

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 112 OF THE ACADEMIC BOARD

May 7, 2002

To the Governing Council,
University of Toronto.

Your Board reports that it held a meeting on Thursday, May 7, 2002 at 4:15 p.m. in the Council Chamber, Simcoe Hall. An attendance list is attached to this report. In this report, items 3, 5 and 6 are recommended to Governing Council for approval, item 4 is presented for Executive Committee confirmation and the remaining items are reported for information.

1. Report of the Previous Meeting

A member asked that the first paragraph on page 13 be amended to include the phrase “or the nature of their genitals” after “the colour of people’s skin”. The report of the previous meeting, dated April 11, 2002, as amended was approved.

2. Report Number 98 of the Agenda Committee

The report was received for information.

3. Copyright Policy

(arising from Report Number 94 of Committee on Academic Policy and Programs)

Professor Murty reported that the Committee had considered a proposal that would create a new Copyright Policy, repeal two previous policies and amend the Inventions Policy. The proposal had grown out of the work of the Task Force on Intellectual Property relating to Instructional Media. The Committee had asked a number of questions about the policy and had generally been very complimentary and supportive.

Invited to address the Board, Professor Love made three points on behalf of the Faculty Association. The first issue was the administration’s ability to claim ownership over faculty and librarian work, traditionally owned by the faculty member or librarian, simply by directly contracting for the course or research work; the second issue was moral rights, a term for maintaining the integrity of the work faculty and librarians create; and, the third issue was the suggestion that data and research tools be treated in the same way as inventions. She expanded on these points, noting that in the first case, the Association had problems with the commissioning clause in the proposed changes and the potential for vulnerable and uninformed academics to believe they had no choice but to surrender their rights to ownership. Moral rights was a term which encompassed the right to have your name associated or not with a particular work and the right to maintain the integrity of the work and to prevent unauthorized changes being made to the work. The existing policy protected these rights. The Association was concerned that the proposed policy in its current form was inconsistent with the commitment to protect academic freedom. With respect to data and research tools, she said that to treat them in the same way as inventions would increase the administration’s ownership rights. The Faculty Association had requested that the data ownership issue receive careful study and wide consultation before any changes were made.

3. Copyright Policy (cont'd)

Dr. Munsche responded to the comments. He noted that the proposed policy was the result of the extensive work of the Task Force on Intellectual Property relating to Instructional Media, chaired by Professor Ronald Daniels. He recalled that the Task Force had considered the points raised by Professor Love. With respect to the point about taking away faculty members' rights for instructional material they might have created, he believed this was far from the intent. In fact, he said that the new policy cleared up the confusion and confirmed that ownership belonged to the author. Under the new policy, in instances where the University commissioned work, the settlement of ownership rights would be done freely and openly, with both parties involved. The moral rights issues had been discussed with the Faculty Association and he was puzzled by the comments. Ownership was vested with the author. The author had the right to assign ownership to another and the right to waive moral rights. He believed that members of the faculty were intelligent and could make their own decisions. He noted that research services provided counselling on the issue of assigning moral rights. With respect to the last point on research tools, he noted that if nothing was done and the old policy was repealed, there would be no policy at all in this area. It was decided to place them in the Inventions Policy. Although research tools were not commercially valuable, they should be protected for the University community. In conclusion, Dr. Munsche commented that the new policy was the result of a year's consultation on all three campuses and it had the unanimous endorsement of all members of the Task Force, including those from the Faculty Association.

In response to a member's questions, Dr. Munsche confirmed that professional association presses were intended to be included under academic presses, referred to in the definition of "commercialize". He also confirmed that the definition of "substantial use of University resources" did not include the resources received when on a sabbatical.

A member referred to a point raised by Professor Love and disagreed that the faculty needed protection which respect to making decisions about their rights. He believed all faculty were capable of making such decisions.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDS

THAT the University of Toronto Copyright Policy, dated April 9, 2002, a copy of which is attached hereto as Appendix "A", be approved.

THAT the University of Toronto Policy on Copyright and Other Proprietary Rights (May 19, 1977) and the University of Toronto Policy on Computer Software (April 14, 1988) be repealed.

THAT the University of Toronto Inventions Policy be amended as outlined in the memorandum from Vice-President Heather Munroc-Blum, dated April 8, 2002, a copy of which is attached hereto as Appendix "B".

