

REPORT ON SIMON FRASER UNIVERSITY

by the

SPECIAL INVESTIGATING COMMITTEE

of the

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS

9 FEBRUARY 1968

The following report is published here in accordance with the instructions of the Executive and Finance Committee, for the information of Association members and the Council which authorized the enquiry at Simon Fraser University. The Report was released in February to the Simon Fraser Faculty Association, the President of the University, and the Chairman of the Board of Governors. It was released to the press by the Faculty Association, and has received a good deal of public discussion in British Columbia.

President McTaggart-Cowan has commented that "the Report makes some excellent points which will receive full consideration by the University." Special meetings of the Faculty Association and the Senate considered the Report, and committees of the Senate have been established to study various aspects of its recommendations : the tenure and promotion policy; the constitution and function of the governing bodies of the University; the methods of appointment, tenure and functions of Deans and Department Heads. The Chairman of the Board of Governors has claimed that the Report contains statements that are "misleading and defamatory"; the Board is studying the document, however.

We hope to be able to report further progress when the matter comes before the Council at its forthcoming May meeting.

A. HISTORY AND BACKGROUND

1. At a meeting on 18 October 1967 the Faculty Association of Simon Fraser University resolved that "the Faculty Association indicates its support to the Executive to call in Canadian Association of University Teachers to investigate the breakdown in communications between the Faculty Association and the President". The C.A.U.T. was almost immediately informed of the resolution. While the Executive of the Faculty Association which had recommended this investigation had resigned over another issue, the newly-elected Executive brought forward the recommendation with its full support.

2. The C.A.U.T. is a federation of faculty associations in forty-four Canadian universities and colleges and has an individual membership of some 10,000 teachers. The governing body is the Council, which is composed of representatives from each local association. An Executive and Finance Committee of the Council is charged with supervision of the day-to-day administration by the Executive Secretary. The Association seeks to promote the interests of the university community of Canada, of which each faculty association and each individual member is a part.

3. On 25 November the Council, on the advice of the Executive and Finance Committee, unanimously instructed that Committee to accept the invitation of the Faculty Association of Simon Fraser University. The Executive and Finance Committee forthwith appointed a Special Investigating Committee, naming Professor J.B. Milner, of the Faculty of Law at the University of Toronto, and Professor J. Percy Smith, Executive Secretary of C.A.U.T. Professors Milner and Smith were authorized to add a third member, and it was their unanimous choice that Dean Alwyn Berland of the Regina Campus of the University of Saskatchewan be appointed. Dean Berland agreed and the Committee commenced its review of the Simon Fraser situation. The Committee was instructed to report, with its recommendations, to the Executive and Finance Committee, and the following report is submitted.

B. *OUR TERMS OF REFERENCE*

4. Our only terms of reference are to respond to the invitation from the Simon Fraser Faculty Association and we soon learned that the invitation followed the “spur of the moment” resolution that had been passed — 36 for, 18 against, with 1 abstention. The language is, we think, less precise than that which would have been used had the proposal received more prolonged consideration. In two respects we found that there was common understanding by Dr. Patrick McTaggart-Cowan, President of Simon Fraser University,¹ and the members of the Association with whom we talked.

5. First, with respect to the “failure of communication”, it was widely conceded that communication with Dr. McTaggart-Cowan, the President of Simon Fraser University, is uncommonly easy. His boast that his door is always open to Faculty members is no idle one. Indeed, many Faculty members reported that the President appeared to understand, and often to agree with, their communications. In this respect the problem is not “failure of communication”. Rather, it is failure to get positive response to the Faculty’s communications. It was readily conceded that not all communications could be expected to produce agreement and acceptable administrative action. But the Faculty Association, and, indeed, many individual Faculty members, told us that the incidence of failure to get acceptable administrative action is inordinately high.

6. Second, with respect to the “Faculty Association” and the “President”, as the communicators, it soon became apparent that reference was being made both to the Faculty Association and to individual members of the Faculty, including academic administrators, both Department Heads and Deans. And the reference to the President included reference to the Board of Governors. In fact, we soon discovered that a possible cause of trouble at Simon Fraser University was the blurred distinction between the Faculty Association and the Faculty, on the one hand, and the President and

the Board of Governors, on the other.

7. We think it should be quite clear, on any university campus, that there are certain jobs to be done by the faculty association, and that they do not unduly overlap with jobs that are done by faculty members as individuals or as members of committees. We conceive the job of a faculty association to be twofold. Its principal purpose is to promote the well-being of the university community. A subsidiary purpose is to protect the welfare of its members. In fulfilling these purposes it is concerned to explain to the lay members of the community and to the public the concept of the university as a place of liberty. Among its primary areas of concern are, of course, salaries, pensions, academic freedom and tenure, and university government. But a faculty association, as such, should not engage directly in university government. Rather, in this area, it acts as ombudsman, to identify and rectify instances of maladministration, and to participate forcefully in every attempt to improve administration.

8. Many of the particular matters that we investigated, which we report on later, are matters of university government. The "failure of communication", if that is the appropriate expression, was most frequently a failure between a university committee, or an individual Faculty member, and the President. In only a few cases did the failure involve the Faculty Association.

9. The involvement of the Board of Governors, as well as the President, is more difficult to describe. At this stage we need only say that some of the "failure of communication" turned out rather to be failures to achieve acceptable administrative actions because of intervention by the Board of Governors in matters that properly belong to the President. The President should have been guided by democratically established academic committees, since it seems to us that the President's primary responsibility is to represent the Faculty to the Board of Governors.

