



TO: Members of the Academic Board

SPONSOR: Louis Charpentier, Secretary of the Governing Council

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DATE: November 2, 2011 for November 17, 2011

AGENDA ITEM: 7

TITLE OF ITEM OF BUSINESS: Constitutional Amendments: University of Toronto
Mississauga

ACTION:
For Approval

JURISDICTIONAL INFORMATION:

The Governing Council has the authority to establish faculty and college councils and to determine the composition, powers, and duties of those councils under the provisions of the *University of Toronto Act, 1971*, Section 2 (14)(i).

Section 5.2.2 of the Academic Board's terms of reference calls for amended divisional constitutions to be considered by the Board and confirmed by the Executive Committee. Amendments to By-laws are approved by divisional councils.

PREVIOUS ACTION TAKEN:

On October 28, 2010, the Governing Council approved in principle the [*Report of the Task Force on Governance*](#) and the 32 recommendations outlined in the *Report*. Recommendation 15 provides for the re-distribution of and greater delegation of responsibilities. Specifically, the Task Force recommended that, as a guiding principle, transactional matters be delegated to either the lowest appropriate level within governance, or where appropriate, to the administration, with reporting back of decisions to a suitable level of governance.

An Implementation Committee, established by the Governing Council in October 2010 and led by then Vice-Chair Richard Nunn, was charged with overseeing and coordinating implementation of the Task Force's recommendations, ensuring appropriate participation among relevant bodies of governance, administrative offices and the Secretariat.

At the same time, and in line with the work of the Task Force on Governance, the University approved a new policy governing the Approval and Review of Academic Programs and Units

PREVIOUS ACTION TAKEN (cont'd)

(June 24, 2010) and developed the University of Toronto Quality Assurance Process (UTQAP) which was approved by the Ontario Universities Council on Quality Assurance on March 31, 2011. The UTQAP reflects the delegation to universities of an important degree of responsibility and authority over the quality of their academic programs. At the same time it provided a new definition of categories of academic change and envisaged the delegation to Faculty Councils of an important degree of authority and responsibility for that academic change.

Together, these two processes culminated in revisions to Board and Committee Terms of Reference and led to Governing Council approval in May 2011 of the re-alignment of responsibilities among the Committee on Academic Policy and Programs, the Planning and Budget Committee, the Academic Board and the divisional councils with respect to academic program review and approval.

Amendments to the University of Toronto Mississauga Constitution were previously approved by the Academic Board on June 1, 2009 and confirmed by the Executive Committee of the Governing Council on June 15, 2009. The current proposed changes to the Constitution were initially considered at a special meeting of the Executive Committee of Erindale College Council (ECC) on September 1, 2011, at the September meetings of the Resource Planning and Priorities Committee and the Academic Affairs Committee, both Standing Committees of ECC, and at the October 6th meeting of Council. A final version of the Constitution was then presented and approved by the Executive Committee on October 26 and by the Erindale College Council on November 3, 2011.

HIGHLIGHTS:

All divisions were asked to incorporate into their constitutions provisions for the following powers and duties of Council.

- **Academic Programs**
 - Council's responsibility for overseeing the content of academic programs and courses of study that lead to degrees, diplomas, certificates, credit and non-credit courses over which the Faculty has authority.
 - Council's authority to recommend for approval to the appropriate body of Governing Council proposals for new academic programs.
 - Council's delegated authority to approve proposals for major and minor modifications to existing academic programs. (Definitions of major modifications of existing programs, minor modifications, and new academic programs are provided in the *University of Toronto Quality Assurance Process* and are subject to change.)
 - Council's delegated authority to approve proposals for the modification of existing diploma and certificate programs, pursuant to the University's *Policy on Diploma and Certificate Programs*.

HIGHLIGHTS: (cont'd)

- **Delegation of Authority**
Council's ability to delegate its authority for the approval of minor modifications to academic programs to various committees. All such changes must be reported for information to Council.
- **Academic and Interdisciplinary Units**
Council's responsibility to consider and recommend for approval to the Governing Council proposals concerning academic units and extra-departmental units, pursuant to the *Policy on Interdisciplinary Education and Research Planning*.
- **Review of Academic Programs and Units**
Council's responsibility to consider and discuss a review report of an academic program and/or unit of the Faculty, consistent with the protocol outlined in the *University of Toronto Quality Assurance Process*.
- **Transcript Notations**
Council's delegated authority to approve transcript notations within existing degree programs, in accordance with University policy. An annual report on such actions, as required by policy, must be provided for information to the appropriate body of Governing Council.

Other substantive amendments are as follows.

