

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

Thursday, September 16, 1999

MINUTES OF THE GOVERNING COUNCIL meeting held on Thursday, September 16, 1999 at 4:30 p.m. in the Council Chamber, Simcoe Hall.

Present:

Ms Wendy M. Cecil-Cockwell (In the Chair)	Mr. Kashif S. Pirzada
Mrs. Mary Anne V. Chambers, Vice-Chair	The Honourable Robert K. Rae
Professor J. Robert S. Prichard, President	Professor Emmet I. Robbins
Professor Mary Beattie	Professor Wendy Rolph
Dr. Robert Bennett	Dr. Joseph L. Rotman
Mr. Brian C. Burchell	Mrs. Susan M. Scace
Professor Jack Carr	Professor Adel S. Sedra
Dr. John R. G. Challis	Mr. Amir Shalaby
Professor W. Raymond Cummins	Mr. Robert G. Spencer
The Honourable William G. Davis	Ms Wendy Talfourd-Jones
Mrs. Shari Fell	Professor Ronald D. Venter
Professor Vivek Goel	Ms Nancy L. Watson
Dr. Anne Golden	Dr. Alexander R. Waugh
Mr. Peter A. Herrndorf	Ms Judith Wilson
Dr. Robert J. Kyle	Mr. Vilko Zbogar
Professor Brian Langille	
Mr. Gerald A. Lokash	Dr. John G. Dimond, Secretary of the Governing Council
Professor John T. Mayhall	Mr. Louis R. Charpentier, Deputy Secretary and Secretary -Designate of the Governing Council
Professor Ian R. McDonald	
Professor Heather Munroe-Blum	
Dr. John P. Nestor	
Mr. Elan Ohayon	
Ms Jacqueline C. Orange	<u>Secretariat:</u>
Mr. Jonathan Papoulidis	Ms Susan Girard
Ms Rose M. Patten	Ms Margaret McKone
The Honourable David R. Peterson	

Absent:

Ms Shruti Dev	Mr. Paul V. Godfrey
Ms Wanda M. Dorosz	Mr. Terrence L. Stephen
The Honourable Henry N.R. Jackman, Chancellor	Ms Grace Subrata
	Mr. John H. Tory

In Attendance:

Mr. St. Clair Balfour, past Chairman of the Governing Council
Dr. Robert James McGavin, past Chairman of the Governing Council
Mr. Terence Albert Wardrop, past Chairman of the Governing Council
Mr. John Alfred Whitten, past Chairman of the Governing Council
Dr. George Edward Connell, President Emeritus and past member of the Governing Council
Professor Roger Beck, past member of the Governing Council

In Attendance (cont'd):

Mr. William Broadhurst, past member of the Governing Council
Ms Patricia Cross, past member of the Governing Council
Ms Elizabeth Pearce, past member of the Governing Council
Mr. Barry McCartan, past member of the Governing Council
Professor David Cook, Vice-Provost
Dr. Jon S. Dellandrea, Vice-President and Chief Development Officer
Professor Michael G. Finlayson, Vice-President, Administration and Human Resources
Professor Derek McCammond, Vice-Provost, Planning and Budget
Professor Ian Orchard, Vice-Provost, Students
Mr. Robert G. White, Chief Financial Officer
Professor Rona Abramovitch, Provost's Advisor on Proactive Faculty Recruitment, and Director, Transitional Year Programme
Mr. Donald A. Beaton, Director, Real Estate
Ms Susan Bloch-Nevitte, Director, Public Affairs
Ms Rivi Frankle, Director of Alumni and Development
Ms Tennys Hanson, University Campaign Director and Vice-President, University of Toronto Foundation
Professor Bruce Kidd, Dean, Faculty of Physical Education and Health
Ms Manon LePaven, President, Association of Part-Time Undergraduate Students
Dr. W. David Neelands, former Assistant Vice-President, Student Affairs
Mr. Joseph Ng
Mr. Kasi Rao, Director of the Office of the President and Director of Government Relations
Ms Helen Simson, Convenor, Equity Issues Advisory Group, and Coordinator, *DISABILITY Services for Students*
Ms Maureen Somerville, Chair, College of Electors
Mr. Paul Tsang, President, Graduate Students' Union
Ms Mary Ward, University Ombudsperson

Vary the Agenda

The Chairman noted that Ms Mary Ward, University Ombudsperson, was scheduled to attend a class later in the evening and therefore, with members' consent, she varied the agenda to move item 6 - Office of the Ombudsperson: Report of the University Ombudsperson for the period July 1, 1998 to June 30, 1999 and Administrative Response - ahead of item 5 - Report of the President.

99-09-01 Address by a Non-member: Mr. Joseph Ng

The Chairman noted that she had granted the speaking request of Mr. Joseph Ng under the Governing Council's *Procedures for Non-members to Address Governing Council, its Boards and Committees*.

Mr. Ng noted that he had been born in China and had grown up in Hong Kong. He became a Canadian citizen following his graduation from McGill University in 1970. He had lived and worked in Toronto since 1978, and he was proud to be a Canadian, proud of this City and its many institutions, including the University of Toronto. Like many other Canadians and Torontonians, the Chinese communities – here and abroad – had long regarded the University of Toronto with great respect and trust, as was reflected in the following statistics:

- Over 25% of the student population were ethnic Chinese;
- 1/3 of the total private donations to the University were from Chinese patrons; and

99-09-01 Address by a Non-member: Mr. Joseph Ng (cont'd)

- the only overseas fundraising office established by the University was located in Hong Kong.

He believed this relationship to be ironic given the grievance against the University by Dr. Kin-Yip Chun, a Canadian of Chinese descent.

Mr. Ng noted that Dr. Chun's allegation of systemic racism at the University's Department of Physics was currently being investigated by the Ontario Human Rights Commission. (The University had consistently denied this allegation of racism.) Dr. Chun's complaint of being exploited with no salary and little recognition, however, had already been validated by the University administration but no compensation had been settled so far. There had been extensive coverage of this controversy in the Chinese media. Two of the community's most prominent members – Dr. Joseph Wong and Senator Vivienne Poy (sister-in-law of Adrienne Clarkson) – had already spoken out in favor of a speedy closure and fair settlement between the two parties.

