

THE GOVERNING COUNCIL
REPORT NUMBER 182 OF THE ACADEMIC BOARD

November 22, 2012

To the Governing Council,
University of Toronto

Your Board reports that it held a meeting on Thursday, November 22, 2012 at 4:10 p.m. in the Council Chamber, Simcoe Hall at which the following were present:

Professor Ellen Hodnett, Chair	Professor Joseph Desloges	Dr. Gary P. Mooney
Professor Hugh Gunz, Vice-Chair	Ms Hanan Domloge	Professor Amy Mullin
Professor David Naylor, President	Mr. Michael Donnelly	Professor Emmanuel Nikiema
Professor Cheryl Misak, Vice- President and Provost	Professor David Dubins	Dr. Graeme Norval
Professor Cheryl Regehr, Vice- Provost Academic Programs	Professor Wendy Duff	Professor Julia O'Sullivan
Professor Donald Ainslie	Professor Suzanne Erb	Professor Lacra Pavel
Professor Catherine Amara	Professor Zhong-Ping Feng	Professor Elizabeth Peter
Professor Maydianne Andrade	Mr. Peng Fu	Professor Russell Pysklywec
Professor Robert Baker	Mr. Omar Gamel	Ms Judith Poë
Professor Jan Barnsley	Professor Meric Gertler	Ms Mainawati Rambali
Professor Dwayne Benjamin	Mr. Andrew Girgis	Professor Michael Ratcliffe
Dr. Katherine Berg	Professor Avrum Gotlieb	Professor Neil Rector
Ms Marilyn Booth	Professor Rick Halpern	Mr. Layton Reynolds
Professor Terry Carleton	Professor Robert Harrison	Professor Yves Roberge
Ms Yifan Chen	Professor Bart Harvey	Professor Jeffrey Rosenthal
Professor Brian Corman	Mr. Peter Hurley	Ms Deanne Saunders
Professor Elizabeth Cowper	Professor Ira Jacobs	Professor Markus Stock
Professor Gary Crawford	Mr. David Kleinman	Mr. Andrew Szende
Mr. Tyler Currie	Professor Jim Lai	Ms Tisha Tan
Professor Christopher Damaren	Professor Ron Levi	Professor Vincent Tropepe
Professor Karen Davis	Professor John Magee	Mr. Vijay Unnithan
Professor Luc De Nil	Ms Beth Martin	Dr. Sarita Verma
Professor Charles Deber	Professor Douglas McDougall	Professor Cameron Walter
	Dr. Don McLean	Professor Njoki Wane
	Professor Faye Mishna	Professor Sandy Welsh
	Ms Michelle Mitrovich	Professor Charmaine Williams
Regrets:	Mr. John A. Fraser	Professor Seamus Ross
Dr. Francis Ahia	Professor Robert Gibbs	Professor Lock Rowe
Professor Benjamin Alarie	Professor Daniel Haas	Professor Mohini Sain
Mr. Larry Alford	Mrs. Bonnie Horne	Ms Ioana Sendroiu
Professor Cristina Amon	Professor Alison Keith	Miss Maureen J. Somerville
Ms Katherine Ball	Professor Paul Kingston	Professor Richard Sommer
Professor Dwayne Barber	Professor Henry Mann	Professor Suzanne Stevenson
Mr. James Bateman	Professor Roger L. Martin	Dr. Roslyn Thomas-Long
Professor Eric Bredo	Professor Matthew Mitchell	Ms Caitlin Tillman
Ms Celina Caesar-Chavannes	Professor Mayo Moran	Mr. Abhishek Vaidyanathan
Ms Ching Lucy Chau	Professor Carol Moukheiber	Dr. Shelly Weiss
Mr. Michael Dick	Professor Sioban Nelson	Professor Catharine Whiteside
Professor Angela Esterhammer	Professor Janet Paterson	Professor Joseph Wong
	Professor Domenico Pietropaolo	Professor Howard Yee

Non-voting Assessors:

Professor Angela Hildyard, Vice-President, Human Resources and Equity
Mr. David Palmer, Vice-President, Advancement

Professor Edith Hillan, Vice-Provost, Faculty and Academic Life

Secretariat:

Ms Mae-Yu Tan

In Attendance:

Mr. Tad Brown, Counsel, Business Affairs and Advancement
Ms Sara Faherty, Chair, Academic Appeals Committee and Assistant Dean, Faculty of Law;
Professor Emeritus Joan Foley, University Ombudsperson
Ms Nora Gillespie, Legal Counsel to the Offices of the Vice-President and Provost and Vice-President, Human Resources and Equity

