

----- Original Message -----

Subject: Re: Your Request to Address the Governing Council

Date: Mon, 31 Mar 2003 09:00:21 -0500

From: omo.akintan@utoronto.ca

To: Margaret McKone <m.mckone@utoronto.ca>

References: <3E84DEC9.FFBF6E9C@utoronto.ca>

Dear Ms. McKone,

I appreciate your response to my request. However, I feel that fairness in the decision making process requires the Governing Council to hear from minority students, who by virtue of their minority status are neither represented on the governing council nor amongst those who have previously addressed governing council.

Over the last few months, black students have sat back and watched people discuss our fate without any reference to our actual lived experiences or those of our community. We have been severely marginalised in the decision making process thus far. I believe that every principle of fairness and equity requires that we are given an opportunity to address the council. In fact, a seemingly benign process such as reserved seating and "a first come first served basis" admission will adversely affect minority student attendance at the meeting.

I hope that you will reconsider your decision and I look forward to a prompt response.

Regards,
Omo Akintan



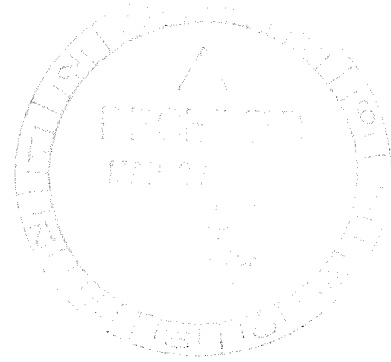
Faculty of Arts and Science

THE DEAN

UNIVERSITY OF TORONTO

March 26, 2003

Dr. Thomas Simpson
Chair, Governing Council
Simcoe Hall
27 King's College Circle
University of Toronto



Dear Dr. Simpson:

I will be out of town on April 3 so I regret that I will not be present when Governing Council debates the tuition schedule.

There are a few points I would like to make to those who are responsible for governing the University of Toronto, including the representatives from student governments.

1. It is important to remember that the tuition schedule represents a vitally important source of revenue for the entire university, not only for the Faculty of Law.
2. There are some 22,000 Arts and Science students. It is important that we keep those students in mind in these deliberations. A couple of statistics are useful in representing their current situation:
 - a) The ratio of students to faculty is 27:1 (FTEs)
 - b) We have 827 faculty; that is 21 fewer than we had in 1990 when we had 4,000 fewer students.
 - c) The operating budget per student in Arts and Science today is \$6,093. In 1989/90, it was \$5,761. If we conservatively adjust for inflation (at 2% per year) to more accurately capture "purchasing power", the current budget per student is really only \$4,265.
3. The Faculty of Law has exceeded the requirements for reporting on accessibility that were agreed to by governing council last year. This accessibility study is a model that is being emulated by others in Canada. The Faculty of Law must be strongly supported in its efforts to compete and improve quality in a fiercely competitive international labour market for talent.

...2/

For governors, the context of the tuition schedule must include recognition of the quality of the undergraduate student's education. I suspect many of the governors, who are alumni of this university, would not even recognize the undergraduate experience today. If we do not increase revenue for our programs, U of T may find itself in a most ironic situation down the road. As the quality of our programs deteriorates, so does our reputation and ability to recruit and retain the best and brightest undergraduates. In the end, the University of Toronto's own Arts and Science graduates may not be good enough to get into U of T's professional programs. That, in my view, would be tragic.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl G. Amrhein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carl G. Amrhein
Professor and Dean

cc: Arts and Science deans & directors

An open letter to the University of Toronto and Faculty of Law:

This letter is a response to the Provost's "Study of Accessibility and Career Choice in the Faculty of Law" and its particular significance for *second-career law students*, who have returned to school after spending some time working or completing a graduate degree.

In the Provost's Report, the section on parental income concludes that tuition increases have not reduced the proportion of law students with "lower-income backgrounds." The section, however, ignores a full one third of the class: everyone whose parents do not report their income to the school. This group includes students who are more than seven years out of high school when they apply for financial aid, as well as students who do not apply for financial aid at all. In addition, those upper income students who do not require financial aid are very unlikely to apply for it. Therefore they do not report their parents' income. In other words, the data that the law school is using comes from a severely self-selected group.

To produce a more complete socio-economic map, we urge the Governors to closely examine the third of the class who did not report parental incomes. The report does not assess if the balance within this group has shifted from older students who are paying for law school on their own, to students who are not applying for financial aid. Although this data was not available for the study, basic information like students' ages would have cast light on this question. All we know about this "unreported" group is that its size has decreased over time: from 37.8% of the class in 1999-2000 to 33.5% in 2002-2003. This decrease may suggest that fewer older, self-supporting students are willing or able to afford U of T tuition.

For second-career law students with assets to qualify for educational loans, they have to liquidate everything they own. This may include selling their car, securing a second mortgage on a home, opening up their RRSPs, or moving their family into rental housing. The alternatives to this are: (a) working almost full-time while attending law school and supporting their families at the same time, (b) saving up the full amount of money for the degree ahead of time, or (c) getting independent credit lines/personal loans at the bank that have a much higher interest rate and require immediate payment. There is a considerable difference between a \$5,000/yr degree and a \$22,000/yr degree for this category of students.

