

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 160 OF
THE UNIVERSITY AFFAIRS BOARD

November 2, 2010

To the Governing Council,
University of Toronto.

Your Board reports that it met on Tuesday, November 2, 2010 at 4:30 p.m. in the Council Chamber, Simcoe Hall, with the following members present:

Ms B. Elizabeth Vosburgh, In the Chair
Mr. John Switzer, Vice-Chair
Professor Jill Matus, Vice-Provost, Students
Ms Lucy Fromowitz, Assistant Vice-President,
Student Life
Ms Diana A.R. Alli
Dr. Louise Cowin
Mr. Andrew O.P. Drummond
Ms Joeita Gupta
Mr. Arman Hamidian
Professor Ira Jacobs
Mr. Chris McGrath
Mr. Samuel Oduneye
Professor Elizabeth M. Smyth
Mrs. Rachel Trozzolo
Ms Rita Tsang
Ms Neeharika Tummala
Dr. Sarita Verma

Non-Voting Assessors:

Mr. Louis R. Charpentier, Secretary of the
Governing Council
Mr. Jim Delaney, Director, Office of the Vice-
Provost, Students
Mr. Mark Overton, Dean of Student Affairs,
University of Toronto Mississauga (UTM)
Mr. Desmond Pouyat, Dean of Student Affairs,
University of Toronto at Scarborough (UTSC)

Secretariat:

Mr. Henry Mulhall (Secretary)

Regrets:

Ms Natalie Melton
Miss Meera Rai
Miss Melvin Sert
Miss Priatharsini Sivananthajothy

In Attendance:

Professor William Gough, Member of the Governing Council, and Chair, Elections Committee
Ms Andrea Carter, Employment Equity Officer and AODA (*Accessibility for Ontarians With Disabilities Act*) Advisor, Office of the Vice-President, Human Resources and Equity
Ms Joan Griffin, Office of the Vice-Provost, Students
Mr. Anwar Kazimi, Committee Secretary and Chief Returning Officer, Office of the Governing Council
Ms Mae-Yu Tan, Assistant Secretary of the Governing Council

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ALL ITEMS ARE REPORTED FOR INFORMATION.

The Chair noted that Mr. John Stewart had recently resigned from the Governing Council, and that the Council, at its meeting on October 28, 2010 had appointed Mr. John Switzer as Vice-Chair of the University Affairs Board for a term from October 29, 2010 to June 30, 2011. The Chair also congratulated Professor Matus, the Senior Assessor to the Board, who had recently been elected a Fellow of the Royal Society of Canada in recognition of her scholarly contributions to the field of English Literature.

1. Report of the Previous Meeting

Report Number 159 (September 28, 2010) 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. Election Guidelines 2011

The Chair noted that each year the revised *Election Guidelines* were recommended for approval to the Board by the Elections Committee, its standing committee. While major revisions required Governing Council approval, minor editorial or updating amendments, as were being proposed for 2011, were approved by the Board itself.

Professor Gough, Chair of the Elections Committee, noted that one of the main responsibilities of the Elections Committee was to review annually the elections process used for elections to the Governing Council and the Academic Board. It carefully considered the *Election Guidelines* and determined whether any revisions were needed. He highlighted a number of revisions that were being proposed.

Campaign Period (page 17)

In reviewing the dates of the election period for 2011, the Committee had determined that it would be appropriate to continue to hold a three-week campaign period. The previous year, the campaign period had been reduced from five to three weeks, based on feedback provided by a number of candidates, particularly students. Feedback had again been sought following the close of the 2010 election period. In general, candidates had reported that they preferred a three-week campaign period rather than a longer period, and so this had been maintained for 2011.