Mr. Ng continued that he believed a resolution to the matter was long overdue. The reputation and integrity of the University had been tarnished. The management skills of senior administration were being questioned, Dr. Chun had undergone financial and emotional hardships since 1994, graduate students had been deprived of Dr. Chun's service due to his absence, there had been significant loss of potential research revenue, and numerous individuals and organizations have already spent a great deal of time on this issue.

Mr. Ng questioned the University's handling of the matter given Dr. Chun's academic background and proposed the following:

- the immediate reinstatement of Dr. Chun in a teaching/research position in the Department of Physics with a salary paid by the University;
- that a panel of academic experts plus some community representatives be assembled as soon as possible to determine the new job title of Dr. Chun as well as his eligibility for a tenure-track position at the University - the decision of this Panel should be final and binding;
- if mediation failed again to achieve a settlement between the University and Dr. Chun over his compensation for past non-payment of salary, compulsory arbitration should be initiated after the deadline had been crossed. An apology to Dr. Chun by the University for past transgression in this regard would be in order;
- should the Ontario Human Rights Commission rule in favour of the University, Dr. Chun should withdraw his allegation of racial discrimination and issue an apology to the University;
- after the successful implementation of the above measures, both Dr. Chun and the University's President should be required to give their respective progress reports in person at future Governing Council meetings as deemed necessary to monitor the situation for an appropriate period of time.

Mr. Ng hoped that his suggestions were constructive and useful in breaking the stalemate.

99-09-02 Chairman's Remarks

The Chairman welcomed members to the first meeting of the year and introduced new members to Council. She then invited continuing members to introduce themselves and to state their constituencies.

Following the introductions, the Chairman recalled that most new members had undergone an informal orientation and she urged them to keep in touch with the Governing Council Secretariat as they continued to familiarize themselves with Council's proceedings. She reminded members of their role on Council, noting that they must work to ensure that future generations inherited a University of Toronto that was a great centre of learning and scholarship. To that end, it was essential that all members, as individuals, considered how Council decisions would affect the whole University and not just their constituencies. The most effective governors took a broad and long-range view, informed but not limited by their own perspectives.

Finally, the Chairman noted that it was her intention that Council hold at least one meeting this year at one of the University's other campuses, Mississauga and Scarborough. This would provide governors with a good opportunity to expand their knowledge and appreciation of the University well beyond the St. George Campus.

99-09-03 Minutes of the Previous Meeting held on June 24, 1999

The Chairman said that she had been notified of a correction to the Report (page 19, the second sentence from the bottom). Ms Veronica Lacey was in fact the **Deputy** Minister of Education and Training. This had now been corrected.

On motion duly moved and seconded,

It was RESOLVED

THAT the minutes of the meeting of June 24, 1999, as amended, be approved.

99-09-04 Business Arising from the Previous Meeting

A member referred to two aspects of the previous meeting.

(a) Item 1 - Address By Non-Members – Notice of Motion: Tuition Fees

The member recalled that a lengthy discussion had taken place at the previous meeting concerning the recent introduction of a tuition fee for medical internes and residents. At that time, a member had given notice of motion to rescind the approved tuition fee; however Dr. Dimond had informed Council that the notice of motion had since been withdrawn. The member believed that the very interesting and important discussion that had taken place at the previous meeting was one that should be further explored.

The member, therefore, gave notice of the following motion:

Be it resolved that a University of Toronto Task Force be established to examine the abolition of fees for post-secondary education.

99-09-04 Business Arising from the Previous Meeting (cont'd)**(b) Item 1 - Address by Non-members -- (a) Mr. Philip Tsui, Chinese Canadian National Council - Toronto Chapter**

The member recalled deputations to Council by representatives of the Chinese community at both its previous meeting and earlier today. On both occasions, concern had been expressed about the administration's handling of Dr. Chun's grievance against the University. He continued that when asked about the matter at previous meetings, the administration had indicated that the University was in mediation with Dr. Chun. Since June 24, only one meeting had taken place between the University and Dr. Chun. As he had urged Governors to do at a previous meeting, the member had read information concerning this case; however, he had not been successful in seeking further information from members of the senior administration. The member requested an update on the matter.

At the Chairman's request, the President responded. Vice-Provost David Cook was responsible for the file and had been actively dealing with the grievance, consistent with the principles Council had set out repeatedly in recent years. The grievance was currently in mediation and the University remained bound by the rules of the mediation, which included confidentiality as to the content. The University would continue to comply with these rules. Invited to elaborate, Vice-Provost Cook noted that a mediation session had taken place in late August. This session had not proven successful; however, the University remained active in trying to seek a solution to the matter.

The member who had raised the question responded that members of the Chinese community remained very concerned about the matter, despite the administration's attempts to mediate a settlement. He urged a more proactive stance by the administration, which would include recognition of recommendations contained in a report by CAUT. He hoped that the administration could report a resolution of the matter at Council's next meeting.

In response, the President clarified that the administration remained consistent in its commitment to reach a settlement. A very large effort had been expended to date and he very much regretted that a solution had not been reached. He believed that there had not yet been an opportunity for settlement that was consistent with the policies, values and principles of the University. The administration's response to the position of CAUT had already been set out in writing and he did not believe there had been any lack of effort on the part of the administration to achieve a settlement of the matter.

(c) Item 3 - Property: Varsity Stadium Site - Proposed Redevelopment

The Chairman referred to Dr. Dimond's memorandum, sent by courier to members the previous day, which provided a brief background to the Varsity Stadium development proposal and of Council's previous actions. At present, the documentation remained confidential to governors.

The Chairman continued that at its special meeting earlier this afternoon, the Executive Committee had decided that, in light of the advice of the President and the support given to that advice by the Business Board, it should advise the Governing Council that the motion carried forward from last March be withdrawn from the agenda.

The Chairman explained that she would ask the Vice-Chair to present this advice, following which she would give members an opportunity, first, to ask questions, and secondly, to make comments. She was making these provisions because a motion to withdraw a motion was not debatable. Following Council's discussion, she would ask the Vice-Chair to formally request the withdrawal of the motion.