In addition, many second-career students have a shorter career span post-graduation and therefore have fewer options other than working in corporate law in order to pay off their debt and save for retirement. The effect on career choice from tuition increases may be especially relevant for this group.

One of the most disturbing aspects of this debate has been the frequency with which the players characterize the law students as "kids". This language is an inaccurate description of the student body, particularly second career students. It de-legitimizes the varied backgrounds and expertise that all law students, including second career students, bring to the JD program.

We urge the Governors of U of T to mandate further research, including an analysis of the impact of rising tuition upon second-career law students at the U of T law school. A determination of whether the population of second career law students is giving way to one composed mostly of students whose parents can pay for their legal education merits particular attention.

signed (in alphabetical order)

A. Bailey, D. Bornstein, A. Chafe, S. Choudhury, A. Davies, S. Gill, D. Glover, D. Gourlay, D. Khan,
N. Harris, A. Henderson, M. Kilby, S. Laubman, G. Mayeda, E. Montigny, S. Penner, N. Redgate, T. Remtulla, T.
Sheldon, A. Stacey, K. Steubing, J. Stone, A. Velez, L. West

Dear Members of Council:

Re: Law School Tuition Increase

I have been following closely the developments regarding the proposed tuition increases at the Faculty of Law and I am writing, as I did last year, to voice my opposition to an increase in student tuition at the Faculty. I request that my letter be placed before the Council for consideration at its April 3rd meeting.

I continue to be concerned about access to legal education and about the effect growing student debt has on students' choice of employment upon graduation. The Provost's recent study does not satisfy my concerns about these issues and, since the Faculty of Law is determined to continue with its plans, I would like to see a more thorough, longer-term assessment of the impact of such dramatic tuition increases on law students and the profession.

Tuition at the Law School is now \$14,000 per year. Many questions about accessibility, career distortion, and the adequacy of financial aid have not been sufficiently answered. The Provost's study is unconvincing and, in some instances, misleading. In these circumstances, I urge the Governing Council not to approve a further tuition increase for the coming school year.

As I indicated in my letter last year and in notes responding to the Annual Fund mailings, I am not comfortable donating to the University of Toronto because of this issue. For now, I am doubling my annual donation to the University of Ottawa where I received my B.A. and where my donation supports a scholarship for undergraduate and graduate students in financial need. While I would like to support financial aid for University of Toronto students, I believe strongly in publicly funded education and it is my opinion that the Faculty's plans to raise tuition to \$22,000 per year will, in effect, privatize the Law School. I feel that any contribution to financial aid at the Law School will not enhance accessibility as long as greater accessibility is not a significant motivating force behind the Faculty's strategic plans.

Sincerely,
Anne Carbert, LL.B.
Class of 1999

----- Original Message -----

Subject: re: Your Request to Address the Governing Council
Date: Sat, 29 Mar 2003 16:35:18 -0500
From: <goa@olap.org>
To: Margaret McKone <m.mckone@utoronto.ca>

In response to your email, here is my written submission to the Governing Council which I request you to pass on to the members of the G.C.

Once again, those who are opposed to the tuition fee increase has either been shut out of the process of decision making at the University of Toronto. I am not surprised to hear that the Council has decided to limit the number of those who could address the Council on this matter, and that I am not among the "chosen ones".

My position on this issue has been made clear from day one – both in the form of a letter I wrote to the Council months ago when the issue first arose, and in the form of the presentation I made at the Business Board meeting last month. I will simply reiterate my view that the University of Toronto is being intellectually dishonest and morally deficient in arguing that tuition fee increase will have no affect on who gets access to the law school and what career choice the students would make once they graduate. I for one would never have gone into law or to UofT if I had to borrow \$14,000 instead of \$3000 a year just to cover the tuition fee. I would never have been so freely picked a career path of working in the community legal clinic system earning \$47,000.00 a year for 7 years straight, if I had to carry a debt load of \$50,000 or more.

I have no illusion that the Council will go ahead with a vote approving the tuition fee increase. My only advice to you is at least be upfront about your motive, and stop pretending that no one gets hurt by your decision.

Finally, just remember that there will be one less graduate of UofT who will make any donations to her alma mata.

Avvy Go

Avvy Yao-Yao Go
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To the Governing Council:

I am an alumna (class of 1997) of the University of Toronto Law School, and feel obliged to write to you about the Law School's proposal to continue increasing tuition levels. Unfortunately, given my other commitments, I have not had adequate time to carefully read and analyse the Provost's study of "Accessibility and Career Choice in the Faculty of Law". I would urge the Governing Council to defer approval of any further tuition increases at this time, and allow more debate and analysis of the Provost's report so that alumni and others who have worked on equity issues have additional time to explore the potential effects of the current policy. In any event, I would appreciate your consideration of my concerns about this issue.

Let me first speak very personally. Baldly put, I would never have applied to U of T Law School if the current tuition - let alone the projected \$22,000 - was in effect when I was accepted in 1994.

I returned to school in 1994 at the age of 40 to study law. I already had a B.A. honours and M.A. from York University, and at the time of my application was working as a senior policy analyst in the provincial government. I had worked with the law, as a union president (just ask Sheldon Levy) and then as a policy analyst in human rights and employment equity work for almost 10 years. I didn't want to be a practising lawyer, but I worked with lawyers and then began competing with lawyers for the kind of work I wanted to do.

