

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 121 OF THE ACADEMIC BOARD

June 23, 2003

To the Governing Council,  
University of Toronto.

Your Board reports that it held a special meeting on Monday, June 23, 2003 at 4:15 p.m. in the Council Chamber, Simcoe Hall. An attendance list is presented at the end of this report. In this report, items 1 and 2 are recommended to Governing Council for approval and the remaining items are reported for information.

A motion to adjourn no later than 6:30 p.m. was duly moved and seconded. The motion was carried.

**1. Capital Project: University College Residence – Project Planning Report, Change of Scope  
University Infrastructure Investment Fund: Allocation**  
(arising from Report Number 90 of the Planning and Budget Committee)

Professor Gotlieb reported that generally members of the Planning and Budget Committee were pleased that, after a long delay, this project would soon be underway. Members had asked questions about the use of the excess fee revenue, the likelihood for successful fundraising, shading effects of the building and the heritage agreement. They had been assured by responses and there was strong support to proceed.

Professor Perron remarked that the fundraising was proceeding very well and that almost \$9 million had been raised to date.

On a motion duly moved and seconded,

**YOUR BOARD RECOMMENDED**

1. THAT the Revised Project Planning Report for the new University College Residence, a copy of which is attached hereto as Appendix “A”, be approved in principle.
2. THAT the project scope totaling some 9329 gross square metres will allow for the construction of a residence building on the approved Site 22.
3. THAT conditions to all municipal approvals be negotiated in order to gain minor variance permissions to build on Site 22.

**1. Capital Project: University College Residence – Project Planning Report, Change of Scope (cont'd)**  
**University Infrastructure Investment Fund: Allocation (cont'd)**

4. THAT the funding arrangements, including furnishings and finance costs, for the University College residence expansion be approved at an estimated cost of \$24,039,382 to \$25,539,382 with the funding as follows:
- (i) \$8,000,000 externally secured contribution received for the UC residence expansion,
  - (ii) An additional \$2,000,000 to be secured from additional external fundraising by University College.
  - (iii) \$1,485,000 contribution from the UC residence ancillary
  - (iv) \$800,000 contribution provided by the UC food service ancillary
  - (v) \$50,000 allocation from the University Infrastructure Investment Fund in support of space for the Drama Program.
  - (vi) A mortgage to be amortized over a period of 25 years in the range of \$11,705,000 to \$13,205,000, with payments forthcoming from residence revenues and the UC ancillary.

**2. School of Graduate Studies: Graduate Department of Anatomy and Cell Biology - Disestablishment**  
**School of Graduate Studies: MSc and PhD Programs in Anatomy and Cell Biology - Discontinuation**  
(arising from Report Number 90 of the Planning and Budget Committee)

Professor Gotlieb reported that there had been no discussion of this item by the Planning and Budget Committee.

A member expressed his concern that the University was discontinuing a program and that the explanation provided was not adequate. Dean Naylor said that the teaching staff from this department had already dispersed to other departments. The discipline of cell biology was taught in a number of other departments and was widespread through the Faculty of Medicine. The teaching staff in anatomy had joined those in surgery. He suggested that the proposal be viewed as one of administrative housekeeping to achieve administrative efficiency rather than the discontinuation of a program or department.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDED

THAT the Graduate Department of Anatomy and Cell Biology be disestablished effective July 1, 2003, and

THAT the Master of Science and Doctor of Philosophy programs in Anatomy and Cell Biology be discontinued effective July 1, 2003.

Documentation is attached hereto as Appendix "B".

### 3. Clinical Faculty - Update

Professor Neuman recalled that the administration had agreed to engage in good faith discussions with the University of Toronto Faculty Association (UTFA) regarding the proposals of the Task Force on Clinical Faculty. It had been hoped to have an agreement to bring forward to this meeting but the issues had not yet been resolved. The administration remained in a delicate position in these discussions. Although the administration had sought UTFA's input, it was aware that there were problems in undertaking formal negotiations to amend proposals endorsed by clinical faculty knowing that the clinical faculty had signaled in writing that UTFA had no standing to represent them. Nonetheless, the two parties had met on numerous occasions over the past five months. In May, the services of a mediator proposed by UTFA, Dr. Hugh Scully, had been obtained. His draft report had been submitted late last week. She noted that there had been a number of misunderstandings among the parties regarding the issues.