99-09-04 Business Arising from the Previous Meeting (cont'd)**(c) Item 3 - Property: Varsity Stadium Site - Proposed Redevelopment** (cont'd)

The Vice-Chair recalled that on March 25, 1999, Council had received a recommendation to proceed with the proposed Millennium development. At that time, Council had, after considerable discussion, voted to adjourn debate on the motion. Council had requested that the administration do more work, particularly on the question of whether, under the proposed agreement, suitable arrangements could be made for replacement facilities.

Members had now received with Dr. Dimond's memorandum a copy of Professor Finalyson's recent memorandum to the Business Board, setting out the administration's conclusions at the end of the process requested by Council.

At its meeting earlier today, the Executive Committee had considered the appropriate course of action that Governing Council should take with respect to the recommendation on its agenda. The recommendation no longer enjoyed the support of its initiator, the President, nor of the Business Board, which had recommended its approval in March.

This was a somewhat unusual state of affairs. The Executive Committee's advice was as follows.

- that the Governing Council should take notice of the changed circumstances arising out of the cost and the siting problems of the replacement athletic facilities necessitated by the Millennium development; and
- that the Governing Council should take note of the limiting effect on the University's long-term development prospects that would result from proceeding with the Millennium development at the same time as it planned for significantly increased residence and academic development.

These factors should lead the Governing Council to conclude that it was now inadvisable to approve the recommendation that had been held over from its March meeting.

The Vice-Chair continued that Council had to deal with the March 25 resolution, given in section 2 of Dr. Dimond's memorandum, which had been moved and seconded, and remained on Council's agenda. It was the advice of the Executive Committee that the motion not be approved. Given that the new advice of the President had been reviewed and voted on by the Business Board, the Executive Committee believed that the motion should simply be withdrawn from the agenda. This was an action permissible under Council's By-laws. At the end of the Council's discussion period, she would formally ask that the motion be withdrawn.

Discussion ensued on the following aspects of the proposal.

Basis for increased cost of development? A member recalled that when the proposal had first been before Council, a net gain to the University of \$33-\$40 million had been forecast, with the cost of replacement facilities estimated at \$10-\$15 million. The net profit to the University would, therefore, have been \$23-\$25 million. The administration was now reporting that the development of appropriate athletic facilities with an east-west orientation on the southern portion of the site would cost approximately \$23 million, an amount significantly more than initially expected. This estimated cost reflected not only replacement facilities but also added elements, including weight rooms, training rooms, a number of dressing rooms, a serious six-lane 400-metre track and classrooms. The member queried how much of the estimated new cost of \$23 million for athletic facilities was for added elements as opposed to revised estimates.

99-09-04 Business Arising from the Previous Meeting (cont'd)**(c) Item 3 - Property: Varsity Stadium Site - Proposed Redevelopment** (cont'd)

The President and Professor Finlayson responded. The largest single component of the newly estimated cost of the project -- \$4 - \$6 million -- was due to a clearer specification of the cost of the underground rink. This was a soft estimate because there were virtually no examples of underground rinks in the world on which to base the estimate.

Alternative plans for Varsity stadium and arena and potential funding sources. A member asked where the administration would obtain funding to make the much-needed repairs and upgrades to the Varsity stadium and arena should Council choose not to conclude the proposed development, as was now being recommended by the administration.

The President responded that the non-conclusion of the proposal would ensure the University maintained the Varsity stadium land for institutional purposes, which included student housing and athletic facilities. As per Professor Finlayson's memorandum of September 10, 1999, to members of the Business Board, it was expected that the administration would shortly be bringing to governance a proposal to rebuild Varsity Stadium on the existing site, with seating for 5,000 spectators, a six-lane track, and a student housing complex that could accommodate up to 600 students. As well, it was anticipated that the administration would recommend maintaining Varsity Arena and would explore the possibility of building a second rink above ground, south of, and at right angles to, the existing Varsity Arena. The estimated cost of athletics facilities (excluding 2 rinks) was less than \$10 million. A development plan, including possible sources of funding had yet to be developed. Athletics and Recreation was an important part of the life of students and the nature of the University; however, there were many competing priorities for funding on campus. Potential sources of funding for the project could include allocations from the University as a result of competition with other University initiatives, fundraising, fees and other processes.

A member asked if part of the administration's plans to raise the necessary funding included a student referendum. The President responded that there was no financial plan at present; discussions had focussed only on the likely financial cost of the development and a range of ways to achieve its financing, including the possibility of a student referendum. In developing the financial plan, the administration would consult with Professor Kidd, Athletics and Recreation, including its Council, and the leaders of the Association of Part-Time Undergraduate Students (APUS), the Graduate Students' Union (GSU), and the Students' Administrative Council (SAC). He reiterated that any internal funding allocations for the new development would be as a result of competition with the other academic priorities of the University.

Expenditures to date of the Millenium proposal. In response to a query, the President clarified that the total University expenditures on the project, including fees for lawyers, financial advisors, consultants and architects for the last several years, amounted to approximately \$750,000.

Alternative uses for the Varsity Stadium site: need for consultation. The member who had raised the issue of the cost to date of the project recalled that the previous year, the Association of Part-Time Undergraduate Students, the Graduate Students' Union, and the Students' Administrative Council, had voiced concerns regarding the proposed development, similar to those now expressed by the administration. At that time, the groups had recommended to the Council on Student Services that the Varsity Stadium site be retained as public property or that it be used for student housing. The member urged that as alternative uses for the site were considered, full consultation be undertaken with the principal stake holder groups, including APUS, GSU and SAC.

99-09-04 Business Arising from the Previous Meeting (cont'd)**(c) Item 3 - Property: Varsity Stadium Site - Proposed Redevelopment** (cont'd)

A member was intrigued by the administration's suggestion for new development of the Varsity Stadium, which included housing, and he agreed that the proposal currently before Council for the commercial development of the property should be terminated. He asked what consultations the administration would undertake in its pursuit of the new proposal. In response, the President noted that the administration did not yet have a precise recommendation on how to proceed. It was anticipated that the work of the Users' Committee for Varsity Stadium and Varsity Arena would have to be integrated with *Student Housing: A Plan for the Next Phase*, which included plans to increase by 2500 the number of beds on campus. Usually, the development of these plans would be separate processes; however, given the suggestion of a combined facility, the administration would seek a unified approach that would allow consultation on both student housing and athletics and recreation.