I took a huge economic hit by going back to school, and I have no regrets about that. I'm fortunate that I could go back to school - many people can't afford to do that. I wasn't eligible for students loans in my first year because I'd worked the year before, but over the next two years I took on approximately \$15,000 in loans, a relatively modest amount. For the second time in my life, I had to repay student loans, and did that by 2001. I had no income during the bar admission course and no job lined up after my call. Let me say too that I was an above average student, but I was never going to work on Bay St. or in New York.

You need to understand that I would never have applied to law school if I'd known the tuition was \$10,000 or \$14,000 or \$22,000 per year. The qualified promise of financial support, perhaps in the form of back-end debt relief wouldn't have been enough. At that point in my life, there was only so much debt I could take on. I was self-supporting, and still am. At the same time, I was someone who had significant experience in human rights and union-side labour work - and I think that experience helped me contribute to the life of the law school. I had a different perspective from most students, and indeed from most faculty, derived from my life experience. I was an above average student - not on the Dean's list, but a good student just the same.

I met incredibly bright young people and faced the challenge of presenting my views, my perspectives, to people who were different from me, who did not necessarily share my values in the first instance. These were bright kids, living in a different time, and I had to find ways to justify and argue about the values I held. It was a wonderful experience. In my graduating class, I was asked to pledge funds to the school. I pledged a very modest amount because I didn't know if and when and where I would be working. I pledged an amount to support the library because I strongly disagreed with the student aid program in the form of back-end debt relief was not something I could support. Before I actually sent any money to the law school, I'd received two thank you letters, including one from the then President, for my pledge to contribute to student aid. I received a call from York University seeking alumni support and I donated the money I'd pledged to York instead, for their student bursary program. I have continued to do so every year. You should know that I'd never donated any money to York previously. I will not make any donations to the U of T Law School if it continues on its present course, despite the fact that it provided me with a superb educational experience in many ways. I will not support a school that effectively shuts out people like me by raising its tuition to ridiculously high levels.

The Provost's report finds no negative impact in terms of the range of students who are attending the school. But there are serious problems with the report, and frankly, it is premature to assess the impact of U of T's increased tuition levels.

From an equity perspective, the report fails to consider whether potential students are self-select out, what the report calls "sticker shock". It is not sufficient to compare only with those who write LSATs. If income is an issue, and you live in Toronto, there's a strong possibility that you won't even write the LSAT if you don't think you can afford to live outside Toronto in order to attend law school - and it is in Toronto where large populations of visible minorities live. (In my first year class in 1994 there was not a single black student - I remember finding that stunning.) I also recall studies years ago, and I can't recall any details, which showed that people from lower incomes were more reluctant to take on debt. It's not at all clear to me that this has been considered in the study.

In my view, the references to the U.S. studies are of limited value. In part this is because Canada, unlike the U.S. has treated post-secondary education - at least until recent years - as a public good. We do not have a history of private universities with wealthy alumni. Instead, we had a commitment to publicly-funded post-secondary education, although that funding has been woefully inadequate for many years - and in Ontario, government support for post-secondary education has fallen close to, if not into the basement. To simply resign oneself to having to find alternatives such as U.S. style tuition levels is in my view, not an alternative. If the U of T decides to lobby government for adequate funding rather than creating its own so-called progressive tax system, I would be willing to become involved in such efforts, and I make that commitment to you.

It is also my understanding that alumni giving is down by 55%. That in itself, in addition to the decline in investment return over the last two years, should give you pause. It may be that the Law School will not be able to provide the kind of financial support to students over the next few years that it assumed it could a few years ago. Let me emphasize again, those students - however bright and accomplished - who do not feel they can take the risk of massive debt, will simply not apply. They will not write LSATs, they will not come to law school. They will do something else, and that will be our loss.

Law is the means by which we order our social lives. If the law school is to become the enclave of the wealthy, the very comfortable, the "best and brightest" academically, the young, it will become a poorer place. You will ultimately shut out people like me and some of the other students I knew, who were older, different, who would never have taken the risk of being in debt for the kind of tuition that exists now, let alone the increases you are considering.

I wish I had more time to put forward a more articulate, analytical argument. But this is all I can do right now. I urge you to delay any approval of further increases to the law school's tuition until you have had time to consult more broadly, in a meaningful way, with those of us who've been there, and the communities who would like to have the opportunity to attend.

There are other considerations. U of T's decisions will affect other law schools. Other schools will increase their tuition too. After all, if U of T can do it, why not others? There is also a strange psychology about getting what you pay for. U of T, some would say, must be better because it costs more. Other schools will follow suit. This will also affect potential applicants who may decide they can't even think of law school because it's too expensive, too much of a risk. Maybe some of them aren't the "best and brightest", but that doesn't mean they - and our society - wouldn't benefit from their contribution. Among the best lawyers in this country there are people who never made the Dean's List, who were not A students when they entered law school. Good grades are not everything. We all know there are people who do well, but who are not "the best", who actively and positively contribute to our society.

