

SM 7/8/67

Sen. Birch
Faculty Council

To: All Senators
All Members of Faculty Council

From: Registrar

11 July, 1967.

Subject: Faculty Council Minutes

Following discussions in Faculty Council, July 6, and Senate, July 10, I have searched the Minutes of both bodies for a ruling on the availability of Faculty Council Minutes to Senators. The following appears in the Minutes of Senate, November 29, 1965, page 6, item 7:

"Mr. Bawtree requested that members of Senate receive Minutes of the meetings of the Faculty Council and was advised that they would be available in the office of the Registrar."

I have interpreted this Minute to mean that the Faculty Council Minutes and papers are open for inspection in my office, but for Senators only.

In view of the ambiguity of the Minute it would perhaps be as well to clarify the matter at the next Senate meeting.

D.P. Robertson
D.P. Robertson
Registrar

DPR/md

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SIMON FRASER UNIVERSITY

MEMORANDUM

*Faculty Council
Appeal
Student Discipline*

To.....Members of Senate.....	From.....David Berg.....
Subject.....Agenda Item A, August meeting.....	Date.....August 1, 1967.....

SP3205-6

MOTION: "That Senate invite Faculty Council to inform Senate of its procedures."

Origin of Motion

The motion originated out of an announced appeal by students against a Faculty Council decision which was arrived at by procedures held by both the Executive Council of the Student Society and the Graduate Student Association to be incompatible with student interests. In addition, it is a response to the enclosed memorandum by T. B. Bottomore addressed to Dean Matthews, attention Arts Members of Senate.

Intent of Motion

The motion was intended to enable Senate, with the cooperation of Faculty Council, to review Faculty Council procedures in order (1) to ensure that they do not allow Faculty Council to exceed its jurisdiction (as has been claimed) and (2) to enable Senate to fulfill the requirements of the Universities Act, Section 61 (b) and Section 64, which state respectively that the Faculty Council's power to make rules and regulations with respect to student discipline is subject to the approval of Senate and that a general rule or regulation made by Faculty Council is not effective or enforceable until a copy thereof has been sent to Senate and the Senate has given approval thereto.

Wording of the Motion

The motion was intentionally worded in such a way as not to invoke powers of the Senate and not to conflict with possible interpretations of the Universities Act. An invitation to Faculty Council to report to Senate cannot constitute an abridgement of the powers of Faculty Council. The suggested interpretation of the Universities Act submitted by a legal firm does not, then, bear directly upon this motion, and should not have been listed as a supporting document; it is rather an item of information sought by the President.

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Supporting documents

The enclosed documents were originally intended as support for the appeal against a Faculty Council decision announced at the July, 1967, meeting of Senate by Mrs. Sharon Yandle; this appeal for some reason was not listed on the agenda for the August, 1967, meeting, although it had been submitted for inclusion by the Student Representatives on Senate in accord with Section 54(m), Section 61(b), (2), and Section 62.

Since my motion originated out of this appeal and the documents of the appeal are essential for an understanding of the need for Senate to review Faculty Council procedures, I have chosen to enclose those documents as supporting material for my motion. All the documents were intended for Senate with the exception of the President's memorandum, which is available to Senate members in Faculty Council minutes (according to the Registrar's recent memorandum on the availability of Faculty Council minutes to Senate members).

Legal Interpretation of the Universities Act

Whereas we have the considered opinion of only one law firm, and variant interpretations must be deemed possible, it is perhaps worthwhile to demonstrate that the suggested interpretation does provide grounds for the support of my motion.

(1) Page 2 of Shrum, Liddle & Heberton: "The Act gives the Senate the power to approve or disapprove the regulations prepared by the Faculty Council;..."

COMMENT: The Senate should determine whether it has in fact had opportunity to approve or disapprove the regulations prepared by the Faculty Council, and to this purpose must be provided with a statement of those regulations.

(2) Continuing the sentence cited from Page 2 of the lawyers' statement: "...it does not give the Senate a continuing supervisory power over the way in which the Faculty Council administers those regulations once they are approved."

COMMENT: Be this as it may, Section 64 of the Universities Act states "A general rule or regulation made by a Faculty or by Faculty Council is not effective or enforceable until a copy thereof has been sent to the Senate and the Senate has given approval thereto." This clearly requires Faculty Council to provide Senate, and to keep Senate provided with a copy of its rules and regulations for Senate's consideration.

(3) Also on Page 2 of the lawyers' statement, the next sentence reads: "The Senate is brought into the administration of the regulations only when some person appeals a decision of the Faculty Council to Senate." (My italics)

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COMMENT: Such an appeal was announced at the last meeting of Senate, as has been mentioned, and thus there is occasion and cause for Senate to concern itself with the administration of whatever regulations Faculty Council wishes to bring into force, whether or not Faculty Council has met the requirements of the Universities Act concerning rules and regulations referred to above in this memorandum (preceding paragraph).

A footnote should be added here to correct (that is, to differ with) the President's statement as recorded in the draft minutes for the July, 1967, meeting of Senate: he is recorded as pointing out "that Faculty Council had in fact decided to take no action and therefore the matter seemed to be one of appealing a procedure rather than appealing a decision".

The Faculty Council voted to "take no further action". This is surely a decision just as "not guilty" is a verdict. If we are to pursue the analogy more strictly, the students' claim would seem to be that a decision to take no further action is like a suspended sentence - there is a presumption of guilt. The students feel, and they are not alone in this (see T. B. Bottomore's memorandum), that Faculty Council exceeded its jurisdiction and should have stated that the matter brought before them was outside their jurisdiction. It is clear that relative to this, a decision to take no further action is a decision. Furthermore, Section 62 of the Universities Act talks of a person aggrieved by any decision of the Faculty Council, and does not further specify what the nature of that decision is to be before an appeal can be heard.

