

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

Thursday, February 9, 2006

MINUTES OF THE GOVERNING COUNCIL meeting held on Thursday, February 9, 2006 at 4:30 p.m. in the Council Chamber, University of Toronto.

Present:

Ms Rose M. Patten (In the Chair)
Mr. John F. (Jack) Petch, Vice-Chair
Professor C. David Naylor, President
Mr. Husain Aboghodieh
Mr. Navine K. Aggarwal
Ms Holly Andrews-Taylor
Dr. Robert M. Bennett
Professor Philip H. Byer
Mr. Ryan Matthew Campbell
Mr. P.C. Choo
Professor Brian Corman
Professor W. Raymond Cummins
Mr. Brian Davis
Dr. Claude S. Davis
The Honourable William G. Davis
Miss Coralie D'Souza
Ms Susan Eng
Dr. Shari Graham Fell
Professor Vivek Goel
Mr. Ran Goel
Professor Glen A. Jones

Dr. Joel A. Kirsh
Mr. Joseph Mapa
Professor Michael R. Marrus
Mr. Geoffrey Matus
Professor Ian R. McDonald
Ms Florence Minz
Ms Jacqueline C. Orange
Professor Ian Orchard
The Honourable David R. Peterson
Mr. Timothy Reid
Ms Marvi H. Ricker
Professor Arthur S. Ripstein
Mr. Mahadeo Sukhai
Ms B. Elizabeth Vosburgh
Professor John Wedge

Mr. Louis R. Charpentier, Secretary of the
Governing Council

Secretariat:

Ms Margaret McKone

Absent:

Professor Pamela Catton
Mr. Shaun Chen
Dr. Alice Dong
Dr. Gerald Halbert
Professor Linda McGillis Hall
Mr. George E. Myhal
Mr. Richard Nunn

Professor Barbara Sherwood Lollar
The Honourable Vivienne Poy
Mr. Stephen C. Smith
Miss Maureen J. Somerville
Mr. Robert S. Weiss
Mr. W. David Wilson

In Attendance:

Ms Rivi Frankle, Interim Vice-President and Chief Advancement Officer
Professor Angela Hildyard, Vice-President, Human Resources and Equity
Ms Catherine Riggall, Vice-President, Business Affairs
Professor David Farrar, Deputy Provost and Vice-Provost, Students
Professor Edith Hillan, Vice-Provost, Academic
Mr. Steve Moate, Senior Legal Counsel¹

¹ Not present for item 13.

In Attendance (cont'd):

Ms Cristina Sass-Kortsak, Assistant Vice President, Human Resources
Ms Elizabeth Sisam, Assistant Vice-President, Space and Facilities Planning
Ms Susan Addario, Director, Student Affairs
Dr. Chris Cunningham, Special Advisor to the President
Mr. Jim Delaney, Assistant Director, Student Affairs
Mr. Neil Dobbs, Deputy Secretary of the Governing Council
Ms Sheree Drummond, Assistant Provost
Dr. Anthony Gray, Judicial Affairs Officer, Office of the Governing Council
Ms Nora Gillespe, Legal Counsel, Offices of the Vice-President and Provost and the Vice-President, Human Resources and Equity
Ms Helen Lasthiotakis, Director, Policy and Planning, Office of the Vice-President and Provost
Professor Lesley Lavack, Associate Dean, Professional Programs, Leslie Dan Faculty of Pharmacy
Mr. Henry Mulhall, Special Projects Officer, Office of the Governing Council
Ms Cristina Oke, Assistant Secretary of the Governing Council
Professor Rowan Sage, Department of Botany
Dr. Jeanne Li, Special Assistant to the Vice-President, Business Affairs
Ms Rosanne Lopers-Sweetman, Director, Special Projects, Office of the Vice-President and Provost
Ms Bryn Macpherson-White, Director, Office of the President and University Events

1. Honours

The Chair congratulated Dr. John Wedge on his recent appointment as an Officer of the Order of Canada.

The recent appointments to the Order of Canada had also included Professor Margaret MacMillan, Provost and Vice-Chancellor, Trinity College, as an Officer, and former Vice-President and Chief Advancement Officer, Dr. Jon Dellandrea, as a Member.

2. Minutes of the Previous Meeting

The minutes of the previous meeting, held on Monday, December 12, 2005, were approved.

3. Business Arising from the Minutes of the Previous Meeting

There were no items of business arising.

4. Report of the President

The President reported on the following matters.

4. Report of the President (cont'd)

(a) Faculty, Staff and Student Accomplishments, Awards and Honours

The President drew members' attention to the listing of accomplishments, awards and honours included in members' agenda packages, a copy of which is attached hereto as [Appendix "A"](#).

