

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 141 OF THE UNIVERSITY AFFAIRS BOARD

April 17, 2007

To the Governing Council,
University of Toronto.

Your Board reports that it met for a Special Meeting on Tuesday, April 17, 2007 at 4:30 p.m. in the Council Chamber, Simcoe Hall, with the following members present:

Dr. Claude Davis, In the Chair
Ms B. Elizabeth Vosburgh, Vice-Chair
Professor David Farrar, Deputy Provost
and Vice-Provost, Students
Ms Anne E. MacDonald,
Director, Ancillary Services
Ms Diana A.R. Alli
Miss Coralie D'Souza
Mr. Robin Goodfellow
Professor William Gough
Ms Margaret Hancock
Mr. Richard Hydal
Professor Bruce Kidd
Mr. Josh Koziebrocki
Mr. Steven Kraft
Mr. Chris McGrath
Mr. Faraz Rahim Siddiqui

Professor John Wedge

Non-Voting Assessors:

Ms Susan Addario, Director, Student Affairs
Mr. Louis R. Charpentier, Secretary of the
Governing Council
Mr. Jim Delaney, Associate Director and
Senior Policy Advisor, Student Affairs
Mr. Tom Nowers, Assistant Principal, Students,
University of Toronto at Scarborough
Ms Elizabeth Sisam, Assistant Vice-President,
Campus and Facilities Planning

Secretariat:

Mr. Neil Dobbs
Mr. Henry Mulhall

Regrets:

Professor Varouj Aivazian
Ms Simona Chiose
Ms Rae Johnson
Ms. Melanie Tharamangalam
Ms. Johanna L. Weststar

In Attendance:

Ms Oriel Varga, Past Member of the Governing Council; Administrative Assistant, Association of
Part-time Undergraduate Students (APUS)
Mr. Vilko Zbogor, Past Member of the Governing Council; Associate Lawyer, Klippensteins Barristers
and Solicitors
Ms Andréa Armbrorst, Chair, Council on Student Services (COSS)
Mr. David Bateman, Vice-President, Internal, Graduate Students' Union (GSU)
Ms Sheree Drummond, Assistant Provost
Ms Anne Lewis, Manager, Student Accounts, Department of Financial Services
Mr. Jeff Peters, Vice-President, Internal, APUS

In Attendance: (cont'd)

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Mr. Adam Pomper, Co-Chair, Council of Athletics and Recreation (CAR)

Mr. Terry Rubenstein, Manager, Financial Services and IT, Faculty of Physical Education and Health (FPEH)

Ms Mae-Yu Tan, Special Projects Officer, Office of the Governing Council

THIS ITEM IS REPORTED TO THE GOVERNING COUNCIL FOR INFORMATION.

1. Operating Plans: Student Services, St. George Campus

**Faculty of Physical Education and Health Co-Curricular Programs, Services and Facilities
– Supplementary Operating Plan**

Professor Farrar stated that it had been agreed at the March 13, 2007 meeting of the Board that a Special Meeting of the Board would be held to consider any supplementary operating plan that might arise as the result of further discussion and approval by the Council on Student Services (COSS). COSS had met on April 5, 2007 and had approved the 2007-08 supplementary operating plans and budget for the Faculty of Physical Education and Health (FPEH) co-curricular programs and services that were now before the Board for its consideration.

Professor Kidd stated that the supplementary plans and budget would allow FPEH to operate the Varsity Centre as originally intended for the next fiscal and academic year, that is with the full planned student use of the facility. This would address the significant student demand for field sport programs that currently existed. The supplementary plans were, in fact, even better than those originally proposed and subsequently not approved by COSS, in that there would be no user fees for use of the facility by intramural teams, or for the playing of golf. Discussions with the Students' Administrative Council (SAC) following the previous Board meeting on March 13, 2007 had resulted in a fair and beneficial compromise outcome. The additional \$9.00 per term student fee had been agreed upon for one year; following that SAC would hold a plebiscite on the question of whether it should be continued beyond the first year. This compromise had addressed both the concerns of SAC regarding the need to canvas student opinion on the issue widely, as well as those of students who wanted full student access to the Varsity Centre facilities. Professor Kidd thanked the Board for having agreed to the Special Meeting for the consideration of the supplementary plans and budget, and he urged that they be approved.

