

SM 1/5/68

Paper S-132

John Lester

JOINT SENATE-BOARD WORKING RELATIONS COMMITTEE

REPORT

The Joint Senate-Board Working Relations Committee met twice: on Monday, March 11th and again on Monday, April 15th. Mr. Eyre was unable to attend either meeting, and Mr. Lester attended the first but not the second. All other members were in attendance at the two meetings. The President also attended, convening both meetings and providing a summary of the first for the benefit of Committee members.

The Committee elected no Chairman or Secretary. Following the second meeting Mr. Lawtree was named the Committee's rapporteur for the Senate, and Mr. Hlean for the Board.

DISCUSSION SUMMARY

The Committee confined most of its discussion to the difficulties that had arisen over the introduction of new academic programs. One member felt that the Committee had been set up originally to deal with a far wider range of matters. It was pointed out that other committees were dealing with such things as general University governance, appointment and promotion procedures, etc.

The Committee recognized the need for an intensive scrutiny of the academic worth and financial implications of all proposed new academic programs, and of all substantial changes or expansion in existing programs. The Committee felt too that the University needed to establish general priorities in both immediate and long-range academic planning. The Committee was concerned that the Senate and the Board work closer together in this area, where financial and academic considerations most evidently overlap.

RECOMMENDATIONS

Accordingly, the Committee recommends as follows:

1. That the present Long Range Academic Planning Committee be dissolved;
2. That a Joint Senate-Board Academic Planning Committee be established, under the Chairmanship of the Academic Vice-President (still to be appointed), with membership that includes the Academic Planner (still to be appointed) and representatives from Senate and Board;

/....

Joint Senate Board
SM 1/5/68

RECOMMENDATIONS (continued)

3. That the Senate-Board Academic Planning Committee take on the responsibilities of the present Long Range Academic Planning Committee, and extend them to cover short as well as long range planning;
4. That the Committee be responsible to both Senate and Board for the evaluation and costing of proposed new academic programs (or substantial changes to existing programs) brought before Senate for consideration;
5. That the Committee examine and evaluate only those new University programs (or changes to existing programs) which depart in character and content from existing departmental programs; and/or which are estimated to cost \$100,000 or more over an initial five-year period;
6. That the Committee also be charged with evaluating and reporting on the implications of any program proposals originating from the community and sent to the Senate for consideration.

M. Bawtree - Rapporteur
R.E. Lester
A.F.C. Hean
A.M. Eyre
R.J. Baker
B.L. Funt

April 22, 1968.

SM 1/5/68 *Long*

Sub-Committee Hearing #1.

Board Room - Administrative Wing - Library.

April 20th, 1968.

Transcript by Mr. Doug Gyseman - Audio Visual Department.

Senate Committee:

R.J. Baker.
E.M. Gibson.
S.K. Lower.
S. Foulds.
R.J.C. Harper - Chairman.

Legal Advisor:
Sholto Hebenton.

University Committee on Dr. A.G. Frank.

Dean A.R. MacKinnon.
D. Tuck Absent.
A. MacPherson. Absent.
J. Matthews. Absent.
P. Copes Absent.
R.G. Jones.
D. Bettison.

Legal Advisor:
J. Giles.

P.S.A. Department.

G.B. Rush.
G. Sperling.
N.S. Popkin.
K.G. Aberle.
P. Wheeldon.

Legal Advisor:
S.B. Simons.

Also Present:

R.P. Srivastava.
R.L. Carlson.
A.H. Somjee.
J.M. Whitworth.

SM 1/5/68

Prof. Conner

The Chairman: This is the first hearing of Senate Ad Hoc Committee that was set up to investigate allegations contained in recent documents which will be circulated to you, at your request, concerning non-professional conduct by University Committees in considering Faculty appointments. Just by way of introduction - the members of the Senate Committee are Professor Gibson - in the sports jacket, Professor Baker, Mr. Simon Foulds, Dr. Steve Lower and this Committee has the legal advice of Mr. Sholto Hebenton - who is sitting on my immediate right. Before we proceed I would like to make some statements to remind you of the conditions under which this hearing will be held. It is closed - that is to say - no member of the university faculty or the community in general may be present without direct invitation from this Committee. The proceedings are confidential in the sense that we expect all of the participants not to discuss in public the nature of these hearings. This of course does not preclude communications with particular people who might support or deny or whatever, statements that you wish to make or which have been made and which you wish to question. The question has been raised immediately concerning transcripts of these hearings other than those which have been authorized by Senate. Dr. Rush..... You have a tape-recorder here and objection has been raised to the presence of this tape-recorder by Dr. Somjee. This places us in a somewhat tricky position - to the best of my knowledge the verbal transcripts of these proceedings are the property of Senate and I would think that the presence of this tape-recorder under the circumstances would be a violation of this procedure. May I ask you therefore to switch off your tape-recorder.

