



BOARD OF GOVERNORS – REGULAR SESSION MINUTES

Thursday, March 16, 2017, 1:00 pm

Emily Carr University, Boardroom (210)

ATTENDANCE:

Voting Members:

Kim Peacock, Chair

Alex Phillips

Shauna Bryan, Vice Chair

Joey Cheung

Geoff Plant, Chancellor, Director-at-large

Joakim Zatko

Ron Burnett

Non-Voting Members

Bill Cunningham

Michael Clifford, VP, Finance + Administration

Gaye Fowler

Jennifer DeDominicis, VP, Enrolment + Student Services/Registrar

Scott Hawthorn

Guests: David Wotherspoon, Chantale Lavois, Tori Klassen,

Randy Lee Cutler

Lori MacDonald, Philippa Mennell

Lucille Pacey

Support: Carina Clark, EA to the President + Board Secretary

Regrets: Jo Delesalle, Zdenka Buric, Lynda Brown-Ganzert, Bonne Zabolotney

I. ADMINISTRATIVE BUSINESS

1. Call to Order – Kim Peacock, Chair, called the meeting to order at 1:02 pm.
2. Approval of Previous Minutes: January 12, 2017.
Moved / Seconded to approve the January 12, 2017 Minutes. Carried
3. Adoption of Agenda
Moved / Seconded to approve the Agenda. Carried
4. Oath of Office: Bill Cunningham. Bill Cunningham read the Oath office and was welcomed to the Board of Governors.
5. **Moved / Seconded** that the Board of Governors approves the revised Purchase and Sale Agreement between GNW as vendor and ECUAD as purchaser for the sale of Lot 1 at Great Northern Way to ECUAD for \$14.4 million and directs management to execute it.
Approved electronically February 14, 2017 Carried

II. BUSINESS / DECISIONS

1. Motion: To approve the updated ECUAD competency matrix for the Governing Board as circulated and as recommended by the ECUAD Board Governance Committee – Lucille Pacey, Chair, Board Governance Committee, referred to the updated competency matrix and there was a brief discussion. The matrix was unanimously approved by the Board as presented.

Moved / Seconded to approve the updated ECUAD competency matrix for the Governing Board as circulated and recommended by the ECUAD Board Governance Committee.

Carried

2. Election – Director-at-large. Jennifer DeDominicis reported that Zdenka Buric self-nominated, and has agreed to stand for the position of Directors-at-Large. A call for nominations was issued from the floor and there being no further nominations, nominations were closed.

It was declared that Zdenka Buric was elected by acclamation as Director-at-Large of the Board of Governors.

III. PRESENTATIONS

1. Sexual & Gender-Based Violence and Misconduct Policy – Jennifer DeDominicis and other members of the Sexual & Gender-Based Violence Taskforce including Ruth Beer, Faculty member, Keith Doyle, Faculty member, Sarah Jo, Policy, Research, and Services Manager for Emily Carr Students' Union, presented information about the development and content of the draft Sexual & Gender-Based Violence and Misconduct Policy.

In Fall 2015 Senate established a joint University and Students' Union Taskforce that includes students, representatives from the Student Union, faculty, CUPE staff and administrators. In Spring 2016 a private member's bill was introduced and in May 2016, Bill 23 received royal assent, requiring public post-secondary institutions to establish and implement a sexual misconduct policy.

The Taskforce has met regularly to gather and understand research, and to develop a draft policy and procedures that considers the unique needs and diversity of our community. The ECU Community has been engaged in public consultation and invited to offer feedback for the draft policy and procedures via community feedback forums, joint consultation, faculty and governance meetings, and Moodle, an anonymous survey tool.

The Taskforce reported that Emily Carr University is committed to providing a safe, respectful and inclusive environment where members of our community are free from violence or threat of violence; including sexual violence, sexual assault, and gender-based violence. The University recognizes that it has a responsibility to foster such an environment through the implementation of effective policy, prevention, education programming and resources, supported by the implementation of appropriate systems to support survivors, ensure accountability and appropriately respond to reports of incidences of violence. The University will ensure access to key resources, and provide support for safe disclosure, reporting and investigation. There was a discussion regarding the difference between disclosure of an incident or the official reporting of an incident.