Dr. Jane Harrison, Director, Academic Programs and Policy, Office of the Vice-President and Provost
Professor Paul Hamel, Faculty of Medicine
Mr. Chris Lang, Director, Appeals, Discipline and Faculty Grievances.
Dr. Daniella Mallinck, Coordinator, Academic Programs and Policy, Office of the Vice-President and Provost

Mr. Steve Moate, Senior Legal Counsel, Office of the President
Ms Archana Sridhar, Assistant Provost
Ms Archana Sridhar, Assistant Provost
Professor Emeritus John Valleau, Department of Chemistry
Professor Donald Wiebe, Faculty of Divinity, Trinity College

In this report, item 4 is recommended for Executive Committee confirmation. The remaining items are reported for information.

1. Report of the Vice-President and Provost

Provost's Guidelines on Donations

Professor Misak noted that the one-year anniversary of the launch of the University's \$2-billion fundraising campaign, *Boundless*, had recently passed. To date, approximately \$1.15-billion had been raised in support of the University's students, faculty and research. A member of the Board had requested that Professor Misak give a presentation on the *Provost's Guidelines on Donations*,¹ and the topic was timely, given the ongoing campaign. Professor Misak gave a presentation based word for word on the language of the *Guidelines*. Among the key points highlighted by Professor Misak during her presentation were the following.

- The commitment to academic freedom was at the heart of the University. The University did not accept gifts when a condition of such acceptance would compromise academic freedom.
- The University's solicitation of gifts was informed by and consistent with academic priorities established by appropriate University processes. All fundraising priorities arose in the divisions and were approved by the Vice-President and Provost.
- A limited amount of University funds were used as incentives to donors from time to time. Special matching funds had been established in the past year for the recruitment and support of international doctoral students, as that was a pressing academic priority for departments. A smaller, special pool of matching funds had been used to expand existing first-year foundational programs on all three campuses.

¹ <http://www.provost.utoronto.ca/policy/donations.htm>

1. Report of the Vice-President and Provost (cont'd)

Provost's Guidelines on Donations (cont'd)

- All gifts over \$250,000 were reported to the Academic Board and the Business Board, and all namings in recognition of benefactions were determined in accordance with the *Policy on Naming*.²
- Donors were not involved in appointment decisions.

A copy of the presentation slides used by Professor Misak are appended as [Attachment "A"](#).

There were no questions from the Board.

Noting that one speaking request on the *Guidelines* had been received and granted, the Chair invited Professor Emeritus John Valleau to address the Board. Speaking on behalf of himself and Professor Paul Hamel, Professor Valleau stated that, in their view, the *Guidelines* had been inadequate in protecting academic freedom and other aspects of academic integrity involving "collegial" processes of governance. According to Professors Valleau and Hamel, the Academic Board had not been involved in the negotiations around the donation of the Peter and Melanie Munk Charitable Foundation in support of the Munk School of Global Affairs. Professors Valleau and Hamel recommended that new guidelines requiring substantial scholarly input in the handling of proposed large donations be developed, including examination and approval by the Academic Board of all such donations.

In response to Professor Valleau's comments, President Naylor said that it was difficult to understand how the conclusion had been drawn that an agreement such as that pertaining to the Munk donation had abridged academic freedom. Scholars had been involved throughout the planning process, particularly in the setting of academic priorities of the Faculty of Arts and Science that had led to the Munk donation. Whatever theoretical concerns might be raised about any agreement, the events surrounding large donations over time provided very sparse evidence to suggest any intrusion by donors on the University's academic priorities. The proposed mechanism of having members of the Academic Board involved in the negotiation of donor agreements was also not very compelling. Given that faculty members in the relevant disciplines were already involved in the development of donor agreements, it would appear anti-collegial to suggest that an outside faculty member had to be introduced to the process to monitor the work of his/her colleagues.

Professor Misak observed that an enormous amount of collegial decision making took place during the development of any donation to the University and in the identification of academic priorities. Proposals were put forth and vetted by the academic divisions and at the decanal level. By the time proposals were forwarded to Professor Misak for approval, they had already been well-developed and had the support of the originating academic unit.

