

3 November 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:

Prof. K.C. Ogden,
Acting Chair
Prof. S. Abeysekera
Prof. M. Abrahams
Mr. E. Ambtman
Prof. D. Amundson
Prof. J.E. Anderson
Ms. L. Archer
Prof. L.M. Batten
Prof. F. Berkes
Prof. R. Bhullar
Dean H. Bjarnason
Prof. B. Blakley
Prof. T. Booth
Prof. J. Boyd
Prof. E.A. Braid
Prof. R. Bruno-Jofre
Prof. R. Burleson
Prof. R. Chernomas
Prof. D. Chow
Prof. W. Christie
Dean D. Collins
Prof. E. Comack
Prof. J. Cooper
Mr. J. Cox
Dean M. Cox
Dean F. de Toro
Dean J. de Vries
Dean B. Dronzek
Prof. H. Duckworth
Prof. M. Duckworth
Mr. J. Edwards
Mr. W. Ewanchuk
Prof. M. Feld
Dean D. Fuchs
Prof. M. Gabbert
Ms. P. Gill
Ms. L. Grabowucky
Dean J. Gray
Dean B. Hennen
Mr. J. Hochman
Prof. N. Holliday
Warden J. Hoskins
Prof. T. Howorth
Dean D. Hrycaiko
Dean J. Jamieson

Prof. L. Kaminski
Prof. P. Kaufert
Dr. J. Keselman
Prof. E. Kroeger
Prof. R. Kueneman
Prof. J. Kwong
Mr. J. Leclerc
Ms. M. Lee
Ms. G. Lewis
Prof. J. Long
Prof. I. Macdonald
Prof. S. Macdonald
Prof. M. McKay
Ms. H. McKeen
Prof. B. McKenzie
Ms. M. Magsino
Dean R. Magsino
Prof. C. Mossman
Mr. A. Neufeld
Dean R. O'Kell
Prof. J. Page
Prof. G. Ramu
Ms. K. Rutledge
Mr. P. Saydak
Dean A. Secco
Dean H. Secter
Prof. K. Simons
Mr. N. Singh
Prof. D. Smyth
Mr. S. Stanley
Prof. M. Stern
Prof. B. Stimpson
Prof. G. Tabisz
Prof. M. Thomas
Mr. K. Toyne
Prof. K. Vessey
Mr. D. Wahl
Prof. R. Wedgewood
Ms. C. Wood
Prof. K. Wrogemann
Ms. B. Sawicki,
University Secretary
Ms. S. Plett,
Recording Secretary

Assessors Present:

Dean R. Bird

Prof. P. Blunden
Prof. B. Cameron
Mr. P. Dueck
Dr. G. Glavin
Prof. N. Halden
Dr. B. Kops
Mr. R. Levin
Dr. V. Olender
Prof. S. Simonovic

Also Present:

Dr. J. Adair

Regrets:

Prof. I. Adamson
Mr. S. Foucault
Prof. G. Giesbrecht
Dean D. Gregory
Prof. L. Horne
Prof. E. Judd
Dean B. Levin
Mr. M. McAdam
Dr. A. Mauro
Mr. R. Mehta
Dean A. Percival
Ms. C. Presser
Recteur P. Ruest
Rector J. Stapleton
Dr. E.J.E. Szathmáry
Ms. W. Thiessen
Dr. G. Walz
Prof. P. Zahradka

Absent:

Prof. R. Bose
Mr. H. Eliasson
Dean N. Fetterman
Mr. G. Fletcher
Mr. S. Fletcher
Prof. J. Gartner
Dr. G. Gerbrandt
Prof. A. Gole
Prof. L. Guse
Mr. E. Janzen
Ms. M. Jay

Ms. L. Karanja
Mr. C. Koscielny
Mr. E. Latif
Dr. R. Legal
Prof. G. McClarty
Dr. D. Morphy
Prof. N. Pettigrew
Dr. J. Raymond
Prof. W. Rennie
Dean D. Ruth
Ms. D. Selymes
Prof. D. Strong
Ms. R. Wover

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

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

Hand-out

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.