Process for declaration of University lands as surplus to University requirements. A member noted that the Varsity Stadium site had previously been declared available for commercial development, subject to the satisfactory relocation of athletic facilities, which included plans for an unprecedented underground rink. He asked by what process University lands were made available for commercial development and whether there were a series of checks and balances to ensure that the University did not again find itself in the position of having to reverse a previous decision concerning the use of its lands. The President replied that decisions to declare lands available for development were made by governance on the recommendation of the administration. While in a very few cases some of these decisions were regrettable, for the most part they were not. It was incumbent upon governors as trustees of the University to continue to fully consider recommendations of the administration as had been the case since the inception of governance.

Varsity Stadium site's future designation. A member asked if designation "available for development" would remain for the Varsity Stadium site should the proposal currently before Council be withdrawn. The President responded that it was implicit in the administration's advice to Council that a different course would have to be pursued for the site. The President recommended that Council limit itself at present to the narrow question of whether the University should proceed with the previously proposed development. Plans for the future of the site would have to be brought back to governance at a later date following consultation.

General support for the withdrawal of the motion for commercial development of Varsity Stadium site. A number of members spoke in support of the recommendation to withdraw the proposal. Among the comments made were the following.

- The administration was to be commended for recommending to Council a different direction than previously proposed. This was an example of how the governance process worked.
- The current climate was very different than it had been three years ago when the current recommendation had been developed. It was important that the governance system have the flexibility to ensure that it could make decisions in light of current circumstances.
- There was a real value to moving in the direction outlined by the President, as there was growing need to provide affordable, acceptable student housing within the University's boundaries. Such a scheme would also be of value to the City of Toronto, as it would assist in making available more lower and middle income housing outside the University. A member advocated that City Councillors be included in the consultations as the administration developed a new plan for the site.

99-09-04 Business Arising from the Previous Meeting (cont'd)**(c) Item 3 - Property: Varsity Stadium Site - Proposed Redevelopment** (cont'd)

- There was long held belief within the University that it should not give up a piece of real estate within its main precinct, but should instead have long-term control over its real-estate assets.
- The financing of the new direction contemplated for the Varsity Stadium site would likely require some element of student support. The administration should consider carefully whom the new development would serve in considering such funding.
- There were many academic programs within the new Faculty of Physical Education and Health that were reliant upon the Varsity Stadium and Arena facilities. It would be important to maintain these facilities to ensure the success of these programs.
- There might be other commercial aspects for the site that could be accomplished in partnership with the new housing contemplated.

Opposition to the recommendation to withdraw the motion for commercial development of Varsity Stadium site. A member spoke against the withdrawal of the motion. From an economic view, it did not make sense to put student housing on prime commercial land, as was now being contemplated. Rather, the administration should seek to commercially develop the site, securing the maximum value for the land, and use the proceeds to acquire property to support student housing in a location of less commercial value (e.g. below College Street). Surplus funds could then be used for much needed academic priorities. The original motion had been intended to realize funds for the University while creating replacement academic facilities. This situation had not changed. While the net financial return of \$10 million was more modest than had originally been intended, the University would not only receive replacement athletics facilities but also approximately \$17 million worth of valuable additions to the facilities. As well, the University had expended approximately \$750,000 on the project to date and was further liable for a penalty of up to \$0.5 million should it rescind the potential agreement. For these reasons, the member averred that Council should not withdraw the proposal for the commercial development of the site.

On motion duly moved and seconded,

It was RESOLVED,

THAT the following motion be **withdrawn** from the agenda of the Governing Council:

THAT the Vice-President - Administration and Human Resources be authorized to execute a ground lease for the redevelopment of the Varsity Stadium site, essentially consistent with the terms contained in Professor Finlayson's memorandum of November 30, 1998 and its attachment.

99-09-05 Office of the Ombudsperson: Report of the University Ombudsperson for the period July 1, 1998 to June 30, 1999 and Administrative Response

The Chairman noted that the University Ombudsperson was responsible to the Governing Council, through its Chairman. As part of this responsibility, the Ombudsperson reported annually on her activities. The administration had prepared its response to the Annual Report and both documents had been circulated with the agenda package. The Chairman welcomed Ms Mary Ward, University Ombudsperson, and invited her to comment on her first Annual Report.

Ms Ward commented on the incredible variety of cases which had come through her Office during the past year. A particular challenge had been to acquire a collaborative working knowledge of the entire campus. She commended the academic and administrative staff who had responded to her inquiries throughout the year and for their collaboration in seeking equitable resolutions to issues. She noted that her Report contained some recommendations for policy revision, to which the administration had responded. A major issue in this Annual Report and a recurring theme from past reports was the question of timeliness in dealing with petitions and appeals, and administering cases under the Code of Behaviour on Academic Matters. Again, the administration had provided a response.

The President noted that the authors of the administrative response: Professor Adel Sedra, Vice-President and Provost, Professor David Cook, Vice-Provost, and Professor Ian Orchard, Vice-Provost, Students, were in attendance to answer any questions. The President drew specific attention to the final paragraph of the administrative response, which expressed the administration's admiration for the professionalism and excellent work of Mary Ward in her first year of service as Ombudsperson.

Discussion ensued on the following aspects of the Ombudsperson's Annual Report.

Divisionally Mounted Non-Credit Programs. A member noted that students enrolled in divisionally mounted non-credit programs were not eligible for the 'petition and appeal process' approved by the Governing Council. The member wondered if there had been a resolution to the issue. Vice-Provost Cook responded that the issue was in part a definitional one and that his Office would seek a remedy to the situation. Invited to elaborate, Dr. Dimond said that there was a great variety of non-credit courses offered at the University (e.g. continuing education courses and professional qualification courses). As Vice-Provost Cook had indicated, the Provost's Office would seek to sort out which rules currently applied to these students and whether a proposal should be brought to the Committee on Academic Policy and Programs clarifying these students' rights to appeal to the Governing Council. Professor Sedra added that, at the end of the day, an appeals process would be available for students in divisionally mounted non-credit programs. This might involve the petitions and appeals process approved by the Governing Council, or another form of appeal.