10. In one further respect the expression "failure of communication" needs some clarification. We discovered in a number of situations that the failure was "one way"; that is, that communication from a Faculty member to the President was frequently more successful than the replies, or even independent communications, from the President to the individual Faculty members. We should say that in some instances the failure may have been limited to internal departmental failure. Wherever the cause, we heard complaint that matters that the President had assured us had left his office had not, in fact, reached the assistant professors at the bottom of the heap, not forgetting instructors, lecturers and teaching assistants.

11. We concluded, after some inquiry, then, that our terms of reference were to investigate the failure of the administration at Simon Fraser University to take adequately into account the advice of its individual Faculty members and committees as well as the Faculty Association.

C. THE COMMITTEE'S PROCEDURE

12. Apart from some preliminary correspondence with the President and the Faculty Association, the bulk of the Committee's work was done during a week-long visit on the campus of Simon Fraser

University. The President provided us with a large room in the Academic Quadrangle, in which we held all our meetings except for two sessions with the President in his office and a couple of informal meetings off the campus with the Executive of the Faculty Association.

13. On our arrival on Sunday, January 14th, we took an unheralded tour of the Campus on our own. As is well known, Simon Fraser University exists in lonely splendour in a park at the top of Burnaby Mountain, nearly four miles by road from the Lougheed Highway. Public transportation is barely adequate and parking is provided for thousands of cars. The buildings so far erected are dominated by the Library, the Mall and the Academic Quadrangle, on the sixth floor of which are located most of the Faculty offices. Classrooms are below, and there is also a "science complex" of labs and classrooms running down the side of the hill, as does the Theatre. There are a gymnasium, a men's residence (Shell House), and a women's residence (Madge Hogarth House).

14. There is a Shell Service Station off the perimeter road away from the present parking lots, located so as to enjoy a magnificent view of the north slope of the mountain from a man-made viewpoint. Its location has been a sore point of contention and, we think, some misunderstanding. It is built on land leased for twenty-five years, and it could after that time be demolished and relocated in a more suitable place. We confess that we are at a loss to understand by what principles of university campus planning it was given its present location.

15. The University was conceived in the summer of 1963. Construction began on the present site in April 1964 and in September 1965 the University registered 2,500 students, more than were enrolled at the University of British Columbia when it had been in existence for 25 years. Two and a half years later, in January 1968, the registration was up to 5,200, and because the University runs a trimester year, a total of 7,200 students are presently in some stage of their university education at Simon Fraser. This unprecedented growth, while a matter of some pride, is a basic cause for the malaise we found in some parts of the Faculty. Indeed, it is all too common to excuse gross faults in administration by pointing to this rapid growth and the University's undeniable accomplishments. Without wishing to denigrate a fine performance, we think we must point out that the headaches of growth cannot excuse all errors of administration at all times, or some at any time. There is a danger that the administration will fall into a habit of excusing itself long after the excuse has ceased to have any validity. It is the clear responsibility of the Faculty Association to see that this prolongation does not happen.

16. The administration established to handle this growth differs from the typical Canadian university government in two significant ways. Within the Simon Fraser University structure the dominant administrators are the President and the Heads of Departments, all of whom, of necessity were appointed before the rest of the Faculty was found. The arrangement provides for a single President and some twenty-five Heads, very loosely organized into Faculties of Arts, Science and Education, with part-time Deans holding office for one year and replaced by election of the Faculty. This somewhat feudal structure raises a suspicion that some principle of "divide and conquer" might have been in the mind of Dr. Gordon Shrum,² who frequently, we were told, speaks in Senate of what he "had in mind" when the University was being established. Dr. Shrum is the Chancellor of

the University, ordinarily an essentially honorific post; he is also Chairman of the Board of Governors, a more significant post which can be made a base of considerable influence on university affairs. Whether the suspicion is true or not is irrelevant here — the fact that the suspicion exists, and that many members of the Faculty distrust what they call “absentee management”, is distressingly relevant to our inquiry.

17. A recent reorganization of the administration provides for full-time Deans, as what have been described officially as “line officers”. This strengthening of the Faculties is a welcome introduction. It is only too characteristic of university government at Simon Fraser, however, that this change, introduced by the Board and President as recently as 5 November 1967, makes no provision for limited terms for the new Deans. It thus extends the difficulties that the Duff/Berdahl Report on *University Government in Canada* sought to reduce by the device of limited terms. Although the new Deans will doubtless be appointed without “tenure”, and could, theoretically, be removed from office in, say, five years, no such understanding has been reached with either the Department Heads or the Dean of Science who has just been appointed.

18. It is difficult to understand why, in a university conceived of while the Duff/Berdahl inquiry was under way, basic administrative appointments were made without regard to the ideas later embodied in the Duff/Berdahl Report, and currently understood in university circles by anyone capable of guiding the establishment of a new university. What harm has been done to the effective operation of Simon Fraser University by the failure to recognize the value of limited terms for university administrators is hard to measure; but it is quite clear that had attention been given to current thinking in 1964 and 1965, the problems of 1967 and 1968 might never have occurred.

19. The other atypical administrative device is the division of the academic year of twelve months into trimesters of four months each, or sixteen weeks: the Spring, from January to April; the Summer, from May to August; and the Fall, from September to December. Students may enter at the beginning of any trimester. Each trimester is an entity in itself with complete courses and final examinations. The student may thus choose a variety of combinations to complete his required time. He may take the Fall trimester, work at a job during the winter (Spring trimester) and return to his studies during the Summer trimester, when competition for student jobs in British Columbia is at its peak.

