

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 436 OF
THE EXECUTIVE COMMITTEE

Monday, February 7, 2011

To the Governing Council,
University of Toronto.

Your Committee reports that it held a meeting on Monday, February 7, 2011 at 5:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

Mr. John F. (Jack) Petch, Chair
Mr. Richard Nunn, Vice-Chair
Professor David Naylor, President
Ms Judith Goldring
Dr. Gerald Halbert
Mr. Joseph Mapa
Mr. James Yong Kyun Park
Mr. Timothy Reid
Professor Arthur S. Ripstein
Professor Elizabeth M. Smyth
Miss Maureen J. Somerville
Mr. Gregory West

Non-Voting Member:

Mr. Louis R. Charpentier

Secretariat:

Mr. Henry Mulhall, Secretary
Mr. Anwar Kazimi

Regrets:

Ms Diana A.R. Alli
Professor Janice Stein

In Attendance:

Dr. Anthony Gray, Special Advisor to the President
Professor Ellen Hodnett, Chair, Academic Board and Member of the Governing Council
Mr. Christopher Lang, Director, Office of Appeals, Discipline, and Faculty Grievances *
Professor Cheryl Misak, Vice-President and Provost, and Member of the Governing Council
Ms Catherine Riggall, Vice-President, Business Affairs
Ms B. Elizabeth Vosburgh, Chair, University Affairs Board and Member of the Governing Council
Mr. W. David Wilson, Chair, Business Board and Member of the Governing Council **

* In attendance for agenda item 13.

** Participated by teleconference.

1. Report of the Previous Meeting of the Executive Committee of December 6, 2010

Report Number 435 (December 6, 2010) of the Executive Committee was approved.

2. Business Arising from the Report of the Previous Meeting

There was no business arising from the report of the previous meeting.

3. Minutes of the Governing Council Meeting

Members received for information the Minutes of the Governing Council meeting held on December 16, 2010.

4. Business Arising from the Minutes of the Governing Council Meeting

There was no business arising from the Minutes of the Governing Council meeting of December 16, 2010. The Chair reminded members that approval of the Minutes of the October 28, 2010 meeting of the Governing Council had been deferred at the subsequent Council meeting on December 16, 2010, in order to consider a number of revisions submitted by a member. The Secretary outlined the manner in which it was proposed that the draft Minutes be revised in response to the request. There was no discussion.

5. Report of the President

The President updated the Committee on a number of matters.

(a) Government Relations

At the Provincial level, party platforms were being developed in advance of the October 6, 2011 election. The University did not anticipate a transformative increase in funding for the post-secondary education sector in the months ahead. It was expected that total levels of Basic Income Unit (BIU) grant funding would increase only moderately, and that the tuition and per-student BIU frameworks would remain largely unchanged; it was still unclear whether there would be pro-ration of BIUs. More positively, there were some encouraging early indications of improving economic conditions in the Province. Provincial gross domestic product had increased by an annualized 1.0% in the third quarter of 2010, while domestic demand had risen by 3.6%. Job losses resulting from the economic downturn had largely recovered. There was some reason to hope that these conditions would positively affect the Province's financial situation.

Government relations at the federal level had acquired a degree of uncertainty as a result of speculation regarding a possible spring election. However, there were indications that support for the granting councils, and for federal research programs such as the Canada Research Chairs and Canada Foundation for Innovation, would be maintained. The longer term sustainability of the industry-facing federal research programs was one of the topics under consideration by the Federal Research and Development Review Expert Panel. The President continued to serve on the Panel, and he provided members of the Committee with copies of its recently released consultation paper. The Panel was working on schedule to provide its recommendations by the fall of 2011 at the latest.

The institutional costs of research continued to be a significant issue of concern to the University. It currently received only 18 cents for such costs for every dollar of federal research funding received, and consequently had to provide about 35 cents per dollar from its own resources to make up the shortfall. Outside Canada, the minimum support in other major jurisdictions was 48-53 cents on every dollar, while the United Kingdom now provided 80 cents, a significant benefit to its research intensive institutions.

5. Report of the President (cont'd)

(b) University Budget, 2011-12

The President reported that the budget model was proving effective in allowing the divisions to be creative and innovative in response to the challenging financial situation. The budget model enabled divisions to focus on new revenue generation as well as expense containment. It was regrettable that some of this new revenue would need to be used for special payments to offset the pension deficit rather than for enhancements to core priorities such as undergraduate teaching and services. However, there were reasons to be optimistic that the pension and budget situations would be manageable.