² <http://www.governingcouncil.utoronto.ca/policies/naming.htm>

2. Reviews of Academic Programs and Units

The Chair provided some background information on the Board's role in considering the Reviews of Academic Programs and Units. She explained that the *Policy for Approval and Review of Academic Programs and Units*³ outlined principles for establishing consistency at the University with respect to the approval of proposed new academic programs and the review of existing academic programs and academic units. The *Policy* aligned the University's quality assurance processes and the provincial Quality Assurance Framework. Reviews of existing programs and units were important mechanisms of accountability, and governors (and Board members) had a responsibility to ensure that appropriate mechanisms for reviewing academic programs were in place with a view to ensuring and improving their quality. The Board's responsibility, as outlined in the *Policy*, was to discuss any specific academic issues raised by the overview of reviews.

At the invitation of the Chair, Professor Doug McDougall, Chair of the Committee on Academic Policy and Programs (AP&P), provided a summary of AP&P's review of reviews at its meeting on October 29, 2012. AP&P had considered a follow-up report on the curriculum and teaching laboratories of the Department of Biology of University of Toronto Mississauga (UTM), reviews of academic programs in ten departments, and a review of the programs offered conjointly by the Toronto School of Theology (TST) and the University of Toronto.⁴ One-year follow-up reports of the Departments of Anthropology, Near and Middle Eastern Civilization, and Sociology in the Faculty of Arts and Science, the Department of Applied Psychology and Human Development in the Ontario Institute for Studies in Education at the University of Toronto (OISE/UT), and the programs offered conjointly by the Toronto School of Theology and the University of Toronto had been requested. As well, given the complexity of the recent OISE/UT restructuring, follow-up reports on the remaining three departments within OISE/UT had been requested in two years.

There were no questions from the Board.

The Chair said that one speaking request on the review of reviews had been received and granted, and she invited Professor Donald Wiebe, a member of the Faculty of Divinity in Trinity College, to address the Board. Professor Wiebe outlined what in his view were some procedural concerns associated with the review process and external reviewers' report regarding TST. Noting that admission to the conjoint Doctor of Theology (Th.D.) program had been suspended and subsequently lifted, Professor Wiebe expressed concern that the program had been suspended without a fully transparent process. Professor Wiebe also expressed concern that statements from the TST external reviewers' draft report had been excluded from the final review report. In closing, Professor Wiebe asked that the Board investigate the review process and, if it was found to be flawed, recommend that another TST review be undertaken.

³ http://www.governingcouncil.utoronto.ca/policies/AcaProgs_Units_pdf.htm

⁴ Report Number 158 of the Committee on Academic Policy and Programs (October 29, 2012), which contains an overview of the Committee's discussion of the reviews of academic programs and units, is available from the following website.

<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Boards+and+Committees/Committee+on+Academic+Policy+and+Programs/2012-2013+Academic+Year/r1029.pdf>

2. Reviews of Academic Programs and Units (cont'd)

Professor Misak informed the Board that, under the new provincial quality assurance framework, the *University of Toronto Quality Assurance Process (UTQAP)*⁵ now applied to the University's conjoint programs. Since that had not been the case in the past, this was the University's first review of the TST. Professor Misak clarified a statement of Professor Wiebe, noting that the Th.D. program had not been declared by the University to have been brought up to standard. Rather, the suspension of admissions had been lifted on the understanding that the TST was taking concerted and sustained steps to bring the program up to standard. The University would continue to monitor the situation closely.

Professor Cheryl Regehr then provided additional information based on the recommendations of external reviewers from McGill University, the University of Chicago and the University of Cambridge. She reported that, since its review, the TST was creating a graduate centre to which qualified faculty members from the TST member colleges would be cross-appointed. A review of all TST programs had been conducted, and TST had closed one of seven programs. An examination of faculty had been undertaken, and a team of experts had reviewed the curriculum vitae of those faculty members responsible for supervising doctoral students. A new conjoint Ph.D. program was being created, and the conjoint Th.D. program would be closed. A steering committee had been put in place, and faculty members of the University were working with the TST on certain aspects of the Ph.D. program. With respect to the Doctor of Ministry program, a new Interim Director had been put in place, the academic office had been reorganized, significant changes had been made to the curriculum, and program supervision was being more actively managed. Professor Regehr and Professor Brian Corman, Vice-Provost, Graduate Education and Dean of the School of Graduate Studies, had been working very closely with the TST to address these matters and were very pleased to see the positive progress that was being made.