Lastly, a very important point is contained in Section 61(d) of the Universities Act: it provides, subject to the approval of Senate, for Faculty Council to set up a student committee to be recognized as the official medium of communication with Faculty Council, and Senate, with the right to make communications through the President to such bodies upon any subject affecting the students. A committee of students and Faculty Council members (which I believe has never been approved by Senate) was cited at the July meeting as a reason for not supporting my motion, allegedly rendering Senate's concern with Faculty Council on behalf of the students unnecessary. Section 62 of the Universities Act, however, states: "Any person aggrieved by a decision of the Faculty Council has a right of appeal therefrom to the Senate, in accordance with any rules or regulations made by the Senate, and the decision of the Senate thereon is final." Thus the existence of this committee, whether or not it has begun to function effectively (and there are members of Senate who could testify that it has not), does not preclude the need for a motion such as the one I am offering, nor can it constitute grounds for not allowing an appeal against

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Faculty Council to be brought before Senate, which is the proper governing body for such appeals, as set out in the Act.

Further Reason for Approving Motion

Enclosed is a memorandum from T. B. Bottomore to Dean Matthews asking the Dean to bring before Senate some of the very matters about which the students feel most aggrieved. The Dean has indicated that he will speak to the memorandum in the context of the motion I offer. The matter, however, arising from the Faculty and addressed to the Dean of the Faculty, is certainly fit business for Senate under Section 54(1) of the Universities Act.

The President's Memorandum

This document which certain members of Senate find offensive in that, among other things, it exceeds the jurisdiction of Faculty Council over disciplinary matters and ventures opinions and recommendations concerning the academic competence and futures of the students mentioned therein, is included because it constitutes an example of gross disregard for the limitations of Faculty Council. Since the President's memorandum was a report given to Faculty Council and included in its minutes, it may be viewed as a proper submission as evidence that Faculty Council needs guidance from, if not supervision by, Senate. If it is maintained that the President did not write the report in his capacity as Chairman of the Faculty Council, but as President of the University, then the same clause that empowers him to do this renders his action subject to an appeal to Senate, Section 58 (2), Universities Act.

I would like to apologize for the unavoidable delay in circulating this memorandum and supporting documents. It was not until I received the agenda for the August meeting that I realized that the student appeal was not scheduled for that meeting, and I had intended to refer to their documentation in support of my motion. Nor had I realized the President had intended the lawyers' interpretation of the Universities Act to bear upon my motion; I felt that some clarification was called for.

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SIMON FRASER UNIVERSITY

MEMORANDUM

Faculty Council
Appendix
Paper FC-2
Student Discipline

To FACULTY COUNCIL

(CONFIDENTIAL)

Subject

From Dr. P. D. McTaggart-Cowan

President

Date April 17, 1967

At our last meeting you asked me to interview the five graduate students who had appeared before us to assess their potential as graduate students in the light of the difficulties that had arisen in order that Council might be assured of a reasonable possibility of success.

I have interviewed the students in company with their department Head and where possible with the Registrar also in attendance, and I have the following observations to make.

I refer, in several of the following paragraphs, to the lack of adequate and proper records on graduate students in the Registrar's Office. This is not a criticism of the Registrar but a factual reinforcement of what he has already reported to the Committee of Heads, the Senate Committee on Graduate Studies and the Senate Committee on Graduate Admissions, that the information was not forthcoming from some departments. A position is being filled on the Registrar's staff to deal with these matters and all Heads are being requested to bring the Registrar's files on their graduate students up to date as quickly as possible. In future, full documentation will be necessary and it will be the responsibility of the department Head to provide it to the Registrar.

1. John Edmond: He has a very spotty undergraduate record filled with failures particularly in the science subjects, where he seemed to be trying to prove competence in maths, physics and chemistry, which obviously was not there. He finally ended up with a B. A. class 2 in honors psychology at UBC. He then took, in consecutive summer sessions 1964 and 1965, three English courses and a philosophy course getting two firsts and two seconds. This is some evidence that he was finding his field and I understand that Prof. Baker thinks that he has real ability in the area of English and linguistics and certainly there is evidence of this in the courses he took after getting his B. A.

Mr. Edmond's file in the Registrar's Office carried very little in it other than the curriculum vitae to support the foregoing and I think it is important that opinions such as Prof. Baker's should be recorded and placed on file; Mr. Edmond's graduate transcript showed that he had taken, since the fall of 1965, four courses in linguistics, but no marks had been submitted to the Registrar and he had taken three courses in English, only one of which had been given a mark of which the Registrar had been notified.

From the interview with Edmond I was satisfied that he had the various aspects of the problem in focus and that there was every possibility of him completing his Master's degree, as far as his mental attitude was concerned. With the absence of marks on his graduate transcript I was unable to form any opinion with regard to his academic standing except that he had received an 'A' in the one English course for which there were marks on records and he had received a first in a course in philosophy that he had been permitted to take at UBC as part of his graduate program.

2. Geoffrey Mercer: Mr. Mercer was admitted to study for an M. A. in P. S. A. commencing in the fall semester 1965. He has a low second-class B. A. from Durham and therefore does not meet our minimum entrance requirements, but as he was admitted in our first semester when things were a little chaotic it is understandable.

Mr. Mercer completed his Master's degree program and his thesis a short time ago and Senate has awarded him an M. A. There is an incomplete record in the Registrar's Office of the marks and courses he completed for this degree, and in discussion with Mr. Mercer he did not know the standing he had obtained in the courses and actually advised me he was not concerned about course standings.

He has in mind continuing on a doctoral program and is searching for a thesis topic. Apparently he was considerably impressed with McKenzie, who was visiting here from the London School of Economics and participated in his oral examinations for his Master's degree and is therefore considering doing some work in comparative studies of political parties or various aspects of local politics. He was participating in a research project concerned with certain aspects of the Community Chest operation and yet when I questioned him on it he seemed to have a very vague idea about the nature, purpose or goals of this research.