You ought to consider too, whether education is a public good. Ron Daniels believes that the current plan is fair. The Law School subsidizes less wealthy students, and takes more money from those who have it -

or whose parents have it. He seems to think it's equivalent to a progressive tax system. First of all, not all students want to be dependent on their parents. They are adults, and they may or may not be able to count on the support of their parents. Secondly, and more important I think, education is a public good. The government(s) may not provide sufficient funding, but then let's deal with that. It is not the role of a university or law school to establish a "taxation" system that takes more money from more privileged students in order to give more to less privileged students. To raise tuition to something resembling American levels is inappropriate. It is abdicating your responsibility as public institutions. If there's not sufficient funding, then let's deal with the governments who are not allocating sufficient tax dollars to an essential institution.

Thank you for your time.

Sincerely,

Celia Harte
Class of 1997

cjharte@interlog.com
307 - 27 Walmer Rd.
Toronto, Ontario M5R 2W7
416 324-9867

----- Original Message -----

Subject: RE: Your Request to Address the Governing Council

Date: Mon, 31 Mar 2003 08:13:50 -0500

From: Arleen Huggins <AHUGGINS@KOSKIEMINSKY.COM>

To: Margaret McKone' <m.mckone@utoronto.ca>

CC: "Charles Smith (E-mail)" <verbian-smith@sympatico.ca>, "Amy Gough Farnworth (E-mail)" <agoughfarnworth@pattersonpalmer.ca>

The Canadian Bar Association Standing Committee on Equality is extremely disappointed to be advised that it will not have an opportunity to make submissions to Governing Council on April 3, 2003 on the issue of the Law School tuition fees. We understand that the "several external speakers" to which you refer amount to 3 speakers in total. We are surprised and concerned that on an issue of such magnitude, which affects such a broad range of groups within the legal community, and others, that Governing Council has decided to so severely limit the number of speakers. The process by which Governing Council has chosen to address this issue from the outset, including failing to clearly list the issue on the agenda at a number of previous meetings of Governing Council and it's subcommittees and significantly limiting speaking times and speakers, is most troubling to a number of groups and individuals. We feel that Governing Council is effectively attempting to eliminate the voices of those who have serious concerns about the proposed increases. The actions of Governing Council in restricting oral submissions does not become an institution which has prided itself in the past on encouraging discourse and dialogue and shall only serve to raise doubts within the legal community as to the University's stated commitment to consider all facets of this issue. We ask that this communication be forwarded to the Executive Committee promptly and that it reconsider its decision. We look forward to a prompt response.

----- Original Message -----

Subject: FW: Your Request to Address the Governing Council
Date: Sun, 30 Mar 2003 19:26:01 -0500
From: "Ian L. Johnson" <ian.johnson@utoronto.ca>
To: <m.mckone@utoronto.ca>
CC: "Irfan Dhalla" <irfan.dhalla@utoronto.ca>, "Jeff Kwong"
<jeff_kwong@hotmail.com>

Dear Ms. McKone,

Thank you for your message and the information. I am sorry to hear that restrictions are being placed on the speakers. I believe the subject is very important and goes to the heart of the role of the university as a publicly funded institution that encourages the free discussion of ideas. My recommendation is that the Governing Council not lose sight of the importance of promoting access to its programs by all members of society, particularly those who are financially disadvantaged.

Yours sincerely,
Ian Johnson

Françoise Ko (francoise.ko@utoronto.ca)
Rm 4344, 1 King's College Circle,
Medical Science Building,
University of Toronto
Toronto, ON
M5S 1A8

Thursday, March 27th, 2003

Dear Dr. Simpson,

I am writing to you as a past Governor and Governor elect since I will **not** have the opportunity to speak to you at the upcoming Governing Council meeting on Thursday, April 3rd due to constraints on the speakers list. It is important that you are aware that you will only be hearing from a select number of people at next week's meeting chosen from 19 individuals who have requested speaking rights as of the Executive Committee meeting of Monday, March 24th. Since you will only be hearing from a select group of people, I would like to **invite you to come to the meeting a half an hour early at 4pm on Thursday April 3rd and meet some of the individuals who had been denied speaking rights.** They will be speaking outside Simcoe Hall. You will therefore get a more comprehensive notion of the sentiments around the tuition increases you will be asked to approve.

Due to the limited number of seats, I have been told by the Secretariat Office that I will have to wait on a first come first serve basis to even be allowed to attend next week's meeting. Since I will not have an opportunity to speak to the motion of tuition increases, I thought I would put down in writing what I had originally wanted to say to you at the Governing Council meeting. For those of you who were Governors last year, you will recall that I sat among you at the table when we were assessing the tuition increases, most notably that of the Faculty of Law. At that May 2nd meeting last year, though I did not support the increases in the tuition fee I did however support the subsequent motion mandating that the Provost's Office conduct an "Accessibility and Career Choice Review" before any subsequent increase in tuition fees for the JD program in the Faculty of Law "until Governing Council is satisfied that there has been no reduction in accessibility due to the 2002-03 tuition increase and no career distortion due to previous substantial increases based upon" the aforementioned review.