It was then agreed to move directly to:

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

4. **Report of the University
Research Committee of Senate re the
Ethics of Research Involving Human Subjects**

Page 139

Dr. Keselman explained that the new policy was designed to bring the University into compliance with the Tri-Council Policy Statement (TCPS). The TCPS, which was the result of four years of work by the working group, was published in 1998 and universities were given until 30 September 1999 to comply in order to remain eligible to receive research funding from the three national research granting councils. The TCPS stipulated that the responsibility for ensuring compliance was to be at the highest institutional level, and so the University Research Committee was recommending the establishment of a new Senate Committee.

MOVED by Dr. Keselman, seconded by Dean Hennen, that Senate approve the policy on the Ethics of Research Involving Human Subjects as set out in the report of the University Research Committee of Senate on the Ethics of Research Involving Human Subjects. Further, that Senate create a new Committee, the Senate Committee on the Ethics of Research Involving Human Subjects (SCERIHS), with composition and terms of reference as outlined in Appendix 1 of the report of the University Research Committee of Senate on the Ethics of Research Involving Human Subjects. Further, that the Committee for Research Involving Human Subjects (CRIHS) be abolished.

Professor Braid assumed that the Tri-Council guidelines would continue to apply, namely that the new policy was an addition rather than a substitution. Dr. Keselman confirmed that that was the case.

Professor Anderson asked if there was any built-in review process. Dr. Keselman replied that would be one of the responsibilities of the new Senate Committee. Dr. Adair added that the procedures would be reviewed in three years. In addition, the policy as well as that of other universities would be reviewed by the Tri-Council working group.

Professor Anderson drew attention to the last sentence of section 3.4.1 (page 155), which stated that a Research Ethics Board (REB) may request an ad hoc independent peer review of the scientific/scholarly merit of the research if the appropriate expertise to make that determination was not available within the REB. She expressed concern that the entire process would take significantly longer.

Dr. Keselman replied that the granting councils had changed their rules several years ago so that the universities were now responsible to ensure that funds would not be released until it was appropriate to do so. Subsequent approvals would be expedited by way of a short form, so that the review process should not be unduly onerous.

With regard to section 3.6 (page 156), Professor Anderson noted that appeals of REB decisions would be heard only if they were based on procedural grounds. She was concerned that this meant that questions about whether the decision of scientific validity was correct would be unappealable.

Dr. Keselman explained that there was provision for a fair degree of interaction between the researcher and the Research Ethics Board, with the intention of arriving at a mutually acceptable decision. Appeals on final decisions however would be allowed on procedural grounds only.

Professor Anderson observed that the Tri-Council Policy Statement provided for a proportionate approach in that research would be assessed and reviewed on its merits based on the principle that the more invasive the research the greater the care to be taken in reviewing it. That did not seem to be the case in the document currently before Senate.

Dr. Keselman pointed out that these were questions of procedure, for which Senate approval was not being sought. She indicated however that the intention of the document was that the proportionate review process would be adhered to.

Professor Vessey wondered how the document being considered by Senate fit in with the Tri-Council Policy Statement, and Dr. Keselman answered that the intent was to follow the TCPS and its guidelines.

Professor Kueneman noted that protocols would need to be reconsidered after a year, which seemed to him much more constraining than the Tri-Council requirement. Dr. Adair responded that the Tri-Council Policy Statement provided for ongoing monitoring of the process, and that it would be expedited as much as possible.

Dean O'Kell asked about how narrowly or broadly the concept of harm would be applied, such as for example the publication of unflattering facts in a biography which could irreparably damage someone's reputation. Dr. Adair replied that individuals in such public positions should normally expect to receive some public criticism.