Simons: Mr. Chairman - my name is Sidney Simons - I represent Dr. Rush and some of the other members of the faculty here and we have discussed this issue prior to coming into the meeting, obviously, and I wonder if you would allow this Mr. Chairman - that the tape-recorder continue this morning up till such time as Counsel present have stated their positions and the hearing itself either begins or something else occurs and if your ruling then is also that the proceedings shall not be recorded, we will undertake to erase or

SM 1/5/68 Ray C. ...

-2-

return the recording - or demonstrate that this has been done.

Giles: Mr. Chairman - I am Mr. Giles - I am representing Professor Bettison of the University Committee. I am concerned about Mr. Simons' submission to this extent, that if part of the proceedings are to be recorded, that all of it should be recorded. Personally I feel that the proceedings should be recorded - now I am not too concerned about the method but I definitely feel some record should be kept of submissions that are made on behalf of those who are represented and that the evidence that is given by any witnesses that are called should also be recorded.

Hebenton: Excuse me Mr. Giles - I think you have perhaps not understood Professor Harper's point - there is an official transcript being made behind you - the issue is - in the terms of reference Senate would like a copy of the transcript to be kept by the Committee - the issue is what about an independent transcript - it's the independent one that we are talking about.

Giles: The whole point may be academic Mr. Chairman if you can assure us that a transcript of the proceedings will be made available to us.

The Chairman: Oh yes, this is a clear understanding that any member of any party to these proceedings may have access to the official transcript at any time.

Simons: May we concede that as meaning that we can have a full and complete transcription of the proceedings?

The Chairman: Yes with the understanding of course that this transcript is still the property of Senate and that would mean that while you have access to it you would respect the confidence of the transcript itself. In other words what we are really trying to get away from is the idea or the possibility of the proceedings in these hearings being released to the public because this would indeed be a violation of the strictures of Senate with respect to this matter. At some subsequent time, at the pleasure of Senate, the transcripts may be released for public distribution. We want to avoid a situation in which members of the general public, as it were, would have direct access to these hearings through the transcripts without the permission of Senate.

SM 1/5/68 Prof. G. G. G.

-3-

Now of course we cannot - this is a question of trust largely - it's obvious that one cannot protect oneself a hundred percent in situations of this kind but I would ask that this particular term of reference be observed.

Giles: Mr. Chairman - As Mr. Hebenton pointed out I am in complete agreement that there should be no record kept other than the official transcript.

The Chairman: Correct. Do you have a further submission Mr. Simons?
No - then Dr. RushThank you Dr. Rush.

Hebenton: Mr. Simons - your submission - you withdraw it then in view of the fact that there is an independent record?

Simons: Yes subject to something I will have to say later of course.

The Chairman: Yes. In order to place some perspective on these hearings I am going to suggest that we deal with the two documents which were circulated recently around the Faculty and which I understand also somehow found their way into the hands of the Press. Does everyone present have a copy of these two documents or would like copies for your consultation here? These documents are now being circulated. Incidentally, may I ask while these are being circulated that when you are speaking would you try to be as distinct as you can because we do want to get an accurate record of these hearings and if you mumble it is going to be very difficult.

I would like to preface the discussion on these papers with a statement which has just been given to me by Mr. Simon Foulds who was elected to this Committee - this I shall now read:
To the Chairman of the Ad Hoc Committee of Senate,

"Dear Sir,

I respect the confidence which Senate has expressed in me in electing me to serve on the Ad Hoc Committee to investigate allegations, contained in recent documents, of non-professional conduct by University Committees in considering Faculty appointments.

However, I request that I be allowed to withdraw from the deliberations of this committee specifically on the principle that a man has the right to be heard by his peers.

SM 1/15/68 Prof. Simon

-4-

"If the members of the committee wish to discuss this matter I will absent myself from the chamber whilst they do so. If not, I shall withdraw from this meeting." This letter is dated April 20th, 1968, and has the signature of Mr. Simon Foulds.

The Chairman: Simon you are requesting that we discuss this?

Foulds: No not at all....

