermined? – outcome.

### **Use of Anonymous Testimony**

Members of Senate may recall that a few months ago this body considered recommendations with respect to dealing with allegations of misconduct in research. There was debate about whether accusations submitted anonymously were to be considered. It was eventually agreed that there were circumstances in which an anonymous source could present information that would demand response. One example discussed was a referee remaining anonymous but sending to a dean or vice-president a reference to an existing work from which some material in a new work under consideration appears to be copied. I point this out because the starting point for that debate was a general agreement that only in exceptional circumstances should unattributed testimony be allowed.

The Report that we have in hand, though, does not name those who provided input to the committee. It is replete with anonymized references to witnesses who make specific statements but it is impossible for readers to know who these sources were, whether they were conflicted in their testimony, whether the group of persons providing comments represents a range of views on the issues under discussion and, ultimately, whether the report is credible.

For specificity, I take the first paragraph in the section of “The Department of Economics Prior to 2006” in the “Narrative of Events” section and find there these descriptions of speakers:

- “... was the way one faculty member put it”
- “Another faculty member said that the Department had ...”
- “The significance of these exchanges is summed up by one faculty member who described his/her own research as ...”

A reader cannot even know how many persons are being allegedly quoted in this material.

Is there any context in which such a lack of transparency would be acceptable in an important process in this University or another university? Why is such a travesty of due process put forward by CAUT?

### **Narrative of Events**

There is a section with this title that takes 13 of the 35 numbered pages of the Report. It is in reading this section, in particular, that I wonder about the range of views available to the committee (given the constraints I mentioned at the beginning of these remarks) and the committee’s weighing of the inputs that it had.

There is an old proverb<sup>9</sup> that says:

The one who first states a case seems right,  
until the other comes and cross-examines.

We can legitimately wonder whether the investigating committee ever conducted an effective cross-examination of the various witnesses they interviewed in order to test the credibility of the information they were presenting, or how certain evidence reconciled itself with other evidence. I suspect that many who have been involved in complicated situations will find the construal of the evidence by the committee in this report to be less sophisticated and nuanced than one would expect.

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<sup>9</sup> Bible, Proverbs 18:17.

In my own case, as it happens, I have seen some input provided to the committee that is material to this assessment. Both former Dean of Arts Richard Sigurdson and the current Head of Economics Pinaki Bose were sent a draft of the Report, were invited to respond and did so, copying me on their responses. Both of those letters take issue with the interpretation of the facts presented in the draft Report, and yet the final report has not responded to most of their concerns.

Many of you know that I like poetic language, so will not be surprised that I appreciate the music of the phrase “toxic tyranny of the majority” in item 13 of the Findings section of the Report. We do find ways in our society and in our academic communities to protect against the ongoing disadvantaging of minorities by the majority, often taking longer than many of us would like to bring changes about. But we do this when there is clear evidence of inequity. It is reckless to suggest that a majority of members of an academic unit acting through established collegial processes is being tyrannical, without a great deal of evidence in hand – and carefully weighed – to support that conclusion. There is no indication in the Report that the committee had such evidence.

### **Role of UMFA**

There are several aspects of this proceeding that are at odds with values and positions that the University of Manitoba Faculty Association has articulated in the past. These include:

- The use of incomplete information.
- The use of anonymous information.
- Intrusion into the autonomy of the University from outside.

In the absence of public comment to date, I assume that UMFA may still be preparing a denunciation of the aspects of the Report that violate UM’s collective agreement as well as some of our most basic academic values. In particular, 3 of the Report’s recommendations seem clearly to violate our collective agreement.

- Recommendation 2 suggests the immediate appointment of an acting head, but this would mean terminating the appointment of the current department head without cause or due process, which would be a violation of Article 19 (19.B Discipline).
- Recommendation 3 suggests that the search “should recognize as an explicit criterion that all candidates must be committed to maintaining the two broad traditions” in the Department, but this would violate 18.B.2.1, which says the academic staff of the department recommends to the dean the priorities whereby candidate shall be sought, assessed and recommended for appointment.
- Recommendation 7 suggests that over the next 4 years, 3 new positions should be heterodox, which would also mean denying the members of the department the right to recommend their priorities to the dean, again a violation of 18.B.2.1.

If a denunciation does not appear from UMFA it seems to me to put UMFA in an uncomfortable position relative to positions it has previously taken. It would also raise the question of how UMFA represents the rights of its members when they are in conflict with other members.

Why has a Report that will cause such stress in an already stressed Department been commissioned, been written and been publicly spread across the country, especially when the matter at hand is being addressed within a Department under stress?