Office of the Ombudsperson: resources and recurring themes. A member commended Ms Ward for providing a valuable service to the University community. He then posed a number of questions. Was it the Ombudsperson's opinion that the current budget for the Office, which had been significantly reduced two years previously, was sufficient to deal with the current case load? Were there recurring issues in this and past Annual Reports? Was there a mechanism in place to ensure that issues raised in the past were being addressed? And, did the Ombudsperson or the administration believe the Ombudsperson should monitor the administration of University policies to ensure follow-up of current and past issues raised in the Annual Reports?

99-09-05 Office of the Ombudsperson: Report of the University Ombudsperson for the period July 1, 1998 to June 30, 1999 and Administrative Response
(cont'd)

Ms Ward replied that in writing this year's Annual Report, she had reviewed previous reports for recurring themes. The issue of timeliness in dealing with jurisdictional proceedings had been noted in her Annual Report as an issue which continued to be a problem. Regarding the budget for her Office, Ms Ward noted that this was only her first year serving as Ombudsperson. As well, this was the first year in which the Office was operating with the reduced budget. (The Governing Council had approved a proposal to reduce the annual base budget support for the Office of the Ombudsperson in June, 1996; however, transitional funding was provided for two years to enable the Office to identify alternative ways of delivering the service on a reduced basis.) Ms Ward's experience to date was that her activities were primarily case driven. Consequently, she had not yet been able to perform outreach functions to ensure a broader understanding of the role of the Office.

The President recalled that the administration continued to adhere to the recommendations arising from the review of the Office of the Ombudsperson, undertaken by the Governing Council in 1996, which had concluded that the focus of the Ombudsperson should be to deal with exceptional cases that could not be dealt with through existing policies and procedures. It was the role of the administration, working with governance, to monitor and follow up on structural or systemic concerns highlighted in the Ombudsperson's Annual Reports.

A member clarified that the Office of the Ombudsperson had received a 74% reduction to its base budget, an action which led some to question the independence of the Office. He believed that Council should take time to reconsider this unprecedented reduction in an University Office's budget.

Case load: administrative staff. A member noted that the analysis of caseload by constituency, appended to the Annual Report, indicated that 20 administrative staff had sought assistance from the Ombudsperson in 1998-99. However, the Annual Report's commentary on cases and issues had not made reference to this constituency. Invited to comment, Ms Ward said that the lack of reference was attributable to several factors. In some instances, she had sought to preserve individuals' confidentiality. Other cases had been provision of information or a referral to another Office.

Case load: decline in cases. A member noted that there had been a steady decline in the number of cases dealt with by the Office during the past ten years (810 cases in 1991-92; 284 cases in 1998-99). Was there an explanation for this? The President attributed the decline to the creation of various equity offices over the past fifteen years (e.g. Status of Women, Race Relations and Anti-Racism Initiatives, and Sexual Harassment). Equity Officers dealt with particular cases as well as policy matters within their portfolios on a pro-active basis. He believed the absence of any one of these offices would lead to a significant increase in the Ombudsperson's caseload. Dr. Dimond added that he had undertaken a review of the caseload for the Office of the Ombudsperson in 1996. At that time, he had been surprised by the number of cases that could be classified as "information and referral". During the past decade, there had been more emphasis on the provision of information to assist members of the University community in locating the appropriate Office for their questions/problems. A notable example had been the recent publication of a brochure for graduate students and supervisors on intellectual property rights. Also, a series of information brochures on the most common types of requests for information of the Ombudsperson would be published shortly.

99-09-06 Report of the President

The President referred members to the outline of his report, which had been placed on the table. Given the extended debate earlier in the meeting, he would present an abbreviated version of his report. He welcomed questions from members on any aspect of his report.

(a) Welcome to Governors and Guests

The President expressed his gratitude to the past President, past Chairmen of the Governing Council, and former governors, who were in attendance.

He also welcomed new and continuing governors and thanked them for their commitment to the University. In particular he expressed his gratitude to past Ontario Premiers: the Honourable William G. Davis, the Honourable David R. Peterson, and the Honourable Robert K. Rae for their past support of the University of Toronto. He believed there was no better way for the University to advance its cause than to draw on the expertise of these distinguished alumni.

(b) Introduction of Senior Administration

The President introduced the following members of the senior administration:

- Professor Heather Munroe-Blum, governor and Vice-President, Research and International Relations;
- Professor Adel Sedra, governor and Vice-President and Provost;
- Professor Michael Finlayson, Vice-President, Administration and Human Resources;
- Dr. Jon Dellandrea, Vice-President and Chief Development Officer; and
- Mr. Bob White, Chief Financial Officer.

These senior officers would be present at meetings of the Governing Council to respond to any questions or concerns members might have. In addition, the President invited members to get in touch with him or one of his senior colleagues at any time throughout the year. Mr. Kasi Rao, Director of the Office of the President and Director of Government Relations, would be happy to assist governors with questions and/or information requests.

(c) Developments during the Summer

Summer Executive Authority. The President drew attention to the Report Number 317 of the Executive Committee (pages 4 - 7) for a listing of decisions taken under Summer Executive Authority. These had been reviewed at the Executive Committee meeting and the President welcomed any questions members might have. He drew specific attention to two items:

- the approval of a Memorandum of Settlement between the University and the United Steelworkers of America regarding pension arrangements for administrative staff; and
- the commitment of initial funds for the design and site development work related to the Center for Information Technology.

The President noted that the report of the users' committee for the latter item would be brought to governance in the near future.

Progress, Plans and Priorities. The President had met twice during the summer with his senior colleagues to develop their priorities for the coming year. His priorities had been shared with the Chairman of the Governing Council, and her suggestions were being incorporated.

99-09-06 Report of the President (cont'd)

Enrolment. Early statistics indicated strong overall enrolment on the University's three campuses. Graduate enrolment was not yet known; however, there was no reason to believe that the University had not also achieved its enrolment objectives for master's and doctoral programs. Undergraduate enrolment continued to be at, or above, its targets across the University and in particular within the Faculty of Arts and Science, St. George campus, despite very high admission standards.

A surging demand for residence placements from first-year undergraduate students had resulted in a shortage of spaces on campus. Consequently, arrangements had been made to temporarily house approximately 70 students off-campus at the Primrose Hotel. The new Graduate/Second-Entry Residence, intended to house graduate and second-entry students only, would be used for one year to house the undergraduate students once it became ready for occupancy this fall. In the interim, special arrangements (e.g. transportation and donships) were being made to lessen the inconvenience to the students being housed at the Primrose Hotel.