Professor Neuman stated that, based on UTFA's input, several points had been clarified as policies were developed based on the Task Force report:

- the proposed definition of academic freedom would be identical to that in the Memorandum of Agreement with the usual exceptions related to legal and ethical limitations. The phrasing used by the Task Force to reflect this, that health care institutions would have the ability to pursue their missions, had been changed to actually highlight these limitations.
- there was concern for how individual faculty might be represented or receive information on process when they encountered difficulty. The Medical Staff Associations were in discussions on how this would be enabled as a shared resource among hospitals.
- there was concern about the appointment of members of the various dispute resolution panels. There would be no hospital or academic administrators on the panels. The Medical Staff Association presidents, as a bloc, would have to agree to the nominees for the panels. Finally, when a panel was struck, it would not contain members from the same department or hospital as the complainant.

She reported that there were some issues that required further discussion. One concerned UTFA's desire to have a binding arm's-length dispute resolution process for academic freedom cases in the hospitals. The Task Force had proposed an intricate compromise between respecting the desire of the hospitals as legally independent entities to manage their own affairs and the University's desire to have a process that allowed for a role for the University in disputes involving academic freedom. Other institutions had indicated an interest in this proposal and how it might be implemented in their settings. The Task Force proposed a tribunal that would be able to make findings of fact that would be binding on the hospitals. However, this finding would then be taken back to the dispute resolution process within the hospital for determination of the remedy. To do otherwise with the remedy would have a University panel imposing a remedy on a third party. Such interference by the University's Grievance Review Panel was encouraged in late 2001, leading to scores of letters of protest from the clinical faculty and the appointment of the Task Force on Clinical Faculty. UTFA had proposed that the tribunal could, in addition to finding of fact, recommend a remedy. This too was unacceptable to the hospitals and practice plans since it would be difficult to ignore such a remedy. Such a recommendation would usurp the role of the hospitals and the practice plans and undermine the autonomy and legitimacy of their dispute resolution mechanisms.

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### 3. Clinical Faculty – Update (cont'd)

A second issue concerned UTFA's desire to conduct a review after five years of implementation and then decide whether to agree to the Memorandum change. This proposal was not acceptable to the clinical faculty since it left UTFA in control of their destiny. The administration was committed to conducting a review, as was its usual practice, and reporting to governance.

There were concerns about the delays in the implementation of the Task Force's recommendations. Professor Neuman noted that because the proposals of the Task Force were not written into policy, they could not be incorporated into Alternate Funding Plans (AFP) that had already been signed. Dean Naylor has been successful in obtaining "placeholder" language in the dispute resolution sections of the AFP governance agreements. These placeholders provided for a role for the University tribunal in academic freedom disputes. However, the agreement to the placeholders was obtained on the understanding that the governing body of each AFP must decide to accept the mechanism proposed by the University. The broad coalition of support for the tribunal mechanism was at risk with ongoing delay as negotiations now shifted to each AFP with respect to acceptance of the jurisdiction of the tribunal. The practice plans and the hospitals might develop and exercise their own procedures and there would not be consistency across the sites.

Professor Neuman said that the administration would continue to work with UTFA and the mediator to try to resolve the remaining differences so that clinical faculty policies could be brought to the first meeting of the Academic Board in the fall. The clinical faculty were concerned that the implementation of the policies was being delayed by a group that did not admit them as voting members.

In summary, she said that the policies were stronger as a result of conversations with UTFA. The draft mediator's report was potentially helpful. At the end of summer, the two parties would be back to work again and she hoped to bring the policies forward in the fall.

Several members referred to the definition of academic freedom and Professor Goel confirmed that it was identical to the one in the Memorandum of Agreement. However, it could not be used as an excuse for medical misadventure.

A member found the discussions around quality assurance and academic freedom disquieting. Quality assurance meant that best practices in patient care were being achieved. There was some leeway in practice but practice should maximize patient outcome. It was disquieting to hear that quality assurance could be affected in a negative way with academic freedom as an excuse. Dean Naylor did not believe that academic freedom could be used to justify substandard care with the proposed definitions.

A member hoped that the language would capture the ability of clinical staff to pursue difficult questions.

A member said that the administration was to be congratulated on its handling of a difficult and complex issue. Professor Neuman recognized the great debt of gratitude owed to Professor Vivek Goel and Dean David Naylor for their work in the clinical faculty negotiations.