Last year, along with several of my fellow Governors at the time, we had tried in several instances to be 'effective Governors' and asked if there were procedural ways in which we could separate the motion concerning tuition such that deregulated programs be considered as separate entities. The reasoning we heard stating that this *could not* be achieved was as follows: The tuition issue had to be dealt with as one whole package because the budget and the tuition fee guide were both inter-related, hence separating the motion would have had severe repercussions on the budget. Of course, in not separating the motion, it would also be tougher on our consciences as Governors to send the whole tuition back to be reviewed.

As Governors, we all know that our actions impact the university community at large. We must do what is best for the university as well. We should always remember that as the

largest public institution in Canada we are leaders. As such, all other institutions look to us as an example as we forge new paths.

Though I was not a Governor this year, I have followed the Provost's "Study of Accessibility and Career Choice in the Faculty of Law" very closely by attending the first meeting on November 27th, 2002 where the study's methodology was reviewed at the Committee on Academic Policy and Programs (AP&P). There was extensive debate at the meeting. Most surprisingly though, most in attendance had been under the impression that the particular AP&P meeting in question was just the first step in reviewing the methodology and that *it would subsequently be reviewed in due process by Governing Council*. **My understanding is that this did not occur.**

The next meeting concerning this issue I attended was on February 27th, 2003 when the results of the report were presented to AP&P. For those of you did not have the opportunity to attend, the debate was again extensive and very polarized. At this point, I should applaud the Provost's Office for doing an excellent job in attempting to answer an impossible question placed before them; namely, how would the subsequent increases in tuition impact *future* students with regards to accessibility and their subsequent career choices. Even after reading the Study, the findings are inconclusive for the intents and purposes of Governing Council's request last year and therefore the predictive value of the Study is limited. We *do* however have more conclusive studies we can examine, such as those undertaken for medical schools at Guelph, Western, Waterloo Universities that show access and career choice are indeed affected by tuition. It is of note that the levels of tuition increase in the study period are very different from the increases planned for the next few years here at U of T.

In our present times of financial restraints, the seemingly simplest solution is to increase tuition. You may be convinced that:

- i) financial aid will help the poorest among the students
- ii) OSAP will help the poorest and the middle income students and
- iii) the rich can pay

This is not so...

Taking into account the considerable increases in tuition across the board, it is only logical to realize that the resources, namely the 30% of tuition that returns to students in financial aid, will become more limited as the proportion of lower income students increases, hence the university will need to eventually limit the number of these students OR increase the number of students who CAN afford to come such that they compensate for those on the other side of the spectrum. Bear in mind that there is always a limited amount of space in each program. This will obviously affect accessibility. To rely on donations may be wishful thinking. We need only re-read the 250 letters seen last year as a backlash from the proposed Law tuition increases.

Next, to rely on OSAP (in its present form) will definitely affect accessibility. I was a part of the joint student-administrative group this year asking the government for much needed reform to the present OSAP system. Many students are falling through the cracks, not qualifying for OSAP and even those who *do* get OSAP receive dollar amounts that do

not reflect the true cost of living. Keep in mind as well that presently *all* 'back-end debt relief programs' and UTAPS are linked to OSAP, thus you can *only* qualify for these *if* you are eligible for OSAP.

Noteworthy at this point is that our submission for **OSAP Reform** to the Government of Ontario has not yet been made. Even after the submission is made, we will still have to wait to see how the government will react to the 13 recommendations and those they will decide to implement. **Thus, our present reliance on the OSAP system to catch *both* the growing number of middle and lower income families that will need to rely upon it is not yet realistic.**

In addition to what I have said above, it is important to remember that by increasing tuition fees as a result of the present financial constraints implemented by the lack of funding by the Government, we are showing the Government that downloading fees onto students is our only option. We are therefore allowing the Government to shirk *their* fiduciary responsibility to fund public education. Governors and students should work together with the Administration at this University to ask the Government for proper funding towards public education and also let them know that it *is* their responsibility.

I urge you to therefore consider carefully the implications of supporting the present tuition increases, in particular those of the deregulated programs. I hope that something you will take into consideration is to *not only* concentrate your efforts on present tuition increases proposed for the Faculty of Law but also expand your focus to consider options that encompass the other deregulated Faculties including: Medicine, Dentistry and Management. In all these faculties, the present tuition increases *are* affecting accessibility. **I urge you to ask the Administration to freeze (though I understand this would be radical) or at least *only* increase tuition to cover inflation for the next three years. After such a time, we can truly assess how our present increase in tuition will affect accessibility and career choices of this cohort of students in all deregulated programs. I feel that only *then* could Governing Council *truly* feel that it *knows* the effects of our present tuition increases.**

I would firstly like to thank you all for taking the time in reading this letter. I hope I have illustrated to some of you that though the issue of tuition is a complex one, there are certainly options to consider as effective Governors and not deny our conscience. Many of you will remember that I have always strived to be an effective Governor. I certainly did not write this letter to you on a whim. I have given this issue a lot of thought. Our decisions today are affecting the future generations to come, our own children and grandchildren. I am very proud to be part of the University of Toronto and I hope that you will make me be proud to be part of its Governance process. I look forward to working with you all again next year.