## Concluding Remarks

I decided to share these preliminary observations with Senate because this Report results from an investigation that in my view is at odds with values expressed in the most recent major document this Senate has considered and passed without dissent, namely, *Taking Our Place*, and I remind you of the values expressed there that I used as a basis for the initial part of my remarks. We also value due process. These are all important to the University of Manitoba and to the Senate of the University and, indeed, to all universities in Canada.

It is ironic that an investigation begun in April 2013 with a campus visit in May 2013 would take the better part of 2 years before delivering its Report, fail to take into account what has happened in the elapsed time, issue that Report – coincidentally? – while a collegial process to determine the headship is underway and then tell me in the covering letter that this should be resolved “as quickly as possible.” One might wonder if “ironic” is too measured, and “hypocritical” would be a better choice.

The “CAUT Procedures in Academic Freedom Cases<sup>10</sup>” indicate that a report produced by a committee will be published

unless the nature of the case is one that could be resolved through discussions with the parties concerned. In such a situation, CAUT will actively explore resolution of the matter with the parties concerned. A report of the discussions with the parties will be made to the Academic Freedom and Tenure Committee that will determine if the report is to be published.

If CAUT is genuinely concerned with a resolution of the matter, and wants to meet to facilitate this, why did it not choose to do so prior to publishing the report?

Finally, I want to say what a deep sense of sadness I have with respect to the sheer destructiveness of this entire CAUT process. The Report claims to be concerned about “good will, or social capital”<sup>11</sup> yet I have difficulty finding in it any sincere desire to build up a collegial community – basing findings and recommendations on information presented anonymously and drawn from a limited perspective in the Department cannot but emphasize difference. The University has not yet decided what formal response it will make or what actions, if any, it will take in response to this disappointing Report.

In passing, I want to inform you that CAUT has another investigation underway concerning the University of Manitoba, focused on the Faculty of Architecture. The same inherent flaws exist in that case. We are anticipating communication from CAUT on that – perhaps the discussion anticipated in the CAUT Procedures that I read a moment ago, or perhaps another immediate publication.

Beyond a formal institutional response to this Report on the Department of Economics, though, we need to think about how we will respond as a scholarly community. How can we make a positive experience from this recklessness? How will we support colleagues in Economics doing our shared work of learning, discovery and engagement? How can we demonstrate a commitment to the values we so recently endorsed – Academic Freedom, Accountability, Collegiality, Equity and Inclusion, Excellence, Innovation, Integrity, Respect, Sustainability? How can we move forward together to strengthen the work of this University and all of its constituent parts?

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<sup>10</sup> <http://www.caut.ca/about-us/caut-policy/lists/administrative-procedures-guidelines/caut-procedures-in-academic-freedom-cases> Sections 6m and 6n. Accessed February 4, 2015

<sup>11</sup> Terms used in Finding 5.

The Dean continues to work with the Head and others to move forward in the Department. We should support our colleagues as they do their work. We have good reason to be proud of the scholarship, teaching and applied work of our colleagues. I propose to support their joint efforts to govern themselves.

I encourage you to read the Report carefully and critically, and to form your own views. This statement of mine will be on our website this afternoon. I encourage you to ask yourselves whether you would want your own academic department, were it struggling with internal conflict, to be treated in this way? Why does such treatment of our colleagues seem acceptable to CAUT? What impact will this have on students, current and potential?

I realize that this is a long statement and that many of you will not have looked at the Report, and that the Report and this statement of mine taken together require some assimilation. Once you have had time to think about this situation I will provide an opportunity to receive your considered views.

## Appendix 1: Letter of Transmission from David Robinson to David Barnard

January 28, 2015

Dr. David T. Barnard  
President and Vice-Chancellor  
University of Manitoba  
202 Administration Building  
Winnipeg, MB R3T 2N2

Dear Dr. Barnard:

As we advised you on April 18, 2013, CAUT set up an ad hoc investigatory committee to examine the situation in the Department of Economics at the University of Manitoba. The committee was asked to:

- investigate whether there has been an attempt to eliminate or significantly reduce the heterodox tradition in the Department of Economics at the University of Manitoba;
- determine, if such an attempt is found to have occurred, whether it constitutes a violation of academic freedom; and,
- make any appropriate recommendations.

That committee has concluded its work and has submitted its report to the CAUT Academic Freedom and Tenure Committee which has approved the report for publication. I am attaching a copy of the report, which will also be available on the CAUT website. A copy is also being sent to the University of Manitoba Faculty Association for distribution to academic staff.