#### 4. Tri-campus Planning - Update

Professor Neuman began by recognizing the work of Professor Goel and Professor Anne Lancashire and Ms Judith Pöe on behalf of UTFA in bringing this to a successful conclusion.

Professor Neuman explained that in order to implement the new administrative framework for the three campuses amendments were required to two frozen policies, the *Policy and Procedures on Academic Appointments* and the *Policy on Appointment of Academic Administrators*. The former dealt with appointments and tenure. Amendments were required to enable the involvement of the proposed tri-campus graduate chairs in appointments, probationary reviews and on tenure committees. Amendments were also required to govern cross-appointments between campus based departments, for example, English on UTM and English on St. George. The latter policy defined the role of academic administrators and provided mechanisms for their appointment. Amendments were needed to enable chairs of departments at UTM and UTSC to report to a dean, who in turn would report to the Vice-President and Principal. A procedure for searching for tri-campus graduate chairs had also been proposed.

Professor Neuman said that the administration and UTFA had worked effectively together on these issues. UTFA had suggested some changes particularly with respect to symmetry across the campuses in tenure committees. The result was more effective policies. As a requirement of its agreement to the changes, UTFA had requested a Letter of Understanding be signed. The Letter served to ensure that faculty interests under the Memorandum of Agreement would be preserved across the three campuses. In addition, the Letter included an undertaking by the administration: to conduct workload analyses at the aggregate level across department/disciplinary groupings and report to governance; to continue tri-campus salary reviews; to increase the profile of graduate education at UTM and UTSC; and to provide mandatory training for all new academic administrators.

Agreement on the Letter and on the policy revisions had been reached late last week. There had not been sufficient time to present the final policies to Principals and Deans and prepare the documentation for this meeting. The policy revisions would come forward in the fall. In the interim, there was agreement with UTFA to proceed with the implementation of the departmental structure at UTM. The Interim Dean of the Faculty of Arts and Science would delegate responsibility for the administration of those departments to the Vice-Principal (Academic) at UTM and to the respective chairs.

In closing, Professor Neuman again expressed her appreciation to UTFA, and in particular to Professor Lancashire and Ms Pöe for their diligent work on this matter.

The Chair invited Ms Pöe, Vice-President, UTFA, to address the Board. Ms Pöe said that as a representative of UTFA, but also as a UTM faculty member, it gave her great pleasure to speak in support of the remarks of the Provost. About one year ago this Board had approved in principle the recommendations of the *Framework for a New Structure of Academic Administration for the Three Campuses*. Its proposals were intended to bring a greater degree of symmetry to the administrative structures on each campus. Its twin objectives were to allow each campus to maintain and develop a distinct identity while recognizing that each was an integral part of the University of Toronto.

A joint University-UTFA committee had set about proposing revisions to the frozen policies, in particular the *Policy on Appointment of Academic Administrators* and the *Policy and Procedures on Academic Appointments*, that would be needed to allow implementation of the *Framework* document. These proposals were now complete and had been approved in their present form by UTFA. As well, UTFA had agreed with the University on a Letter of

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#### 4. Tri-campus Planning – Update (cont'd)

Understanding which should ensure that there would be no significant differences in workload or remuneration among faculty who would be held to the same standards of scholarship across the three campuses.

She and her UTM colleagues were excited about embarking upon this next phase of campus development. UTFA commended the revised policies that would make this possible. These policies were the product of best practices of cooperation between the Faculty Association and the University, practices which UTFA hoped to extend to other areas of mutual concern. The Chair thanked her for her remarks.

A student member who had been a graduate student at UTM asked whether the new academic structure would mean an increased presence of the School of Graduate Studies (SGS) on both the UTM and the UTSC campuses. At present graduate students were often required to travel to the St. George campus to complete business related to their studies. Dean Marrus agreed that it would be ideal to have SGS staff make regular visits to the UTM and UTSC campuses but that this was not always financially feasible. He was cognizant of the issue and was in conversation with colleagues at UTM. Professor Goel noted that the Letter of Understanding included provisions for an increased graduate presence on the two campuses. Although this was meant more in academic terms, the administrative matters were something to consider.

In response to a question about salary anomalies, Professor Neuman confirmed that discipline comparators over the three campuses would be used for the merit-based reviews.