The Chairman: The Committee has agreed that there is no necessity for discussing this matter - I would like to say Mr. Foulds before you go, the Committee recognizes the conflict you were placed in in this respect and we would like to thank you for taking the decision that you did and congratulate you.

Foulds: Thanks Bob. (Mr. Foulds left the hearing at this point).

The Chairman: These are the procedural aspects of this which we are going to put to you because then I think you will want to say something about this. What we are proposing to do really was to try to get, if it were agreeable to the parties concerned, a statement from the legal counsel to the University Committee concerning the stand with respect to these three questions and then to address the subject of the questions to the other people involved. We have not, as you know, determined whether or not allegations have been made. We have to be satisfied that allegations indeed have been made and its from there we have to determine who made them or what - but as you can see from the documents that have been circulated that the names of a number of people who are present appear and that there are signatures too - so we have reason for calling you or requesting your presence here obviously. Mr. Simons...

Simons: Mr. Chairman - I wonder with Mr. Foulds having withdrawn from the meeting as a member of the Hearing Committee whether the committee is now properly constituted. The Senate as I understand it from the notice that was circulated inviting people whom I represent at this meeting, appointed five members of the committee, I understand from a report I have orally of the proceedings at Senate - that there were no alternate members elected

SM 1/5/68
H. J. Simons

-5-

and there was no authorization for the committee to sit as a four man committee rather than as a five man committee.

The Chairman: I think the statement by Mr. Foulds will make this clear Mr. Simons. He has not resigned from the Committee, he has just asked to be allowed to withdraw from the proceedings.

Simons: Does that not mean the same thing Mr. Chairman?

Giles: I have not seen the terms of reference in that respect but it seems to me that the stand Mr. Simons is taking he is taking late and I say that this position is not open to him now after Mr. Foulds has left - he had a full and ample opportunity to do so before Mr. Foulds left.

Simons: I do not comprehend this observation.

Hebenton: I think Mr. Foulds felt that he was accommodating people, whom you represent, in leaving. There had been complaints made that a student should not be sitting in judgement of his superiors and professors and the objection as I understood it came from your side - I wonder if you would like to take consultation on that. It certainly is what Mr. Foulds is under the impression of.

Simons: Well I hadn't yet registered any objection that might exist to Mr. Foulds' sitting on the committee but having withdrawn I don't appreciate the observation that I now cannot raise his withdrawal.

Hebenton: Why didn't you do it before he left the room?

Giles: Mr. Simons excuse me for taking this position now - Mr. Foulds himself indicated that if there was any discussion he was not in the least against leaving the room. If there was a discussion Mr. Foulds could have remained.

Simons: I might have taken the position that Mr. Foulds should not sit - but the question now is can the committee function as a four man committee? Clearly with Mr. Foulds being absent he can't either assess anything that goes on here or give an adjudication if an adjudication is to be given. I would like to say that I could not anticipate Mr. Foulds' withdrawal as I had no notice of it prior to the statement being read by the Chairman.

SM 1/5/68 / [Signature]

-6-

The Chairman: I have just received the letter this morning. Just when he came in.

Simons: Mr. Chairman my instructions are to file with you a letter from the people whom I represent or to make an oral statement to you in respect of it about the constitution of the committee in any event, and Mr. Foulds' having withdrawn may obviate the difficulty or it may create a new one - I don't know - if I may present it to you Mr. Chairman.

The Chairman: I would like to read into the tape of these proceedings this letter which is dated April 20th, 1968, and it is addressed to the members of the Ad Hoc Committee:

"Dear Sirs,

We have received notice of a hearing to be held by an Ad Hoc Committee formed to investigate allegations of non-professional conduct by university committee in considering faculty appointments, and have been invited to attend this hearing on April 20th, 1968. For a number of reasons we find it inappropriate and inadvisable that we should take part in these hearings.

These reasons are as follows: (a) we are unable to accept this committee as an appropriate hearing body to decide whether or not non-professional conduct has been present among university authorities concerned with faculty appointments.

Our reasons are: (1) Members of the University who are involved in the faculty appointments procedures about which we have complained voted to elect members of this committee. We had neither vote nor say in its membership. (2) Two members of the committee Professor Harper and Mr. Foulds have associated themselves with the second item on the Senate agenda of April 1st. "To examine the quality of the academic environment in certain courses in the PSA department."

We wrote at the time that we could only regard this as an attempt at retaliation. Now that we have seen the charges brought forward in the discussion of this item and have received a demand from President McTaggart-Cowan that they be investigated we are still more appalled. These charges seem to us not simply retaliation but an attempt to smear our whole department. Because two members of this committee were connected with these charges we cannot accept this committee as an appropriate hearing body."