In response to a request from a member, Professor Regehr provided clarification of the relationship between the University and the TST. The TST was an independent organization consisting of seven member colleges – the Faculty of Divinity at Trinity College, Emmanuel College at Victoria University, the Faculty of Theology at the University of St. Michael's College, Regis College, Wycliffe College, Knox College, and St. Augustine's Seminary. Since 1979, the TST and its member colleges had been connected to the University through a Memorandum of Agreement (MOA),⁶ and the University conferred degrees conjointly with the TST member colleges. While the TST conformed to certain policies of the University, the member theological colleges, rather than the University, hired faculty members, admitted students and delivered and revised curricula. The University's model of granting theological degrees was not unique and was also found in other Ontario universities. The professional programs at the TST were accredited in a manner similar to that of other professional programs, and the recent external review had followed the same process used for other reviews within the University.

⁵<http://www.vpacademic.utoronto.ca/Assets/VP+Academic+Digital+Assets/pdf/UTQAP+document.pdf>

⁶http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppju_n232004.pdf

2. Reviews of Academic Programs and Units (cont'd)

In response to further questions from a member regarding the admission of students to the Th.D. program and follow-up, Professor Regehr reviewed the steps that had led to lifting the suspension of admissions to the program and reiterated that the University would continue to work with TST on the issues. The UTQAP would be followed, including the submission of a one-year follow up report to governance, a subsequent review of the TST would occur within five to seven years, and the review report would be submitted to bodies of the Governing Council for review. The provisions of the MOA between the University and the TST would be in effect until June 30, 2014 and matters such as oversight of conjoint degree programs would be considered during discussions of the terms of the next MOA. If there was to be a new MOA, it would have to be approved by Academic Board.

In response to a question from a member, Professor Regehr asserted that this was the University of Toronto's only set of conjoint programs.

3. Presentation on Academic Appeals and Academic Discipline

The Chair commented on the timeliness of the presentation that would be given, since a number of agenda items pertaining to academic discipline and appeals were being considered by the Board in this governance cycle. She introduced the presenters - Professor Edith Hillan, Vice-Provost, Faculty and Academic Life; Ms Sara Faherty, Chair, Academic Appeals Committee and Assistant Dean, Faculty of Law; Ms Nora Gillespie, Legal Counsel to the Offices of the Vice-President and Provost and Vice-President, Human Resources and Equity; and Mr. Chris Lang, Director, Appeals, Discipline and Faculty Grievances. The speakers then provided an overview of the University's academic appeals and academic discipline processes. A copy of the presentation slides are appended as [Attachment "B"](#).

Among the matters that arose during the Board's discussion were the following.

a) Academic Appeals

A member observed that the majority of academic appeals appeared to be denied. The member suggested that, in addition to having a lawyer present at hearings, it would be valuable to have an individual present who was knowledgeable about medical conditions that might have contributed to the student's circumstances. In response, Ms Faherty said that members of the academic appeals panels did receive training on mental health and other serious issues that might adversely affect students. The panel members determined whether the divisional policy on academic appeals had been fairly applied; in most cases medical documentation was required if a student was seeking a remedy due to a medical cause. Mr. Lang explained that some years ago, the student success rate of appeals had been much higher, about 40 to 50%. Training at the divisional level as well as the Provostial Framework for Divisional Appeals Processes had resulted in changes in processes and greater consistency across the University in the consideration of academic appeals. There were now fewer appeals forwarded to the central Academic Appeals Committee.

3. Presentation on Academic Appeals and Academic Discipline (cont'd)

Mr. Lang commented that, while the panel members might determine whether divisional policy on academic appeals was applied fairly, from time-to-time they were also able to provide valuable feedback on the policy to the divisions. Professor Hillan added that staff in the Office of the Vice-President and Provost reviewed all appeal decisions and were able to identify any recurring themes that emerged. Those matters were then addressed and incorporated into education and training sessions offered to staff and faculty responsible for appeals within the academic divisions.

In response to a question from a member, Professor Hillan said that the Office of the Vice-President and Provost had established a framework for the divisional academic appeal processes that reflected the best practices and incorporated the principles set out in the *Policy on Academic Appeals within Divisions*.⁷ While there was no uniform appeal process that would work effectively in every division, given the diversity of the programs within the University, expectations regarding minimum standards were communicated to the divisions.

b) Academic Discipline

A member asked how cases of academic discipline were handled when a student and instructor provided opposing views of a situation. Ms Gillespie replied that when such cases, which were rare, did occur, the University Tribunal carefully examined the evidence provided and made a decision using their best judgement. Any matters that might involve a criminal component would be handled on a case-by-case basis. The *Code of Behaviour on Academic Matters*⁸ did not address criminal cases.