Enrolment in the University's professional programs (e.g. Law, Medicine, and Dentistry) also continued to be very strong despite very high admission standards. The University's enrolment successes included the achievement of its targets for the Access to Opportunities Program (ATOP). He recalled this program had been established by the provincial government to dramatically increase enrolment in the high demand areas of computer science and electrical and computer engineering. These successes were, in part, a result of the University's recruitment efforts. Upcoming initiatives included a student fair to be held the coming weekend and a new publication targeted at prospective applicants.

(d) Letter regarding Apotex

The President drew attention to Report Number 317 of the Executive Committee which contained his explanation of a letter he had written to the federal government requesting that Ottawa allow an extension of 30 days in its review of drug patent protection regulations. The President described this as a perceived departure from the University's well-established position of strict neutrality on matters of public policy beyond the realm of the University and a significant mistake on his part. While his intervention had been procedural and not substantive, he still believed it to be wrong. The President believed the University should maintain strict neutrality on matters of this kind and be seen to be doing so. He continued that when one made a mistake, he should admit it, apologize for it, learn from it and move forward. The President emphasized that the mistake was his responsibility and no one else's in the senior administration as the mistake arose from an absence of consultation with senior colleagues. In conclusion, the President noted that he would be pleased to answer any questions members might have on this matter.

(e) The Year Ahead

The University's goal remained to be Canada's preeminent university and ranking with the finest public research universities in the world. The President's personal emphasis in the coming year would be to complete his current initiatives and to prepare for an excellent transition to the next President and administration. Much more importantly, the President believed that the coming year was one of great significance and opportunity as there were numerous positive developments in the economic environment that were cause for optimism.

Opportunities for the University to pursue with the provincial government included:

- a major demographic boom would dramatically increase enrolment - this would be accelerated by the "double cohort" arising from the restructuring of the high school curriculum;

99-09-06 Report of the President (cont'd)

- a provincial commitment to capital expansion of \$750 million for next year;
- a provincial commitment to expand operating support to meet the growth requirements of the province's university and college system;
- a provincial commitment to research support, including:
 - Ontario Research and Development Challenge Fund;
 - Ontario Innovation Trust;
 - Premier's Research Excellence Awards;
 - a study being undertaken by Professor Munroe-Blum on provincial research strategy, which would hopefully provide a framework for further investment in research; and
- the establishment of a new Ministry for Training, Colleges and Universities, and the appointment of a new Minister, the Honourable Dianne Cunningham, and a new Deputy Minister, Mr. Bob Christie.

Opportunities for the University to pursue with the federal government included:

- the increase in funding of the Canada Foundation for Innovation (CFI);
- the creation of the Canadian Institutes for Health Research (CIHR);
- growth at the granting councils;
- heightened concern for brain drain, innovation, productivity, etc. and an active search for instruments to strengthen Canada's capacity in areas of innovation; and
- growing support among the First Ministers provincially for moving support for post-secondary education higher on the federal-provincial agenda.

Possible hazards to post-secondary education included the following:

- the prospect of large new investments to address growth might lead the federal and/or provincial government to search for change and new ways of providing support. Potential issues included:
 - funding formula and corridor system for universities;
 - capacity utilization (e.g. intensity of summer programs);
 - greater attention to targeted and matching funds in provincial and federal funding decisions;
 - increased interest by the federal government on commercialization of intellectual property arising from publicly funded university research; and
 - continued discussion of the need for increased levels of accountability between the public funders and public institutions in receipt of public funding.
- undue and unreasonable concern for job preparedness;
- undue and unreasonable efforts in some quarters to narrow the intellectual and academic agenda in favour of a job-driven agenda;
- pressure for tax reductions would undermine the federal and provincial governments' fiscal capacity; and
- international competition: the University was on the move but others were moving faster - the University needed to close this gap.

99-09-06 Report of the President (cont'd)

These issues meant that the University of Toronto:

- must be a leader and must shape the debate and not be a passive recipient of public policy;
- must debate and then choose the University's future, campus by campus and as a whole, with respect to any growth and balance of growth; and
- must be an excellent performer in every arena of competition in which it engaged.

The President continued that not only was there every reason for optimism in the year and decade ahead, but there was also every reason for action, not complacency. The University would enter this period in good shape and it was the collective challenge of the University's trustees to fully realize this opportunity and to give Ontario and Canada the University it needed and deserved.

(f) Federal Government Relations

The University's pre-budget advocacy included the following:

- increased transfer payments under the Canada Health and Social Transfer (CHST) for post-secondary education;
- increased support for research in the form of:
 - doubling the budget of Social Sciences and Humanities Research Council (SSHRC);
 - doubling the budget of Natural Sciences and Engineering Research Council (NSERC);
 - completion of the creation of the Canadian Institutes for Health Research (CIHR);
 - meeting the full costs of research overhead; and
 - investing in faculty appointments at Canadian universities; and
- increased support to reaffirm Canada's commitment to an international role in higher education.

The President would continue to serve on the Interim Governing Council of CIHR. He believed the final results of this process would provide a much enhanced capacity for medical and health research in Canada.

The Report of the Expert Panel on Commercialization of University Research entitled, *Public Investments in University Research: Reaping the Benefits*, had recently been released and the University had responded with its concerns. A copy of the University's submission was attached to the President's outline that had been distributed to governors. A consultation process was currently underway.

The University was supporting the devolution of training funds from the provincial government to the provincial jurisdiction because in part such an approach would increase the fiscal capacity of the province towards the post-secondary education system.

99-09-06 Report of the President (cont'd)**(g) Provincial Government Relations**

The main priority in this portfolio was to obtain new investments in the post-secondary education system. Funding priorities included:

- increased operating funds for universities and colleges in support of increased demand during the next eight years;
- increased provincial support for research;
- increased support for building capacity of the university and college system;
- allocation of funds from the provincial government's "Superbuild Fund" in support of:
 - Centre for Information Technology;
 - Health Sciences Complex (including library);
 - UofT at Scarborough;
 - UofT at Mississauga;
 - Department of Psychology; and
- increased student financial aid.