4. University of Toronto at Scarborough: Joint Program with Centennial College in Paramedicine

(arising from Report Number 94 of the Committee on Academic Policy and Programs and Report Number 79 of the Planning and Budget Committee)

Professor Murty noted that this was the third joint bachelor's program with Centennial College proposed by UTSC. Those who graduate from the program would qualify for both the honours bachelor's degree and the diploma. They would also be eligible to write the Ministry of Health's examinations to qualify to practice as a paramedic. The proposal has been discussed with the Faculty of Medicine. The draft agreement with Centennial College had also been given to the Committee for information.

4. University of Toronto at Scarborough: Joint Program with Centennial College in Paramedicine (cont'd)

Professor Gottlieb reported that the Planning and Budget Committee was assured that the costs of this program would be met entirely from UTSC's allocations from the Enrolment Growth Fund.

On a motion duly moved and seconded,

YOUR BOARD APPROVED

THAT the proposal for the establishment of a new Specialist Program in Paramedicine, offered jointly with Centennial College, as described in the submission from the University of Toronto at Scarborough, dated April 10, 2002, as amended, a copy of which is attached hereto as Appendix "C", be approved, effective September, 2003.

5. Enrolment Expansion - Update
(arising from Report Number 79 of the Planning and Budget Committee)

Professor Gottlieb noted that Professor McCammond's presentation to the Planning and Budget Committee provided the historical context and bases for this Update on Enrolment Expansion. This was outlined in detail in the Committee's report, which can be read at <http://www.utoronto.ca/govcncl/bac/details/pb/2001-02/pbr20020416.pdf>. The Committee was supportive of the plan.

Professor McCammond again gave a detailed presentation of the history of and current plan for enrolment expansion (copy of the presentation is attached hereto as Appendix "D"). He noted that the plan had been based on those plans produced by the individual divisions through the *Raising Our Sights* planning process. The detailed enrolment expansion plan was Figure 3 (part of Appendix "E") and it had been developed from the second option of the University's September, 2000 submission to the Ministry of Training, Colleges and Universities, which called for an increase of 9,000 reflecting the lower projected system increase requirements. This option produced increases of approximately 50 percent at UTM and UTSC over 1997-98 enrolment levels.

Professor McCammond outlined the allocation of resources for enrolment expansion. Divisions would receive 75 percent of the operating grant plus 75 percent of the tuition revenue net of the mandated student aid provision, generated by enrolment increases resulting from approved plans. The exception would be UTM and UTSC each of which would receive 90 percent of the funding generated by the Phase I expansion; the extra funding would support the debt service assumed by the capital expansion associated with Phase I of the enrolment growth. Funding would be allocated from the Enrolment Growth Fund based on actual enrolment. He noted that resource allocations for increases in doctoral enrolment would take into account a division's needs to comply with the graduate student support funding guarantee.

A member wondered, in light of the plans for increasing enrolment, what plans the University was making to support the needs of the new students in terms of providing new programs of study, scheduling of courses, increasing participation rates of various groups of students, the possible unpreparedness of students without grade 13, the increased demand on support services and the financial needs of part-time students.

A member, noting the discrepancies in the government's and the universities' projections of the need for university places, asked what strategies the University was using to engage the government on these issues. The President said that the University was employing multiple strategies. The University's plans for expansion were based on receiving full average

5. Enrolment Expansion - Update (cont'd)

funding for the increased enrolment and capital funding to provide the need facilities. The administration was in constant contact with Queen's Park officials, both alone and as part of a Council of Ontario Universities' delegation. He was hoping for some progress with the new premier. The University has been meeting with high school counsellors to discuss the implications of the enrolment expansion but it was a matter of some diplomacy since the government provided a significant proportion of the University's funding.

In response to a member's question about the particular pressures on enrolment in the GTA, the President confirmed that from current data and future projections, there would be enormous pressure in the 905 area in the second half of this decade for University places.

A member noted that the press had carried a story that the University would be increasing enrolment by only 66 students in 2002-03. Professor Sedra reported that the University had completed the first phase of its annual process for sending out applications. The University planned to essentially hold the line on enrolment this year, accepting only a small increase in the number of students. He recalled that the intake in 2001-02 had been considerably higher than the original target. The operating funding for increased enrolment had been promised in the government's budget last year but the University needed the capital support to implement Phase II of the enrolment expansion plan at UTM and UTSC. The government had not followed through on its promises of full average operating funding and the University was anxiously awaiting a government response. Only 43 percent of the promised operating funding had been received. If the outstanding funding was not forthcoming, it behooved the University to reconsider its enrolment expansion plans. He hoped to hear from the government in the next few weeks.