This letter is signed K.G. Aberle, J. Aldritt per KGA., M. Briemberg per KGA., F.B. Collinge per KGA., J. Katz per KGA., G.B. Sperling,

SM 1/5/68
Prof. Brauer

M. Nicolaus per KGA., N.S. Popkin, D.C. Potter per KGA.,

M. Robin per KGA., G.B. Rush and P. Wheeldon.

The Chairman: Mr. Giles what is your position with respect...

Mr. Giles: Frankly I am surprised at the language and the position taken in this letter having regard to what I understand to be the terms of reference of this committee - now these were read to me on the telephone and I might not have them strictly accurate but I understand them to be firstly - were allegations of non-professional conduct actually made? Now I think it might be convenient in commenting on this letter to state what position I am instructed to take with respect to the issues that arise under these terms of reference. In respect to the first term - which is the issue of whether the allegations as to non-professional conduct were actually made - our position is that they were and in support of that we rely alone upon the two documents which were circulated and which we say speak for themselves. The second issue is - if so, by whom and against whom were they made. Our position in that respect is that they were made by those whose names appear on these documents in the absence of any specific repudiation by any of those individuals. As to who these allegations were made against - our position is again that the documents speak for themselves. It is clear from a reading of them that the allegations of non-professional conduct are against Professor Bettison and the University Committee. Now the third term of reference, in my judgement, is the most important and it raises the question - If the allegations were made - were they true or false? Now what is at issue here is not the conduct of those, it seems to me, who made the allegations but the conduct of those against whom the allegations were made. And my position, of course, with respect to the third term of reference is that it is false and groundless. Moreover, I was going to be taking the position that Professor Bettison and the University Committee are clearly to be presumed innocent of these allegations until they are proved. So the substance of these proceedings it seems to me is to call upon those who made these allegations to come forward, if they will, to particularize these allegations, if they can, and to prove them. Now if they fail to do that, or are unable to do that, I would be inviting this committee

3M 1/5/68

Prof. Carlson

-8-

to find them false and groundless. But these proceedings, it seems to me, having regard to the terms of reference are an opportunity for those who made these allegations to come forward and substantiate them. I don't see how material the points raised in this letter are to that issue.

The Chairman: Thank you Mr. Giles. Professor Baker wishes to make a statement with reference to these documents which were just circulated.

Prof. Baker: Mr. Chairman, Ladies and Gentlemen, I would like to comment on those copies which I just circulated. When I arrived this morning I assumed that everyone in fact had copies. I decided though to try to get some made quickly in case anyone had forgotten them. Consequently you have copies that I made downstairs this morning off someone else's working papers and on the first document - that is the one that begins..."It had become apparent that discrimination...." over on page 2 you have scribbled on the end of that - four names that were not on the original - Carlson, Bettison, Srivastava, Somjee and you also have "rank" scribbled down and I think "18". On the second one, not being experienced with the machines, I couldn't get the whole document on and there is also an addition that certain names were of people known not to be in agreement were appended. I want to make it clear that those circulated this morning were made hastily and are not the originals. I think some of you have had those.

The Chairman: Thank you. I think we will adjourn for approximately five minutes to allow the Counsel in these proceedings to confer.

Dr. Carlson: Mr. Chairman, I hope that Professor Baker has made the point clear that these four names that have been added at the end of this copy of the document are not anywhere on it originally and I want this to be in the tape-recording.

The Chairman: May I read into the tape-recording that the cursively written names of Roy Carlson, David Bettison, Srivastava and Somjee are in my own handwriting.

Dr. Carlson: Thank you.

The Chairman: It was my own working paper and while I was working I was trying to get the names of the other people in the department - I couldn't remember at the time. I am now calling an adjournment for approximately five minutes.

SM 1/8/68

Prof. G. G. G.