I would like to stress that in a half hour interview with a student studying in a field in which I have no expert knowledge, any opinions or conclusions that I state or draw must be considered as very tentative, but with this provision I must in all sincerity say that I was very unhappy with what I saw in Geoffrey Mercer. Prof. Bottomore had said in our earlier Council meeting that he thought that his four students did indeed have the problems of the past several weeks in focus and that if we saw them in the privacy of my office this would be clear, even though we had some doubts when we saw them in the larger group of Faculty Council. As you will see in other parts of this report, I did feel quite reassured with regard to Edmond, Huxley and Stanworth, but my interview with Mr. Mercer deepened such doubts as I had. I saw really no quality of intellect. He perhaps realized that there was a problem, but was refusing to recognize it and was building up defence blockades which would effectively keep out both wisdom and judgment.

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It may well be that Mr. Mercer has an intellect capable of achieving doctoral level discipline, but if he has I did not see it and I would suggest that this question should be studied by competent judges very soon because in Mr. Mercer's best interests a transfer to another university to pursue his doctoral program may be necessary.

3. Christopher Huxley: M. A. student in political science, sociology and anthropology, who commenced his graduate work in the fall semester of 1966.

Mr. Huxley received a low second-class B. A. degree from the University of York, England, and therefore did not meet the admission requirements of the Faculty of Arts, which states "an applicant should have a bachelor's degree with high second-class standing or its equivalent". Mr. Huxley was given provisional entry into the graduate program at S. F. U. in a letter dated April 29, but the only requirement stated was that he complete his degree. There was no mention in the letter of the need for him getting high second-class standing. His professors did, however, in their letter of reference say that they expected him to get a high second-class, but I think the Graduate Admissions Committee will have to review its procedures to make sure that the regulations contained in the calendar are properly conveyed to students seeking admission.

Mr. Huxley enrolled in three P. S. A. courses in the fall semester - 801, 832 and 891, but no marks have been submitted to the Registrar and the departmental report of his supervisors is not encouraging. This raises another point regarding applications for the \$1,000 research semester grant, where the department is required to certify that the student is making satisfactory progress in his degree program. It may be that we will have to set some minimum standards.

While I realize one short interview really provides quite insufficient grounds for assessing academic competence, I do suggest a careful re-assessment should be made.

While in all sincerity I have to express these doubts regarding Mr. Huxley's academic attainments, I was left in no doubt at all but that he had a healthy and rational view of the proceedings of the past several weeks and that these would present no hurdle in accomplishing his degree program, and that subject to those directly concerned being satisfied that he was able to make progress towards his Master's degree he should experience no other problems, but I suggest that any further tutoring he may be asked to do should be very closely monitored, to see if he indeed does have the intellectual stamina to cope with the really bright undergraduate students.

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4. Martin Loney: Martin Loney was admitted to a Master's program in P. S. A. in the fall semester of 1966 having received a low second-class standing in his bachelor degree from Durham. Mr. Loney did not meet the entrance requirements laid down by the Faculty of Arts and I do not know why he was admitted in the first place. The letters of reference that the University received gave warning of this, one stating "he is unlikely to do better than a good 2²," and further "I am doubtful whether Loney is a person of 'high intellectual promise', but I do think he could benefit from higher education and that he would put it to very good use." There are other more complimentary remarks in the letters, but generally Mr. Loney is painted as a marginal graduate student. The question of his admission to graduate work here was apparently settled by the Admissions Committee prior to the exam results at Durham, and as far as I can see no condition was placed on his admission to meeting our high second-class entrance requirements. I believe therefore the Graduates Admissions Committee should seriously consider its admissions procedures in this respect and consider making admissions tentative until the final exam results are known and the requisite standing assured.

Mr. Loney sees himself as the injured party being harassed by the police and the news media and that he has done nothing that would not be readily accepted in England, and that it is just the imperfections of the B. C. population that has caused the problem. He sees himself as in opposition to the people and the law of British Columbia and to the University, and as the champion of the liberality in these matters practised in England.

With regard to his course work, he enrolled in two courses in the fall semester of 1966; on one he has been given an 'A'; on the other no mark has been submitted. He advised that he was to do his thesis on Agrarian reform in Mexico, Guatemala and Cuba, but notwithstanding that he had achieved an 'A' in a course in Latin American politics he seemed to have a very elementary knowledge of the problems in these countries or the history of the development. He had plans of visiting these countries this summer to talk with the professors at the universities, but he did not know the people to contact, nor had he made any enquiries to them. He seemed to be a bit uncertain as to just where the universities were, but that he felt that he would be able to make all the necessary enquiries and contacts after he arrived in the countries.

I asked about his course work; Mr. Loney said he had taken one course in the fall semester, while the Registrar's records show him taking two. Mr. Loney said he was taking Spanish and three seminar courses in P. S. A. in the spring semester, but the Registrar's records show him as only enrolled in P. S. A. 893. The three courses he is taking in P. S. A. are seminar courses and he said that he was required to write one paper in each and that he had written one of the three papers expected of him, that he might be able to write one more, but the third and perhaps the second might be set over for a later semester.

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I was very disappointed with Mr. Loney's attitude; he did not live up to the expectations or assurances given to Faculty Council by Prof. Bottomore in that he was very defensive and seemed to be building up stockades to keep out wisdom and logic in order that he might maintain his antagonistic position.

I must therefore say that I am doubtful that there is any real chance of success in educating him at Simon Fraser University, but I would stress that this is on the basis of roughly a half-hour talk and I think it is urgent that Mr. Loney's position be reviewed by a competent committee. It is clear that he has not adjusted to his new environment in British Columbia, and I believe that it is unlikely that he would do so in view of the past events and his attitude to them.