Commitment Regarding Individuals with Disabilities (pages 18-19)

The previous year a section addressing a commitment to individuals with disabilities had been added to the *Guidelines*. For 2011, that section had been updated, incorporating information from a document entitled *Procedures for Governors, Board and Committee Members, and Candidates for Election who are Requesting Accommodation for Disabilities*. Individuals from any constituency who wished to participate in a Governing Council or Academic Board election, and who required accommodation during an election process, would be asked to submit an Accommodation Confirmation letter to the Office of the Governing Council. That letter, which would be prepared following consultation with one of the University's Health and Well-being Programs and Services (for faculty and staff) or Accessibility Services Offices (for students), would confirm an appropriate accommodation plan, and would assist the Chief Returning Officer (CRO) in working with the candidate to meet his or her needs during the election process.

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3. *Election Guidelines 2011* (cont'd)

Removal of Administrative Staff Section

Since no election for an administrative staff member of the Governing Council was required in 2011, the section outlining election procedures for the administrative staff constituency had been removed from the 2011 *Guidelines*.

Teaching Staff Constituency (pages 20-22)

The definition of “Teaching Staff” had been expanded to include individuals holding the rank of “Sessional Lecturer III”, allowing such individuals to participate in Governing Council and Academic Board elections. The Sessional Lecturer III rank had been recently created, and was defined in the current collective agreement between the Governing Council and the Canadian Union of Public Employees (CUPE Local 3902 Unit 3). Another proposed change affected the Faculty of Arts and Science teaching staff constituencies 1A, 1B, and 1C. These constituencies, roughly grouped into academic units within the Humanities, Social Sciences, and Sciences fields, had been expanded to include teaching staff with a major appointment in a Faculty of Arts and Science inter-disciplinary unit or College. These categories, which in total represented less than 100 teaching staff, had previously been inadvertently omitted from the *Guidelines*.

Election Expenses (pages 36, 59, and 80)

The Elections Committee had discussed the matter of the reimbursement of candidates’ election expenses. Candidates were required to submit receipts for all of their election expenses to the CRO, and those receipts were kept on file in case an internal audit of expenses was conducted by the University. It was noted that the campaign period always began after the date of the announcement of candidates. For example, in 2011 the candidates would be announced on Thursday, January 27, 2011, and the campaign period would run from Thursday, February 17 to Friday, March 11, 2011. Once their candidacy had been confirmed, some candidates preferred to prepare their campaign materials well in advance of the beginning of the campaign period, and wished to be reimbursed for the related expenses. After considering various options, the Elections Committee had recommended that candidates should be permitted to incur election expenses as of the date of the announcement of candidates.

Campaign Violations (page 83)

Each year, the Elections Committee devoted much time to the consideration of complaints concerning campaign violations, many of which stemmed from the improper use of campaign posters. The Committee had discussed the importance of encouraging candidates to conduct honourable campaigns. To that end, the 2011 *Guidelines* had been revised to read:

- (a) Candidates and their associated parties are expected to conduct honourable Campaigns in accordance with the rules of fair play and are expected to strive to focus on matters concerning the governance and best interests of the University during their Campaigns:
 - (i) Fair play includes, but is not limited to, behaving in accordance with generally accepted community standards, being respectful of other candidates and their Campaigns and representing facts accurately.

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- (ii) Candidates should seek the advice and directions of the CRO on disputes about interpretations of fair play in the context of the University elections process.
- (iii) Candidates are encouraged to seek resolution of disputes over campaign Guidelines through informal processes before having recourse to formal allegations of violations.

As well, examples of serious violations provided in the *Guidelines* were broadened to include violations of the rules of fair play, rather than referring specifically to violations of regulations concerning posters and information technology. Recognizing, however, that many candidates continued to rely on the use of paper copies of campaign materials, procedures outlining the use of posters on each of the St. George, University of Toronto at Scarborough, and University of Toronto Mississauga campuses were added to the *Guidelines* for ease of use. It was the hope of the Committee that future elections would have a greater focus on issues of University governance rather than less relevant matters.