6. Item for Confirmation by the Executive Committee

(a) Faculty of Arts and Science – Centre of Criminology: Name Change (Arising from Report Number 171 of the Academic Board [January 27, 2011] - Item 5)

Professor Hodnett outlined the rationale for the proposed name change that was intended to reflect more clearly the Centre of Criminology's scholarship and teaching.¹ Following extensive consultation within the Centre, and beyond, including the Faculty of Law, there had been strong support for the proposed change. No questions had been raised by members of the Academic Board.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE CONFIRMED THE DECISION OF THE ACADEMIC BOARD

THAT the name of the Centre of Criminology in the Faculty of Arts and Science become the "Centre for Criminology and Sociolegal Studies", effective immediately.

Documentation is attached to Report Number 171 of the Academic Board as Appendix "B".

7. Items for Endorsement and Forwarding to the Governing Council

(a) Academic Appeals Committee – Revision to the Terms of Reference (Arising from Report Number 171 of the Academic Board [January 27, 2011] - Item 6)

Professor Hodnett summarized the proposal as it had been presented to the Academic Board at its meeting of January 27, 2011.² The revisions to the terms of reference of the Academic Appeals Committee were intended to simplify panel composition requirements in order to facilitate the scheduling of hearings and thereby avoid delays for students who had submitted academic appeals. Following extensive consultation, including with legal counsel, the proposal had been approved by the Academic Appeals Committee, and subsequently recommended for approval to the Governing Council by the Academic Board.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE ENDORSED AND FORWARDED to the Governing Council for consideration the recommendation

¹ See: Report Number 171 of the Academic Board (January 27, 2011), pages 6-7, at: <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7517>.

² See: Report Number 171 of the Academic Board (January 27, 2011), pages 7-8, at: <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7517>.

7. Items for Endorsement and Forwarding to the Governing Council (cont'd)**(a) Academic Appeals Committee – Revision to the Terms of Reference (cont'd)**

THAT the proposed revised Terms of Reference of the Academic Appeals Committee (AAC) be approved, effective March 1, 2011; and

THAT a review of the composition change of the AAC, to be conducted by the Office of Appeals, Discipline, and Faculty Grievances by June 30, 2013, be approved.

Documentation is attached to Report Number 171 of the Academic Board as Appendix “C”.

(b) Infrastructure Project: Site Remediation for the North Campus at the University of Toronto at Scarborough

(Arising from Report Number 171 of the Academic Board [January 27, 2011] - Item 7)

Professor Hodnett outlined the nature and scope of the proposed capital project, as it had been presented to the Academic Board.³ In order to allow necessary development of the northern sector of the University of Toronto at Scarborough (UTSC) campus, land that had formerly served as a municipal landfill needed to be remediated. The opportunity presented by the 2015 Pan American Games to enter into a partnership with the City of Toronto and the Province of Ontario had made possible the remediation of these lands at a far lower cost to the University than would have been possible were it to act independently. The total project cost was \$52 million, of which \$5 million would be funded by UTSC, and \$25 million would be obtained through borrowing. It was anticipated that the Provincial government would provide approximately \$20 million for a high performance sports facility at the St. George campus. If that occurred, the University would then use the borrowing capacity previously earmarked for the St. George campus high performance facility for the UTSC north campus remediation project. The City of Toronto's Executive Committee had approved the use of up to \$23 million for this jointly funded proposed project.⁴ The proposal had been discussed extensively at two meetings of the Planning and Budget Committee, as well as at the Academic Board meeting of January 27, 2011 where a number of questions regarding the project cost had been raised and addressed. Following discussion, the Academic Board had recommended Governing Council approval of the conditional motion.

Mr. Wilson reported that the Business Board had voted unanimously to authorize the University to participate in the City of Toronto's execution of the project. The Board's authorization had been subject to approval of the project in principle by the Governing Council. Members of the Business Board had raised two concerns. The first had concerned safety issues. A member had cited cases where methane gas, leaking from adjacent sites, had caused explosions and injury. The Board had been assured by the administration that all buried waste would be removed from the UTSC site, that the waste would also be removed from a buffer area on the adjacent City site where landfill would remain, and that a protective slurry wall would be constructed. Concerns had also been expressed regarding the need for the University to borrow \$25 million to fund much of its share of the costs of the project. It had been noted that the University was drawing near to its maximum borrowing capacity for capital projects. It was, however, anticipated that the Province of Ontario would provide approximately \$20 million of funding for a high performance sport facility on the St. George Campus, thereby freeing up borrowing capacity for the UTSC project. The Business Board's approval to execute the project had been conditional on the receipt of that funding and the freeing of borrowing capacity.