20. The trimester system, which has been critically reviewed by the C.A.U.T. Committee on Year-Round Operation of Universities in its Final Report, published as a special issue of C.A.U.T. / A.C.P.U. Bulletin in September 1964, places a great strain on both students and faculty in a variety of ways. It was especially noticeable to us that communications among the faculty were more difficult because some members of a department were off during each of the three trimesters. In the one or two-term year, more common in Canadian universities, most of the faculty are likely to be on the campus during the fall and spring, and those who go away for research or study have to choose the summer. Not only does the trimester system make communications between administration and Faculty members more difficult, it has the unfortunate result of reinforcing the authoritarian administration we found so characteristic of Simon Fraser. It is inevitable that

decisions will have to be taken by those who are on campus, and the irregular choice of research trimesters by various Faculty members within a Department or Faculty makes continuity of a committee over a six-months period awkward enough that the busy administrator loses his taste for consulting his colleagues.

21. We must emphasize the point that the trimester during which the professor does not teach is not “holiday time”. By the explicit terms of the Faculty Handbook, “faculty members are expected to teach two terms each year, the third term being a research semester.” “Faculty members are also expected to remain abreast of scholarly development in their primary fields of interest.” As to holidays the Handbook is equally explicit: unlike their brethren in high schools, who are given two months, “Faculty are entitled to one month’s holiday each year, to be taken during the research semester (sic)”.

22. In view of this required commitment to eleven months of teaching and scholarship out of every twelve, it is not surprising that some Faculty members drew our attention to what they called “Chancellor Shrum’s gratuitous insults to the Faculty” reported in the *Province* newspaper of 27 October 1967. Chairman Shrum is there reported to have said, after stating the floor salaries at Simon Fraser, “That’s not a bad salary for eight months a year”. Fairness to Chairman Shrum, whom we did not ask to deny this report, requires that we draw attention to a further provision in the Handbook, that “The University will not object if faculty members are paid for work done during their research semesters (sic) if their remunerative activity is generally beneficial to their professional career and does not hinder their efficiency when they return to teaching at Simon Fraser University”. Whether the work is beneficial is the decision of the Department Head. Undoubtedly some Faculty members, particularly from the sciences, may obtain remunerative employment; but many others will be lucky to get research assistance sufficient to meet expenses, and still others will find it quite impossible to augment their income in any way. A university that expects its Faculty to rely on outside earnings as a regular source of income inevitably will have many frustrated and disappointed Faculty members. They are not likely to appreciate the description of their year as one of “eight months”.

23. During our week on the Campus we held interviews from Monday morning until Friday evening. We saw some thirty Faculty members, most of whom were from the Faculty of Arts, but there were a few from the Faculty of Science and the Faculty of Education. Nine of them held, or had held, administrative positions, as Deans or Heads of Departments. Three of them represented the “Union”, a recently organized group of Faculty members who have said that they would consider asking for certification as the Faculty representatives in compulsory bargaining under the British Columbia Labour Act. According to some legal gossip, the Act does not regard university teachers as “employees” within the meaning of the Act, while other gossip, presumably equally valid, holds that they are employees. We met with two Teaching Assistants, another group also contemplating union action, and three students. We had two long sessions with the President and two sessions and a lunch with the Executive of the Faculty Association.

24. We did not meet any member of the Board of Governors. When we arrived, the President

informed us that the Board had considered whether it should meet with us and it had decided not to. Notwithstanding this decision, we felt that individual members of the Board might appreciate an interview, and our Chairman accordingly asked the President's executive assistant, Mr. Allan Smith, to extend an invitation on our behalf to each member of the Board individually. Not hearing from Mr. Smith, Professor Smith phoned two days later and learned that our invitations had not been sent. After undertaking to send them, Mr. Smith spoke to the President about it, and the President evidently told him not to do so. While this slight discourtesy from the President's office was quite offset by his hospitality generally, we mention the experience as an illustration of inexplicable reactions of the sort that we heard complained of by several Faculty members. Admittedly we did not know that any Board members would ask to see us, but, in view of the diplomatic character of our visit, we felt it desirable to have them know we were quite ready to see them.

25. It should be clear to everyone that we did not assume the role of arbitrators. While we made every reasonable effort to check the accuracy of the "facts" related to us, we do not make findings of fact as adjudicators. We sat in judgment on no one. We tried, at every opportunity, to explain the position taken by the President, as we understood it, to the Faculty members with whom we talked, and, in turn, we tried to explain their position to the President. Generously mixed with both explanations were our own notions about the undoubted unhappiness of some of the Faculty.

26. Our general impression from our many interviews is that the concern of the Faculty Association is justified. There is serious malaise amongst the Faculty of Simon Fraser University, and while it is largely concentrated in the Faculty of Arts, and especially in the Department of Psychology, those unhappy Faculty members have sympathizers in other Faculties as well. On the other hand, while the complaints appeared to us to have solid foundations, we feel that the state of Simon Fraser is by no means irreparable, and we have every hope that, with good will on both sides, the Faculty and the Administration can get on with the very important job of making a reality of the ideals set by the University and shared, it was quite evident, by many of the young, and perhaps idealistic, Faculty members that have been attracted from around the English-speaking world.

27. The state of affairs at Simon Fraser is undoubtedly attributable in part to the large number of inexperienced Faculty members from different academic backgrounds. A statement dated 22 December 1967 (before the new staff for the Spring trimester, 1968 had arrived) showed that there were only 33 professors and 44 associate professors on the fulltime staff, but there were 160 assistant professors and 74 instructors. The associate and full professors are not notably aged; the difference in experience between the "senior staff" and the "junior staff" was not, in most instances, so great as to ensure distinction and respect for the "senior staff" (if age and experience any longer have that effect). Further, regardless of age and experience, the "senior staff" have no more seniority at Simon Fraser University than the juniors. No one has been teaching at Simon Fraser for more than two and a half years.

28. The difference academic backgrounds, where only one quarter of the Faculty is Canadian, have also provided difficulties of adjustment. There are far fewer teachers at Simon Fraser from Canadian than from either United Kingdom or American backgrounds. The resulting collision of

different attitudes has produced greater difficulties because there are few established practices that could be quickly learned and accepted. In the absence of settled rules, newcomers quite naturally continue with the rules and practices they know and understand, and in the hurry of establishing a University with 5,200 students within thirty months, communications sometimes fail.