Section II: Definitions

This section was moved from the *Interpretation* section of the By-Laws to reflect standard constitutional format. Definitions for graduate students, teaching staff, full and part-time undergraduate students were re-written to make them consistent with those used across the university. There are no other major changes here except for clarification of text and the removal of research associates as a separate category – they are in fact considered to be administrative staff and would be classified under that definition.

Section V: Powers, Duties and Responsibilities of the Vice-President and Principal

This section is new and outlines the specific duties, powers and responsibilities of the Vice-President and Principal with respect to the work of Council. Again, this addition follows existing practice and standard wording across the U of T with respect to the role of the head of a division and follows the *Policy on Appointment of Academic Administrators*.

HIGHLIGHTS: (cont'd)

The following remaining sections of the Constitution contain no substantive changes and simply reflect re-organization, editing and clarification of text following the template provided by the Office of the Governing Council:

Section VI: Membership of Council; VII: Term and Quorum of Council; VIII: Officers; IX: Meetings, X: By-Laws; XI: Parliamentary Authority and XII: Amendment of the Constitution and By-Laws.

BUDGETARY/FINANCIAL IMPLICATIONS:

N/A

ACTION:

Be It Recommended

THAT, subject to confirmation by the Executive Committee, the amended Constitution of the University of Toronto Mississauga, which was approved by Erindale College Council on November 3, 2011, be approved.

**Constitution of
Erindale College Council
(University of Toronto Mississauga)**

I. Derivation of Authority from the University of Toronto Act:

The Council of Erindale College (also known as the *University of Toronto Mississauga, UTM*) hereafter referred to as "the Council", exercises its powers and duties under the provisions of the *University of Toronto Act, 1971*, as amended.

II. Definitions:

In this Constitution and the accompanying By-laws:

- II-1 "Administrative Staff" means full-time or part-time employees of UTM holding their major appointments at UTM, who are not members of the UTM teaching staff.
 - II-2 "Alumni" means persons who have received degrees, diplomas, or certificates from UTM or persons who have completed one year of full-time studies at UTM towards such a degree, diploma, or certificate, who are no longer registered at the University, and who are not members of the teaching or administrative staff at UTM.
 - II-3 "Graduate student" means those persons registered in the School of Graduate Studies in a UTM program or affiliated with UTM.
 - II-4 "Teaching Staff" means a member of UTM who holds an academic appointment of 50% or more at UTM and who holds the rank of Professor, Associate Professor, Assistant Professor, Assistant Professor (conditional), Senior Lecturer, Lecturer, Senior Tutor or Tutor.
 - II-5 "Full-time Undergraduate Student" means a person registered in a program that leads to a UTM degree, post-secondary diploma, or certificate and who is registered at UTM in three (3.0) or more full-course equivalents over the Fall-Winter sessions (September-April).
 - II-6 "Part-time Undergraduate Student" means a person registered in a program that leads to a UTM degree, post-secondary diploma, or certificate and who is registered at UTM in at least one half (0.5) but no more than two and one half (2.5) full-course equivalents over the Fall-Winter sessions (September-April).
 - II-7 "Post-doctoral Fellows" means those persons holding such positions at UTM.
 - II-8 "Retired Faculty" means retired persons who were previously members of the "Teaching Staff" of UTM.
- III. Council's General Powers, Duties and Responsibilities

Subject to the provisions of the *University of Toronto Act, 1971*, and the approval, as required or as appropriate, of the Governing Council of the University, Council shall have the following powers and duties.

- III-1 Council shall determine its composition and the number, composition and authority of its committees, and the rules and regulations for governing the proceedings of Council.
- III-2 Council recommends for approval to the appropriate body of Governing Council amendments to divisional academic policies. Academic policy sets out the principles for, the general directions of, and/or priorities for the teaching and research activities of UTM.
- III-3 Council plays an advisory role, tendering advice to the UTM administration.
- III-4 Ratify any amendments, changes or deletions to the Constitutions or By-laws of all organizations operating as UTM student societies, provided that such amendments, changes or deletions are initiated only by these student societies, approved by their respective Councils and approved by the Executive Committee of the Council.