Professors Orchard, Thompson and Sinervo all offered their congratulations on the successful completion of these negotiations, noting the importance of the decisions in creating an appropriate environment for growth at both UTM and UTSC. All thanked those involved in the negotiations and they looked forward to working out the details for implementing the changes.

The President recalled that this issue had been first introduced to him several months after he became President by Professor Thompson and then Principal of UTM, Professor McNutt. They had said that the three campus arrangements were not satisfactory and, as a result of that meeting, a process for change had been established. The President wished to give credit to Professor Amrhein and others for their role in the successful conclusion of these issues. He believed it was a model example of how an academic process should work and it set a precedent on how the various parts of the University could work together on an issue.

#### 5. Appointments and Status Changes / Appointment of Professors Emeriti

Professor Neuman presented a number of appointments and status changes for information.

A member wished to give a notice of motion. The Chair ruled the member's request out of order since it was a special meeting and there was no item of "other business" under which the member could raise a matter not on the agenda.

The Board moved *in camera*

**6. Academic Administrative Appointments**

The following academic administrative appointments were approved:

## FACULTY OF APPLIED SCIENCE AND ENGINEERING

*Department of Civil Engineering*

Professor Eric Miller                      Acting Chair from July 1, 2003 to  
December 31, 2003

Professor Paul Young                      Chair from January 1, 2004 to June 30,  
2008

*Department of Electrical and Computer Engineering*

Professor Ian Blake                      Acting Chair from July 1, 2003 to  
December 31, 2003

Professor Jonathan Rose                      Chair from January 1, 2004 to December 31,  
2008

## FACULTY OF ARCHITECTURE, LANDSCAPE, AND DESIGN

Professor Ted Kesik                      Associate Dean from July 1, 2003 to June 30,  
2004

## FACULTY OF ARTS AND SCIENCE

*Department of Chemistry*

Professor Scott Mabury                      Chair from July 1, 2003 to June 30, 2006

*Department of Sociology*

Professor Blair Wheaton                      Chair from July 1, 2003 to June 30, 2009  
(includes one year of leave; term is 5 years)

## SCHOOL OF GRADUATE STUDIES

Professor Grant Ferris                      Associate Dean, Physical Sciences (Division  
III) from July 1, 2003 to June 30, 2006

*Centre of Criminology*

Professor James Phillips                      Director from July 1, 2003 to June 30, 2006

## UNIVERSITY OF TORONTO AT MISSISSAUGA

*Department of Anthropology and the Study of Religion*

Professor Gary Crawford                      Chair from July 1, 2004 to June 30, 2009

**6. Academic Administrative Appointments (cont'd)**

*Department of Chemical and Physical Sciences*

Professor Alexander Cruden Chair from July 1, 2003 to June 30, 2006

*Department of Economics*

Professor Varouj Aivazian Chair from July 1, 2003 to June 30, 2008

*Department of English and Drama*

Professor Leslie Thomson Chair from July 1, 2003 to June 30, 2006

*Department of History and Classics*

Professor Catherine Rubincam Interim Chair from July 1, 2003 to June 30, 2004

*Department of Political Science*

Professor Graham White Chair from July 1, 2003 to June 30, 2006

*Department of Sociology*

Professor Charles Jones Chair from July 1, 2003 to June 30, 2006

*Institute of Communication and Culture*

Professor Cheryl Misak Director from July 1, 2003 to June 30, 2008

UNIVERSITY OF TORONTO AT SCARBOROUGH

*Division of Management*

Professor Michael Krashinsky Chair from July 1, 2003 to June 30, 2006

**7. University Professors: Appointment**

On a motion duly moved and seconded,

YOUR BOARD APPROVED

THAT Professor Roderick McInnes, Department of Paediatrics, Faculty of Medicine; Professor Nancy Reid, Department of Statistics, Faculty of Arts and Science; Professor Michael V. Sefton, Department of Chemical Engineering and Applied Chemistry, Faculty of Applied Science and Engineering; and Professor Peter St. George-Hyslop, Department of Medicine, Faculty of Medicine, be appointed University Professors effective July 1, 2003.

The meeting adjourned at 5:10 p.m.