The Chairman: I would like to call the Meeting to order. The Committee has considered the letters submitted to us by Mr. Simons on behalf of the signatories. If you recall, the objections concern the membership of this committee and they are specifically that the signatories or the delegates had no opportunity to have a vote or a say in the membership of this Committee and the second objection is that two members of the committee have associated themselves with the second item on the Senate Agenda of April 1st. (the second item concerning the proposal that Senate investigate the academic environment in certain courses in the PSA department.) The Senate Committee is of the view that these objections are of little substance because the members of the committee are Senators, elected by the academic community at large, or by faculty, and that in particular the Chairman of this committee was elected by Joint Faculty and that the whole purpose of the establishment of Senate is to allow a smaller group than the faculty at large to govern the academic life of the university. With respect to the second objection raised under (a) Mr. Foulds has withdrawn and in the Special Meeting of Senate held on April 1st. I disassociated, and had recorded in the minutes, myself from the second charge concerning the academic environment in PSA. I therefore feel that it is right and proper that I should chair this meeting and the committee feels that they are truly representative of faculty and are free from bias. However, we can't continue these meetings unless we have the cooperation of all the parties concerned. Its quite obvious to us, and I am quite sure to you, that these proceedings are voluntary and there is no question of coercion with respect to your participation and if you don't cooperate or are unwilling to cooperate with this committee we shall have to adjourn these proceedings and report back to Senate. However, if we do this, there are two points that we would like you to consider. The first is we would like to hear your recommendations concerning the form of inquiry that you would prefer and with which you would be willing to cooperate and secondly, in reporting back to Senate - or I think - we will have to report the facts. These are that the people who appear to have made allegations concerning the integrity of the University Committee cannot cooperate with

SM 1/5/68

Prof. Groun

the Senate Committee and secondly, that insofar as the allegations that appear to have been made have not been substantiated, or will not have been substantiated by the time Senate next meets, that the members of the University Committee concerned in these proceedings cannot be considered to be other than innocent. This is of course obvious because, although this proceeding is not legal, we accept the very basic, natural position that if accusations are made against a person, failure to substantiate these allegations must lead to the presumption that the person or persons against whom the allegations have been made are in fact free of these charges. Now, I would like the response of the parties concerned to these statements I have just made.

Simons: You look at me Mr. Chairman - if you wish me to respond first I shall be pleased to do so. Firstly, the basis upon which an objection was taken to Mr. Foulds' being on this committee was not that he was not a peer of the persons whom I represent - he is a member of Senate and whether he is a student or a faculty member or whatever, is not the issue but it was the issue that we set out in the letter. The people whom I represent desire to present their views. They wish to cooperate and to have an inquiry and to engage in it. The only difficulty is that they were unable to be convinced that this was a proper committee and that the procedures suggested were proper procedures for them to observe. The recommendations I will present on behalf of these people are as follows: that if, Mr. Chairman, you present to the Senate for their approval, firstly that the form of the inquiry be similar to an arbitration board. We will be pleased to select two members of that board. Mr. Giles, or whoever wishes to do so may select two members of the board and by mutual agreement a Chairman shall be selected. We would also urge that any hearings to be held by a board (so constituted) or committee, be "open hearings" not held in camera, and of course that any parties to the proceedings may be represented by legal counsel if they wish. We would also urge that by way of alternative to that point, the very least, the meetings or hearings be open to members of faculty, members of the Faculty Association, Teaching Assistants and a representative of the CAUT. We would suggest

SM 1/5/68

2/1/68

-11-

that the terms of reference set out in the notice of this hearing numbered one, two and three have added to them a fourth being that recommendations be made by the committee or board, either to Senate or the President, as to what the committee or board considers would assist in the amelioration of difficulties such as this that has arisen, this we would suggest be kept general so that it apply itself not only to improving university family relations, if you like, but also that if the University Act be required to be amended to improve the situation, that such amendments or suggested amendments be proposed by the committee or board. We wish to make clear, Mr.Chairman, that there is much evidence to be presented. One of the difficulties that has also presented itself is that notice of this meeting was given on the 16th., only four days ago and it has been impossible to marshall the evidence properly to present it suitably at a hearing so soon. We unfortunately have absent from the city persons that we would have wished to have called to give evidence and they will be available at a later date to give their evidence. We also wish, Mr.Chairman, to acquire a transcript of the proceedings, if one be available, of the Senate Meeting of April 1st., so that we may better instruct ourselves and know precisely what allegations were made by whom at that meeting, and we consider that is germane to the issues to be considered by the committee that has been set up by Senate or any committee that might in the future be set up to consider this issue. We have requested by letter of April 16th., a complete transcription, if one be available, of the Senate proceedings and we have not yet received it. Mr.Chairman, I wish to bring that to the attention of this committee.

The Chairman: I beg your pardon - I didn't get that last point -you requested....

Simons: Yes, we requested a transcription of the proceedings of the Senate meeting of April 1st. I believe that was the date on which this ad hoc committee was formed.

The Chairman: Mr.Simons is it the complete transcript relating to this item only or to the total or larger part of the proceedings?

SM 1/5/68

Prof. G. G. G.