A member asked how the supplementary plans and budget differed from the original proposal defeated by COSS, and from that approved by the Board on March 13, 2007. Professor Kidd responded that the original budget had contained two proposed fee increases, one to recapture inflationary increases as well as a \$10.00 per full-time student per term fee to cover the operating costs of the Varsity Centre. He noted that these operating costs were the responsibility of FPEH rather than the Department of Facilities and Services. The student fee had originally been proposed by the Project Planning Committee for the Varsity Centre in 2005. When COSS had not approved this original budget, it was recast to recover the University of Toronto Index (UTI) and the Consumer Price Index (CPI) increases, and this revised budget had been approved by the Board on March 13, 2007. Discussions had subsequently continued with student leaders with the goal of maintaining the full student use of the facility as originally intended. The original budget considered, but not approved by COSS had contained user fees, but the supplementary plan and budget that was agreed upon contained no user fees and a \$9.00 per full-time student per term fee. The end result was thus an improved budget that restored the tri-campus athletics programs and would allow the full planned student use of the facility.

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The Chair invited Mr. David Bateman, Vice-President, Internal, of the Graduate Students' Union (GSU) to address the Board. He stated that he was surprised and shocked that the Board was holding a Special Meeting because COSS had to approve any operating plans before they could come to the Board for consideration. A COSS meeting had been scheduled for April 5, 2007, but it was his view that the required quorum had not been achieved, and so no meeting had been held. The required quorum was 6 student members, but, according to Mr. Bateman, only 5 had arrived at the meeting. The Chair of COSS had then stepped down to take the place of a SAC member who had not arrived. COSS had then appointed a replacement Chair, in his view without the authority to do so, and had voted to approve the FPEH supplementary plans and budget. However, this had not been a properly constituted meeting of COSS, so the Board could not consider the supplementary plans and budget that were before it. The last official COSS meeting had been held on March 2, 2007, and the FPEH operating plans and budget had been defeated at that time. Further, the Council of Athletics and Recreation (CAR) had not approved the supplementary plans and budget that were before the Board.

The Chair invited Mr. Jeff Peters, a representative of the Association of Part-time Undergraduate Students (APUS) on COSS, to address the Board. It was also his view that a duly constituted COSS meeting had not been held to approve the FPEH budget. The meeting on April 5, 2007 had been illegitimate for the reasons detailed in the letter from Mr. Vilko Zbogor, the legal counsel for APUS and the GSU, to the Chair of the Board. (Secretary's Note: This letter was received by the Office of the Governing Council just prior to the beginning of the meeting, and copies were provided to members at the meeting). The reasons outlined in the letter included the following: there had not been the required quorum to hold a meeting; the COSS Chair is a non-voting member of the Council; only the University Affairs Board has the authority to appoint the COSS Chair; and, the Board had not appointed Mr. Robin Goodfellow as COSS Chair. Mr. Peters stated that the Board did not have the jurisdiction to consider the item before it because it had not first been approved at a legitimate meeting of COSS. He noted that the APUS representative had not attended the April 5, 2007 COSS meeting after the APUS Executive had approved two motions at its April 3, 2007 meeting which rejected attempts by the University's administration to schedule another COSS meeting for consideration of operating plans which had already been rejected by students. The APUS representative had already rejected the FPEH budget, and had been supported in this decision by APUS members at its Annual General Meeting on March 15, 2007. At the APUS AGM, members had also reaffirmed the importance of the COSS process and had opposed fee increases instituted under the COSS Protocol.