Secretary  
June 24, 2003

Chair



**Present:**

Professor W. R. Cummins, Chair  
 Professor B. Corman, Vice-Chair  
 Dr. T. Simpson, Chair, Governing Council  
 Professor R. J. Birgeneau, President  
 Professor S. Neuman, Vice-President and  
 Provost  
 Professor V. Goel, Vice-Provost, Faculty  
 Professor R. Abramovitch  
 Professor D. Allen  
 Dr. M. Barrie  
 Professor D. Beach  
 Professor B. Benhabib  
 Professor R. Bryan  
 Professor N. Camerman  
 Mr. A. Chapnick  
 Professor M. Chipman  
 Professor S. Choudhry  
 Professor D. Cook  
 Professor R. Deber  
 Professor S. Desser  
 Professor M. Diamond  
 Professor J. Donaldson  
 Dr. I. Elliston  
 Dr. S. G. Fell  
 Professor E. Fiume  
 Professor J. Furedy  
 Professor R. Geist  
 Ms R. Ghosh  
 Professor L. Girolametto  
 Ms B. Goldberg  
 Professor A. Gotlieb  
 Professor H. Gunz  
 Professor A. Haasz  
 Dr. G. Halbert  
 Ms B. Horne  
 Professor S. Horton  
 Professor L. Howarth  
 Professor M. Hutcheon  
 Mr. M. Hyrcza  
 Professor A. Johnston  
 Professor G. Kerr  
 Professor R. Kluger  
 Dr. M. Letarte  
 Professor L. Loeb  
 Professor J. MacDonald  
 Professor M. Marrus  
 Ms S. McDonald  
 Professor M. McGowan  
 Ms V. Melnyk  
 Mr. D. Melville  
 Professor C. Misak  
 Professor D. Mock  
 Ms C. Moore  
 Professor D. Naylor  
 Professor M. O'Neill-Karch

Mr. E. Ohayon  
 Professor I. Orchard  
 Professor P. Pennefather  
 Professor P. Perron  
 Mr. C. Purchase  
 Mr. C. Ramsaroop  
 Professor R. Reisz  
 Professor B. Sampson  
 Mr. R. Sanders  
 Mrs. C. Seymour  
 Professor B. Sherwood Lollar  
 Professor P. Sinervo  
 Professor J. J. B. Smith  
 Professor D. Thiessen  
 Professor P. Thompson  
 Professor V. Timmer  
 Mr. N. Turk-Browne  
 Professor T. Venetsanopoulos  
 Ms S. Walker

**Non-voting Member:**

Mr. L. Charpentier

**Non-voting Assessors:**

Professor J. Challis, Vice-President,  
 Research and Associate Provost  
 Professor R. Venter, Vice-Provost, Space and  
 Facilities Planning

**Secretariat:**

Ms S. Girard, Secretary  
 Ms C. Oke

**Absent:**

Professor D. Affonso  
 Mr. S. Ahmed  
 Professor G. Allen  
 Professor S. Aster  
 Professor B. Baigrie  
 Professor J. Barber  
 Professor N. Bascia  
 Professor M. Beattie  
 Professor C. Beghtol  
 Professor M. Berkowitz  
 Mr. M. Bonham  
 Ms H. Brabazon  
 Mr. G. Chan  
 Professor D. Clandfield  
 Professor F. Cunningham  
 Professor R. Daniels  
 Professor L. De Nil  
 Professor C. Dyer  
 Professor D. Edwards

Professor M. Eichler  
Ms R. Fernandes  
Mr. J. Fraser  
Professor E. Freeman  
Professor M. Fullan  
Professor M. Gotlieb  
Mr. B. Greenspan  
Professor P. Halpern  
Mr. A. Hamoui  
Mr. D. Herbert  
Professor E. Hillan  
Professor W. Hindmarsh  
Professor E. Hodnett  
Mr. J. Hunter

Ms M. Jackman  
Professor A. Jones  
Professor B. Kidd  
Professor J. Lepock  
Professor R. Martin  
Professor D. McCammond  
Mr. J. Paterson  
Professor C. Regehr  
Professor K. Rice  
Professor L. Richards  
Mr. V. Sekhar  
Professor C. Tuohy (leave)  
Professor L. Wilson-Pauwels

**In Attendance:**

Professor J. Wedge, member, Governing Council  
Professor A. Lancashire, Chair, UTFA Advisory Committee on Tri-campus Planning  
Ms L. Lewis, Assistant Provost and Special Assistant to the Vice-President and Provost  
Ms J. Pöe, Vice-President, Grievances, University of Toronto Faculty Association  
Ms M. Somerville, Chair, College of Electors