Sincerely,



Françoise Ko

Graduate Student Governor, Life and Physical Sciences, 2001-2002

Graduate Student Governor elect, Life and Physical Sciences, 2003-2004

To: Members of Governing Council, University of Toronto
From: Faculty Council Student Caucus, Faculty of Law, University of Toronto
Re: Provost's Study of Accessibility and Career Choice in the Faculty of Law
Date: Friday, March 21, 2003

Please find attached the official response by the elected student representatives of the Faculty Council of the Faculty of Law to the "Provost's Study of Accessibility and Career Choice in the Faculty of Law."

We welcome the opportunity to engage with you and other interested parties in discussion about the contents of this response. Please contact us if you require further information or clarification.

Kind regards,

Jennifer Matthews (III)
President, Students' Law Society
jennifer.matthews@utoronto.ca

Aaron Delaney (II)
External Chair, Student Caucus
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Official Student Response: “Provost’s Study of Accessibility and Career Choice in the Faculty of Law”

1. Executive Summary

We note that Governing Council resolved on May 2, 2002, not to significantly increase tuition fees for incoming classes of students in the Faculty of Law unless it was satisfied that there was (a) no reduction in accessibility due to the 2002-03 tuition increase, and (b) no career distortion due to previous substantial increases.

We respectfully submit that the administrative response to this resolution – the Provost’s Study of Accessibility and Career Choice in the Faculty of Law [“the study”] – contains methodological weaknesses and inconclusive findings, thereby rendering it an inadequate tool to assess the effects of tuition increases on accessibility and career choice, in at least seven ways:

1. It disregards the changes in the socio-economic backgrounds of students in the 2002 incoming class, which was affected by a \$2,000 tuition increase.
2. It fails to examine the socio-economic backgrounds of students who choose not to attend the Faculty of Law, particularly those who decline their offers of admission.
3. It omits comparative data from other Ontario law schools in reaching its conclusion that increased numbers of applicants to the Faculty of Law signify increased accessibility.
4. It cites data relating to visible minorities but fails to connect them with data relating to their socio-economic backgrounds.
5. It relies on data relating to career choice that reflect tuition levels approximately one-fifth to one-quarter of proposed tuition levels.
6. It makes conclusions relating to career choice, such as acceptances of positions at smaller firms, that do not correspond to the data.
7. It presents a misleading picture of the effectiveness of the law school’s financial aid system in mitigating the effects of tuition increases on accessibility and career choice.

We therefore request that:

1. Governing Council should not ratify a tuition increase for the 2003 incoming class from \$14,000 to \$16,000 (an increase of 14.3%);
2. Governing Council should refer the issue to Business Board with the recommendation of a tuition increase for the 2003 incoming class from \$14,000 to \$14,700 (an increase of 5.0%), this being a rate consistent with tuition increases for classes already enrolled;
3. and Governing Council should return to the question of tuition increases above this rate after its concerns of accessibility and career choice are fully addressed.

2. Facts

In January 2002, the administration of the Faculty of Law devised an academic plan to guide the law school from 2002 to 2007. The plan proposed five consecutive annual increases in tuition of \$2,000 such that tuition would increase from \$12,000 in 2001-02 to \$22,000 in 2006-07.

The administration's rationale for the tuition increase was that additional income was required in order to improve the quality of the law school. Four specific areas were targeted:

1. Salary increases for faculty members.
2. A larger pool of financial aid, in that 30 to 35 per cent of tuition increases would be devoted to this item.
3. Improvements to student services, including the hiring of additional administrative staff members, the creation of a Public Interest Law Initiative, the creation of a Student Exchange and Placement Office, and greater funding for legal aid clinics.
4. A capital project involving extensive renovation to the law school's buildings.

On February 12, 2002, the plan was submitted to the Faculty Council of the Faculty of Law. It was approved by a vote of 37 to 13. The 37 faculty members supported it by a vote of 34 to 3, while the 13 elected student representatives opposed it by a vote of 10 to 3.

On May 2, 2002, Governing Council approved by a vote of 25 to 11 a tuition increase from \$12,000 to \$14,000 for the 2002 incoming class.

Immediately after the ratification of this tuition increase, Governing Council considered a resolution moved by Ms. Susan Eng and seconded by then-Provost Adel Sedra:

THAT there should be no further substantial increase in tuition fees for the J.D. Program in the Faculty of Law until the Governing Council is satisfied that there has been no reduction in accessibility due to the 2002-03 tuition increase and no career distortion due to previous substantial increases based upon a comprehensive Accessibility and Career Choice Review to be conducted through the Provost's Office.

Governing Council approved this resolution unanimously.

In autumn 2002, the Provost's office initiated the study. While the Committee on Academic Policy & Programs endorsed the tentative methodology, the Faculty Council

Student Caucus and other parties expressed strong reservations. The methodology was not officially endorsed by Academic Board or Governing Council.

On February 20, 2003, the study was published. On February 27, it was presented to the Committee on Academic Policy & Programs for its consideration. On March 3, the Business Board approved a tuition increase from \$14,000 to \$16,000 for the 2003 incoming class by a vote of 11 to 5. On April 3, Governing Council will have the opportunity to discuss and vote on this tuition increase.

3. Argument

For seven reasons, we find the study's methodology to be inadequate and its findings to be ultimately inconclusive, and that Governing Council ought not to rely on it in order to make decisions regarding tuition increases.