(b) Statement on Freedom of Expression

The President reported that two events had been recently scheduled on campus that proposed to address issues in the Middle East from conflicting perspectives. After ascertaining that the participants had agreed to respect the law and honour the University's policies² the administration had allowed those events to proceed. One was underway and would end this week; the second would start the following week. The University as an institution was strongly opposed to discrimination based on identifiable characteristics which included race, religion, place of origin, gender, and sexual orientation or identity. The University was deeply committed to providing an environment where adherents of any, or no, religion could feel valued. This extended to two of the world's great religions that were represented on the University's three campuses by members of the Jewish and Muslim faiths.

The President said that on February 2, 2006, the Deputy Provost and Vice-Provost, Students, Professor David Farrar, had issued a memorandum on Freedom of Speech and Events Organized by Campus Organizations, directed to the group of principals, deans, academic directors and chairs as well as the presidents of student societies and recognized campus groups. A copy of this memorandum had been placed on the table. Professor Farrar had clearly articulated the University's policies and expectations and had underscored the University's deep commitment to freedom of speech and freedom of

² List of Applicable University of Toronto Policies:

- Statement of Institutional Purpose
- Statement on Prohibited Discrimination and Discriminatory Harassment
- Statement on Freedom of Speech
- Statement of Institutional Purpose
- Code of Student Conduct, Part B (Offences)
- Statement on Prohibited Discrimination and Discriminatory Harassment, Section 13 (Responsibility of Individuals): "It is the responsibility of every member of the University community to support and promote its aim of creating a climate of understanding and mutual respect for the dignity and rights of each individual."
- Policy on Disruption of Meetings

4. Report of the President (cont'd)

(b) Statement on Freedom of Expression (cont'd)

assembly. At the same time all members of the University's community were bound by the Criminal Code of Canada with respect to hate crimes and by provincial law with respect to human rights, and they were expected to respect the University's policies as they related to the maintenance of an environment that was inclusive and free of discrimination and harassment on the basis of individual attributes such as religion, ethnicity and sexual orientation or gender identity.

The President said that University staff had worked closely with the organizers of the two events in question to emphasize that they were ultimately responsible for ensuring that all their invited speakers and participants were aware of the University's expectations and policies and the relevant laws. The entire University team deserved gratitude for the work they had done, not only with the organizers of those two events but also in guiding many other events on campus that touched on controversial issues.

Those activities would soon take their place as the latest in a long history of on-campus events that had addressed matters of considerable political sensitivity. Through the years, the majority of those events had been initiated and led by students, and the University had always accepted that such events were part of the co-curricular experience. To the extent that those events had engendered debate in the context of strongly held and widely divergent views, they had also reflected the fundamental social role of the University of Toronto. The University's openness to such activities reflected its institutional commitment to freedom of speech, a fundamental freedom that had been earned through many generations of struggle and sacrifice, and repeatedly championed by universities in democratic societies. Open debate and engagement of all ideas and issues was at the very heart of the work members of the University did together on the three campuses. Such exchanges drove intellectual exploration, an activity that, in the words of the University's *Statement of Institutional Purpose* was "meaningless unless it entails the right to raise deeply disturbing questions and provocative challenges...."

The President stressed, however, that freedom of speech also entailed responsibilities. Among them was civility. Free expression was meaningless if it simply produced a cacophony of voices, each so bent on overwhelming the other that, in the end, they only drowned out the greater good of learning. That was also why generations of academics and students in democratic societies had nurtured the basic right to free expression by promoting other core values: acceptance of diversity, respect for the dignity of others and the right of each person to be a full participant in society. As well, freedom of expression did not include a right to disrupt others who were assembled freely for their own purposes. The University had further stated that every member of its community had a responsibility "to support and promote its aim of creating a climate of understanding and mutual respect for the dignity and rights of each individual." And, as also set out in the University's policies, freedom of expression did not include the right to harass people on the basis of their religion, ethnicity, gender, sexual orientation or any

4. Report of the President (cont'd)

(b) Statement on Freedom of Expression (cont'd)

other element of their identity. Rhetoric was part of debate. The University accepted highly evocative modes of speech that aimed to raise awareness. On occasion, such words might be hurtful to some. However, in keeping with the laws of Canada, the University was not prepared to tolerate maliciously provocative speech that aimed to incite hatred against identifiable groups. While the University allowed expressions of views that some might consider extreme, its provision of a forum for such self-expression in no way constituted an institutional endorsement. The University should not censor or suppress debate, but it did ask that those with strong views recognize the power of their rhetoric to alienate or wound members of the community.