The Chair invited Mr. Adam Pomper, Co-chair of the Council of Athletics and Recreation (CAR) to address the Board. He thanked the Board for agreeing to consider the supplementary budget from FPEH. Fortunately, discussions with SAC had been cooperative, and the compromise that had been reached would benefit all students, especially the nearly 10,000 students involved in intramural sports. The budget approved by COSS on April 5, 2007 was an improvement over the original budget in that it restored the full planned student use of the Varsity Centre, and contained no user fees for golf or intramurals. He noted that the supplementary plans and budget had also been approved by the Executive of CAR.

Professor Farrar responded to a number of the statements made by the guest speakers. He stated that he had not originally been in favour of holding a special meeting of the Board, given that its schedule was

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finalized at least a year in advance. After consultation with the Secretary of the Governing Council, he had agreed to the feasibility of a Special Meeting to be held in time to allow the Department of Financial Services to begin collecting any newly approved fees for the summer session. At its meeting of March 13, 2007, the Board had agreed to the Special Meeting to consider any supplementary operating plan(s) for one or more student services that might be made possible as the result of further discussion and approval by COSS. With respect to the COSS meeting of April 5, 2007, it was his understanding that this had been a legitimate meeting. The COSS Chair had temporarily stepped down from the chair and had then been appointed a voting member of COSS by the SAC Executive, thereby fulfilling the quorum requirements. Mr. Robin Goodfellow had been asked by COSS to chair the meeting, and there had been no objection to his having done so. Professor Farrar asked the Secretary of the Governing Council to comment on the procedural aspects of what had occurred. Mr. Charpentier responded that any body operating under *Bourinot's Rules of Order* had the authority on a temporary basis to appoint a temporary chair. Professor Farrar asked Professor Kidd to respond to the statement that the FPEH supplementary operating plans and budget had not been approved by CAR. Professor Kidd stated that the CAR Executive had approved the supplementary operating plans and budget, and that, under the FPEH Constitution, he, as Dean of the Faculty also had the authority to approve budgets if the Faculty Council or CAR was not able to meet.

The Chair asked for a clarification of the quorum requirements for a COSS meeting. Professor Farrar responded that 6 student members were required for quorum, and his understanding was that quorum had been achieved on April 5, 2007 when the COSS Chair had stepped down and been appointed a member of COSS. Mr. Delaney added that, to the best of his knowledge, SAC's appointment of a replacement member had been legitimate. Ms Armbrorst stated that 6 of the 7 members of the SAC Executive had appointed her as a voting member of COSS.

Mr. Peters noted that at the February 2, 2007 COSS meeting, APUS had substituted Mr. Terry Buckland for Ms Murphy-Browne as its representative on COSS, but the University administration had refused to recognize Mr. Buckland's appointment. Why would it then recognize the appointment of a substitute member by SAC at the April 5, 2007 COSS meeting? Mr. Delaney responded that the COSS Secretariat had still been the responsibility of the Office of Student Affairs at the February 2, 2007 meeting. The APUS request to appoint a substitute member had been communicated to the Secretariat during a vote, and so had not been allowed on procedural grounds.

The Chair stated that a number of procedural issues had been raised in discussion and that responses to questions had been provided by members of the University administration and others. He asked the Board to indicate, by a show of hands, whether it was prepared to proceed to a vote on the substantive motion on the floor on the basis that the COSS approval of the FPEH supplementary operating plans and budget on April 5, 2007 had been legitimate. The Board did so unanimously, and then proceeded to the vote.

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On the recommendation of the Deputy Provost and Vice-Provost, Students,

YOUR BOARD APPROVED

THAT the 2007-08 supplementary operating plans and budget for the Faculty of Physical Education and Health: Co-curricular Programs and Services, as presented in the attached documentation from Professor Bruce Kidd, Dean, be approved; and

THAT the sessional Athletics & Recreation fee for a full-time student on the St. George campus be increased to \$123.52 (\$24.70 for a part-time student), which represents a temporary one year increase (compared to 2006-07) of 8.6%.

The meeting adjourned at 5:10 p.m.

Secretary

Chair

April 25, 2007