³ See: Report Number 171 of the Academic Board (January 27, 2011), pages 8-11, at: <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7517>.

⁴ Ms Riggall noted that City Council, itself, had that day (February 7, 2011) also approved the project.

7. Items for Endorsement and Forwarding to the Governing Council (cont'd)**(b) Infrastructure Project: Site Remediation for the North Campus at the University of Toronto at Scarborough (cont'd)**

On motion duly moved, seconded, and carried,

YOUR COMMITTEE ENDORSED AND FORWARDED to the Governing Council for consideration the recommendation

Subject to all required government approvals and government funding, including government funding for high performance sport and subject to funding being in place prior to commencing construction:

1. THAT the recommendations identified in the “Report on Site Remediation for the North Campus of the University of Toronto Scarborough”, dated January 6, 2011, be approved in principle; and
2. THAT subject to all other approvals and funding being in place prior to commencing the work, the University of Toronto contribution for the remediation, having a total project cost of \$52 Million (2010 dollars) comprise:
 - (i) \$5-Million of funding from the University of Toronto at Scarborough;
 - (ii) \$25-Million of borrowing, in part using \$20-Million of borrowing capacity created by anticipated Government funding for high-performance sport facilities, such borrowing to be repaid by the University of Toronto at Scarborough and/or the University of Toronto.

Documentation is attached to Report Number 171 of the Academic Board as Appendix “D”.

(c) Capital Project: Project Planning Report for the University of Toronto at Scarborough Sport and Recreation Centre

(Arising from Report Number 171 of the Academic Board [January 27, 2011]- Item 8, and Report Number 161 of the University Affairs Board [February 1, 2011] – Item 3)

A detailed presentation regarding this proposed capital project had been provided at the Academic Board meeting,⁵ and Professor Hodnett summarized its main points concerning the nature and scope of the project, the need that it would meet on the UTSC campus, and the sources of funding that would be utilized both for its construction and its eventual operation. As a site partner for the 2015 Pan American Games, UTSC had the opportunity to become the joint owner and user of a world-class sport and recreation facility that would be much more extensive than would have been possible had it acted alone. The total project cost of \$170.5 million would be shared among the University, the Federal and Provincial Governments, and the City of Toronto, with the University’s portion of \$37.51million consisting of \$30 million acquired through a student levy, and \$7.51 million provided by UTSC/U of T Central (all figures in 2008 dollars). During the Board’s thorough discussion, questions had been raised and addressed concerning the projected operating and project costs, and the extent of University access to the proposed facility. The Board had strongly recommended the project to the Governing Council for approval.

⁵ See: Report Number 171 of the Academic Board (January 27, 2011), pages 11-13, at: <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7517>.

7. Items for Endorsement and Forwarding to the Governing Council (cont'd)**(c) Capital Project: Project Planning Report for the University of Toronto at Scarborough Sport and Recreation Centre (cont'd)**

Ms Vosburgh noted that the University Affairs Board considered capital projects such as athletic facilities as part of its general responsibility for matters that directly concerned the quality of student and campus life. The Board had been informed that the project would do much to overcome a serious deficiency of athletic and other space on the rapidly growing UTSC campus. The Project Planning Report clearly reflected the needs and requests of students, and the resulting world-class facility would greatly enhance campus life. The Board had strongly concurred with the recommendation of the Academic Board for the approval of the project.

Mr. Wilson reported that the Business Board had voted unanimously to give conditional approval to University participation in the execution of the project by Infrastructure Ontario. The approval was subject to Governing Council approval of the project in principle, and subject to the timely completion of the associated land remediation. The Business Board's approval had included the updating of the costs, expressed in 2008 dollars, which had been used in the bid for the Pan-Am Games. The Business Board's approval had been for execution translated into 2014 dollars, which included the escalation of construction costs anticipated until the completion of the project. The Board had therefore approved the University's spending of \$54.8 million, an increase of \$17.3 million from the 2008 cost. That increase would be shared pro rata by the students of UTSC through the twenty-five year levy added to their fees and by the operating budgets of the University and UTSC. A significant concern, raised by two members of the Business Board, had been the cost of operating the facility when the Pan-Am Games were over, and in particular, the question of who would make up the difference if the City and the University were not able to earn the revenue projected from renting facilities to other users. The Board had been satisfied by a description of the careful and conservative work that had been completed on the revenue projections. One member, with a great deal of experience in such matters, did urge that the University do everything possible to negotiate the limitation of its responsibility for the cost of operating the joint City / University facility.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE ENDORSED AND FORWARDED to the Governing Council for consideration the recommendation