5. Philip Stanworth: Mr. Stanworth was admitted to the fall semester of 1965 to pursue a Ph. D. degree in P. S. A. He achieved an upper second-class in his B. A. in June of 1964 from the University of Leicester and was enrolled in M. A. studies at that University. There is nothing on the Registrar's file to indicate that he completed his Master's degree and therefore his direct admission to a Ph. D. degree may be open to some question, but as it happened at the beginning of our first semester when things were a little hectic, I do not intend my preceding remarks to be finding fault.

In general the documentation on Mr. Stanworth in the Registrar's file is imperfect; there are no letters of reference, etc., etc.

There is no record of course enrollment for the fall semester of 1965 and no marks submitted; there were marks submitted in the spring semester of 1966, but none in the fall semester of 1966 even though the record shows that he was enrolled in P. S. A. 832.

There is therefore really no way of forming a judgment from the graduate student records in the Registrar's office and on the basis of the meeting I had with him, I would class Mr. Stanworth as a marginal student, but that with hard work and some direction he has every chance of succeeding.

As far as his mental attitude to the series of unhappy events with which he had been associated I have no doubt. Mr. Stanworth had rationalized the situation, had it well in focus and can be counted on to apply himself diligently to his degree program. There is therefore no question in my mind that he should be encouraged to continue as a graduate student at S. F. U. He has a lot of hard work ahead of him; he knows it and I think he will make the grade.

P. D. McTaggart-Cowan

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Faculty Council
Appeal in
Student Discipline

July 24, 1967

TO: Members of Senate

FROM: Senate Student Representatives Simon Foulds, Stanley Wong and Sharon Yandle

Three graduate students recently brought before Faculty Council on disciplinary charges have requested the Senate student representatives to take before Senate an appeal of the nature of Faculty Council proceedings.

The request arose following the circulation of a report allegedly made by President P.D. McTaggart-Cowan at the alleged request of Faculty Council. The document contained academic evaluations of five graduate students whose off-campus activities were under consideration by the disciplinary body.

Faculty Council subsequently ruled to take no action against the students. However, because the students consider the report to be both derogatory (if not defamatory) and in violation of the Statement on Academic Freedom of the American Association of University Professors and the Universities Act, as well as potentially injurious to their present and future education and employment, they are anxious that the matter of Faculty Council proceedings be brought before Senate.

Further on this matter, the Senate student representatives have received

- (1) requests from the Student Society Executive Council and the Student Action Committee for Academic Freedom and University Democracy that this matter be brought to the attention of Senate members; and
- (2) a motion put forward by the Graduate Students Association Executive, to be adopted by Senate.

The Senate student representatives therefore request Senate to discuss the matter of Faculty Council proceedings on the following grounds:

1. That Faculty Council is concerned exclusively with non-academic matters of student discipline and that the Universities Act does not ascribe to it the right to make or request academic evaluations of students.
2. That academic evaluations of the students concerned are both unnecessary and undesirable, being irrelevant to the discipline procedure of Faculty Council.
3. That the confidential nature of the academic evaluation rendered impossible the students' right to recourse and defense, thus contravening the AAUP Statement on Academic Freedom.
4. That the existence of such a document may jeopardize the students' future education and employment more than would an unfavourable decision by Faculty Council.

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.....2 Members of Senate from Student Representatives

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5. That if he did in fact issue such academic evaluations to Faculty Council, the President assumed the authority of the Senate Graduate Studies Committee, which could not be legitimately done so except through delegation of that authority by Senate or by the Board of Governors.
6. That if the President did issue at Faculty Council's request the abovementioned report, both the President and Faculty Council have in this instance extended their areas of concern beyond that ascribed by the Universities Act and that such extension constitutes a violation of the Act.

Enclosed for your personal perusal please find the following documents:

- Document "A" - Memo, President P.D. McTaggart-Cowan to Faculty Council, April 17, 1967
- Document "B" - Memo, Professor T.B. Bottomore, Head, PSA Department, to Dean of Arts, copies to Faculty of Arts ~~and~~ members of Senate
- Document "C" - Letter, Chris Huxley to Senate student representatives
- Document "D" - Letter, Martin Loney to Senate student representatives
- Document "E" - Letter, Philip Stanworth to Senate student representatives
- Document "F" - Letter, Student Society Executive Council to Senate student representatives
- Document "G" - Motion of Graduate Students Association Executive, copies to Senate student representatives
- Document "H" - AAUP Statement on Academic Freedom of students (see especially underlined sections, pp. 2 and 3.
- Document "I" - Letter, Student Action Committee for Academic Freedom and University Democracy to Senate student representatives

SIMON FRASER UNIVERSITY

*Faculty Council
Appeal
Student*

MEMORANDUM

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To: Dean of Arts
Subject: Faculty Council Discussion
on Four Graduate Students
in PSA Department

From: Professor T.B. Bottomore
Head, PSA Department
Date: 21st June, 1967

At my request you have allowed me to consult the papers of Faculty Council, including the report by the President dated April 17, 1967. I do not know what kind of discussion took place in Faculty Council, but I imagine that they will make a report to Senate, and I think I have a right, as head of the Department concerned, to submit my own observations on the matter. I would ask you particularly to place my comments formally before Senate.

The President's report, in my opinion, presents a biased evaluation of the academic standing of these students. In the first place, it is not true to say that some of the students did not meet our minimum entrance requirements, because they had only lower second class honours in their B.A. degree. Nor is it true to say that they were admitted through some oversight resulting from administrative chaos during our early semesters. All four students were admitted on the basis of carefully considered recommendations from this department which I personally approved.