IV Council's Specific Powers and Duties

The specific powers and duties of Council are the following:

- IV-1 Council shall determine the rules and regulations for governing its procedures and its decisions shall be made by resolutions passed at its meetings.
- IV-2 Council shall pass By-laws regulating the exercise of its powers, the calling and conduct of its meetings and the method of appointment or election of its members.
- IV-3 Council shall have the power to establish, alter, or disband its committees as deemed necessary and to determine their composition, authority, quorum, and method of appointment of their members and chairs. Council has authority over recommendations brought forward by such committees, be that in its decision-making capacity or in its advisory role..
- IV-4 Council shall determine the standards of admission of students to UTM and shall have authority for new admissions policies and practices or amendments to existing ones, which will affect the campus-wide academic community, subject to the approval of the relevant body of Governing Council.
- IV-5 Council shall award scholarships, bursaries, prizes and other awards in the gift of UTM and may delegate this responsibility to standing committees, subcommittees or officers of UTM.
- IV-6 Council shall establish policies and procedures with respect to petitions and appeals by undergraduate students in connection with the application of academic rules and regulations by officers of UTM or by instructors in connection with academic standing in UTM. The Academic Appeals Board shall make rulings on all such appeals and such rulings shall be final and binding, subject to an appeal to the Governing Council.

Procedures for academic appeals by graduate students are determined by the School of Graduate Studies in accordance with the *Policy on Academic Appeals within Divisions*.

- IV-7 Council shall consider the content, quality, and requirements of the academic programs and courses of study that lead to degrees, diplomas, certificates, and credit and non-credit courses over which the Faculty has authority; it shall consider proposals for the closure of any such programs or courses of study; and it shall monitor the quality and standards of the programs and courses of study.

Council shall recommend for approval to the appropriate body of Governing Council proposals for new academic programs.

Council shall have delegated authority to approve proposals for major and minor* modifications to existing academic programs. All major modifications shall be reported annually for information to the appropriate body of Governing Council.

Council shall have delegated authority to approve proposals for the modification of existing diploma and certificate programs, pursuant to the University's *Policy on Diploma and Certificate Programs*. An annual report on such actions as required by the *Policy*, shall be provided for information to the appropriate body of Governing Council.

- IV-8 Subject to the provisions of the above, Council will delegate its authority for the approval of minor modifications to the Academic Affairs Committee. All such changes shall be reported for information to Council. The decision of whether a matter is major or minor may be made by the Committee Chair in consultation with the Director of Governance, and/or the Dean or his/her designate.
- IV-9 Council shall consider and recommend for approval to the Governing Council proposals concerning academic units. Council shall also review and approve or recommend for approval to the Governing Council proposals concerning Extra-Departmental Units at UTM, pursuant to the *Policy on Interdisciplinary Education and Research Planning*.
- IV-10 Council shall receive for information and discussion reviews of academic programs and/or units, consistent with the protocol outlined in the *University of Toronto Quality Assurance Process*.
- IV-11 Council shall have delegated authority to approve transcript notations within existing degree programs, in accordance with University policy. An annual report on such actions, as required by policy, shall be provided for information to the appropriate body of Governing Council.

V. Powers, Duties and Responsibilities of the Vice-President and Principal

*Definitions of major modifications of existing programs, minor modifications, and new academic programs are provided in the *University of Toronto Quality Assurance Process* and are subject to change. Guidance from the Office of the Vice-Provost, Academic Programs, should be sought prior to the development of any such proposal.

- V-1 Council recognizes that the Vice-President and Principal exercises powers under the authority of the "*Policy on Appointment of Academic Administrators*." The Vice-President and Principal is the Chief Executive Officer of UTM and reports to the President of the University of Toronto with respect to overall campus management, and to the Vice-President and Provost with respect to matters of academic appointments, programming and budget.

- V-2 While the Vice-President and Principal may delegate authority to other academic administrators, the Vice-President and Principal retains responsibility for the overall direction of UTM and, in particular, for authority over the budget and other financial matters, personnel matters, including appointments and promotions, and extra-Faculty relationships. In this respect, Council recognizes that the Vice-President and Principal has ultimate authority for the allocation and management of UTM's resources.

- V-3 The Vice-President and Principal may consult with members of UTM on matters of policy and practice but is ultimately responsible for all administrative decisions that are within his/her jurisdiction and authority.

- V-4 The Vice-President and Principal shall advise Council of the resource implications of proposed academic policy decisions.

- V-5 The Vice-President and Principal may consult with Council on administrative proposals that may have a significant impact on the academic programs of UTM.