A member asked whether the enrolment expansion presented an opportunity to increase the quality of the student body. At present, he noted that students were accepted based on grades and he asked whether there might be an opportunity to expand the method of selection. Professor Sedra replied that for this year, there would be no change in the method of selection. Perhaps in future years, this might change but he noted that the pool of applicants had expanded by 20 percent. The entering grades would rise but there were no plans to look at other indicators than grades. The President added that with a pool of 40,000 applicants grading entrance essays, for example, would be very time consuming and difficult. He supported the idea of expanding entrance criteria in principle but suggested it was impractical at this time given the size of the enterprise.

A member suggested that the University might take the opportunity to do a study of the predictors of success by using a small sample of entering students who, in addition to their entering grades, would be assessed on other factors such as an essay and who would be followed as they progressed through their academic programs. Another member commented that entrance based on pure grades might disadvantage students in public schools because those in private schools might be provided with inflated grades. Dr. Levy said that the administration was aware of potential mark inflation problems and that he had spoken with Ms Karel Swift, the University Registrar, to follow up on this issue. The co-operation of the schools would be essential in any study. A member said that this was an empirical question and the private school graduates could be followed to ascertain their success in university programs.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDS

1. THAT the enrolment expansion as described in Figure 3 of the report *Update on Enrolment Expansion*, dated April 8th, 2002, a copy of which is attached hereto as Appendix "E", be approved in principle, and
2. THAT the principles for allocation of resources as described in the section entitled RESOURCE IMPLICATIONS and detailed in Appendix A of the report be approved.

6. Capital Project: University College Residence - Project Planning Report
(arising from Report Number 79 of the Planning and Budget Committee)

Professor Gotlieb explained that this Project Planning Report addressed a much needed expansion of residence facilities for University College. The proposed site had provoked concerned comment at the Planning and Budget Committee meeting but the Committee had been unanimous in recognizing the need for the residence and the lack of alternative sites. With the assurance that design and landscape would be sensitive to the unique nature of that area of the campus, the Committee had strongly supported this recommendation.

There were no questions.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDS

1. THAT the Project Planning Report for the University College Residence Expansion, dated April 8, 2002, a copy of which is attached hereto as Appendix "F", be approved in principle;
2. THAT the project scope totaling some 10,708 gross square metres, allowing for the addition of a north/south wing to complete the eastern edge of the Sir Daniel Wilson residence quadrangle, and using an approved building site (Site 22) and an area currently zoned University Open Space requiring municipal approvals be approved; and,
3. THAT the project cost of \$31.100 million be approved, with the funding sources as follows:
 - (i) Donation from University College of \$3.0 million,
 - (ii) University College ancillary operation allocation of \$2.385 million,
 - (iii) University Infrastructure Investment Fund of \$1.3 million, and
 - (iv) Financing in the amount of \$24.407 million to be repaid from residence fees over a 25-year amortization period.

7. Items for Information

- (a) Report of the Vice-President and Provost

Professor Sedra indicated he had nothing to report at this time.

- (b) Items for Information in Report Number 94 of the Committee on Academic Policy and Programs

There were no questions or comments.

- (c) Items for Information in Report Number 79 of the Planning and Budget Committee

There were no questions or comments.

- (d) Report Number 265 of the Academic Appeals Committee

There were no questions or comments.

- (e) University Tribunal: Individual Cases

There were no questions or comments.

8. Date of Next Meeting

The Chair noted that the next regular meeting of the Board would be held on June 6, 2002.

The Board moved *in camera*.

9. Academic Administrative Appointments

The following academic administrative appointments were approved:

FACULTY OF ARTS AND SCIENCE

Department of Linguistics

Professor Dian Massam Chair from July 1, 2002 to June 30, 2007

Department for the Study of Religion

Professor James DiCenso Chair from July 1, 2002 to June 30, 2007

FACULTY OF MEDICINE

Department of Health Policy, Management, and Evaluation

Professor Louise Lemieux-Charles Chair from July 1, 2002 to June 30, 2007

Department of Physical Therapy

Professor Molly Verrier Chair from July 1, 2002 to June 30, 2004
(extension)

FACULTY OF SOCIAL WORK

Professor Usha George Acting Dean from July 1, 2002 to
December 31, 2002

UNIVERSITY OF TORONTO AT SCARBOROUGH

Division of Humanities

Professor Elizabeth Cowper Chair from July 1, 1999 to June 30, 2005
(amended)

Professor Wayne Dowler Acting Chair from July 1, 2002 to June 30,
2003

The meeting adjourned 5:30 p.m.