With regard to appeals, Professor Gabbert observed that there did not seem to be very much protection for faculty members, and he suggested that the language of the collective agreement be added to section 3.7.1 (page 156). Dr. Adair replied that the document had been written to comply with the TCPS, and that appeals based on substantive grounds would not be heard. Rather, the ethics review process was to be one of exchange between the researcher and the Research Ethics Board. The goal was not to provide obstacles to research, but rather to outline behaviour which was ethically acceptable.

Professor Kwong expressed concern on decisions made with regard to the validity of research, as it seemed to her that was a very subjective matter. She was also concerned about section 1.5.a (page 150), which stated that the supervising faculty member would ultimately be responsible for the protection of the human subjects. Dr. Adair responded that indeed the researcher must be ultimately responsible, as the faculty member must ensure

that the students collecting the data were well-trained and were properly following the protocol. If the rules were not followed, then it would be the faculty member's responsibility to halt the research.

With regard to the composition of the REBs (page 161), Dean Collins thought that the Faculty of Pharmacy should more appropriately be represented on the Bannatyne committees, as that was where their expertise lay.

When Dean Dronzek asked how soon the policy would be implemented, Dr. Keselman advised that although there would be a transition phase it would be implemented as quickly as possible, as the universities had been asked to be in compliance by the end of September.

Professor Ramu drew attention to section 3.3.2 (page 155), which states that research conducted at multiple universities must receive ethics review and approval at all institutions involved, and he expressed concern about the length of time this would require. Dr. Adair replied that these requests would usually receive expedited review and approval, but the intent was that all research was to be reviewed.

Professor Duckworth thought the appeals arrangements were sensible, as it would not be possible to have an appeal on substantive grounds.

Dean Magsino asked whether the document had been reviewed by the University Lawyer, and he suggested that if it had not, further consideration should be deferred pending the receipt of such legal advice.

Dr. Keselman pointed out that the questions being raised all pertained to the procedures, which would be reviewed by the new Senate Committee. Senate's approval was being sought on the policy only, and Dr. Keselman underscored the urgency of dealing with it promptly.

Professor Vessey observed that these were highly-charged matters. It was his belief that an appeals process going back to the Research Ethics Board was a serious flaw, and that appeals should more appropriately be directed to a different body.

Dr. Adair responded that protection for faculty members was provided in section 3.5.1 (page 155), which would facilitate conclusion and approval by the Research Ethics Board. Researchers would then have the right of reconsideration, followed by another review, and then an appeal.

Dean Jamieson pointed out that the TCPS required compliance in order to remain eligible for funding, and he encouraged Senators to vote in favour of the policy.

Professor Blunden indicated that the Tri-Council Policy Statement stipulated that minutes of meetings should be accessible to researchers, and that researchers should receive written reasons for decisions made. Dr. Keselman responded that the intention was to supply such information, and that it would be written into the procedures.

It seemed to Professor Braid that section 4.1.3 (page 157) on re-submission and renewal on the anniversary date was too restrictive. Dr. Keselman replied there was no intention to make stipulations beyond those of the Tri-Council Policy Statement.

Professor Ogden reminded Senators that they were not voting on the procedures, but only on the policy. The procedures would be reviewed carefully by the new Senate Committee in light of today's discussion.

MOVED by Professor Braid, seconded by Mr. Edwards, that debate on this item be extended.

DEFEATED

Professor Feld advised that the Executive Committee endorsed the report to Senate.

Dr. Keselman's motion was then

CARRIED.

II MATTERS RECOMMENDED FOR CONCURRENCE WITHOUT DEBATE

1. **Report of the Senate
Committee on Awards** Page 17

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Dean Secco, seconded severally, that the report of the Senate Committee on Awards dated 21 October 1999 be approved by Senate.