The President had met twice with the Minister and had met repeatedly with Ministry officials on the above. The Ministry was re-establishing its University Capacity Working Group, which had been a principal forum for discussion. At the invitation of the Ministry, the President would serve on this group.

The Report of the Provincial Auditor on the work of the former Ministry for Education and Training was expected to contain a critical comment on the relationship between the Ministry and the university sector and the perceived lack of accountability in this relationship. Also expected was a recommendation for tighter controls with respect to the allocation of university funding.

(h) Municipal Relations

The University continued to work with the City of Toronto on the following matters:

- Campus Master Plan (concern had been expressed by the City about its relationship with the Plan. The President and the Vice-President, Administration and Human Resources, had since had a very good session with senior City staff and the President believed the matter was now back on track);
- Centre for Information Technology; and
- Student housing (the City had provided a commitment to work with the University to find extra sites on campus for student housing, including the possibility of increased density. A joint task force would be formed to examine the matter further).

(i) Academic Planning

The University continued with its academic planning, which included the following initiatives:

- the implementation of the planning process arising from "Raising Our Sights";
- recommendations to the Planning and Budget Committee in support of divisional plan initiatives;

99-09-06 Report of the President (cont'd)

- refining and implementing the following University capital projects:
 - additions to the Chemistry building;
 - Centre for Information Technology;
 - Centre for Cellular and Biomolecular Research;
- planning and building new residences to accommodate 2500 new beds (Professor John Browne had been appointed Director, Residence Development); and
- evaluating and planning for growth in undergraduate, graduate and professional programs during the next decade.

(j) Research

The University was actively engaged in the following:

- lobbying the federal and provincial governments for increased funding;
- preparing for the next rounds of the provincial Ontario Research and Development Challenge Fund and the federal Canada Foundation for Innovation;
- implementing the first round successes;
- harmonizing research policy with the teaching hospitals; and
- developing a plan for the future of the Innovations Foundation.

(k) Campaign

The University continued to enjoy success in its Campaign. The Campaign goal had been raised to \$575 million and commitments in excess of \$500 million had been received to date. The administration would continue to pursue the Campaign goal in the next two years. Matching funds within the University to encourage giving for chairs and scholarships had been exhausted due to the significant interest to date. The University would seek to identify new sources of matching funds or seek assistance from the provincial matching program (e.g. Ontario Student Opportunity Trust Fund).

(l) Human Resources Administration

Within this portfolio, the administration would pursue the following objectives:

- negotiation of a first collective agreement with the United Steelworkers of America (Professor Finlayson was leading the administrative team on this file. The Chairman had brought to the President's attention her concern that the administration pay particular attention to this file during the course of the year. The President would endeavour to report on this matter at each meeting of the Governing Council.);
- respond to the major review of operations and services, chaired by Professor Ron Venter;
- implementation of the Open Space Plan which had been unanimously approved by Council the previous year; and
- ensuring Y2K preparedness.

99-09-06 Report of the President (cont'd)**(m) Finance**

The major issue within this portfolio would be a proposal for the full restructuring of the University's investment management with an aim to increasing the rate of return on the University's pension and endowment funds (currently in excess of \$3 billion). The Business Board had undertaken a preliminary discussion of the matter and a proposal would be brought forward to the next cycle of governance.

Other priorities included the new configuration of the Toronto District Heating Corporation and a review of the principal operations of the UofT Press Incorporated.

(n) CIUT Radio Station

The future of the University's radio station had received a great deal of campus media attention in recent weeks. Professor Ian Orchard had responsibility for this file, with assistance from Mr. Jim Delaney and Ms Stacey Young. This administrative team was working closely with Mr. Matt Lenner, President of the Students' Administrative Council, who was doing an excellent job to ensure the future success of the station.

(o) Equity Offices

The annual reports of the University's equity offices had been reviewed by the President and senior members of the administration and would be reviewed by the University Affairs Board at its September 29 meeting. The President noted that he was extremely impressed by the work of the equity officers.

(p) Honourary Degrees

The President urged members of Council to forward nominations to the Committee for Honourary Degrees.

Discussion ensued on the following matters.

Capital Projects. A member asked if the administration would review the way in which construction contracts were secured and managed given that four capital projects were currently behind schedule. The President and Professor Finlayson agreed that the University should assess this matter, particularly with respect to new student housing projects.

Double Cohort. Several members asked about University plans for dealing with the "double cohort". The President explained that the plans had not yet been developed as the provincial government had not yet prepared its own plan to respond to the double cohort nor for the significant growth in University enrolment until 2010 anticipated as a result of a demographic boom. The University did not wish to contemplate plans for growth unless there were adequate resources to sustain the expansion. A requirement of any growth would be to ensure that the quality of education available to students was not compromised.

During the discussion, the Chairman of the Academic Board urged that the Academic Board be consulted as the administration considered any plans for growth. The President agreed that full debate must occur before a final decision was made.

Location for Centre for Information Technology. A member expressed concern that there had been inadequate consultation concerning the location for the new Centre, which would displace the Varsity newspaper, currently located at 44 St. George Street. The President

99-09-06 Report of the President (cont'd)

responded that the Users' Committee Report for the Centre for Information Technology would be brought to the Planning and Budget Committee in the near future. The Centre was a key priority in the recently approved Capital Plan. It was to be located on the site of a parking lot to the north of the Fields Institute for Research in Mathematical Sciences, north of College Street and west of St. George Street. Approval of funds for the design phase under summer executive authority had been required to enable work to proceed in order to complete the building by the start of classes in September 2001 - a condition of a government grant. It was the University's intention to attempt to incorporate the existing historically significant structure at 44 St. George Street into the new building.

The member asked for a commitment that the Varsity be relocated to a prominent location, in the centre of campus. The President responded that he could not provide such a commitment; however appropriate arrangements would be worked out with the Varsity.

Letter re Apotex. A member commended the President for his admission of error in this matter. To avoid this type of issue in future, he urged that the University avoid relationships with corporations, which he believed alienated the public and put the University's reputation at risk. This was a requirement of the University's academic integrity and its ability to maintain neutrality on issues outside its mandate.