Secretary
May 8, 2002

Chair

Present

Professor J. Carr, Chair
Professor D. Wells, Vice-Chair
Ms W. M. Cecil, Chairman, Governing Council
Dr. T. Simpson, Vice-Chair, Governing Council
Professor R. J. Birgeneau, President
Professor A. S. Sedra, Vice-President and Provost
Professor V. Goel, Vice-Provost, Faculty
Professor C. Tuohy, Vice-President - Policy Development and Associate Provost
Professor D. Affonso
Professor G. Allen
Professor C. Beghtol
Professor J. M. Boyle
Professor R. Bryan
Professor N. Camerman
Mr. G. Chan
Mr. A. Chapnick
Professor D. Clandfield
Professor J. J. Connon
Professor B. Corman
Professor W. R. Cummins
Professor F. Cunningham
Dr. R. B. Deber
Professor S. Desser
Professor C. Dyer
Professor D. Edwards
Dr. I. Elliston
Dr. S. Graham Fell
Ms E. Fillion
Professor E. Fiume
Professor E. Freeman
Professor J. J. Furedy
Ms B. Goldberg
Professor A. I. Gotlieb
Professor P. Halpern
Professor W. Hindmarsh
Ms B. Home
Professor S. H. Horton
Professor L. C. Howarth
Mr. M. Hycza
Ms M. J. Jackman
Professor A. Jorgensen
Professor G. Kerr
Professor B. Kidd
Professor R. Kluger
Dr. M. Letarte
Ms V. Melnyk
Mr. D. Melville
Professor D. Mock

Mr. A. Morgan
Professor V. K. Murty
Professor M. O'Neill-Karch
Professor P. Perron
Professor O. Pugliese
Professor C. Regehr
Ms S. Reichert
Professor R. Reisz
Professor K. Rice
Professor L. Richards
Professor B. Sampson
Ms C. M. Seymour
Professor A. Sheps
Professor W. Shera
Professor B. Sherwood-Lollar
Professor J. J. B. Smith
Professor P. Thompson
Professor A. Venetsanopoulos
Professor D. Vincent

Non-Voting Member

Mr. L. R. Charpentier

Non-Voting Assessors

Dr. S. Levy
Professor D. McCammond
Professor R. Venter

Secretariat

Ms S. Girard, Secretary
Ms C. Oke

Absent

Professor B. J. Adams
Mr. M. F. Ahmad
Professor C. Amrhein
Professor B. Baigrie
Professor C. Barnes
Dr. M. Barrie
Professor N. Bascia
Professor D. Beach
Professor M. Beattie
Professor B. Benhabib
Ms R. Bhavnani
Mr. E. Brock
Mr. J. Burnett

Professor M. Chipman
Professor D. Cook
Professor D. E. Cormack
Professor R. Daniels
Professor L. De Nil
Professor M. Diamond
Professor J. Donaldson
Professor M. Eichler
Mr. J. A. Fraser
Professor M. Fullan
Professor R. M. Gallop
Dr. R. Geist
Professor M. Gotlieb
Mr. B. Greenspan
Professor H. Gunz
Mr. A. Hamoui
Mr. D. Herbert
Mr. J. Hunter
Professor A. R. Jones
Professor C. La Vigna

Ms K. Lewis
Professor R. L. Martin
Professor S. G. Matthews
Professor R. H. McNutt
Professor C. Misak (on sabbatical)
Professor E. Morgan
Professor H. Munroe-Blum
Professor D. Naylor
Professor P. Pennefather
Professor R. W. Pruessen
Ms P. Ricci
Professor C. Rolheiser
Mr. J. Satkunasingham
Ms J. Snow
Dr. K. Stangeby
Ms. S. Stringer
Professor V. R. Timmer
Mr. A. Vered
Professor L. Wilson-Pauwels

In Attendance:

Professor R. Abramovitch, Director, Transitional Year Program
Mr. J. Bechtel, Intellectual Property and Contracts Counsel
Dr. B. Fitzpatrick, Director of the Office of the President and Assistant Vice-President
Professor J. Foley, Chair, Program and Curriculum Committee, UTSC
Mr. K. Lavin, member, Task Force on Intellectual Property relating to Instructional Media
Professor R. Love, President, University of Toronto Faculty Association
Ms M. McGee, Assistant Provost
Dr. P. Munsche, Assistant Vice-President - Technology Transfer
Ms J. Poe, member, Task Force on Intellectual Property relating to Instructional Media