Simons: We requested a transcript of the entire meeting because we understand that certain petitions were presented and certain remarks made and I don't know precisely whether it was done in one section of the meeting or not. I don't know whether there is anything else that is privileged if you like, if so I am sure that we will be advised and can agree that it be excerpted from the transcript.

The Chairman: May I ask to whom representation was made?

Simons: Yes, Mr. Rankin of our office wrote to the President of the University, Dr. McTaggart-Cowan. I only hope that is the proper place to make the request. I hope it is. I don't know if there is anything that I can usefully add now, except that the people whom I represent, I think, would be grateful for the opportunity to present evidence at a committee so constituted and in the terms of reference that we have suggested.

The Chairman: Thank you Mr. Simons. Mr. Giles?

Giles: In my respectful submission, there are two aspects of this matter which are fundamental and should be kept in mind. The first is that this committee was appointed and constituted by the Senate, which is in a sense the Parliament of this University, and the second is that it was constituted for the purpose not of investigating or trying or making a determination of the conduct of those who advanced these allegations but of my clients, persons I represent. Now I think that I can give an undertaking that it is not our intention to bring one centilla of evidence before these proceedings as to the conduct of those who brought these allegations, except in answer to any evidence, if it exists, that they can bring before this Board as to our conduct. Mr. Chairman, I think it is important to remember that it is not those who made these allegations that are on trial, it is my clients that are on trial - and that being so, with great respect of anybody, is to object to these proceedings or the constitution that these committee it should be those whose rights are in jeopardy. Now Mr. Chairman, on April 1st. and a few days subsequent to that, two documents were issued and circulated, far and wide as I understand it throughout this campus,

SM 1/5/68

-13-

which reflect on and impeach the integrity of highly respected and experienced members of this community which reflect not only on them, as I understand it, but also on the functioning of the entire committee system in this community. We were given no notice that these statements were to be issued or circulated. We had no opportunity to make technical objections. They were circulated without any notice and in our submission recklessly. And now a period of some twenty days has passed while these have been at large, with no opportunity for us at all to know the nature of the case that is being made against us. Now that, I think, is fundamental. Now if Mr. Simons wishes an adjournment to have an opportunity to cross-examine witnesses, or if he wants an opportunity to know the type of evidence that we are going to call in answer to his evidence and his charges, well and good. But it seems to me that the people who are responsible for these allegations must have known what they believed to be the basis for the allegations they made at the time they made them. And we are asking now that they come forward and outline the facts upon which these allegations are based. What is the evidence? Let us know the case that we have to meet. And if they are unable and unwilling to do so now, then I say, since our rights are in jeopardy here, since this committee was appointed by the Senate to adjudicate upon that, in the absence of such evidence in the absence of such facts, I ask this committee to find that these allegations are groundless. Mr. Chairman, I think it is very important to make it abundantly clear that we are not proposing to bring any evidence here as to the conduct of those who made those allegations. That in this hearing we stand ready and we invite them to let us know what are the bases for their charges. And perhaps I should just add this, Mr. Chairman, that Mr. Simons has proposed alternate methods of adjudicating this matter, one of which is a form of arbitration which I understand was in fact debated and rejected by this body and it is this body which is constituted to try to determine the rightness and wrongness of our conduct. We are satisfied with that. We want to proceed. There is nothing I can usefully add to that, Mr. Chairman.

SM 1/5/68 *Int. Conf.*

Simons: Mr. Chairman I think I should reply to that. Mr. Chairman, I think the matter Mr. Giles refers to was tabled by the Senate rather than presented and rejected. I would like to make these observations. If Mr. Giles suggests his clients are on trial I don't personally feel that is so. Certain, perhaps procedures, are on trial if you like or being investigated or maybe investigated but certainly his clients are not on trial. If he considers that they are and are subject to some penalty by way of either civil or criminal proceedings I don't know of it, and it's not the intention of myself or anyone I represent to pursue that area. If Mr. Giles has in mind holding an examination for discovery in anticipation of some action he proposes to bring then I suggest it is not proper for him to do so, and use matters that arise in this kind of a hearing, particularly if it is going to be a private hearing. I would suggest with respect, Mr. Chairman, that this committee cannot find that the allegations that have been made are groundless simply because the matter doesn't proceed on April 20th., at 9 a.m. Clearly my clients are prepared to present the evidence. They are prepared to do so at a properly constituted committee. We must, with respect to your comments Mr. Chairman, adhere to our position that this committee is not properly constituted since this morning.