VI. Membership of the Council

Ex-officio, voting members:

The President, University of Toronto or designate
 The Vice-President and Provost, University of Toronto or designate
 The Dean of the School of Graduate Studies, or designate
 The Vice-President and Principal of UTM
 The Vice-Principals of UTM
 The Deans of UTM
 The Vice-Deans of UTM
 The Chief Administrative Officer of UTM
 The Registrar of UTM
 The Chief Librarian of UTM
 All Teaching Staff
 All professional librarians at UTM
 The heads of the Administrative Departments of UTM
 The President of the University of Toronto Mississauga Association of Graduate Students (UTMAGS)

Elected/appointed, voting members:

10 members of the Administrative Staff elected by and from the Administrative Staff of UTM
 4 Graduate Students appointed by UTMAGS
 2 Post-doctoral Fellows to be appointed by the Vice-Principal, Research
 2 Alumni, appointed by the UTM Alumni Association (UofTMAA)
 2 members of the Associates of the University of Toronto Mississauga appointed by the Associates of the University of Toronto Mississauga

Up to 5 Retired faculty appointed by the Vice-President and Principal

75 Undergraduate Students as follows:

- (a) 14 elected by and from among the Part-time Undergraduate Students;
- (b) 50 elected by and from among the Full-time Undergraduate Students;
- (c) The President of the Erindale Part-time Undergraduate Students (EPUS)
- (d) The President of the Erindale College Student Union (ECSU operating as the University of Toronto at Mississauga Students' Union, UTMSU)
- (e) Up to 9 elected members of the ECSU Board of Directors

VII. Term and Quorum of Council

VII-1 Elected and appointed members, shall serve a term of two years, where possible. Full-time Undergraduate Students shall serve a term of one year. When necessary, elections to the Council shall be held in September and the results shall be brought to the Council for ratification at its first meeting after the election. The new Council shall assume office immediately following said meeting.

VII-2 The quorum for a meeting of Council shall be 30 voting members of Council.

VIII. Officers

VIII-1 The Chair and Vice-Chair of the Council shall be elected, at the first meeting of Council in the fall term, by and from among its members for that year who will be continuing members, Nominations of Chair and Vice-Chair shall be published one week in advance.

VIII-2 The Chair shall preside at all meetings of Council. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and the Vice-Chair, any member of the Executive Committee may convene the meeting and a Chair shall be chosen by a majority of the voting members present for the meeting.

VIII-3 The Chair and Vice-Chair of Council may serve a maximum of two consecutive two-year terms.

VIII-4 The Secretary of Council shall be appointed as a non-voting, *ex-officio* member by the Vice-President and Principal, in consultation with the Chair of the Council. The Secretary of Council or his/her designate shall act as Secretary at all Council and Standing Committee meetings and shall act as the Chief Electoral Officer for all Council and Standing Committee Elections.

IX. Meetings

IX-1 The Council shall meet at least two times in each of the fall and spring terms. Notice of each meeting, including an agenda, shall be given to members seven days in advance of the meeting.

- IX-2 A special meeting may be called by the Chair of Council, or the Vice-President and Principal, UTM, or upon the written request of 25 members of the Council, and shall be convened within 14 days to consider matters requiring the meeting. Notice of such a meeting shall be given at least seven days prior to the meeting.
- IX-3 Each voting member of Council has one vote on any question. Motions pass with a simple majority unless otherwise stated in the rules of order of the Council.
- IX-4 Meetings of the Council and the Committees of Council shall be open to the public, except when matters of a confidential nature may be discussed. Council will then move *in camera*..
- IX-5 The agenda and the minutes of the Council and the Executive Committee shall be posted on the Council website by the Secretary for public notice. All reasonable efforts will be made to ensure that Council agendas are posted at least one week prior to Council meetings.
- IX-6 Matters involving individuals that could reasonably be considered to be of an intimate financial or personal nature shall only be brought to the Council through the Executive Committee. Such matters shall be discussed by the Council *in camera* unless the individual expresses, in writing to the Chair of the Council, the wish to have the matter discussed in open session.

X. By-Laws

- X-1 The procedures of Council will be set forth in the By-Laws of Council.
- X-2 The composition, powers, duties and procedures of Standing and Special Committees shall be set forth in the By-Laws of Council.
- X-3 The By-Laws of Council shall be approved by Council.

XI. Parliamentary Authority

The rules contained in the most recent edition of *Robert's Rules of Order* shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the relevant provisions of the Constitution and By-laws of the Council.

XII. Amendment of the Constitution and By-Laws

- XII-1 The Constitution of the Council may only be amended with the approval of the Council and the Governing Council of the University of Toronto. Voting shall take place at a regularly constituted meeting to which there has been fourteen days' notice of the proposed amendment. An affirmative vote to amend the Constitution is required by two-thirds of the members of Council present and voting. Following approval of the recommended amendment by Council, the amendment is forwarded to the appropriate body of Governing Council for approval.
- XII-2 The By-Laws of the Council may only be amended with the approval of Council. Voting shall take place at a regularly constituted meeting to which there has been fourteen days' notice of the proposed amendment. An affirmative vote to amend the By-laws is required by two-thirds of the members of Council present and voting.

Revisions:

Amended and approved by Council on April 14, 2009 and approved by the Executive Committee of the Governing Council on June 15, 2009.