CARRIED

III MATTERS FORWARDED FOR INFORMATION

1. **Actions of the Board of Governors
of Interest to Senate** Page 33
2. **Student Awards at the University of Manitoba** Page 35
3. **University of Manitoba/COPSE New
(or Substantial Change) Programme Approval Process** Addendum

Professor Chow expressed concern about the apparently increasing amount of involvement in the University's affairs by the Council on Post-Secondary Education (COPSE), namely having to receive approval twice for each programme proposal. She asked for information on how many Statements of Intent had been turned down by COPSE.

Professor Ogden believed that COPSE had not turned down any Statements of Intent, but she undertook to confirm that.

Ms. Sawicki added that only those proposals where the University was requesting additional funding from COPSE had to be approved by COPSE.

4. **Statements of Intent:
B.Sc. (Hon) and B.Sc. (Major) in Psychology** Page 42

Professor Anderson welcomed this proposal, but she wondered why the projected enrolment was so low, and why there were no projected programme costs or revenue.

Dean O'Kell expected that most of the students would remain in the B.A. programme, with only a few moving to Science. This was not a new programme, but a re-packaging of existing courses. There was no additional workload involved, and therefore there was no additional cost.

5. **Statement of Intent:**
Graduate Diploma in Population Health Page 46
6. **Correspondence from**
Council on Post-Secondary Education re
Expansion of Master's of Social Work Programme Page 50

Professor Ogden pointed out that COPSE had approved a total of \$500,000 over seven years, or \$72,000 per year in support of this proposal.

IV **REPORT OF THE PRESIDENT**

Professor Ogden indicated that the annual *McLean's* universities issue would be on newsstands shortly, and she took this opportunity to remind Senators of the positive press the University of Manitoba had been receiving recently.

Professor Chernomas advised that the Canadian Centre for Policy Alternatives and the Canadian Federation of Students would be publishing an alternative to the *McLean's* ranking in mid-November. The criteria for this study included a heavier emphasis on access.

Dr. Keselman stated that the University of Manitoba would be receiving \$5.6 million in funding from the Government of Canada and the Province of Manitoba to develop SMARTpark. The Government of Canada would be providing \$2.8 million toward the project, including \$1.5 million from Western Economics Diversification Canada and \$1.3 million from the Canada/Manitoba Economic Development Partnership Agreement. The Province of Manitoba would contribute \$2.8 million through the Manitoba Economic Innovation & Technology Council. Mr. John Meldrum had been named the first President of the SMARTpark Development Corporation.

The federal government had recently allocated \$65 million for the Canadian Institutes of Health Research (CIHR). The programmes, which would be administered by the granting councils, had been designed to support the entire spectrum of health research, and Dr. Keselman encouraged individuals to give serious consideration to this wonderful opportunity.

The 21st Century Chairs for Research Excellence was a new initiative announced by the federal government to improve Canada's knowledge infrastructure. This new programme would fund the creation of 1200 new research chairs in Canadian universities over the next three years. Dr. Keselman expected full details to be available by mid-December.

Dr. Keselman announced that Dr. Lorrie Kirshenbaum (Physiology) had received the Joe Doupe Young Investigator Award from the Canadian Society for Clinical Investigation. This was met with a round of applause.

V **QUESTION PERIOD**

1. The following question was received from Professor Gabbert: "At the May meeting of Senate I requested that the administration supply Senate with the names of corporations

providing funds to University researchers, the amounts provided, and the projects funded. The Chair agreed to refer this matter to Senate Executive for further consideration. Has this matter been referred to Senate Executive and, if so, with what result?"

Ms. Sawicki advised that the President had had a preliminary discussion with her on the steps that Dr. Szathmáry would be taking with respect to both this matter and the prioritization of programme proposals. She suggested that a fuller response to this question be deferred until the next meeting of Senate, when the President would be present to respond in person.