In order to evaluate a student's application for admission to graduate studies it is necessary to take into account a number of factors besides the final grade which he obtains in the Bachelor's degree: the university from which he comes, the nature of his degree programme and his tutor's reports. Two of the students concerned came from Durham, which happens to be one of the better English universities, and I imagine that lower second class honours there are equal to upper second class, or even first class, in some universities from which we accept graduate students. All four students were well recommended by their tutors, and three of them had already been offered places in graduate schools in England.

The case of Mr. Mercer illustrates very well that our admissions policy was entirely justified. Mercer completed his M.A. thesis in just over twelve months while acting as a teaching assistant (and a very good one). The thesis is a good and original piece of work, and my judgement of it is confirmed by that of the external examiner, Professor R.T. McKenzie, who is an acknowledged authority in this field of political science. Moreover, Mercer having decided that he does not wish to continue his studies in a Canadian university after the experiences he has had, has been accepted as a Ph.D. student at the University of Strathclyde, by the Professor

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21st June, 1967

Dean of Arts

of Politics, Richard Rose, who is also a well-known scholar in this field. In the light of these facts I am simply amazed that the report suggests that Mercer is in some way an inadequate graduate student. Any such suggestion is entirely false.

There are many other evaluations in the report which I would challenge, but it would perhaps be tedious to go through them in detail. I would rather refer to a general problem in the evaluation of graduate applicants and graduate students in this university. It is that such judgements are being made in too many cases by people who have no experience of graduate teaching and no knowledge of good graduate schools. Unless this situation is changed our graduate programme is likely to deteriorate along with our reputation in the academic world.

There is one other aspect of the report on which I should like to comment briefly. The account of the behaviour of the four students when they were interviewed by the President rests heavily upon an 'official' view of the incidents on and off the campus in March this year. At various times I was also disappointed in the behaviour of the students, but I still consider that this report paints too black a picture and does not bring out any of the more favourable aspects. I think it is well known in the university that I do not subscribe to the 'official' version of the troubles in March, and that I consider the larger share of the blame to rest with the Board of Governors. I wish my view of this matter to be formally placed on record by the Senate.

TBB

c.c. President
Faculty of Arts members of Senate

TBB/vs

SIMON FRASER UNIVERSITY

*Jacques (unclear)
Appeals
Student Dismissal*

(DOCUMENT "C")

MEMORANDUM

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To Student Representatives On Senate

From Chris Huxley

P.S.A. Department

Subject Faculty Council Discussion on Five Graduate Students

Date July 10, 1967

SF1005-6

I have not seen the agenda for the meeting of Senate on Monday July 10, but understand from the Peak of July 5 that matters concerning myself and the four other graduate students who appeared before the President in March will be raised. I feel it might be helpful if I present some observations on the matter with particular reference to my own position.

I have no knowledge of the kind of discussion that took place in Faculty Council on May 11 but presume Council will submit some sort of report to Senate. Permit me therefore to make some observations.

Somewhat more than three months have now passed since my appearance before Faculty Council and subsequent interview with the President. At that time I was informed that I was being interviewed at the request of Faculty Council with the view to ascertaining my intention of attaining my academic goals. The President subsequently wrote up a confidential report which was circulated to members of Council in which he made certain observations on each of the five students. As is well known however, the report for some reason did not remain confidential. For this reason and since the report itself draws on such further confidential material as letters of recommendation and reports by graduate students supervisors. I feel it is not indiscreet for me to make comment.

Rather than speculating on what I interpret to be the intent of the above mentioned document I should prefer to consider the President's own explanation; namely, "to assess their (the five) potential as graduate students in the light of the difficulties that had arisen in order that Council might be assured of a reasonable possibility of success!"

(1) I see no reason whatsoever why the difficulties I had to undergo in March

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over my employment as a teaching assistant should have, or will in the future, affect my academic (as opposed to teaching) pursuits. In other words I am continuing to study for my M.A. degree and have every intention of submitting a thesis for that degree. I am only too well aware of my financial dependence on a teaching assistantship or research stipend; but since I was reinstated as a teaching assistant in March and have subsequently received a research stipend this has not so far been a problem. In fact, ^{have} I had no indication that I should regard the matter of further employment as presenting a problem for the remaining semesters of my programme.

(2) I fail to see any logical connection between my signing an open letter to students at Templeton Secondary School and Faculty Council's investigation of my academic standing. Faculty Council does, I understand, have a perfect right to recommend disciplinary action to Senate as it thinks fit. To my knowledge, it has yet to make any such recommendation. The only step taken that has received public notice is the President's task of interviewing those concerned as stated earlier. I can only await any outcome of Senate for an answer to Faculty Council's decision or recommendation. I wish to question the procedure of Faculty Council in asking for such an investigation when to my knowledge, my department has expressed no dissatisfaction with my academic progress. Faculty Council may indeed have the right to authorize investigations, but I would take exception to the arbitrary nature in which my academic career is being upheld to scrutiny with ~~the~~ the apparent intention of casting aspersions on my capabilities.

(3) The students concerned apparently have hitherto had no opportunity of defending their academic careers to those members of Council who study the report. In my own case references were made to confidential matters which for obvious reasons are not divulged to me. My academic standing is evaluated largely on the basis of a half-hour interview by the President whose field of scholarship bears no relationship to my own. Were those directly concerned with my studies consulted?

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3.

(4) I do not know if my status as a graduate student is in question. In March the President told a Press conference the five would be allowed to remain at the university and continue on as graduate students providing each gave an assurance he intended to achieve his academic goals. The press subsequently asserted that our status as graduate students was never in question. However deliberations have presumably taken place in Council resulting in decisions or recommendations with respect to our status as students. The three graduate students currently on campus, namely John Edmond, Phil Stanworth, and myself, have therefore written to the President as Chairman of Faculty Council. The letter, dated July 5th, concludes; 'Since any such decisions or recommendations have not yet been made known to us, and since the outcome of those deliberations is crucial to our continuance as students at this university, we would respectfully request to be informed of whether in fact Faculty Council has concluded its inquiry respecting ourselves and, if so, that the results of their deliberations be known to us.'