29. Having said this, and having accepted it as an explanation, if not a justification, for much of the confusion and frustration contributing to the unhappiness of many Faculty members, we must add that, in our view, there are a number of matters that could easily be improved to the advantage of both the Faculty and the Administration. Some of these matters are discussed next, in our comments on specific issues.

D. COMMENTS ON SPECIFIC ISSUES

(a) Appointments and tenure procedures

30. We were told by more than one of the “senior staff” with whom we spoke that if the contract renewal procedures could be clarified and rationalized a large part of Simon Fraser’s troubles would be overcome. The concern about appointments and tenure at Simon Fraser strikes a familiar chord in the C.A.U.T. As early as 30 November 1963, the late Professor Stewart Reid, then Executive Secretary of the C.A.U.T., wrote to Chairman Shrum to inquire about the policy of Simon Fraser University in the matter of tenure. It had been reported to Professor Reid that Chairman Shrum had told the U.B.C. Faculty Association that he was opposed to the principle of tenure, saw no point in it, and went so far as to say that if a candidate for a teaching position mentioned the matter to him, such a person would not be appointed at Simon Fraser. Chairman Shrum replied to Professor Reid on 6 December 1963, saying, in part, “So far, this question [of tenure] has not risen. None of those whom we have appointed or interviewed has raised it and none of the thirty or forty applications we have received has made any reference to security of appointment. At a time when there is a desperate shortage of University teachers, it seems an anomaly that there should be any valid concern about this matter”.

31. Notwithstanding this curious reply, in due course Simon Fraser adopted Provisional Terms of Appointment for Academic Staff that are still in the Faculty Handbook and provide, in a way, for tenure. After a period of three years (in the case of a professor), four years (associate professor), or seven years (assistant professor), a Faculty member “will become eligible” for tenure or “appointment without term”. But “appointment without term” will not be given automatically, or necessarily, even after a review by the President and Board of Governors of the candidate’s record as a lecturer and scholar. Simon Fraser University “wishes to state very clearly” that it does not subscribe to the “up or out” philosophy. Hence, despite his eligibility for tenure, a professor, associate professor or assistant professor may find himself the recipient of further two or three-year appointments. We think that what is involved in such an arrangement is not an “up or out” philosophy, but an evasion of a proper “in or out” regulation. It is absurd to speak of an “up or out” philosophy that governs full professors.

32. It should hardly be necessary to stress here that this set of substitutions for a proper tenure policy is unacceptable to the C.A.U.T. The Association has stated its position clearly in its recent Policy Statement on Academic Appointments and Tenure. According to that Statement, "Contracts for limited terms are undesirable except for special purposes and should not be substituted for probationary appointments". On the other hand, tenure is not something to be "awarded". It is a required protection for academic freedom and should be the basis of any appointment after a probationary term.

33. If Simon Fraser University were to adopt this attitude toward tenure, and to discard its present series of short-term appointments, its current problems with "contract renewals" would largely disappear. As matters stand, it offers an ambiguous assurance to all Faculty without tenure that if they "have performed satisfactorily", they "*will* be reappointed" (our emphasis). This promise, or prediction, is further supported by the assurance that "satisfactory performance will be based on teaching, scholarly interests and other contributions to the University and will be judged by appropriate faculty committees subject to the approval of the Board of Governors."

34. We think that if the contract renewal procedure is retained because short-term contracts are not abolished, the University will continue to have difficulties. University teachers are, by nature, highly intelligent and sometimes given to anxiety. Moreover, they are, especially those in the social sciences and the humanities, controversialists. Controversy is their stock-in-trade. If they are to enjoy academic freedom they must not live in fear of the reaction of their Department Head to their contrary views. Yet as long as their appointment is subject to review they are in a state of dependency. Heads of Departments and Deans, as well as Presidents and Board of Governors, are human and susceptible to the universal temptation to resist those who disagree with us. To establish a procedure that caters to this human weakness is to invite frequent disputes, masquerading under some false front, pretending to be disputes about teaching, scholarly interests, or contributions to the University. The present rules do not permit the assertion of such honest grounds for non-renewal as that the candidate is incompatible to the extent that his colleagues cannot work while he is around. Nor do they guarantee that his colleagues will be consulted in the question. Whether or not short-term appointments are persisted in, the "appropriate faculty committees" should be named so as to include a majority of representatives from the candidate's discipline, and they should be elected by the candidate's department, by secret ballot if necessary.

35. It should also be made clear that the appointment of academic staff is an academic responsibility. If the university committee recommends against an appointment, the President should not recommend the appointment to the Board of Governors, who cannot, under the *Universities Act*, make any appointment without the President's personal recommendation. If, on the other hand, the committee recommends an appointment the President has some reason for refusing to take to the Board with his unequivocal support, he should frankly state his position to the committee and not refer the matter to the Board. Any less respect by the President for the judgment of the committee is likely to leave the committee with a distinct feeling that it has been wasting its time. At Simon Fraser University we got the impression that most Faculty members were far too busy at important University duties to waste any time on committees whose advice was

ignored.

(b) Procedure on the reappointment of Professor Kenneth Burstein

36. While we were at Simon Fraser the Board met to consider, among other matters, the President's recommendation for the reappointment for two years of Kenneth Burstein, who has been an Assistant Professor of Psychology for the past two years. The matter had been the subject of some discussion over a period of several months. It may be relevant to observe that Professor Burstein, along with others of his colleagues, had opposed the appointment of the Head of his Department (a matter we discuss below). When Professor Burstein's contract came up for consideration, his Head informed him that he would not be recommended for renewal. Professor Burstein "appealed" to the Faculty of Arts Salary and Promotions Committee and, in turn, to the University Committee on Salaries and Promotions. That Committee first decided that Professor Burstein be reappointed for one year. This reappointment, although for only one year, was not described as "terminal" and may have been thought of as carrying a slight rebuke or reprimand.