The President concluded that only by the responsible use of its wide freedoms of expression could the University create the maximum opportunities for reasoned, civil and respectful exchanges of views among all members of our community. As it used those opportunities responsibly, the University was respecting and upholding the tradition of universities as the social institutions best qualified to accommodate all manner of discourse. Free discourse on campuses in many instances had helped to foster the eventual emergence of understanding, common ground or constructive solutions to important challenges facing society. The University of Toronto was heir to this tradition, and as such, it would continue to defend those principles that sustained its position in the vanguard of intellectual and social debate.

(c) President's Advisory Committee on External Relations

The President reported that his Advisory Committee on External Relations (PACER) had entered the search phase of its work. Egon Zehnder International had been retained as the search consultant and advertisements for the new position of Vice-President, University Relations had been placed in the *Globe and Mail* and *University Affairs*. A long list of candidates for the position was being developed, and it was expected that the process would be completed on schedule by April.

(d) Government Relations

Federal Government: The President observed that the recent change in federal government had produced a need to renew efforts to develop effective working relationships with federal ministers, their staffs and members of the civil service. Staff in the Office of the Vice-President, Government and Institutional Relations were actively engaged in developing that dialogue. The priority issue would be the research and innovation agenda, with the goal of ensuring the continuation of two initiatives of the previous government of particular importance to the University. First, the commitment made in the November 2005 Economic Update, to provide funding to cover 40% of the indirect costs of research, that would, if

4. Report of the President (cont'd)**(d) Government Relations (cont'd)**

implemented, provide the University with approximately \$23-million in additional base funding. Second, the establishment in Toronto of the National Centre for Biomedical Innovation (NCBI), a National Research Council facility in partnership with the University and a number of its teaching hospitals, would make a major contribution towards the development of practical applications of biomedical discoveries.

Provincial Government: The President said that two issues of particular importance to the University were the implementation of a funding model for the graduate expansion promised in the 2005 Budget, and the nature of the end of the tuition freeze scheduled to take effect for the 2006-07 academic year. Both issues had significant budgetary implications for the University. The Provincial Government and the University were also making progress on the issue of unfunded Basic Income Units (BIUs), and the correction sought by the University could benefit it by approximately \$3.5 million.

(e) Tri-campus Issues

The President reported that he and the Vice-Presidents of the University of Toronto at Mississauga (UTM) and the University of Toronto at Scarborough (UTSC), had engaged in some very positive discussions about the evolving relationships among the University's three campuses. There had also been discussions regarding improving mechanisms to coordinate and, where appropriate, differentiate the academic missions of the three campuses. Two working groups were being established to consider, respectively, tri-campus administrative and academic issues.

(f) Enhancement of the Student Experience

The President was very encouraged by the efforts that were being made to enhance the student experience across the University, both inside and outside the classroom. However, he had also been struck by the limited degree to which sharing of best practices occurred. That was an indication of the University's ongoing challenge to carry out its internal communications and information-sharing functions in an effective manner. The University's communications consultant was actively addressing this issue.

Dr. Bennett extended an invitation to members to attend the next meeting of the University Affairs Board. It would be a very important meeting as the sole agenda item was a showcase of innovative initiatives to improve the student experience outside of the classroom.

4. Report of the President (cont'd)

(g) Report on Honorary Degrees

The President was pleased to report that the following persons had accepted an offer to receive an honorary degree from the University of Toronto:

Professor Chinua Achebe	Charles P. Stevenson Jr. Professor of Languages and Literatures, Bard College
Dr. Sidney Altman	Sterling Professor of Biology and Professor of Chemistry, Yale University; Nobel Laureate
Mrs. Bluma Appel	Generous and active supporter of the University of Toronto and the community
Professor Chris Argyris	Management researcher; educator
Professor Adrian Brook	University Professor Emeritus, Department of Chemistry, University of Toronto
Dr. Adele Buckley	Researcher; Chair, Canadian Pugwash Group
Mr. A.J. (Jack) Diamond	Architect
Mr. Frank A. Dottori	Corporate leader and supporter of research and teaching at the University of Toronto
Mr. Tony Kushner	Playwright; writer
Dr. Jean Little	Writer of children's literature
Professor Martha Minow	Jeremiah Smith Jr. Professor of Law, Harvard Law School
Mr. R. Murray Schafer	Composer; music educator
Professor Roy Shephard	Professor Emeritus, Faculty of Physical Education & Health and Department of Health Sciences
Professor Lap-Chee Tsui	Vice-Chancellor, Hong Kong University; medical researcher

5. Academic Administrative Appointments: Revised Process for Approval

Professor Cummins said that over the past few years, concerns had been raised by members of the Academic Board about the role of the Board in approving academic administrative appointments. The proposed recommendation would allow for increased due diligence. The Agenda Committee would receive and discuss additional information about the search process and the successful candidate that, for reasons of confidentiality, could not be provided to the full Board. The proposed process would allow for a greater level of scrutiny than that which the full Board could provide. The process would also allow for more timely approvals, which were often required by the demands of the current environment. The recommendation contained a provision for review by the Executive Committee in the 2007-08 governance year.