Subject to the availability of funding for the land remediation of the site

- (a) THAT the Project Planning Report for the University of Toronto at Scarborough (UTSC) Sport and Recreation Centre, as accommodated in the Pan American Aquatics Centre, Field House and Canadian Sport Institute Ontario to be built at the University of Toronto at Scarborough, dated January 7, 2011, be approved in principle;
- (b) THAT the site northeast of the corner of Military Trail and Morningside Avenue be assigned to the Pan American Aquatics Centre, Field House and Canadian Sport Institute Ontario Project;
- (c) THAT the total project cost for the UTSC portion be \$37.51 Million (2008 dollars) out of a total project cost of \$170.5 Million (2008 dollars) for all parts of the project; and

7. Items for Endorsement and Forwarding to the Governing Council (cont'd)**(c) Capital Project: Project Planning Report for the University of Toronto at Scarborough Sport and Recreation Centre (cont'd)**

- (d) THAT the funding costs for the UTSC portion of \$37.51 Million (2008 dollars) comprise:
- \$30 Million acquired through a student levy, and
 - \$7.51 Million from UTSC/U of T Central.

Documentation is attached to Report Number 171 of the Academic Board as Appendix “E”.

8. Performance Indicators

The Chair stated that the annual Performance Indicators Report was a major element of the University’s accountability exercises, and consisted of a series of metrics of institutional achievement across a wide variety of indicators. As in recent years, the document was reasonably brief, focusing on a small number of key measures, and providing narrative that linked the measures to the University’s priorities. A comprehensive inventory of the full set of performance indicator measures was available on the website of the Vice-President and Provost. It was agreed that approximately 30 minutes would be set aside at the Governing Council meeting for the presentation of the Report as well as discussion and questions.

Professor Misak referred to her memorandum to the Governing Council⁶ that had been distributed to the Committee which summarized the highlights of the 2010 Performance Indicators Report. She noted that, as in recent years, the Report included indicators which reflected both the institution’s strengths as well as areas which required improvement. Some measures had been varied from previous years, for instance to examine different mixes of academic disciplines where appropriate, or to respond to feedback from Governors or other members of the University community. As an example, she cited Figure 24 (page 29) which measured undergraduate instructional engagement, specifically the percentage of highly distinguished faculty members who taught at least one undergraduate course. For 2010, the measure had been expanded by including in the pilot sample the Faculties of Law and Applied Science and Engineering, in addition to the Faculty of Arts and Science. The current University Fund allocations contained incentives to further promote the goal of research faculty being engaged in undergraduate teaching.

A member commented that, in his view, the Task Force on Governance Implementation Committee should carefully reconsider the manner in which the annual Performance Indicators Report was considered by Governance. In keeping with the Task Force’s recommendation that the Governing Council should spend more time on strategic issues, the Report should be considered more than once annually, in much greater detail, and with a higher degree of analysis. The Council might monitor the Report on an ongoing basis, considering a single section at each of its meetings, or it could devote a special meeting to its consideration. The University administration went to considerable effort to produce this excellent Report, and, in the members’ view, the Governing Council could better fulfill its trustee responsibility to analyse it from a strategic perspective. The Chair responded that the Implementation Committee would take these comments under advisement.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT *Performance Indicators for Governance, 2010 – A Summary* be placed on the agenda of the Governing Council meeting on February 17, 2011.

⁶ See: <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7510>.

9. Governing Council and Executive Committee Meeting Dates, 2011-12

Mr. Charpentier stated that *By-Law Number 2* of the Governing Council required that at least five regular meetings of the Governing Council be held during each academic year. For 2011-12, a six-cycle meeting schedule was once again being recommended for approval, with an additional brief Governing Council meeting scheduled to occur prior to the Orientation session on September 7, 2011.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

The following meeting dates for the Governing Council and the Executive Committee for 2011-12:

Cycle	Executive Committee Usual time: 5:00 – 7:00 p.m. except as noted
Cycle 1	Wednesday, October 19, 2011, 12:00 noon
Cycle 2	Monday, December 5, 2011
Cycle 3	Monday, February 6, 2012
Cycle 4	Thursday, March 29, 2012
Cycle 5	Monday, May 7, 2012
Cycle 6	Monday, June 11, 2012 (6A) Monday, June 25, 2012, 3:00 p.m. (6B)