37. In any case, Professor Burstein "appealed" again, in accordance with the procedures defined by the President in his official memorandum to "All Faculty" on 25 October 1967. The memorandum stated, "It should be emphasized that an individual faculty member can appeal decisions taken at any step in this procedure and, indeed, can appeal directly to me after the final recommendation of the University Salary and Promotions Committee". Professor Burstein's "appeal" to Dr. McTaggart-Cowan evidently resulted in the appointment of three members of the University Committee as a "special committee" to consider the matter once more. On 22 December 1967 the President informed Professor Burstein in writing that the Committee had reported its recommendation "that Dr. Burstein receive a normal two-year appointment". The President went on to say, "This has been accepted by the University Committee on Salaries and Promotions and I will be taking it to the Board of Governors at their next meeting".

38. Professor Burstein was presumably put at his ease just before Christmas with this assurance from the President, but at the next Board meeting, on 18 January, the Board found that the Special Committee was not provided for in the Faculty Handbook and was therefore invalid. Instead, the Board arbitrarily accepted the recommendation of the Faculty of Arts Committee, which was also the original recommendation of the University Committee, for a one-year reappointment.

39. This example of inept administration, which, as it were, took place before our eyes, typifies the kind of procedure that we heard complained of so frequently by Faculty members and by the Executive of the Faculty Association. It represents not only a complete disregard by the Board for the recommendation of its President, but also a retroactive denial of an official procedure established by the President. The President was presumably acting on behalf of the Board, and in any event he was clearly acting within his responsibility to satisfy himself that he was taking to the Board the proper recommendation respecting Professor Burstein's appointment. The Board apparently overruled the President's promised recommendation, and we have no evidence that he changed it or had any acceptable reason for changing it. We cannot understand why the action taken by the Board was

more acceptable to the President than it has been to the Faculty Association Executive. The demoralizing effect of these actions was immediately apparent to us when we talked with Professor Burstein, the Executive of the Faculty Association and other Faculty members on the day after the Board met.

40. As for the Board's argument for refusing to accept the President's recommendation, we think two observations are pertinent. First, the "appeal" to which the Board took objection was a matter wholly within the University Committee's recommendation, inasmuch as the recommendation of the Special Committee appointed by the President to advise him on Professor Burstein's appeal was in turn referred back to the University Committee and "accepted" by them. The President, therefore, had every justification to tell the Board that his recommendation was supported by the University Committee provided for in the Handbook. The "appeal" was in reality only a review and reconsideration by the Committee.

41. Second, the provision for "appeal", although not in the Handbook, was promulgated by the President. If the Faculty cannot rely on the President, acting within his apparent authority, to represent the Board of Governors, particularly in respect of internal procedures, the Faculty are certain to suffer acute frustration. The Board had no good reason to disapprove of the President's appeal procedures since the "appeal" was referred back, though concern might have been felt about an "appeal" to three of the members of the Committee if there had been no reference back. In such a case the Board might well have advised the President to change the rules respecting appeal to suit the Board's taste. To have made this change retroactively to apply to Professor Burstein, who had resorted to the procedure in good faith, seems to us quite indefensible.

(c) Procedure on the appointment of the Head of the Department of Psychology

42. The method of appointment of Dr. Bernard E. Lyman, Acting Head of Psychology, as Head was cited to us as the prime example of the frustrations suffered by the Faculty. We inquired into the matter at some length, interviewing the President, the former Head of the Department, the new Head, and most of the members of the Department, both senior and junior. Despite our careful attention to all these participants in the appointment, and to the versions offered by some members of the President's Committee to advise on the appointment, we are still unable to say with confidence precisely what happened. The situation was, in our view, poetically and aptly described by one member of the Department as a "Byzantine schamozzle".

43. It would appear that at the start of the affair the President established a university committee to advise him, and the committee received names from the Department. It considered them, but rejected all but one, who was invited to take the post and refused. One thing seems clear: the President's committee finally advised the President not to appoint a Head at this time (Spring, 1967) but to appoint a Chairman for a year and let the committee continue with the search. Whether this was a majority decision or a unanimous decision is disputed, but there is general agreement that the Committee did so advise.

44. The President's almost immediate response was to appoint the Acting Head to the permanent post. Whether the Acting Head was unanimously rejected as a candidate is still not clear to us, but it seems quite certain that he was rejected by well over half the department, including at least some of the senior members.

45. In one most important respect we remain in the dark as to the "facts". Professor Lyman was quite confident that the arrangement he had made from the start with the President was that if no new Head had been appointed by 1 December 1966, he would himself automatically be appointed. He was equally confident that every member of the Department knew this from the beginning. While views expressed by the Department members with whom we spoke varied considerably, no view fully coincided with Professor Lyman's. Most of the views were opposed to his to some degree, and some were flatly opposite. The only evidence that does not depend on someone's memory is the President's memos of 16 December 1966 and 3 January 1967. His language there is consistent with his recollection that Professor Lyman would be considered if no one else turned up by 1 December. In fact the time was extended, with Professor Lyman's consent, but there is no suggestion that any new arrangement as to his appointment was made at the time of the extension.