At the present all I know is that the regrettable document has found its way into circulation in the academic community and I feel my status is jeopardized as a result.

(5) If I may now refer to a specific reference to myself in the document I have been discussing. Earlier I quoted the President with reference to Council's concern over our intention of fulfilling our academic goals. By this and following on from Faculty Council's function I understand him to mean our standing as graduate students. Yet despite this he explicitly refers to my competence as a teaching assistant. I quote; "... but I suggest that any further tutoring

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*Approved by me
H. P. P. P.
Student Representative*

he may be asked to do should be very closely monitored, to see if he indeed does have the intellectual stamina to cope with the really bright undergraduate students."

By way of reply I can do no better than quote the President when in the previous paragraph he states; "... I realize one short interview really provides quite insufficient grounds for assessing academic competence". If my teaching competence is also to be called into question I surely have the right to request at least some consideration of the views of those concerned with the courses I have taught during two semesters. Criticism whether from students, colleagues or my professors I would welcome. Suspicion of my 'intellectual stamina' from someone unacquainted with my work frankly provokes resentment and finds no respect.

In conclusion I would request that student representatives on Senate raise some of the points I have presented above. The President's memorandum has not remained confidential - a fact that may equally distress both ^{the President} and others. I cannot pretend it was not written. I do consider it unfortunate in so far as his personal evaluation of the five students may be too readily accepted as in some way both legitimate and objective, neither of which I consider to be the case. I should like to make formal request that student representatives on Senate propose a motion censuring the procedure adopted in investigating the academic standing of five students and to include a demand that the President's memorandum is never included with transcripts of academic records.

c.c. President, Student Council.

(DOCUMENT "D")

SM 7/18/67

*Faculty Council
Appeals
Student Disputes*

c/o British Embassy

Cuba

June 30, 1967

TO: Academic Senate

Dear Sirs:

I recently received from unofficial sources, a copy of the President's remarks to Faculty Council on the subject of five graduate students. Though the document is marked confidential it has, I am told, received fairly extensive publicity. It is not my wish, at this time, and from a distance of 3,500 miles to stir up any problems and I am writing to you to clear up a few of the more blatant distortions in the document and to request your assistance.

The President reports on my case 'I do not know why he was admitted in the first place' a question which I cannot answer except to say, for the same reasons, I presume, that I was accepted at Manitoba and Dalhousie and also given a tentative acceptance at Essex University, the latter, after I had written withdrawing my application in the light of receiving a 2². I received a subsequent letter from Essex saying that it might still be possible to offer a place. I had, however, more or less decided by this time to come to Simon Fraser University because of reports I had heard about the P.S.A. Department, a decision which I never had cause to regret.

The President describes me as a marginal graduate student, a quality which we all seem to share in for some reason, even Geoff Mercer recently awarded an M.A. after an extensive examination by an internationally acknowledged scholar. Apart from the selection of quotes used from reference letters the President might have mentioned that I honoured jointly in politics and economics and that in the letter I, at no time, made any claims to success. Neither do I 'point' myself as brilliant though I never understood this to be a prerequisite for admission to a graduate program.

The President then moves on in the same important vein to describe my views on the world in general and B. C. in particular. Suffice it to say that I made no remarks on the B. C. population, that as somebody who is interested in promoting change I do not see the key to success as being 'in opposition to the people--- of B.C.', nor do I wish to export what the President terms British

Continued...

SM 7/8/67

*Faculty Council
Appeals
Student Discipline*

'liberality' since I for one, do not know what he means. The remarks I made on the subject were that in the provincial environment of B. C., an issue unimportant in many other places had been blown out of proportion. I use the term provincial descriptively and not pejoratively.

Finally, I cannot see what my views on B. C. or my alleged 'martyr complex' have to do with my capabilities as a graduate student and am even more at a loss to know in what way the President's view of what he interprets to be my opinion, should effect the issue. It seems the sole criteria of whether we were rational and potential graduate students hinged on how closely our political views and perspective coincided with those of the President which hardly seems a healthy criteria.

I will say nothing of the President's comments on the courses I was or was not enrolled in excepting that to infer that I was either misleading him or unclear myself is in line with the general tenor of his remarks but bears little relation to the case. The case is as I stated it. Three papers were not 'expected' of me since one of the seminars the 'department of seminar' is continuous and papers are presented in any semester while the other two papers were completed. As for Spanish, I was auditing the 100 course; suffice it to say that through this (which I did not complete) and studying on my own, I acquired a sufficient ^{level} to be admitted to the second level Spanish course at the North America Cultural Institute in Mexico City. The first level course consists of 3 hours contact a day for three weeks plus preparation plus conversation with Spanish speaking people.

Finally, the discussion I was, to my surprise, obliged to have with the President regarding Agrarian reform in Latin America. My research does not merely consist in collecting the addresses of universities in Latin America and visiting them, nor would I have thought it necessary to obtain the addresses in Canada even if this were the case. Secondly, as I remember my plans at the time of our meeting were not fixed nor my area of specialization mapped out though they were considerably less vague than the President suggests and since not final are hardly crucial.

As it is working out, I hope to be in Cuba for six months, four of those at my own expense and my non-existent contacts which the President seems doubtful I could find, include a member of the central committee of the Cuban Communist Party and chairman of A.N.A.P., one of the principle agricultural agencies in Cuba, a member of the Organization Latin America de Solidaridad, a member of the central committee of the Cuban Young Communists, a University Professor, the Director of the National Anthropology Museum and numerous members of the Cuban Federation of University students.

Continued...