The Chair added that, due to an oversight, a minor amendment to the motion as it appeared on the agenda was required. As the Chair of the Elections Committee had indicated, the new rank of Sessional Lecturer III was to be included in the definition of Teaching Staff in the *Election Guidelines 2011*. However, it was also necessary that the Governing Council designate the rank of Sessional Lecturer III as an academic rank, so that it could be included in the definition of “teaching staff” found in the *University of Toronto Act, 1971*. A proposal to do so would be introduced at the Academic Board meeting on November 25, 2010, and then be considered by the Governing Council at its meeting on December 16, 2010. The Chair proposed, and the Board agreed, that the *Election Guidelines* be approved subject to Governing Council’s subsequent approval of the designation of this rank. The motion was amended to this effect.

A member expressed a number of concerns regarding the proposed *Guidelines* that she had previously communicated to the Elections Committee. In her view, Section 6 – Commitment Regarding Individuals with Disabilities, would discourage individuals with disabilities from becoming candidates. The requirement to secure an Accommodation Confirmation letter, following consultation with one of the University’s Health and Well-being Programs and Services or Accessibility Services Offices, was excessively onerous and bureaucratic. It would require the candidate to provide an outline of planned campaign activities, a requirement that did not apply to candidates who were not seeking accommodation. Rather than facilitating the provision of appropriate accommodation for individuals with disabilities, Section 6 would, in the member’s opinion, deter such individuals from becoming candidates. This would in turn limit diversity among members of the Governing Council and Academic Board. The member also expressed concern regarding the practice of limiting the number of hours per week for which a candidate with a disability would be reimbursed for the costs of an attendant required for campaigning. The imposition of an upper limit or cap on the number of campaigning hours, that applied to all candidates, would be acceptable, but a cap that applied only to candidates with disabilities was discriminatory. In her view, it was contrary to affirmative action, and it implied that individuals with disabilities needed to be monitored to ensure that they did not abuse the resources that were made available to them.

The Chair of the Elections Committee noted that the member had attended the September 29, 2010 meeting of the Committee during which the *Election Guidelines* had been under consideration, and her valuable input had been taken into account. The member had correctly identified the need for accountability and fairness for all candidates as the rationale for the requirement that candidates seeking accommodation should consult with one of the Accessibility Offices. The *Guidelines* were revised

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annually, and in his view had been much improved during the previous two years, through the inclusion of language which had not existed previously regarding the provision of accommodation. It was the view of the Elections Committee that the proposed *Guidelines* were as fair as was currently possible.

The Secretary of the Governing Council clarified that the *Procedures for Governors, Board and Committee Members, and Candidates for Election who are Requesting Accommodation for Disabilities* had been created by the Office of the Governing Council in consultation with the University Ombudsperson, and the Employment Equity Officer and AODA (*Accessibility for Ontarians With Disabilities Act*) Advisor. It was an evolving document that had been informed by a number of years of experience in providing accommodation, as well as consultation, and that would continue to be improved over time. It was compliant with both relevant legislation and other University procedures.

Mr. Charpentier further clarified that the upper limit or cap was intended to be a guide to estimate the number of hours of attendant services for which reimbursement would be required. It had been informed by the experience of the CRO regarding the number of hours that were typically available for campaigning in light of candidates' ordinary academic or other responsibilities. It was reasonable to expect some degree of predictability regarding the resources that would be needed for reimbursement in order to budget appropriately. In response to a question regarding the consequences if a candidate were to exceed the limit, Mr. Charpentier stated that the CRO could take into consideration particular circumstances and could assess whether adjustment of the limit was necessary. The intention was that all candidates would have the same opportunity to campaign. The AODA Advisor added that the determination of the limit had been informed by the provisions of the *Ontario Human Rights Code* and was based on the notion of what was reasonable given the task at hand.