There was a discussion regarding the vocabulary within the policy and legal considerations with respect to the use of complainant versus the survivor/victim in the policy. Some Board members expressed concern regarding potential institutional exposure in case of perceived bias in interpreting this policy as legal proceedings refer to complainant. David Witherspoon, legal and governance counsel to the Board, was invited by the Board Chair to provide his perspective. He indicated he had concerns from a legal perspective that the current draft has areas that read from a perspective of bias, and also provided language to first responders that could put both them and the institution at risk. One Board member suggested the term survivor/victim to be replaced with the term "reporting individual". Another Board member suggested that SFU's policy be copied in this instance where the term survivor/victim is used until a report is made, at which point the person is referred to as the complainant.

The taskforce representatives reported that they have developed this draft policy using a trauma-informed approach and that the use of survivor/victim is a term supported by students and a deliberate way to encourage survivors/victims, or any term these individuals choose, to self-identify and access support. The Board asked that the Taskforce research the issues and concerns presented further to ensure the University or its community is not put at risk.

There was a discussion regarding the definition of Sexual violence as including "degrading sexual imagery". A Board member expressed concern that this was vague, over-arching term would make the teaching of art history and studio art extremely difficult, since both areas contain many examples of historical and contemporary artworks that could arguably fall into this category. There was a concern about the impact of this term on academic freedom, and the need for greater clarity with respect to freedom to create or refer to artworks that may express controversial subject matter. The Taskforce referred to the draft Kwantlen policy as an example of deliberate and more specific use of language e.g. "Displaying or circulating pictures or other material of a sexual nature which are not part of the legitimate study, display, use or distribution of topics, material or art forms falling within appropriate academic or work-related norms; with the intent to distress the person in the photograph or video." The Board asked that the Taskforce would review this further.

Citing the problems encountered by UBC in which complaints took sixteen months to receive a response, a Board member inquired about the lack of timelines in the draft policy. Jennifer DeDominicis responded that the taskforce sought to seek the timelines given the contingent nature of the reporting process. A Board member inquired about the undefined nature of the internal investigation process, referred to in both the draft policy and procedures. Jennifer DeDominicis agreed that further work was required to develop language around the investigation process.

There was a discussion whether the Board of Governors should be included in the policy and the consensus was that the Board should be included.

The Taskforce asked the Board to support the development of educational resources, programming and training for students, faculty and staff, and the need to consider implications for increased knowledge, training and demand on faculty, staff and counselling services in supporting greater number of disclosures.

The Taskforce will work further on the policy and bring it back to the Board in April. The final policy and procedures are required by the Ministry by May 24, 2017.

The Board thanked the Taskforce for the thorough presentation, and for all the hard work with the development of the policy.

2. University Governance in the 21st Century – CUFA conference highlights – Alex Phillips deferred the presentation to the next Board meeting due to time limitations.

IV. REPORTS

1. Chair's report – Kim Peacock reported that she would follow up with an update of the discussion at the Board Finance + Audit Committee meeting this morning.
2. President's + Vice Chancellor's report – Ron Burnett reported that the recent change from Master of Applied Arts to Master of Fine Arts, approved by the Degree Quality Assessment Board (DQAB), is a very positive and long-awaited change. Ron further reported that the New Campus is at 80% completion, and that there will be various events in celebration of the opening of the new campus this year. Ron Burnett introduced Chantale Lavois, the new Director of Advancement + Alumni Relations to the Board. Ron also informed the Board that Philippa Mennell is the new University Secretary, and that Catherine Warren is the new President of Great Northern Way Trust.
3. VP, Finance + Administration report – Michael Clifford reported on the operating fund analysis for the ten months ended January 31, 2017.
4. VP, Enrolment + Student Services / Registrar's report – Jennifer DeDominicis invited the Board members to attend the opening of *Re-Forming*, the annual Aboriginal student exhibition, in the Concourse Gallery on March 24th. The exhibition runs until April 3rd.

V. OTHER BUSINESS – there was no further business.

VI. ADJOURNMENT – the meeting adjourned at 2:43 pm.