The President noted that he was grateful to the member for his understanding; however, he did not share the view that the University should avoid accepting funds from corporate supporters. He believed the University should continue to accept these donations according to terms and conditions consistent with the University's academic mission. Guidelines had been developed for this purpose. He continued that private-sector funding was a requirement of recent provincial and federal matching programs. Finally, the President agreed that the University should maintain its long-standing position of not taking a public position except when the issue was integral to the University and its cause.

Investments. A member requested an account of the University's investments in Myanmar (formerly called Burma) and East Timor.

The President undertook to look into the matter, noting that it might not be possible to provide such an accounting. He noted that there was provision within the University's Policy on Social and Political Aspect of University Investments for review of specific investment or class of investments. He would review the matter and in so doing seek guidance from the Chairman. Dr. Dimond added that he would be happy to provide the member with a copy of the Policy referred to by the President, should the member wish.

Space for Student Activities. A member urged that as the University constructed new buildings, it consider the provision of space for student activities. He noted that there was an interim arrangement for multi-faith observances currently in place at New College. Had a new permanent location been determined?

The President recalled that the Task Force on Student Activity Space had released its final report in February 1999. Included in its recommendations was a high priority on securing a permanent space for the multi-faith observances. The administration would do its best to implement the recommendation and would do so in partnership with student governments.

99-09-07 Reports for Information

Members received the following Reports for information:

- Report Number 99 of the Business Board - June 17, 1999
- Report Number 316 of the Executive Committee - June 24, 1999
- Report Number 317 of the Executive Committee - September 7, 1999

99-09-08 Date of Next Meeting

The Chairman reminded members that the next meeting of the Governing Council was scheduled for Thursday, November 4, 1999 at 4:30 p.m.

99-09-09 Other Business

(a) Report on the Presidential Search Committee

The Chairman reported that the Committee had been working since March of this year and was committed to making its recommendation to the Governing Council by December. Over the past several weeks, the Committee had consulted widely – both within the University and beyond. These consultations had served to assist the Committee in developing a position profile against which it would assess candidates. In addition, the consultation process had allowed the Committee to identify particular issues/directions for the new President. In mid-June the Committee had initiated the process of obtaining nominations and applications. It was now considering a list of names with the goal of establishing a short list in the very near future. The Committee had prepared a report on its activities, copies of which would be distributed at the conclusion of the meeting.

(b) Student Concerns

A member raised the following four issues.

- Tuition fees were unbearable and were alienating students. He asked that governors be kept informed of this issue and that the student governments be invited to report to Council on the impact of tuition fees on students.
- Housing was a growing concern on campus, as was the issue of homelessness.
- Students were concerned about the level of access to student records under the new record-keeping system, ROSI. Specifically, students were not able to check and audit who had obtained access to their files.
- The member stressed his continued concern about accessibility for disabled students.

The Chairman noted that a motion would be required to extend the time of adjournment.

On motion duly moved and seconded,

It was RESOLVED

THAT the time of adjournment be extended to 7:15 p.m.

99-09-09 Other Business (cont'd)**(c) University of Toronto Dimond Award for Governance**

The Chairman noted that the final item of business was an exceptionally important “Thank You”. After eighteen years, this meeting was Jack Dimond’s last as Secretary of the Governing Council.

Having served with exemplary distinction and dedication since 1981, Jack was the longest serving Secretary in the history of the University. During that time, he had earned the respect of governors, faculty, staff and students of the University, as well as of his peers in institutions across North America.

In the recent review of the Secretariat, the Review Committee heard why he had earned that respect and the appreciation of so many people:

- he was the consummate Secretary – he had consistently demonstrated integrity, professionalism, diplomacy, a wealth of knowledge about the University’s history and current operations, a recognition of the importance of student and employee groups and, very importantly, a sense of humour;
- he was always available and approachable. He made the process of governance formal, but not daunting or intimidating;
- he left behind a history, tradition and infrastructure which served the University governance with quiet efficiency – it was a model which could be studied profitably by other institutions.
- Jack’s influence on university governance was remarkable: he was seen as the “Dean of university secretaries in Canada”. He was also a longstanding executive member of the group of university secretaries of the Association of American Universities. Further, he had always approached the role of Secretary in a scholarly way – publishing and speaking on governance in various higher education fora.
- Jack had indeed served with exceptional distinction, bringing objectivity, fairness and wise judgement, not only to the Governing Council’s deliberations, but also to the enhancement of university governance in a much broader context.

The Chairman continued that the University’s system of governance had won the acceptance, even the respect, of all the constituencies in the University. It was not ever thus. This acceptance, this respect, had been the outcome of the major reform of governance in 1988, which saw the establishment of a strong Academic Board as the legitimate authority for academic decisions and resource allocation. As well, it led to the establishment of a strong Business Board and a strong University Affairs Board. Jack had played a key role in that signal achievement – along with others, many of whom are here to honour Jack today: Mr. St. Clair Balfour, Ms Joan Randall, Professor George Connell, Professor Roger Beck, Mr. Kendal Cork, and Mr. Brian Burchell.

In honour of this occasion – Jack’s last meeting of Governing Council – and to recognize the tremendous contributions that Jack had made, the Chairman noted that she was pleased to announce the creation of the University of Toronto Dimond Award for Governance. The Award would be given from time to time to individuals upon the completion of their term of service and was to recognize exceptional contributions to governance at the University of Toronto. The first recipient was Jack – for his exemplary work as Secretary of the Governing Council from 1981 to 1999. The plaque would be completed shortly and would be hung in the Council Chamber.

99-09-09 Other Business (cont'd)

(c) University of Toronto Dimond Award for Governance (cont'd)

The Chairman, joined by Council, expressed her gratitude to Jack for having set a standard of excellence not only for the role of Secretary, but also for university governance. The University was a better place as a result of his work and dedication.

Dr. Dimond expressed his gratitude to members of Council and the former members who had attended this meeting in his honour. He said that governance was the exercise of a trust, and the job of governors was to pass on the University to the generations to come. At the University of Toronto, the vehicle for this trust was the Governing Council. It was a body that had had significant success and was still evolving. It had been an honour for him to have served the governors who had held this responsibility over the years. He also thanked the staff of the Governing Council Secretariat, with whom he had worked throughout his tenure and without whom he could not have done his job.

The meeting adjourned at 7:15 p.m.

Secretary

Chairman

October 12, 1999