46. The explanation offered for the rejection of the University Committee's recommendation that a chairman be appointed for one year at least and the search continued is that there was no one competent to chair the Department who was also willing. We gather that no Assistant Professor was offered the post. While the Assistant Professors are admittedly young and inexperienced, we have little doubt that several of them were capable of the task, if the task were properly understood. We think there may have been something of a misconception of the rôle of a departmental chairman under normal circumstances and especially in the unusual circumstances here. Our attention was drawn to the fact that the Philosophy Department had rotated its Chairmen from the beginning, but it was explained that this was a small Department and the same happy results could not be expected from the Department of Psychology. We think it unlikely that under a young and inexperienced Chairman a year, or even two years, would pass without some troubles, but we doubt that they would have been worse than the troubles experienced with the present Head. We feel constrained to urge Simon Fraser University to reflect again about its departmental structure. The Duff/Berdahl recommendations, reached after a very thorough study of university government, cannot easily be set aside.

47. Once again the Faculty members who reported on this matter felt confident that the President received the communication — there was no failure. The complaint is that the President had wasted the committee members' time. Their advice was flouted. There seems to have been no serious attack on the committee's composition. Some queries were made about the procedure for selecting representatives from the Faculty of Arts. Because of changes in the Deanship at a crucial point, the nominees were not ratified as had been expected, but no one proposed to us that the committee ought to have been disqualified. The procedures could certainly have been improved, and we are satisfied that they will be, but the real point remains — what status does a committee have?

48. We are moved to remark, at this point, that Simon Fraser's early strength may be its current weakness. At the beginning, power was necessarily concentrated in the President and Heads of Departments. But today it is inconceivable that a President can run a university of 7,000 students, off and on campus, with a Faculty of 315, with only himself at the top and with so-called strong Heads of Departments under him. It is not enough that there be, as is planned, an Academic Vice-President, and fulltime Deans. It should be a first responsibility of the Faculty Association to urge on the Administration, as we do here and now, that the Vice-President (Academic) and the new Deans be given real authority. Unless there is a real delegation of authority at the top, the President is likely to be increasingly confronted with claims of maladministration of the sort involved in the appointments we have just discussed.

(d) Procedure on promulgation of the Report on Administrative Reorganization

49. A recent report on administrative reorganization announced several radical changes in the administration of the University. The report was circulated to "All Faculty" by the President on 6 November 1967. The President's "memo" announced that the recommendations had been approved by the Board. The Faculty Association contend that they had no opportunity to make representations before the ad hoc committee appointed to study the matter, which reported to the Committee of Heads prior to being presented to the Board of Governors. Dean McKinnon, of the Faculty of Education, who was chairman of the ad hoc committee, was confident that all the Heads of Departments knew about the committee and had ample opportunity to make representations, but he could not speak for the Department Heads as to the trickle down of their knowledge and opportunity.

50. This affair seems to us to be one of the few genuine "failures of communication" that we heard about. Certainly the Faculty Association had a most vital concern about the subject and could have made very substantial recommendations. It could have pressed for consideration of the Duff/Berdahl Report, now two years old, whose recommendations had been in current discussions for the preceding two years. Apparently no consideration was given to the establishment of limited terms of administrators, or to election of administrators by the Departments or Faculties.

51. It is worth reporting that we were given a copy of a memorandum to the Chairman of the Senate from the Dean of Arts, dated 20 November 1967, some two weeks after the President's announcement of the Board's approval of the reorganization recommendations. The Dean's memorandum reports on a meeting of the Faculty of Arts on Thursday, 16 November, that discussed the President's memorandum of 6 November. The Dean said, "Faculty opinion on various points was obtained and was taken note of by those members of Senate from the Faculty of Arts who attended the meeting". The matters reported have regard to the appointments of an Academic Vice-President and Deans. Both specific recommendations have to do with "self-determination" by the Faculties. We are surprised that such basic matters should have been coming up for discussion by the Faculty, after the President's memorandum, apparently for the first time.

(e) The check-off of Faculty Association Dues

52. On another matter we discovered a second instance of “failure of communication”, this time reaching into a sensitive area for the Faculty Association. According to the Association’s version, the President agreed to a system of check-off for the collection of dues from members of the Faculty Association; the system was to be an “opt-out” system in which every potential member on the Campus would have his salary docked unless he gave notice that he did not wish to be a member. The burden of opting-out would be on the Faculty member. According to the President’s version, the agreement was that he would install the check-off, but would have to consult the Bursar about opting-out.

53. The Bursar’s position was, apparently, that it would be illegal to dock salaries without express advance authority from the individual Faculty member. We do not argue that point. We have been given to understand, however, that the only illegality is in the first withholding of the dues of the Faculty member who has failed to notify the Bursar that he opts-out. His notification would come promptly as a complaint, and of course would be an opting-out. If the Bursar then reimbursed him for the docked dues, the Faculty member would have no substantial claim against the University. We can hardly help wondering how such a procedure, which has been adopted at various universities in Canada, could seriously upset even the unsettled Faculty of Simon Fraser University.

54. In any event, the Faculty Association came away with the view that the President simply reversed himself after talking with the Bursar and left it to the Association to learn on the next pay day that no dues had been withheld. The President thought he had notified the Association President immediately after talking to the Bursar, having already cautioned the Association President that he could not agree on this point during their first interview.

55. The settlement of this dispute over the facts is not important. There was, in our view, undoubtedly a failure of communication. It points up the advisability of confirming oral decisions with a written record. A short but precise record, stating one understanding of the agreement reached and requesting a correction if one is necessary, should be adequate. There is no need for an overly sensitive reaction of suspicion or distrust. Human memories are far from perfect, and communication sometimes does fail, though hardly, we think, as frequently as the overuse of the cliché would suggest.

56. The significance of this failure of the University administration to “chance” the law and accommodate the Faculty Association probably loomed larger in the Faculty Association’s eyes than in the President’s. At the time of the suggestion the Union was campaigning for members. The reliance of the Faculty Association on what they believed to be the assurance of Administration that the opt-out check-off system would be installed led the Association to campaign in low key when it should have been working hardest. When the Association Executive resigned in October, the paid-up membership was about 240. At the end of the year there were only about 120 members, and this loss could not be more than half accounted for by the Union membership of 50 or 60. We know that there was some duplication of membership.