As you know, the situation in the Department of Economics is serious. The CAUT Report discusses the nature of the problem and has a series of recommendations for resolving them. We would be pleased to meet with you to discuss the findings and the recommendations. It is in everyone's interest for these matters to be resolved as quickly as possible.

I look forward to hearing from you.

Sincerely,

[signed]

David Robinson  
Executive Director

## **Appendix 2: Electronic Mail from David Barnard to the Department of Economics, May 31, 2013**

Colleagues,

As you are aware, CAUT has instituted an investigation into the Department of Economics. Numerous inquiries have been directed to my office, the Provost's office, and the Dean's office regarding the rights and responsibilities of faculty members with regard to this investigation. I am writing to provide you with some guidance in this matter.

The most important thing about which you should be aware is that you are under no obligation whatsoever to participate in CAUT's investigation. You need not meet with them, speak on the phone, reply to written correspondence, or provide any information or documents. You have each been provided with a copy of my letter to CAUT of May 16, in which I set out the reasons I believe that CAUT's investigation is problematic and unwelcome. Should you agree with me (in whole or in part), you should feel free to refuse to participate.

I do recognize that there will be members of the department who feel differently. I believe you have the right to express your opinions, in whatever forum you wish, on issues impacting your academic pursuits. Please keep in mind that CAUT is a voluntary organization with no formal relationship with the University, and as such is a body external to our institution, having no official standing of any kind.

CAUT may ask you for information which is confidential, and you are obligated to ensure that you comply both with the University's policies and with legislative requirements. Given the ill-defined scope of CAUT's investigation it is difficult to guess what information might be requested from you; however, as examples, you should use caution in dealing with:

- Information regarding confidential processes, such as recruitment and hiring;
- Personal or personal health information about anyone other than yourself; or
- Providing documents or information to a greater extent than would be available to CAUT on an access to information request.

Moreover, you should not assume, if you are providing sensitive information, that CAUT has any willingness or ability to keep that information confidential.

We had initially been led to believe that CAUT would proceed slowly with its investigation, and that the Department would have time to first work through its established internal process. I was disappointed to learn that this has seemingly changed, as CAUT has apparently scheduled its team to be on campus on June 10 to 12.

Members of the investigation team are now actively pursuing interviews with many members of the Department, former members, and other interested persons. If you have not already been contacted, it appears likely you will have contact from them shortly. Please feel free to question the CAUT representatives regarding the procedures they are operating under and the scope of what they want to discuss with you before you make your decision on whether or not you want to participate.

If you require advice about what information you should or should not provide, please feel free to obtain advice from Karen Meelker in the Access & Privacy Office at 474-8339, or Lynne Hiebert, Legal Counsel at 474-9700.

Sincerely,  
David

### **Appendix 3: Electronic Mail from David Barnard to the Department of Economics, January 29, 2015**

Colleagues,

As I made you aware when CAUT first announced its intention to investigate the economics department, I have serious issues with this undertaking, both from a jurisdictional and a process perspective. At the time, I made clear my reservations about what I saw as an inherently flawed process, well outside CAUT's jurisdictional boundaries, and infringing on the University of Manitoba's.

Now, after a first review of the report, it is evident that my concerns were well-founded. The report is deeply flawed in numerous ways that compel the University of Manitoba to look more closely and seriously at the full implications of this matter, legal and otherwise.

As I stated during the initial investigation process, I believe you have the right to express your opinions, in whatever forum you wish, on issues impacting your academic pursuits. I share with you again the information I provided at the time: I noted that "CAUT is a voluntary organization with no formal relationship with the University, and as such is a body external to our institution, having no official standing of any kind...you should use caution in dealing with:

- Information regarding confidential processes, such as recruitment and hiring;
- Personal or personal health information about anyone other than yourself; or
- Providing documents or information to a greater extent than would be available...on an access to information request."

If you require advice about what information you should or should not provide, please feel free to contact the Access & Privacy Office, or the Office of Legal Counsel.

I have full confidence in the work being done by the Dean of Arts, department head and faculty members to support the department's continued commitment to learning, discovery and engagement. I understand how challenging this process has been to those of you on whom this investigation has brought attention, and I assure you that we will continue to work on this.

Sincerely,  
David

The “Report of the Ad Hoc Investigatory Committee into the Department of Economics at the University of Manitoba, January 2015” can be found at the following web address:

<http://www.caut.ca/docs/default-source/reports/caut-ahic-report---manitoba-economics-%282015-01%29509333f1c6ef6d389810ff00005eecd3.pdf?sfvrsn=4>