Mr. Kazimi outlined some of the factors that he had taken into consideration in determining the upper limit for reimbursement of 28 hours per week. These had included his previous experience as a financial aid counselor and the University's Work-Study coordinator (where a 12-hour per week limit was in place), knowledge gained from academic studies that indicated that 15-19 hours per week of activity beyond academic pursuits was appropriate, as well as the definition of what was reasonable. In response to a question, he clarified that the 28-hour per week limit applied to the reimbursement for provision of accommodation rather than to campaigning.

A member expressed her strong support for the *Guidelines*. She disagreed with the negative assessment of the document's provisions regarding accommodation for individuals with disabilities that had been expressed by the previous member, and stated her own view that tremendous progress had been made in addressing this issue. The member personally resented the tone used by the previous member in addressing the Board regarding its role and responsibilities. Finally, she requested that a report be provided to the Board, following the conclusion of the 2011 Election Process, that would outline the number of hours of attendant services that had been requested by candidates requiring accommodation, the number of hours that had subsequently been required by those candidates, and the number for which reimbursement for costs had been provided. This would provide evidence to the Board by which it could assess the need for accommodation, and whether that need had been adequately met.

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3. Election Guidelines 2011 (cont'd)

On a motion duly moved, seconded, and carried,

YOUR BOARD APPROVED

The [Election Guidelines 2011](#), subject to Governing Council approval on December 16, 2010 that the rank of Sessional Lecturer III be designated as an academic rank for the purposes of clause 1. (1) (m) of the *University of Toronto Act, 1971*.

4. Report of the Elections Committee

Members received for information Report Number 62 (September 29, 2010) of the Elections Committee.

5. Report of the Senior Assessor

Professor Matus noted that she had intended to provide a progress report to the Board on the ongoing process to update the *Code of Student Conduct*. She regretted that the report was not yet available as the result of both a very high volume of policy work currently being underway in the Office of the Vice-Provost, Students, as well as the fact that the Office's staff complement was temporarily reduced. She would undertake to prepare the progress report in time for the Board's next meeting.

A member asked for a status report on the process to update the *Policy on the Recognition of Campus Groups*. Mr. Delaney responded that most of the individuals who would be involved in the process had been identified, but that discussions had not yet begun. The Vice-Chair noted that there seemed to be an expectation that consultation with students would occur as part of the process to review or update policies. He asked if such consultation occurred on a consistent basis, or only selectively. Professor Matus responded that it was standard practice during policy review and update processes to attempt to consult with students as well as with other interested stakeholders. A member asked whether or not investigations under the *Code of Student Conduct* were ongoing for two individuals who had been involved in a protest at Simcoe Hall in March 2008. Professor Matus noted that such investigations were not carried out by the Office of the Vice-Provost, Students, but rather were handled at the divisional level. She would make enquiries and report back to the member.

6. Date of the Next Meeting

The Chair informed members that the next regular meeting of the Board was scheduled for Tuesday, February 1, 2011 at 4:30 p.m.

7. Other Business

There was no other business.

On a motion duly moved, seconded, and carried,

The Board moved *in camera*.

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In Camera Session

11. Service Ancillaries Review Group: Appointment of University Affairs Board Members

On a motion duly moved, seconded, and carried,

YOUR BOARD APPROVED

THAT the following be appointed to the Service Ancillaries Review Group for 2010-11:

Ms Joeita Gupta
Mr. Arman Hamidian
Mr. Chris McGrath

12. Striking Committee: Appointment for 2010-11

On a motion duly moved, seconded, and carried,

YOUR BOARD APPROVED

THAT the following be appointed to the University Affairs Board Striking Committee for 2010-11:

Ms Elizabeth Vosburgh (Chair, *ex officio*)
Ms Diana Alli (administrative staff)
Mr. Samuel Oduneye (student)
Professor Elizabeth Smyth (teaching staff)
Mr. John Switzer (alumni)
Ms Rita Tsang (Lieutenant Governor in Council appointee)

On a motion duly moved, seconded, and carried,

The Board returned to open session.

The meeting adjourned at 5:20 p.m.

Secretary

Chair

November 5, 2010