2. The following question was received from Professor Vessey: "It is an extremely serious matter whenever the Board of Governors feels compelled to dismiss a tenured professor for lack of performance. However, the seriousness of this matter is magnified many fold, and it damages the academic milieu of our University, when it becomes a story on the front page of the *Free Press*. It has come to my attention that the reporter who wrote this story received a copy of the minutes of the closed session of the Board of Governors meeting where the decision was made to dismiss one of our tenured professors. Has it come to the attention of the University Secretary, or to any member of Senate who serves on the Board of Governors, how this reporter received these confidential minutes? Also, will the University Secretariat be initiating an investigation on this breach of confidentiality to ensure that it does not occur again?"

Ms. Sawicki responded that although it was arguable that this question was not appropriately raised at Senate and should have been addressed directly to her in her capacity as University Secretary, she was prepared to deal with it. She was aware of the article in the *Winnipeg Free Press*. Confidential Board of Governors minutes had not been released to the *Free Press* by her office, and if it was indeed the case that the reporter had received these minutes from another source, she had not pin-pointed that source. The Board of Governors has rules prohibiting disclosure of matters discussed in closed session, and this will be addressed by the Board at its next meeting.

Ms. Sawicki added that it may be timely to look at Senate's own practices and rules in relation to its closed sessions, and she would draw this matter to the attention of the Senate Committee on Rules and Procedures. In the meantime, she emphasized that members of the Board of Governors and members of Senate should not disclose matters discussed in the closed sessions of either body.

Dean O'Kell asked what sanctions there were for Board of Governors members pertaining to disclosure of confidential information, and Ms. Sawicki answered they were up to and including asking the Lieutenant-Governor-in-Council to dismiss the member in question.

VI **CONSIDERATION OF THE MINUTES
OF THE MEETING OF 6 OCTOBER 1999**

Professor Duckworth asked that the minutes show that two members had commented that they regretted the fact that endowment amounts were not shown in the *Annual Financial Report* as they usually were.

MOVED by Professor Kaminski, seconded by Dean Secco, that the minutes be approved as amended.

CARRIED

VII **BUSINESS ARISING FROM THE MINUTES** - nil

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

1. **Report of the Executive
Committee of Senate** Page 51

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

- a) Professor Halden advised that SPPC was considering undergraduate course additions totalling more than nine credit hours per department, as well as a number of programme proposals, and that reports on these matters should be available for the December meeting of Senate.

- b) **Information to Accompany Proposals
to SPPC for the Establishment of
Centres or to Build New Facilities** Page 52

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Professor Halden, on behalf of the Senate Planning and Priorities Committee, that the report of the Senate Planning and Priorities Committee on Information to Accompany Proposals to SPPC for the Establishment of Centres or to Build New Facilities dated 6 October 1999 be approved by Senate.

CARRIED

- c) **Proposal to Establish an Internet Innovation Centre** Page 55

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Professor Halden, on behalf of the Senate Planning and Priorities Committee, that the report of the Senate Planning and Priorities Committee on the proposal to establish an Internet Innovation Centre dated 24 September 1999 be approved by Senate.

CARRIED

- d) **Siting of the Proposed Addition to
Biosystems Engineering for the Grain
Handling/Storage Facility (a CFI Project)** Page 87

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Professor Halden, on behalf of the Senate Planning and Priorities Committee, that the report of the Senate Planning and Priorities Committee on the

siting of the proposed addition to Biosystems Engineering for the grain handling/storage facility (a CFI project) dated 5 October 1999 be approved by Senate.

CARRIED

- e) **Proposal to Establish a Centre for
Research and Treatment of Atherosclerosis** Page 94

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Professor Halden, on behalf of the Senate Planning and Priorities Committee, that the report of the Senate Planning and Priorities Committee on the proposal to establish a Centre for Research and Treatment of Atherosclerosis dated 24 September 1999 be approved by Senate.

CARRIED

- f) **Estimates 2000/2001** Page 107

Further to observation #6 (page 107) and its distinction between professional and non-professional faculties, Professor Stimpson wished to point out that the Faculty of Engineering considered itself to be "imparting critical thinking, independent research and social criticism".

