



TO: Members of the Executive Committee

SPONSOR: Louis Charpentier, Secretary of the Governing Council

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DATE: November 28, 2011 for December 5, 2011

AGENDA ITEM: 2a) and 2b)

TITLE OF ITEM OF BUSINESS: Constitutional Amendments:
-University of Toronto Mississauga
-Leslie Dan Faculty of Pharmacy

ACTION:
For Confirmation

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:

In the last few years, the Office of the Governing Council, in consultation with Academic Divisions and the Office of the Vice-President and Provost, has developed templates for divisional councils' constitutions and their accompanying by-laws. They have been revised to reflect best practices and procedural and policy changes. The Office has encouraged Divisions to use these templates in order to create greater consistency among divisional councils across the University and to ensure that their structure and process appropriately are informed by and reflect the principles under which the bodies of Council are established and operate. The main components of the constitutional template include the following.

- An opening statement acknowledging that the Council exercises its powers and duties under the *University of Toronto Act, 1971*.
- Definitions for the key constituencies represented in the membership of Council (administrative staff, alumni, undergraduate and graduate students, and teaching staff) based on definitions from the *University of Toronto Act, 1971*.

PREVIOUS ACTION TAKEN (cont'd)

- A list of Council's general and specific powers of duties, many of which have been determined by the Governing Council or are drawn from the *University of Toronto Act, 1971*.
- Reference to the powers, duties, and responsibilities of the divisional head, taken from the *Policy on Appointment of Academic Administrators*.
- A sample list of membership of Council, including elected or appointed representatives (administrative staff, alumni, undergraduate and graduate students, teaching staff, members of cognate academic units, and emeritus professors), and *ex officio* members (senior academic and administrative leaders of the University and the division).
- Information about the term, quorum, officers, and meetings of Council.
- Parliamentary authority for Council's procedures, and the approval process for the amendment of the constitution and by-laws.

The by-laws template includes sections on rules of procedure for the election and appointment of members to Council, general procedures for Council and its committees, and terms of reference for the commonly-established standing committees of Council (including the membership, function, and procedures for each).

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 (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

PREVIOUS ACTION TAKEN (cont'd)

Budget Committee, the Academic Board and the divisional councils with respect to academic program review and approval.

In June, 2011, Principals and Deans were advised of the need for amendments to the constitutions of the academic divisions arising from changes to the approval processes for proposals for new academic programs and modification of existing programs. During the summer and early fall, 2011, representatives from the Office of the Governing Council and the Office of the Vice-President and Provost met with divisional representatives to discuss the required constitutional and related by-laws changes as well as the implications for divisional processes.

Divisions were encouraged to incorporate, at a minimum, language from the templates on Council's specific powers and duties with respect to academic programs as required by the UTQAP. Those divisions whose constitutions had not been revised in some time were encouraged to consider taking the opportunity to update their documents, drawing from the main sections of the templates. When appropriate, specific guidance with respect to Council membership has been provided, drawing on the proportional representation of the constituencies of the Academic Board. Some divisions in which the Council membership is very large are considering reductions in membership. A smaller Council primarily composed of elected representatives rather than all members of a division is likely to be more effective in addressing matters for which it is responsible. It would allow, for example, improved opportunities for orientation, appropriate continuity and renewal, and greater assurance of quorum. Each divisional constitution and by-laws will be presented to the Provost's Advisory Group for information and input prior to being considered for approval first by Faculty Council. Constitutions will be considered next by the Academic Board for approval and subsequently by the Executive Committee of the Governing Council for confirmation.

HIGHLIGHTS:

All divisions were asked to incorporate into their constitutions provisions for the following powers and duties of Council and this was done in the case of both the University of Toronto Mississauga (UTM) and the Leslie Dan Faculty of Pharmacy.

- **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

HIGHLIGHTS: (cont'd)

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*.
- **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.

Additional amendments to the constitutions represent a re-organization and updating of the documents in order to follow more closely the constitutional template provided by the Office of the Governing Council to all divisions. As well, the opportunity was taken to make simple housekeeping and editorial changes.

Other substantive amendments:

University of Toronto Mississauga

- 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, and 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 in this section except for clarification of text and the removal of research associates

Other substantive amendments (cont'd):

University of Toronto Mississauga (cont'd)

as a separate category – they are considered to be administrative staff and are 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 University with respect to the role of the head of a division and follows the *Policy on Appointment of Academic Administrators*.

Leslie Dan Faculty of Pharmacy

- Section VI - Membership of Council

Categories for full-time and part-time academic staff were replaced with the standard “Teaching Staff” constituency. In lieu of a clause about “representatives of all other part-time academic staff” that would not be interpreted readily and had not been implemented in recent memory, a separate constituency for other members of the Faculty who are involved in the delivery of the Faculty’s academic program was created. In addition to part-time staff with less than 50% appointments, this constituency includes status and adjunct appointees, who had been explicitly denied membership on Council in the 2002 version of the Constitution.

Two membership categories were added: administrative staff (2) and Pharmacy Directors of the Toronto Academic Health Sciences Network Hospitals (2).

Ex officio members of Council will now have voting rights (see also Section XI).

- Section VII – Quorum
The quorum was changed to one-third of the voting members of Council (from 20) to align with common practice across the University. However, *ex officio* members shall not be counted in determining the number required for quorum or whether a quorum is present.
- Section VIII – Chair/Vice-Chair
The position of Vice-Chair was added, together with the provision that individuals holding the positions of Chair and Vice-Chair would normally be teaching staff members of Council who did not hold an academic administrative position in the Faculty.

BUDGETARY/FINANCIAL IMPLICATIONS:

N/A

ACTION:

Be It Confirmed

THAT the amended Constitution of the University of Toronto Mississauga, which was approved by Erindale College Council on November 3, 2011, be approved; and

THAT the amended Constitution of the Leslie Dan Faculty of Pharmacy, which was approved by the Council of the Leslie Dan Faculty of Pharmacy on October 28, 2011, be approved.