

MINUTES OF THE SPECIAL MEETING OF SENATE

April 17, 2015

The meeting was held at 1:30 p.m. in the BMO Auditorium, Richard Ivey School of Business.

SENATORS: 88

J. Aitken Schermer	J. Hatch	C. Olivier
M.A. Andrusyszyn	B. Hovius	P.P. Pare
N. Banerjee	A. Hrymak	B. Paxton
D. Belliveau	Y. Huang	N. Pilo
I. Birrell	G. Hunter	D. Rogers
P. Bishop	C. Jones	P. St-Pierre
N. Brooks	R. Kennedy	V. Schwean
D. Brou	J. Knowles	I. Scott
C. Brown	G. Kulczycki	K. Siddiqui
J. Burkell	J. Lamarche	V. Staroverov
S. Camiletti	B. Leipert	C. Steeves
J. Capone	J. Malkin	B. Steinbock
T. Carmichael	S. McClatchie	M. Strong
A. Chakma	S. McDonald Aziz	N. Sussman
C.L. Chambers	C. McGarvey	T. Sutherland
B. Cheadle	T. McMurrough	D. Sylvester
M. Clapton	K. Mequanint	S. Taylor
K. Cole	R. Mercer	G. Tigert
D. Coward	M. Milde	B. Timney
L. Crich	J.-F. Millaire	J. Toswell
J. Cuciurean	L. Miller	N. Wathen
K. Danylchuk	S. Mischler	A. Watson
J. Deakin	D. Mok	J. Weese
C. Dean	K. Moser	G. Westwood
G. Dekaban	A. Nelson	C. Wilkins
D. Dodgson	T. Newson	M. Wilson
J. Eberhard	C. Niesel	P. Woodford
A. El-Boraie	C. Nolan	B.A. Younker
J. Faflak	V. Nolte	
C. Farber	C. O'Connor	

Observers: R. Chelladurai, J. Doerksen, K. Godbout, A. Hearn, M. Helfand, J. Inoue, A. Mandich, J. McMullin, K. Okruhlik, C. Waugh, A. Weedon

S.15-82

Introductory Remarks

The Vice-Chair noted that this was a special meeting of Senate to consider the two motions circulated with the agenda. No other substantive business could, or would be considered. He noted that he was aware that there could be some procedural motions proposed and asked that they be held until it appeared that debate on the substantive matters was concluding. This would ensure

that Senate's time and attention was focussed on the substantive issues and that as many members were able to speak as possible given the time allotted for the meeting.

In terms of proceeding, once the motion with respect to the President had been moved and seconded, he would turn first to Dr. Chakma who would make a statement. Following that statement the floor would be open for debate. Dr. Chakma did not intend to speak further in the debate. With respect to the outcome of the debates, he noted that the results would be reported to the Board of Governors as advice from Senate

S.15-83

Motion of Non-Confidence in President Amit Chakma

It was moved by A. Nelson, seconded by J. Lamarche,

That the Senate of The University of Western Ontario has lost confidence in President Amit Chakma.

Dr. Chakma read the following statement:

Let me begin by expressing my respect for this Senate, and my appreciation of the dialogue we began last week. I know we are all working with the best interests of the University uppermost in our minds, and I am grateful that the issues surrounding my compensation were not conflated with our budget deliberations.

Today, we will discuss and debate the two motions before you, and we will make important decisions. These decisions will have substantive consequences for the future of the University.

To ensure we remain focused on this business, let me first answer an important question that may be on your minds. I have been asked to comment publicly on what my intentions are when my tenure ends as president. As I indicated in my public statement of April 1, I am voluntarily refunding the in-lieu payment I received for the administrative leave I did not take at the end of my first contract. I have also decided not to exercise my right under my contract to receive payment in lieu of administrative leave at the end of my second term. At the end of my tenure as president, I intend to return to my first love of teaching and research as a professor of chemical engineering, and at that time I would use the administrative leave to prepare for my return to academic life.

Fellow Senators, I have heard you and the voices of our community loud and clear. The issues you have raised are real. I hope that through our discussions today we can begin to shift our collective efforts to begin resolving these crucial issues together. I am committed to working with you.

I have begun the process of listening, and taking concrete steps to regain your trust and confidence. Earlier this week, I met with the Council of the Faculty of Science, and with senior academic leaders from the Faculty of Social Science. Next week, I will be meeting with the Faculty of Engineering and the Faculty of Arts and Humanities to engage with members of their respective communities.

I also appreciate that the leadership of UWOFA has expressed its desire to move forward together by articulating three concrete action items. I thank UWOFA for these constructive suggestions.

Fellow Senators, I remain strongly committed to doing the right thing and serving the good of this great institution. We have much work to do, and I ask for your support. Our discussions today will lay the groundwork for renewing our community and set the course for the future of this academy, its faculty, students, staff, and future administrations.

Thank you for this opportunity. I know that Western will benefit from your contributions here today.

The Vice-Chair then opened the floor to debate.

There were 21 speakers to the substance of the motion with respect to the President. Ten spoke in support of the motion of non-confidence; ten spoke against the motion; one noted that, though concerned about the President's actions, she was also concerned about the potential impact of a non-confidence vote and would abstain. All speakers stressed their concern that Senate and the university community act in the best interests of Western and its future success.

