

Fellow Senators,

As members of the York University Senate, we are deeply troubled that an agreement between York and the Centre for International Governance Innovation has been signed without full discussion in Senate, despite the fact the agreement has major implications for the academic life of our university, for which Senate is given responsibility under the York Act. We are also disappointed that APPRC decided to give its approval both to this agreement and to an approval process that by-passed Senate.

The agreement signed in August 2011 has several serious problems:

- **Institutional Autonomy:**

CIGI is a private institution located 80 kms from the York campus (where two-thirds of the chairs and graduate scholars will be located) and funded by one prominent businessman, Jim Balsillie. Yet it will have the right to appoint half the Steering Committee governing this new initiative. We find it unacceptable to allow an external private donor to be involved in academic decision-making to this extent.

The York administration's suggestions that CIGI's involvement will be benign flies in the face of CIGI's record at the University of Waterloo and Wilfrid Laurier University, where two years ago its internationally acclaimed director, Dr Ramesh Thakur, was forced out over conflict with the CIGI board. The CAUT report on this incident in September 2010, written by the University of Saskatchewan's Len Findley, found "a regrettable failure to educate the principal donor..., Jim Balsillie, as to a donor's proper role in enabling the work of a school" to conduct its research and teaching. (The report is available at http://www.caut.ca/uploads/Findlay_Report_Final.pdf).

- **Academic Freedom and Integrity:**

The Steering Committee with its external membership is given unprecedented power to closely shape the selection, promotion, and work life of the chairs and graduate scholars, namely, to:

- Develop research areas for each chair
- Establish specific financial terms and expectations for each of the chairs, including their research plans and research support
- Make recommendations on appointment, renewal, and termination of candidates for the chairs
- Approve the annual budget

The right of the Steering Committee to vet (and potentially block) the shortlists of potential candidates for chairs is most certainly not "the University's normal collegial practices for the appointment of tenure-stream faculty," as the signed agreement claims. This is, in fact, a shocking departure from our established practices. (The wording of the 9 March protocol suggesting that the Provost would reach "consensus"

with the Steering Committee on a shortlist simply masks that external committee's unprecedented right to intervene.) Adding an "Advisory Committee" of senior scholars, mostly from outside York, to resolve any deadlocks in the Steering Committee still departs from "normal" procedures and again puts decision-making into external hands. The role of SSHRC and NSRC in the selection of CRC chairs is not comparable – in that case, public institutions were involved; in the CIGI case, a private donor is involved.

Any agreement should have stated clearly that York's academic independent decision-making processes will remain supreme, and that at most CIGI's role will be purely advisory, as the Osgoode faculty recommended last fall.

- **Safeguards**

We note that the Osgoode Law School's Faculty Council spent several months attempting to limit the impact of this external interference with an extensive "Protocol to Safeguard Academic Freedom and Integrity," but in January its discussions with CIGI and the York administration ground to a halt. A month later, the university administration signed a shorter, far weaker protocol, whose terms are vague generalities and contain no enforcement mechanism should they be violated – the central issue in the breakdown of Osgoode's negotiations.

- **Scope**

We note that, with the end of the effort to make this an Osgoode-based project, the chairs will be available in all parts of the university. Yet, since the project is still primarily in international law, and since the Osgoode Faculty Council's conditions for its participation have not been met, it appears that Osgoode will not be participating. This is a curious development, to say the least.

- **Senate's Role**

We disagree with the Provost that there was no "formal requirement for Senate approval." Senate is the supreme decision-making body in academic matters at York University. It has responsibility for the establishment and regulation of all academic programs, all graduate instruction, all recruitment and promotion of faculty, the creation of all research centres, and, according to the Senate Handbook, "the establishment of Chairs." The agreement with CIGI touches on all these issues.

- The announcement in the opening sentence of the 9 March protocol on the "Allocation and Recruitment Process" that the CIGI agreement is "a joint initiative to establish one of the world's leading graduate programs in international law" brings the project directly within Senate's purview.
- Senate is responsible for scholarship programs, such as the twenty that are envisaged in the agreement.

- Senate has oversight of all tenure and promotion matters related to the new chairs.
- As more faculty and graduate students are recruited and granted funding for this new initiative, academic priorities and planning will inevitably shift, for which academic units will be ultimately accountable to Senate.
- While the Provost argues that CIGI is not an ORU, it is not clear how different it will be in practice from York's research centres, a subject that Senate should be asked to consider.
- Senate should have some major interest in the establishment of what will in effect become a new campus in Waterloo, from which, according to the Provost's memo to APPRC, there will be "regular visits, satellite courses, and lecture delivery."

The Senate unquestionably has jurisdiction over the CIGI initiative, and we believe final acceptance of the CIGI agreement requires Senate's formal approval, not simply consultation with one of its committees. Last fall, when the project was focused only on Osgoode, the Faculty Council was given a significant voice in assessing and voting on it. Yet now that it has gone campus-wide, Senate has been denied an equivalent voice.

We therefore will move the following motion at the Senate's 22 March meeting:

That any agreement with CIGI must be presented to Senate for formal approval.

Signed

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 Susan Drummond (Osgoode)
 Jonathan Edmondson (LAPS)
 Craig Heron (LAPS)
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