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*Faculty Council
Appointments
Student Discipline*

I leave for Havana within a week but while not give to paroxysms of nerves I find my continued insecurity at Simon Fraser University doesn't provide the best basis for embarking on serious research. I hardly relish the thought of spending six months in the Cuban countryside gathering data only to find I am no longer a graduate student. Though certainly I have no intention of stopping until forced to do so.

The President finally expresses his doubt as to the possibility of successfully 'educating' me at Simon Fraser. The sentence lends itself to wide interpretation; however, education still means ability to prove competence in a given academic field. I would hope that my case will be judged on academic grounds by competent authorities and not the acceptability of my views or their interpretation by administrative bodies.

I would ask you to protest strongly the distortion expressed in the President's letter and would be interested to know if the Senate Association can give me any help.

I must apologize for writing at such great length (and probably with great illegibility) however, I felt that some of the points warranted repetition.

Martin Loney
Graduate Student, PSA Dept.
Simon Fraser University

SM 9/8/67

Faculty Council
Appeals
Senate

Excerpts from a personal letter to:

Sharon Yandle
Student Representative
Senate

...in case my responsibility comes under attack, in Britain I was a member of the joint negotiating committee between the students' council and the university government; Vice Chairman of the National Association of Labour Student Organizations - student wing of the governing Labour Party; member of the Universities Working Party of the National Union of Students - a body designed to draw up documentation of problems and policies as requested by the NUS...

...Finally, I have never appeared before Faculty Council, and I am being tried in absentia and on the basis solely of the opinion of the Board of Governors and President McTaggart-Cowan ...

(DOCUMENT "E")

SM 7/8/67

*Faculty Council
Appeals
Student Discipline*

Academic Senate

Dear Sir,

I have been shown a document which seems to have emanated from the office of the President and is marked "confidential". The text contains several statements I take strong exception to since they have no foundation in fact, and involve the good name of close colleagues.

I would like to know if the document is genuine. If it is, I wish to protest the circulation in secrecy of such a base and malignant text, containing as it does numerous judgements which the President does not have the professional competence to make.

Furthermore, it is apparent that this infamous document has placed not only the good name of the people concerned in jeopardy, but also that of the university.

I can only register my own disappointment and disagreement with the President, if indeed he did authorize the aforementioned memorandum. Should this be the case then the least that can be done is to extend the right of reply to those concerned should they want to use it.

Yours sincerely,

Philip H. Stanworth

cc - Student Council

(DOCUMENT "F")

SM 7/8/67

*Faculty Council
Appeals
Student Society*



SIMON FRASER STUDENT SOCIETY

simon fraser university / burnaby 2, b.c. / telephone 291-3181

July 10, 1967

Student Representatives
Simon Fraser University Senate

Dear Representatives:

The Executive Council of the Simon Fraser Student Society has received letters from Chris Huxley, Martin Loney and Philip Stanworth protesting the nature of Faculty Council proceedings in its discussion of disciplinary action against them.

It is their feeling that the material presented to Faculty Council constituted an in absentia derogatory evaluation of them to which they had no recourse, and was in clear violation of the AAUP statement on academic freedom which affirms the right of students to defend themselves against unjust and/or secret evaluations of this nature.

It is the Student Society Executive Council's opinion that the point of in camera Faculty Council meetings is to protect the students in question from a public discussion of their cases. However, proceedings kept secret from the students involved serve only to violate the question of student protection for which the original notion of secrecy was designed.

In view of these proceedings and the students' protests of them, we now write to request that you, as student representatives, bring this matter before Senate in accordance with the provisions of the Universities Act.

Yours truly,

Nelson H. Rudellier
President, Executive Council
Simon Fraser Student Society

(DOCUMENT "G")

SM 7/8/67

Graduate Admissions

TO: Student Senate Representatives

FROM: Graduate Student Association Executive

4th July, 1967

MOTION: That Senate assure that acceptance of a graduate student to the university by the relevant department and the Senate Graduate Admission Committee shall be final; with the proviso that a graduate student always has the right of appeal to Senate, his subsequent academic standing, that is, the assessment of satisfactory progress, shall be made by his Supervising Committee only.

REF: pp. 29-30, SFU Graduate Studies Calendar, 1967-8

(nb: the section referred to reads: "To remain in the graduate program a student's progress must be considered satisfactory by his Supervising Committee."

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*James Guiney
Deputy
Student Activities*

(DOCUMENT "H")

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Statement On The Academic Freedom of Students

Upon the recommendation of Committee A on Academic Freedom and Tenure in October, 1960, the Council authorized appointment of a new standing committee, designated as Committee S on Faculty Responsibility for the Academic Freedom of Students. Dr. Phillip Monypenny, Professor of Political Science at the University of Illinois, was appointed to serve as Chairman of the new committee. Once established, Committee S gave primary attention to the task of formulating a statement on the academic freedom of students. Several drafts were prepared, one of which was published with the consent of the Council in the Autumn, 1964, issue of the AAUP Bulletin for the express purpose of inviting reaction and comments from members, chapters, conferences, and other interested persons and organizations.

The preliminary Committee S statement stimulated considerable interest and response. Committee S therefore directed most of its attention during 1965 to refining the tentative statement published in 1964. The statement which follows has been approved by the Council in principle but remains a tentative, rather than a fixed, statement of Association policy. The Council has also authorized Committee S to initiate discussions with representatives of other interested national organizations in the hope that these efforts might result in the formulation of a joint statement on student rights and responsibilities. These discussions will commence this winter.