Those in support of the motion highlighted the following concerns:

- On the specific compensation issue, the decision to monetize the administrative leave was an instance of bad judgment that has not been erased by the decision to return the funds. Returning the money is not enough. The President's decision to activate the leave monetization clause in his contract and the Board Chair's approval of that action, represented a disregard for and total lack of understanding of the difficulties that are being faced by departments, and by individual faculty and students across the board, but especially graduate students. It flies in the face of the constant messages that have been put out by the senior administration about the need for fiscal restraint.
- Concern was expressed about the impact of compensation decision on Western's relationship with government at a crucial point when the government is facing financial difficulties and, coincidentally, is reviewing the funding formula for post-secondary institutions.
- Many noted that the compensation issue was reflective of greater issues with the style of the administration, a style categorized as "top down," divisive, elitist, out of touch with the community and based on a "business model." Reference was made to a "culture of fear" that made some faculty unwilling to speak out against or object to proposals coming from the centre for fear that it would impact their own career progress or their success in research competitions.
- A number of speakers noted that the only voices raised publicly in support of the President came from outside the university. They objected to the advertisement purchased by donors and alumni that suggested that the faculty was causing damage to the university and needed to "stop talking" about the issues. The damage being done to the institution was not being caused by faculty voices raised in anger, but was the direct result of the actions of the administration over the last six years.
- With respect to the "100 day plan" and moving forward, members expressed doubt that the President would be able to rise to the challenge. The argument was made that while forgiveness was easy, awarding a second chance was harder. A second chance had to be warranted and justified by circumstance and the getting the presidency right was something that had to happen the first time around.
- Regardless of the outcome of the vote on this motion, the President should resign. It should be clear to him that the fact the discussion was being held at all spoke to a lack of confidence in his administration as did the outcome of the online vote held by the Faculty of Association earlier in the month.

The following summarizes the points made by those against the motion of non-confidence:

- While all agreed that the President's decision to monetize the leave was inappropriate, they accepted his apology and applauded his courage in returning the funds and standing before the community seeking forgiveness and proposing a way forward. One member remarked that he had "demonstrated measured and thoughtful leadership" at a vulnerable time. Most expressed the view that the President deserved a second chance to deal with the challenges that had surfaced in response to the payment.
- Concern was expressed at the broad and long-range negative impact a vote of non-confidence would have on the university. A dean noted that the issue had already

been raised in the context of his faculty's accreditation review. Others suggested that negative impact on fund raising and donor relations could affect the ability of faculty to carry out the research they wished to do.

- The proposal for a vote of non-confidence was an emotional response not supported by any objective data with respect to the President's competence. He had recently undergone a five-year review and been reappointed which would seem to speak to his abilities. Anecdotes and unsupported arguments were not sufficient in an academic environment to reach a vote of non-confidence. His achievements were being ignored.
- The passion that was evident through this discussion and in the days preceding should be harnessed and used for the good of the university going forward.

Moved by V. Nolte, seconded by R. Mercer

That the vote on the motion be conducted by secret ballot.

In favour of a secret ballot it was argued that it was necessary because of the fear of reprisals that had been referred to earlier in the meeting. Against the motion it was argued that a secret ballot would run counter to the need for greater transparency in decision making, and that Senators who did not wish to stand up and be counted in this important matter were abdicating their responsibility.

The question was called and the motion failed.

Moved by I. Scott, seconded by C. Wilkins,

That the vote on the motion be conducted by roll call vote.

In favour of a roll call vote it was argued that this method ensured the accuracy of the outcome and was reflective of the notions of accountability and transparency in governance. The counter argument was that a roll call vote would be threatening to those who were concerned about reprisals

The question was called and the motion failed.

The vote was taken on the main motion.

The motion failed.

REPORT OF THE OPERATIONS/AGENDA COMMITTEE

S.15-84

Motion of Non-Confidence in the Chair of the Board of Governors, Mr. C. Shah

The Vice-Chair of the Committee reported that, in accordance with Senate's Bylaw, the Committee had reviewed the Notice of Motion submitted at the April 10th meeting of Senate to determine whether it was in order to be placed on the this meeting's agenda and had so determined.

It was moved by J. Aitken Schermer, seconded by D. Mok

That the Senate of The University of Western Ontario has lost confidence in the Chair of the Board of Governors, Mr. Chirag Shah.

Those in support of the motion argued that:

- The Board should be populated by individuals who have an understanding of the university. The Chair's comments about sabbatical leave and the double payment of salary show that he does not understand what faculty do.

- There was a significant governance issue to be answered – the decision to issue the extra pay should have been captured by governance and the Chair needed to be accountable for that decision.
- When a calamity is perpetrated against an organization, it is the leader of the organization that must be accountable whether or not he/she had been personally involved in what led to the decision.
- Lack of proper leadership from the Board has caused this problem, but nothing has been heard from the Board since the issue broke.

Those speaking against the vote of non-confidence argued that:

- The current Chair was not on the Board when the original contract was signed. He should not be blamed for a legal provision in a contract signed before his time. In addition, he was not Chair at the time the contract was renewed in 2009.
- The Chair cannot be present to answer for his decision - he has no standing at Senate – which is a justice issue. Further, one error in communication with the press is not sufficient grounds for a vote of non-confidence.
- Chirag Shah is an outstanding volunteer and leader in the London community with unquestioned integrity. He is an alumnus of Western who is devoted to the well being of this institution. He listens with an intent to understand and for the last three weeks has been reaching out beyond the administration to understand the nuances of the issues being raised. He is committed to Western and has spent countless hours working on its behalf.

The question was called and the motion failed.

ADJOURNMENT

The meeting adjourned at 3:55 p.m.

J. Weese
Vice-Chair

I. Birrell
Secretary