1. The study disregards the changes in the socio-economic backgrounds of students in the 2002 incoming class, which was affected by a \$2,000 tuition increase.

The study states that there has been no significant change in the socio-economic backgrounds of the incoming classes from 1999 to 2002 (page 5). However, the data in the study do not support this conclusion in relation to the incoming class of 2002, those being the students affected by the \$2,000 tuition increase that prompted Governing Council to examine the issues of accessibility and career choice more closely.

- A comparison between the averaged data from the 1999, 2000, and 2001 incoming classes and the data from the 2002 incoming class shows trends of decreased accessibility:
 - Students whose combined parental income was less than \$60,000 → a decrease of 8.5% in those enrolled.
 - Students whose combined parental income was between \$60,000 and \$90,000 → no change in those enrolled.
 - Students whose parental income was greater than \$90,000 → an increase of 12.5% in those enrolled.
 - Students who did not request financial aid → a decrease of 5.4% in those enrolled.

- A direct comparison between the data from the 2001 incoming class and the data from the 2002 incoming class shows even more pronounced trends of decreased accessibility:
 - Students whose combined parental income was less than \$60,000 → a decrease of 19.5% in those enrolled.
 - Students whose combined parental income was between \$60,000 and \$90,000 → a decrease of 13.8% in those enrolled.
 - Students whose parental income was greater than \$90,000 → an increase of 21.8% in those enrolled.
 - Students who did not request financial aid → an increase of 2.7% in those enrolled.

2. The study fails to examine the socio-economic backgrounds of students who choose not to attend the Faculty of Law, particularly those who decline their offers of admission.

The study only examines the socio-economic backgrounds of students who accept offers to the Faculty of Law in order to reach its conclusion that the law school is maintaining a consistent level of accessibility. However, this focus is under-inclusive:

- By definition, students who enrol in the Faculty of Law are able to “access” it. *It is begging the question to focus only on current students in assessing whether the law school is accessible.* What the study should also do is to focus on the impact of tuition increases on two other groups of people: (a) people who are offered admission but who decline acceptance, and (b) people who choose not to submit an application.
- While we recognize the practical limitations of focussing on this latter group (which is large and indeterminate), we submit that it is feasible to focus on the former group. As noted by Professor Arnold Weinrib, chair of the Faculty of Law’s Admissions Committee, at a Faculty Council meeting on September 25, 2002, there is no formalized procedure in place to assess the reasons why people decline their offers of acceptance. We note that this pool is of manageable size to conduct a survey: in 2002, for example, a total of 78 people declined their offers of admission. Currently, we do not know whether financial considerations influenced their decisions to do so.

3. The study omits comparative data from other Ontario law schools in reaching its conclusion that increased numbers of applicants to the Faculty of Law signify increased accessibility.

The study notes that the number of applications to the Faculty of Law is steadily increasing, which it suggests is indicative of maintained accessibility (page 4). However, this statistic is inadequate because it lacks a broader context. To give it meaning, we need to account for the following variables, none of which are provided by the study:

- Have applications to other law schools increased at a comparable rate? For example, the Faculty of Law received 8.3% more applications in 2002 than in 2001 (page 7) – but the comparable figure at Queen’s law school was 22.0%.
- Is the rate of increase comparable to an increase in the pool of eligible applicants? While it is true that the Faculty of Law received 20% more applications in 2002 than in 1995, it is arguable that such an increase is attributable to increasing numbers of graduates, demographic shifts, and fewer opportunities in an uncertain economic climate.

4. The study cites data relating to visible minorities but fails to connect them with data relating to their socio-economic backgrounds.

The study notes that the percentage of students who are members of visible minorities has increased from 21% in 1995 to 29% in 2002, which it suggests is indicative of maintained accessibility (page 5). However, this statistic is inadequate because it lacks a broader context:

- The number of visible minorities in Canada – and especially in Toronto, from where a disproportionate number of the law school's students are drawn – is steadily increasing, particularly within the population of university graduates. This population composes the pool of eligible candidates, and the study should have examined changes in the percentage of visible minorities within it.

Moreover, the conclusion drawn from this statistic is uncertain:

- There is no cross-referenced data between numbers of visible minorities and their socio-economic backgrounds. The study fails to address the possibility that the Faculty of Law is succeeding in attracting visible minorities from wealthier backgrounds while discouraging visible minorities (and possibly members of majority groups) from less wealthy backgrounds.

5. The study relies on data relating to career choice that reflect tuition levels approximately one-fifth to one-quarter of proposed tuition levels.

The study uses data from students who graduated *before tuition fees were increased significantly* in order to reach its conclusion that tuition increases do not affect career choice.

- The study relies on career choices made by students paying the following total amounts of tuition (over all three years of the law school program):
 - Entering in 1995, graduating in 1998 → \$9,432
 - Entering in 1996, graduating in 1999 → \$11,551
 - Entering in 1997, graduating in 2000 → \$13,862
- In contrast, students will pay these amounts of tuition if Governing Council approves a \$2,000 tuition increase this year and in following years:
 - Entering in 2003, graduating in 2006 → \$50,440
 - Entering in 2004, graduating in 2007 → \$56,745
 - Entering in 2005, graduating in 2008 → \$63,050
- We submit that the most judicious and responsible way for Governing Council to proceed would be to analyze career choices made by graduates in 2001, 2002, and 2003 (which are mostly known by this time through the records of

the Faculty of Law's Career Development Office) before authorizing present and future increases.