Mr. Lang replied to a member's question regarding legal representation for students. He explained that correspondence sent to students from the Office of Appeals, Discipline and Faculty Grievances contained information about organizations that might be contacted for legal guidance or representation. Students often sought assistance from the Downtown Legal Service or the Law Society of Upper Canada. Most students whose academic discipline cases were heard by the Tribunal did obtain legal representation, given the seriousness of the charges and the possible sanctions.

A member noted that the Leslie Dan Faculty of Pharmacy had a high number of academic discipline cases (161) in 2010-2011. Professor Hillan explained that the figure was due to a large group of offenders who had been involved in inappropriate collaboration in online assignments that year. The member suggested that the administration might examine strategies used by divisions with low numbers of discipline cases to see if they might be applied in other divisions. Professor Misak responded that steps were taken to examine causal factors in each case and a number of mechanisms had already been put in place by her office. It was clear that students themselves were very concerned about cheating, given the value of a degree from the University.

The Chair thanked the speakers for their informative and timely presentation.

⁷<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppdec122005.pdf>

⁸<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>

CONSENT AGENDA

On motion duly moved, seconded, and carried

YOUR BOARD APPROVED

THAT the consent agenda be adopted.

4. **Faculty of Arts and Science: Proposal to Change the Name of the Department of Statistics to the “Department of Statistical Sciences”**

On motion duly moved, seconded, and carried

YOUR BOARD APPROVED

THAT, subject to confirmation by the Executive Committee, the name of the Department of Statistics in the Faculty of Arts and Science be changed to the “Department of Statistical Sciences” effective immediately upon approval.

Documentation is attached hereto as [Appendix “A”](#).

5. **Approval of the Report of the Previous Meeting:** Report Number 181 – October 11, 2012

Report Number 181 of the meeting held on October 11, 2012 was approved.

6. **Business Arising from the Report of the Previous Meeting**

There was no business arising from Report Number 181.

7. **Items for Information**

The following items for information were received by the Board.

- (a) Annual Report: Academic Discipline - 2011-2012
- (b) Semi-Annual Report: University Tribunal, Individual Cases, Fall 2012
- (c) 2012 Report on Membership of the Advisory Committee on the University of Toronto Library System
- (d) Report Number 186 of the Agenda Committee – November 8, 2012
- (e) Report Number 158 of the Committee on Academic Policy and Programs – October 29, 2012

8. **Quarterly Report on Donations**

- a) August 1 to October 31, 2012

9. Date of the Next Meeting

The Chair stated that the next meeting of the Board was scheduled for Thursday, February 7, 2013, at 4:10 p.m. in the Council Chamber. She said that an education session on Open UToronto would be presented by Professor Misak and her team. In preparation for that meeting, members were encouraged to browse through the Open UToronto website.⁹

10. Other Business

The Chair announced that the 2013 election period for seats on the Governing Council and its bodies would begin in early January, with a one-week nomination period. A communication with detailed information about the vacancies would be sent to members by the Chief Returning Officer in the next few weeks. The Chair asked that members whose term would end as of June 30, 2013 and who would not seek re-election encourage their peers to consider submitting a nomination form to serve on the Board. Everyone was asked to raise awareness within their constituency of the importance of University governance and encourage participation during the election period. Questions about the elections could be directed to Mr. Anwar Kazimi, Chief Returning Officer, or Ms Mae-Yu Tan, Deputy Returning Officer, in the Office of the Governing Council. Information about applications for co-opted (appointed) members of the Academic Board – administrative staff, alumni, and students – would be provided next term.

The Board moved *in camera*.

11. Report: Nominating Committee for the University Tribunal and the Academic Appeals Committee

On motion duly moved, seconded, and carried

YOUR BOARD APPROVED

THAT Ms. Andrea Russell and Professor Mohammad Fadel be appointed as Chairs of the Academic Appeals Committee with their terms ending June 30, 2013.

The Board returned to open session.

The Chair thanked members for their attendance and active participation in the Board meeting and wished them all the best during the holiday season.

The meeting adjourned at 5:50 p.m.

Secretary
November 29, 2012

Chair

⁹ <http://www.utoronto.ca/about-uoft/openutoronto.htm>