Professor Halden responded that he had simply wanted the Committee's broad range of views passed on to Senate, and that it was not SPPC's intent to suggest tensions within the University community.

Dean Cox drew attention to the statistical information on pages 128 and 129. The enrolment figures for the Faculty of Architecture showed only undergraduate students, whereas 40% of the Faculty's total enrolment was graduate students. Thus, the data gave the wrong impression, and he suggested that faculties should be represented by their entire student population, including graduate students. Professor Ogden agreed to pass the suggestion along to the Vice-President (Administration).

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Professor Halden, on behalf of the Senate Planning and Priorities Committee, that the report of the Senate Planning and Priorities Committee to Senate on the *Estimates of Operating Requirements 2000/2001* dated 6 October 1999 be approved by Senate.

CARRIED

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

1. **Report of the Senate
Committee on Appeals**

Warden Hoskins advised that since last reporting to Senate, the Senate Committee on Appeals had completed work on five appeals.

The first appeal, held on 2 September, was an appeal from an Arts student against the Senate regulation which required her to take a mathematics course as part of her programme in Philosophy. The grounds cited were undue hardship. As the mathematics requirement did not exist at the time she registered in Grade 10, the sequence of mathematics courses that she took did not, she believed, prepare her to take University-level mathematics. This appeal was denied.

The second and third appeals, heard on 7 and 10 September, were appeals against Faculty of Engineering decisions not to reinstate the appellants into Engineering for the 1999-2000 year. In both cases, the students had less than a full year to complete in order to graduate.

The grounds cited in the first appeal were undue hardship and extenuating personal circumstances. The student consistently performed well during the term but suffered from exam anxiety. In addition, his programme will not be accredited after this year, and not to be allowed to attempt to complete the requirements for graduation this year would deny him the opportunity to graduate from an accredited programme.

The second student also suffered from exam anxiety, a condition which was diagnosed between the time of the Engineering appeal and the Senate appeal.

Both of these appeals were upheld.

The fourth appeal, heard on 15 September, was an appeal against a Faculty of Nursing decision to uphold the debarment of the appellant from a practicum course. This debarment resulted in a grade of F for the course. The grounds cited were unfair treatment and undue hardship. This appeal was denied.

The fifth appeal, heard on 30 September, was an appeal against a Faculty of Engineering decision not to reinstate the appellant into Engineering for the 1999-2000 academic session. This student also had less than a year to complete in his programme. The grounds cited were extenuating personal circumstances and undue hardship. This appeal was upheld.

2. **Report of the Senate
Committee on Admissions
Concerning a Proposal from the School
of Music to Amend Its Admission Criteria**

Page 131

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Dean Jamieson, seconded by Mr. Leclerc, that the report of the Senate Committee on Admissions on a request from the School of Music to amend its admission criteria be approved by Senate.

CARRIED

3. **Report of the Senate
Committee on Rules and Procedures on
Proposed Revisions to the Arts Faculty Council By-Law** Page 133

Professor Feld advised that the Executive Committee endorsed the report to Senate.

MOVED by Professor Braid, seconded by Mr. Leclerc, that the report of the Senate Committee on Rules and Procedures on proposed revisions to the Arts Faculty Council By-Law dated 23 September 1999 be approved by Senate.

CARRIED

X **ADDITIONAL BUSINESS**

1. **Student Senator**

Mr. Toyne advised that, due to the recent resignation of Mr. Colin Kazina, the new student Senator from the Faculty of Arts would be Mr. Erick Ambtman.

XI **ADJOURNMENT**

The meeting adjourned at 3:30 p.m.

These minutes, pp. 1 to 11, together with the material handed out at the door as well as the agenda, pp. 15 to 164, and the addendum, distributed earlier, comprise the minutes of the meeting of Senate of 3 November 1999.

/sgp