Cycle	Governing Council Usual time: 4:30 – 6:30 p.m. except as noted
Pre-Orientation Meeting	Wednesday, September 7, 2011, 8:30 a.m.
Cycle 1	Thursday, October 27, 2011, 4:00 p.m.
Cycle 2	Thursday, December 15, 2011
Cycle 3	Thursday, February 16, 2012
Cycle 4	Wednesday, April 11, 2012
Cycle 5	Thursday, May 17, 2012 [UTSC]
Cycle 6	Monday, June, 25, 2012, 4:00 p.m.

10. Reports for Information

Members received the following reports for information.

- (a) Report Number 171 of the Academic Board (January 27, 2011)
- (b) Report Number 185 of the Business Board (December 13, 2010)
- (c) Report Number 21 on Namings

11. Date of the Next Meeting

Members were reminded that the next regular meeting of the Executive Committee was scheduled for Monday, March 28, 2011 at 5:00 p.m.

12. Other Business

On the recommendation of the Chair, the Committee agreed that it would begin its meeting on June 13, 2011 at 4:30 p.m. rather than the previously scheduled 5:00 p.m., in order to accommodate the convocation events that would also occur that day.

12. Other Business (cont'd)

The Chair reported that a speaking request had been received from the University Affairs Commissioner of the Graduate Students' Union (GSU) to address the Governing Council at its February 17, 2011 meeting regarding deferred maintenance issues at 30/35 Charles Street West and 16 Bancroft Avenue. It was agreed that this was a matter more appropriate for the consideration of the administration, and the speaking request was not approved.

The Vice-Chair, in his capacity as Chair of the Task Force on Governance Implementation Committee (IC), briefed members on the report that he would make to the Governing Council at its meeting on February 17, 2011 concerning the ongoing work of the Committee. Among the topics that would be covered would be the work that was underway regarding the Nominating Committee for Alumni Governors, coordinated election-related communications, the attributes matrix, the Governing Council Orientation, revised cover documentation, and the appropriate use of Senior Assessors' Reports and Reports for Information. There followed a discussion of the means by which opportunities for consultation could be enhanced, and of how such consultation could most effectively intersect with governance processes.

There was no other business for consideration in closed session.

On motion duly moved, seconded, and carried,

IT WAS RESOLVED

THAT, pursuant to sections 28 (e) and 33 of *By-Law Number 2*, consideration of items 13-15 take place *in camera*, with the Board Chairs, Vice-Presidents, invited guests, and Special Advisor to the President admitted to facilitate the work of the Committee.

In Camera Session

13. Code of Behaviour on Academic Matters: Recommendations for Expulsion

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT the recommendations for expulsion contained in the Memoranda from the Secretary of the Governing Council dated February 7, 2011, be placed on the agenda for the February 17, 2011 meeting of the Governing Council; and

THAT pursuant to Sections 38 and 40 of *By-Law Number 2*, the recommendations be considered by the Governing Council *in camera*.

14. External Appointments: McClelland and Stewart Ltd.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT the following individuals be approved and nominated as directors of McClelland and Stewart Ltd. for one year terms until the 2012 annual meeting of the Corporation, or until their successors are appointed, effective immediately.

14. External Appointments: McClelland and Stewart Ltd. (cont'd)

Dr. Avie Bennett (Chair)
Ms Trina McQueen
Mr. Douglas Pepper (President and Publisher)
Ms Catherine Riggall
Ms Judith Wolfson

15. Board and Committee Assignments, 2010-11

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

Subject to Mr. Howard Shearer's anticipated appointment to the Governing Council⁷

THAT the Executive Committee appoint Mr. Suresh (Steve) Gupta and Mr. Howard Shearer to the Business Board, effective immediately, until June 30, 2011; and

THAT the Executive Committee appoint Mr. Brent Belzberg, Mr. Suresh (Steve) Gupta, and Mr. Howard Shearer to the Pension Committee, effective immediately, for terms to continue until June 30, 2013.

There was no other business.

The Committee returned to closed session.

The meeting adjourned at 6:25 p.m.

Secretary
February 14, 2011

Chair

⁷ Mr. Shearer was subsequently appointed a Lieutenant Governor in Council Member of the Governing Council on February 9, 2011.