57. It seems clear that the unfortunate events of October weakened the Faculty Association on the Campus. No one can take any satisfaction from this state of affairs. From our discussion with the Union representatives we concluded that the Union would be quite happy with a strong and effective Faculty Association. They claimed to be interested only in forcing action. Despite the fact that both the retiring Executive of the Faculty Association and the new Executive invited this Committee to the Campus, these Union representatives claimed credit for our presence. At least we felt doubly or triply welcome. We were also welcomed by President McTaggart-Cowan, who said, in his letter,

“I am a strong advocate of a well-developed Faculty Association as an essential component on a university campus, and even though as far as our Act is concerned it is outside the corporate structure of the University, I look upon the Faculty Association as an essential component of the University community in total. I look forward to a steady strengthening of the links between the administration and the Association on a broad basis, covering all areas of common interest.”

58. We agree with the President that a well-developed Faculty Association is essential, but we do not share any possible concern he may have that it is “outside the corporate structure of the University”. It is rightly outside the corporate structure and we sincerely hope that it will remain so. We look upon the Faculty Association as playing the rôle of ombudsman, keeping its eye on government within the corporate structure, ever alert to see that academic freedom is maintained in this “place of liberty”, and pressing constantly for the highest and best that is attainable in the university community.

59. If it is to serve this function effectively, the Faculty Association must be able to provide a forum in which its members may discuss with the greatest candour any matter that they may feel to affect the well-being of the University. It is a fact of common experience that the presence of the very senior administrators of a university, especially that of the president, will inhibit discussion and reduce the effectiveness of the faculty association as a forum, not to say a safety-valve. For this reason many faculty associations do not extend membership to such officers as the university president and vice-presidents. Where they do so, it is common practice, and in our judgement wise, for such persons to absent themselves from association meetings, except when they are especially invited to attend. It is our opinion that membership in the Faculty Association ought not to be extended to such officers or to the Chancellor.

(f) Faculty Association representation on University Committees

60. The rôle of the Faculty Association is brought directly into consideration by the contention of the Executive that the President has not always appointed a Faculty Association representative on University committees. We were told that representatives had been appointed to two Committees, on Pensions and on Food Services. The President thought that there were representatives on more of the Committees, but we didn't ask him or the association to check. We question whether this involvement does not put the Faculty Association at some disadvantage, since its principal rôle, in any matter on which there is a University Committee, is to appear in support of

its policies as they affect the matter before the Committee. To have a member on the Committee, which, if it is properly constituted, has adequate representation of the Faculty anyway, is likely to be as much an embarrassment as a help.

61. Our concern in this matter is rather that the University itself is not as well organized as it might be to insure that individual Faculty members play effectively their appropriate role in matters that seriously affect them. The University community is not to be compared with a business corporation, much though some administrators may be tempted to the comparison. A university is not a business, a government or an army. It is a democratic community. The notion that all power should be concentrated at the top simply won't work. Fifty years ago it might have done so, but ideas of community and democracy have changed in that interval; a failure to meet this change fairly and squarely will only prolong and intensify unrest.

62. We felt a high degree of confidence, in our discussions with the Union representatives, with the Teaching Assistants and with the students, that they wanted, not merely recognition, but a genuine sense of participation in the community matters that so seriously affect them. We could not dispute the justice of this desire. The C.A.U.T. has long advocated the strengthening of democracy in university life. We believe that in the older and perhaps more conservative universities this ideal is being achieved, and achieved in a more effective way than at Simon Fraser University, despite that University's announced goals and the President's expressed sympathy with the ambitions of the Faculty Association.

63. Part of the explanation for the overlap of Faculty and Faculty Association interests may be found in the inadequacy of the Senate, which, like most senates in Canadian universities, is a mixed body of academic and lay members. There may be an unrecognized need at Simon Fraser University for a wholly academic body that includes all Faculty members and has a real responsibility for the development of academic interests affecting the whole University. The only occasion now for assembling the whole Faculty is in a joint meeting of Faculties, which is provided for, incidentally, in one or two minor places in the Universities Act. There now exists no establishment, no statement of jurisdiction, beyond the two instances in the Act, and no machinery for regular meetings and the appointment of committees. The present practice, by which so large a number of committees are chosen by the President and frequently chaired by him is unwise. Inevitably it results in reports going to the President, who may or may not give them full circulation to the general Faculty, or a suitable opportunity for them to be discussed by the Faculty. It may be very helpful to have an academic body available and organized, in advance of crisis situations. The organization of such a body should provide for committees responsible to it.

64. It may be objected that there would be very few Faculty members who would bother to attend meetings. Certainly as the size increases this would likely happen. This anticipation of poor attendance is not a reason for not establishing a forum. It may be more important to find a smaller place that cannot hold all the Faculty, but lends itself more effectively to good debate and discussion. If the crowd overflows, the meeting can always retire to the Academic Quad for an open air gathering on the first fine day. Meanwhile, in the smaller room effective discussion can continue

and smaller committees can be established. A University as committed to the interdisciplinary approach as is Simon Fraser might explore this notion more carefully. We understand that it works effectively at the University of Saskatchewan.

E. CONCLUSIONS AND RECOMMENDATIONS

65. We have concluded that there is a serious “failure of communication” at Simon Fraser University in the sense that there is strong dissatisfaction with the response of the President to communications, especially communications from various committees, received and understood by him. We think this dissatisfaction has its origin in the concept of administration at Simon Fraser, which, in a general way, is adversely affected throughout by absentee management and an undemocratic distribution of power along uncertain lines. We cannot stress strongly enough that a university is a largely self-governing community of scholars. While for many purposes it is essential to have individual academic administrators rather than committees, it is preferable that the administrators be responsible to the Faculty members, whether as a committee, a Department, or a Faculty, rather than in some vague way to the Board of Governors, independently of the Faculty members.