- The Members of Committee S who prepared the following statement are:*
- Philip Monypenny (Political Science) University of Illinois, (Chairman)*
 - Philip Appleman (English) Indiana University*
 - Frederick H. Hartmann (Political Science) University of Florida*
 - Beatrice G. Konheim (Physiology) Hunter College*
 - John J. Reed (History) Muhlenberg College*
 - Tom J. Truss Jr., (English) University of Mississippi*
 - William Van Alstyne (Law) Duke University*
 - Robert Van Waes (History) Washington Office*

Preamble

Free inquiry and free expression are essential attributes of the community of scholars. As members of that community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Students should endeavor to exercise their freedom with maturity and responsibility.

I. In the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Students should be evaluated solely on the basis of their academic performance, not on their opinions or conduct in matters unrelated to academic standards.

A. *Protection of Freedom of Expression.* Students are responsible for learning thoroughly the content of any course of study, but they should be free to take reasoned exception to the data or views offered, and to reserve judgment about matters of opinion.

B. *Protection Against Improper Academic Evaluation.* Students are responsible for maintaining standards of

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academic performance established by their professors, but they should have protection through orderly procedures against prejudiced or capricious academic evaluation.

C. *Protection Against Improper Disclosure.* Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances.

II. Student Records

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Data from disciplinary and counseling files should not be available to unauthorized persons on campus or to any person off campus except for the most compelling reasons. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and student personnel officers should respect confidential information about students which they acquire in the course of their work.

III. Student Affairs

In student affairs, certain standards must be maintained if the academic freedom of students is to be preserved.

A. *Freedom from Arbitrary Discrimination.* Colleges and universities should be open to all students who are academically qualified. While sectarian institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. College facilities and services should be open to all students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

B. *Freedom of Association.* Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. Affiliation with an extramural organization should not of itself affect recognition of a student organization.

2. Each organization should be free to choose its own campus adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Members of the faculty serve the college community when they accept the responsibility to advise and consult with student organizations; they should not have the authority to control the policy of such organizations.

3. Student organizations may be required to submit a current list of officers, but they should not be required to submit a membership list as a condition of institutional recognition.

4. Campus organizations should be open to all students without respect to race, religion, creed, or national origin, except for religious qualifications which may be required by sectarian organizations.

5. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly or privately. They should also be free to support causes by any orderly means which do not disrupt the regular and essential operation of the institution.

6. Students should be allowed to invite and to hear any person of their own choosing. While the orderly scheduling of facilities may require the observance of routine procedures before a guest speaker is invited to appear on campus, institutional control of campus facilities should never be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. *Student Participation in Institutional Government.* As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of regulations affecting student affairs. Student governments should be protected from arbitrary intervention.

D. *Student Publications.* Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. The integrity and responsibility of student publications should be encouraged by arrangements which permit financial autonomy or, ideally, complete financial independence.

3. Editors and managers should subscribe to canons of responsible journalism. At the same time, they should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures.

IV. Off-Campus Freedom of Students

A. *Exercise of Rights of Citizenship.* As citizens, students should enjoy the same freedom of speech, peaceful

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assembly, and right of petition that other citizens enjoy. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit intellectual and personal development of students. It is often promoted by their off-campus activities and their exercise of the rights of citizenship.

B. Institutional Authority and Civil Penalties. Activities of students may upon occasion result in violation of law. In such cases, institutional officials should apprise students of their legal rights and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct from those of the general community should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

V. Procedural Standards in Disciplinary Proceedings

The disciplinary powers of educational institutions are inherent in their responsibility to protect their educational purpose through the regulation of the use of their facilities and through the setting of standards of conduct and scholarship for the students who attend them. In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to counseling, guidance, admonition, and example. In the exceptional circumstances when these preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties. The following are recommended as proper safeguards in such proceedings.¹

A. Notice of Standards of Conduct Expected of Students. Disciplinary proceedings should be instituted only for violation of standards of conduct defined in advance and published through such means as a student handbook or a generally available body of university regulations. Offenses should be as clearly defined as possible, and such vague phrases as "undesirable conduct" or "conduct injurious to the best interests of the institution" should be avoided. Conceptions of misconduct particular to the institution need clear and explicit definition.

B. Investigation of Student Conduct.

1. Except under emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as dormitories controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search.

¹ Honor codes offering comparable guarantees may be an acceptable substitute for the procedural standards set forth in this section.

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The Council
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and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected or arrested in the course of serious violations of institutional regulations, or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. Status of Student Pending Final Action. Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety of students, faculty, or university property.

D. Hearing Committee Procedures. The formality of the procedure to which a student is entitled in disciplinary cases should be proportionate to the gravity of the offense and the sanctions which may be imposed. Minor penalties may be assessed informally under prescribed procedures. When misconduct may result in serious penalties, the student should have the right to a hearing before a regularly constituted hearing committee.

1. The hearing committee should include faculty members or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to ensure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the name of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject to the student's right of appeal to the governing board of the institution.

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*Faculty Council
Appeals
Student Union*

July 6, 1967

Mrs. Sharon Yandle and Mr. Simon Foulds
Student Senators
Simon Fraser University
Burnaby 2, B. C.

Dear Mrs. Yandle and Mr. Foulds:

The Faculty Council decision to request confidential evaluations about five graduate students (Chris Huxley, Geoff Mercer, Martin Loney, Phil Stanworth, John Edmonds) constitutes a breach of the rights of the concerned students.

The "confidential memorandum" allegedly issued by President McTaggart-Cowan was widely and publicly circulated. The damaging accusations could detrimentally affect the future careers of these students.

The Faculty Council has unilaterally:

- (1) damaged the reputations of the five graduates named.
- (2) initiated arbitrary proceedings in which there were no provisions for the right of defense.

This action undoubtedly sets a retrogressive precedent for university government at Simon Fraser.

I am requesting a ruling from the Senate on whether or not Faculty Council can make or accept evaluation of students without allowing the students any right to recourse or defense.

Yours truly,



Donn Korbin
Chairman
Student Action Committee for
Academic Freedom and University
Democracy