6. The study makes conclusions relating to career choice, such as acceptances of positions at smaller firms, that do not correspond to the data.

Notwithstanding our concerns relating to the applicability of data from tuition levels at one-fifth to one-quarter of what is currently being proposed, we note that the study reaches conclusions that are difficult to connect to the data. For example:

- Between 1995 and 2000, Faculty of Law graduates became 27.3% less likely to accept jobs with small law firms. This category includes "boutique" firms specializing in fields such as human rights, labour, or environmental law, which typically lend themselves better to smaller practices. The corresponding decline among graduates of other Ontario law schools was 0.5%.

7. The study presents an overly optimistic picture of the effectiveness of the law school's financial aid system in mitigating the effects of tuition increases on accessibility and career choice.

The study acknowledges that tuition increases will negatively affect accessibility and distort career choices unless they are addressed by a strengthened financial aid system (page 18). Yet the study makes several statements about the Faculty of Law's financial aid system that are arguably untenable with reference to the data:

- The figures for financial aid are misleading. The study notes that financial aid for students has increased from \$102,000 in 1995 to \$1.9 million in 2002, which represents an increase of 1800%. However, these figures do not include government aid, which has been a consistent source of financial aid for students throughout this period. If these amounts are incorporated, then the financial aid for students has increased from approximately \$800,000 in 1995 to \$2.6 million in 2002, an increase of 225% that is actually less than the corresponding tuition increase of 371% over this time.
- Even if government aid is not included in the financial aid figures, it is highly unlikely that further increases of the magnitude to date (1800%) are forthcoming in the future.
- The study notes that more students are receiving bursaries that cover 100% of tuition: 13% of the 2002 incoming class, and 7% of all students (page 18). But it is also clear that for both groups this has been purchased by a substantial reduction in the numbers receiving more than 50% but less than 100% assistance, and an increase in the percentage of those receiving less than 50%. Unfortunately the study does not attach numbers to the bar charts in figures 9a, 9b, 9c, and 9d (pages 19 to 22). However, it can be determined that there are decreases in the range of one-third to two-thirds in the number of students receiving financial aid of between 50% to 100% of tuition. *This shows that*

the middle-class is being “squeezed” by tuition increases on the one hand, and reduced access to financial aid on the other hand.

- Finally, it is noteworthy that the Faculty of Law’s financial aid policy relies on the probability that, in any given year, there will be a sufficient supply of resources (represented as a portion of tuition fees) in order to meet the total demand of financial need. This leads to two conclusions. First, the amounts of financial aid allocations will change from year to year based on the socio-economic composition of the student body. Second, the financial aid policy imposes a limit on how accessible the Faculty of Law can become: if too many students from less wealthy backgrounds are offered admission, then their financial aid awards are correspondingly reduced because demand exceeds supply, thereby increasing the likelihood that some of them will accept their offers of admission.

4. Request

We request that Governing Council should not ratify a tuition increase for the 2003 incoming class from \$14,000 to \$16,000 (an increase of 14.3%).

We further request that Governing Council should refer the issue to Business Board with the recommendation of a tuition increase for the 2003 incoming class from \$14,000 to \$14,700 (an increase of 5.0%), this being a rate consistent with tuition increases for classes already enrolled;

We further request that Governing Council should return to the question of tuition increases above this rate after its concerns of accessibility and career choice are fully addressed.

We thank the members of Governing Council for their consideration of this matter.

5. Authorities Consulted

Dhalla, Irfan A., Jeff C. Kwong, David L. Streiner, Ralph E. Baddour, Andrea E. Waddell and Ian L. Johnson (April 16, 2002). “Characteristics of first-year students in Canadian medical schools.” Canadian Medical Association Journal 166 (8).

Equal Justice Works (2002). From Paper Chase to Money Chase: Law School Debt Diverts Road to Public Service. Online at www.equaljusticeworks.org.

Faculty of Law, Admissions Committee (September 25, 2002). Memorandum to Faculty Council: “Admission and Enrolment Statistics – 2002-2003.”

Faculty of Law (2002). Strengthening Our Community.

Kwong, Jeff C., Irfan A. Dhalla, David L. Streiner, Ralph E. Baddour, Andrea E. Waddell and Ian L. Johnson (April 16, 2002). "Effects of rising tuition fees on medical school class composition and financial outlook." Canadian Medical Association Journal 166 (8).

University of Toronto, Governing Council (1998). Tuition Fee Policy.

University of Toronto, Governing Council (2002). Minutes from May 2.

University of Toronto, Provost's Office (March 22, 2002). Memorandum to Business Board: "Tuition Fee Schedule for Publicly Funded Programs, 2002/03."

University of Toronto, Provost's Office (May 29, 2002). Memorandum to Planning and Budget Committee: "Allocations from the Academic Priorities Fund."

University of Toronto, Provost's Office (February 24, 2003). Report to Committee on Academic Policy and Planning: "Provost's Study of Accessibility and Career Choice in the Faculty of Law."