The Chairman: Well if I could sort of express my own view on the two statements that have just been made (I am leaving to one side the legal technicalities of these proceedings). I think it would help us a great deal, as a sort of fact-finding committee, to know or to get some response to the question of whether or not allegations have been made. I would like to know whether any of your clients Mr. Simons would wish to make some statement with reference to the two documents and the identification or non-identification with the contents.

Simons: Without wishing to appear obstructive, we have already made our views known of the committee as it is presently constituted. And I don't wish Mr. Giles to suggest later that we are stopped.

SM 11/5/68 *by G. Brown*

from taking any objection by submitting to the committee, or acceding to the committee as constituted by making representations and I would respectfully suggest that we not make any representations at this time that they will be made at a proper time before a properly constituted Board.

The Chairman: Thank you Mr. Simons.

Hebenton: I think that the committee ought to add one thing for the record. We the committee are going to be in a somewhat embarrassing situation. We have been asked by Senate to go out and do a job and we are going to come back and say we haven't - we couldn't - and we maybe proposing or passing on proposals of other ways that it could be done and I think in our own defense we have got to say we would have proceeded and I think if we had been some sort of court with wider powers, we could have, but we want to make it clear that it's because we don't have power to subpoena people and to put people on oath that we are not going ahead to do it. The only way we can proceed is if we have cooperation and we have been set up by Senate and we find there is nothing we can do, so we must go back and it is up to Senate then to decide which way, if at all, it wants to pursue something. I don't think that you can ask us, not that I am suggesting that you have, to recommend that the procedure your clients require Mr. Simons be adopted by Senate. Senate must make up its own mind and we can only say what we have attempted to do and how far we have got.

Simons: If I may be permitted this observation Mr. Chairman in respect of Mr. Hebenton's comments. Of course cooperation is very difficult when it is imposed rather than when parties mutually agree to something. I think if the Senate set up a Board in the terms of reference we have suggested and to which I have heard no objection taken so far from my clients. They are prepared wholly to cooperate with it and I think that might be a useful inquiry to be made.

Giles: Mr. Chairman. If I could make this observation at the risk of trespassing on your time because I am repeating myself by commenting on what Mr. Hebenton said. I wish to make it abundantly clear that we are ready to proceed and insofar as the form is concerned

SM 1/5/68 *Prof. G...*

-16-

and Mr. Simons' comments - this again and I am repeating myself - this committee was appointed by Senate - was properly constituted by the Senate and to attack its constitution or its procedures is I say to attempt to impeach the authority of the Parliament of this university. We are ready to proceed before this committee.

Simons: Mr. Chairman no sanctions have been imposed by the Senate in respect of this hearing at all and I would suggest with respect that Mr. Giles might indicate to this committee whether he is prepared to appear and cooperate with another Board as constituted in the manner we have suggested if the Senate should in its wisdom see fit to institute such a Board.

Giles: Mr. Chairman, I am here to represent and protect the interests of my clients, and I shall do that in any forum properly constituted. But I say this is a forum properly constituted by a lawful authority of this university and I am here to do just that.

The Chairman: Well I think that the committee has a fairly clear idea of the positions which have been adopted by Counsel here and we shall take these under advisement. We shall report back to Senate on the basis of the statements I have made before and I now adjourn these hearings.

:pp

April 29th, 1968.

SA 115/68

By/Enact.

SIMON FRASER UNIVERSITY.

NOTICE OF HEARING.

At a Special Meeting of the Senate of Simon Fraser University, held on April 8th, 1968, an Ad Hoc Committee composed of the persons named below was formed to investigate allegations, contained in the recent documents, of non-professional conduct by University Committees in considering Faculty appointments.

The first Hearing of the Committee will be held on Saturday, April 20th, 1968 at 9 a.m. in the Board Room, Library Building. You are requested to assist the Committee in answering three questions:

1. Were allegations of non-professional conduct actually made?
2. If allegations were made, by whom, and against whom were they made?
3. If allegations were made, are they true or false?

Procedure:

1. The Hearings, on the instructions of Senate, shall be closed.
2. The Committee shall have a legal advisor.
3. All persons who wish to present evidence shall have the right to be represented by counsel.
4. All persons against whom charges are laid shall have the right to all information relating to these charges.
5. All persons involved in the allegations shall have the right to be present when anything is said against them, and they shall have the right to cross-examination.
6. Hearsay evidence shall be deemed inadmissible.
7. A verbatim record of the hearings shall be kept, and this, together with the minutes of the Hearings shall be the property of Senate.