66. While we think that the dissatisfaction of Faculty members is well founded, we feel that their complaints can be remedied by more forthright administration, with a redirection of responsibility, especially as the University increases in size and experience, and by a greater sense of give and take in some Faculty members. We were generally impressed by the reasonableness of the Faculty members, and we could not conclude that their behaviour was irresponsible. In some cases, we felt that the most inexperienced teachers simply haven’t been around universities long enough yet to know what to expect, even in the most liberal of democratic university communities. No community of humans will ever be as harmonious as a community of angels.

(a) The relations of the President to the Board of Governors

67. We *recommend* that the Faculty Association press upon the President and the Board the urgency of the need for redirection of responsibility for decisions within the University. Those matters of academic judgment, of which appointments and promotions are prime examples, should be determined by the Faculty acting through established democratic procedures, subject only to a veto power in the Board. The President must recommend an appointment or promotion before the Board has any jurisdiction. The Board should be able to question the recommendation only if it challenges the President’s integrity or capacity to apply fair procedures. Otherwise it should approve the appointment unless it has information not available to the President, which it should reveal and then ask the President to reconsider the matter.

(b) Faculty meetings with the Board of Governors

68. Unless and until there are at least three members of the Board elected by the Faculty from

the Faculty, we *recommend* that there be established regular meetings of the Board, the President, the Faculty Association and representatives from the Faculty elected by a joint meeting of the Faculties.

(c) Short term appointments for all academic administrators

69. It is clear that there is undue emphasis on Department Heads at the expense of Deans, which may be in the process of being corrected. Clearly also there is undue emphasis on Heads and Deans, as well as the President, at the expense of Departmental and Faculty members. We *recommend* that the Duff/Berdahl recommendations respecting short terms of office for academic administrative staff be carefully considered by Simon Fraser University, from the Board of Governors all the way to the Faculty Association. The more democratic principles of organization advocated by Duff/Berdahl have already been adopted in some universities, and current pressures from both faculty and students make their adoption everywhere only a matter of time. With a short term appointment by a democratic process there automatically comes "tenure" for that short term, thus guaranteeing a department and faculty greater independence. Although the Duff/Berdahl Report does not recommend a short term for a president, we should ourselves unhesitatingly recommend it for the same reasons that Duff/Berdahl recommend it for other administrators. If a president holds office for a short term, and even more so if he is democratically appointed for that term, he may find much easier the difficult task of representing the faculty to, and at times *against*, the board of governors.

(d) The establishment of an exclusively academic body with substantial powers

70. We *recommend* that the University consider the establishment of an exclusively academic body representative of the whole Faculty. Whether this is better done by redesigning the Senate to make it both exclusively academic and more representative, or by establishing a formal structure for joint meetings of Faculties, with specific powers of decision and recommendation, we need not decide here. The present confusion between the Faculty and the Faculty Association seems to us to betray the need for better Faculty representation on many matters.

(e) Adoption of an appointment and tenure policy along C.A.U.T. Guidelines

71. We strongly *recommend* that renewable contracts be minimised or discontinued completely and that the University adopt forthwith a tenure programme along the lines of the C.A.U.T. Policy Statement.

72. We do not feel that we can recommend specific remedial action in respect of those specific issues on which we have commented above. We did not proceed as judges and we are not in a position to judge, condemn or sentence. We do think, however, that these matters would bear review in a meeting with those Faculty members individually affected, the Faculty Association and the President, so that each has a chance to clarify his point of view to the others. We think the essential solution is the delegation of authority in clear fashion to various democratically establishment committees within the University community.

73. In conclusion, we want to state emphatically our confidence that the unhappy situation at Simon Fraser University can be satisfactorily settled without resignations or dismissals within the University. Hasty withdrawal or removal at this stage could only add to the bitterness and create conditions in which suitable replacement would be virtually impossible. What is needed is a clear understanding of the responsibility for the formation, direction, and administration of academic policy. The Board of Governors must see its modest role in a new light. The President and Faculty must share responsibility for all aspects of academic policy, including its administration. They must be ready to advise the Board on all other matters respecting the well-being of the University community. Individual Faculty members must acknowledge decisions taken by democratically appointed academic administrators acting alone or on the advice of committees. The Faculty Association must stand firm in its insistence that this clear understanding be reached — and soon. Simon Fraser University is too important to the future of British Columbia for any lesser compromise to be acceptable.

J.B. Milner, Chairman

Alwyn Berland

J. Percy Smith

1. Dr. McTaggart-Cowan had a distinguished career as a meteorologist before becoming President of Simon Fraser University. He holds B.A. degrees from the University of British Columbia (1933) and from Oxford (1936), and an honorary D.Sc. From the former. He is the author of numerous scientific papers. At the time of his appointment as President, he was Director of Meteorological Services for Canada.

2. Dr. Gordon Shrum, Chairman of the British Columbia Hydro and Power Authority, has had a long and distinguished career. He is a University of Toronto alumnus (B.A. 1920; M.A. 1921; Ph.D. 1923), is a Fellow of the Royal Society of Canada, and has honorary degrees from the University of British Columbia and McMaster University. He served in the Department of Physics at U.B.C., 1925-1961, and was Head of that Department, 1938-1961. He was Dean of Graduate Studies, 1956-1961. He commanded the U.B.C. contingent of the C.O.T.C., 1937-1946. He has been a prominent member of many scientific, educational, and other bodies. He played a prominent role in bringing Simon Fraser University into being, and he is its first Chancellor.