R.J. Baker.
E.M. Gibson.
S.K. Lower.
S. Foulds.
R.J.C. Harper, (Chairman).

SM 115/68 ATTACHMENT

It has become apparent that discrimination on political grounds is being applied to faculty recommendations for new appointments in the PSA Dept. Four appointments all made with the overwhelming support of members of the Department have been obstructed for non-academic reasons. The personal histories and political background of candidates are being investigated. Heads and other administrative officials are writing or phoning a range of people other than the applicants' referees and asking them -- in effect -- if they know anything bad about them, most often without even informing the candidate that they have done so.

#11
Ref. General

This obstruction of appointments and investigation of candidates is immoral, damaging to the careers of those concerned and makes it impossible for us presently on the staff to teach an adequate program. Therefore it is imperative that we bring this matter to the attention of the entire university community.

One of the four appointments being blocked is that of Professor A.G. Frank. Professor Frank did not apply for a position but was invited by the Department for an interview last October. Because of budgetary difficulties the Department voted in January to offer him a one-year visiting appointment to replace Professor John Leggett who is on leave next year. The vote was overwhelmingly in Frank's favour, with two abstentions and no opposing votes. According to Professor D.G. Bettison, Head of the PSA Department, however, the University Committee is not satisfied and is seeking further information about Frank's political activities.

According to Professor Bettison's report, the University Committee is delaying approval because they object to Frank's politics, because they feel that the PSA Department is being run by a "left-wing cabal" which must be halted, and because they feel it is advantageous for them to reject a temporary appointment now before Frank comes here rather than to fight later against a permanent appointment should Frank be proposed for one.

Professor Frank's major book, Capitalism and Underdevelopment in Latin America (Monthly Review Press, 1967), examines historically the economic relations of Chile and Brazil with the industrial nations of Europe and North America, and concludes that such countries cannot develop their socio-economies without undergoing revolutions. The book, now translated into four languages, has aroused theoretical controversies among both orthodox economists and traditional Marxists throughout the hemisphere. Frank has also produced a large number of other works on economic underdevelopment, including a notable essay, "Sociology of Underdevelopment and Underdevelopment of Sociology" (Catalyst, Buffalo, N.Y. 1967), which effectively challenges most of the orthodox theories of underdevelopment current in the United States over the past two decades. This essay, too, has aroused the ire of a number of North American social scientists. In addition to his scholarly writings, Frank has taken stands on current political and moral issues. At Sir George Williams University, he and Professor A.M. Shah recently wrote an article in The Georgian advocating a sit-in against Dow Chemical, the manufacturers of napalm. (Dow ceased its interviews and left the campus before a confrontation could occur.)

SM 1/5/68

Prof. Green

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Considering Frank's scholarly accomplishments on the one hand and the reactions of the University Committee on the other hand, we feel that this raises the question of political repression in faculty appointments. It is clear that with the implementation of such a repressive policy, questions of scholarship, intellectual liveliness and controversy, democratic procedures, and the particular interests of PSA faculty and students are being sacrificed.

We therefore propose -- to all students and faculty who are interested in free enquiry and who want vital and incisive minds on this campus -- that we bring Professor Frank to this campus. We must have departments staffed by the most qualified persons. Let us bring Professor Frank to Simon Fraser to teach us. Let us, the students and faculty of Simon Fraser, pay his salary. Let us be his audience. In this way we would avail ourselves of his knowledge and company, which we greatly value, and we also would be able to work with him on research problems that interest us all.

We would normally have waited for the University Committee's final verdict before launching this project. Professor Frank's appointment, however, has been delayed for the past five months and by the time the verdict is reached this term may be over and the university community dispersed. Professor Frank himself must also make his own plans for next year within the next few weeks. This is a case upon which we can and must act immediately. If we bring Professor Frank here those administrators and faculty who fear and oppose his presence will then be obliged to read his works and debate his ideas, not his politics. These debates will take place publicly where Frank can reply and where we can participate and register our own judgments.

We solicit the support of all who still are willing to work for a vital university.

Appended is a curriculum vita of Frank. We will make available copies of his article, "Sociology of Underdevelopment and Underdevelopment of Sociology". Other works may be obtained from the library.

Kathleen Aberle
J. Alldritt
M. Briemberg
F. Collinge
Louis Feldhammer
J. Katz
John Leggett
Martin Nicolaus

Nathan Popkin
David Potter
Martin Robin
G. B. Rush
G. Sperling
P. Wheeldon