5. Academic Administrative Appointments: Revised Process for Approval (cont'd)

On motion duly moved and seconded,

It was RESOLVED

1. That the Agenda Committee approve academic administrative appointments on behalf of the Academic Board, effective February 13, 2006;
2. That the following paragraph be added to Section 3 of the Terms of Reference of the Agenda Committee:

The Agenda Committee shall approve academic administrative appointments on behalf of the Academic Board, pursuant to the Policy on Appointment of Academic Administrators. In accordance with Section 2 (14) (e) of the University of Toronto Act, the approval shall be confirmed by a committee consisting of the Chair of Governing Council, the President of the University and the Chair of the Academic Board.

3. That the following section of footnote 3 to Section 5.2.1 (b) of the Terms of Reference of the Academic Board:

Appointment of academic administrators shall be approved by the Academic Board pursuant to the Policy on Appointment of Academic Administrators and confirmed by a committee consisting of the Chairman of Governing Council, the President and the Chair of the Academic Board;

be revised to read

Appointment of academic administrators shall be approved by the Agenda Committee on behalf of the Academic Board, pursuant to the Policy on Appointment of Academic Administrators, and shall be confirmed by a committee consisting of the Chair of Governing Council, the President of the University and the Chair of the Academic Board.

4. That this process be reviewed by the Executive Committee of the Governing Council in the 2007-08 governance year.

Documentation is attached to Report Number 140 of the Academic Board as Appendix "D".

6. Policy on Appointments and Remuneration: Proposed Revision

Mr. Petch said that the Secretary of the Governing Council had reported to the Executive Committee that the *Policy on Appointments and Remuneration* had last been revised in 1999. The revisions now being proposed for Governing Council approval were intended to take into account the revised process for the approval of academic administrative appointments, which had just been approved. In addition, it was recommended that a number of routine minor updates be made to the Policy, including the correction of titles and the removal of anachronisms.

On motion duly moved and seconded,

It was RESOLVED

THAT the proposed revised *Policy on Appointments and Remuneration*, a copy of which is attached to Report Number 393 of the Executive Committee as Appendix "A", be approved, effective immediately, replacing the policy approved by the Governing Council on May 13, 1999.

7. Senior Administrative Position: Establishment of the Position of Senior Legal Counsel and Minor Policy Amendments Arising from the Establishment

Mr. Petch reported that the President had made a recommendation that the new position of Senior Legal Counsel be established, and that two relevant policies, the *Policy on Appointments and Remuneration* and the *Policy on Approval and Execution of Documents*, be amended to take the new position into account. The rationale for the creation of that position, as well as the position description, had been included in members' agenda packages.

On motion duly moved and seconded,

It was RESOLVED

THAT the position of Senior Legal Counsel be established.

THAT section 2 of the *Policy on Appointments and Remuneration* be amended to include the Senior Legal Counsel among the University Officers to be appointed by the Governing Council on the recommendation of the President.

THAT sections C and D of the *Policy on Approval and Execution of Contracts and Documents* be amended to include the Senior Legal Counsel among the University Officers who may:

7. Senior Administrative Position: Establishment of the Position of Senior Legal Counsel and Minor Policy Amendments Arising from the Establishment (cont'd)

pursuant to section C. (1) (a) of the Policy be one of two signing officers for contracts and documents executed under seal; and,

pursuant to section C. (2) of the Policy be a signing officer of contracts and documents not requiring signature under seal; and,

pursuant to section D. (1) (f) of the Policy be a signing officer for written settlements of legal claims, grievances and complaints, of whatever kind.

8. School of Graduate Studies: Proposal for a Master's Program in Women and Gender Studies

Professor Cummins introduced the proposal for a new, twelve-month, course-based program in Women's Studies and Gender Studies. The program had been developed through an extensive process of consultation in the Institute for Women's Studies and Gender Studies and in the Faculty of Arts and Science. The resources required for the proposed program would be provided by the Faculty of Arts and Science. The collaborative program in women and gender studies would continue to be a strong component of the Institute's activity.

On motion duly moved and seconded,

It was RESOLVED

THAT the proposed Master of Arts in Women and Gender Studies at the Faculty of Arts and Science, the description of which is attached as Appendix "B" to Report Number 140 of the Academic Board, be approved, effective September 2006.

9. Capital Project: Department of Italian Studies: Project Planning Report

Professor Cummins noted that the University of St. Michael's College (USMC) had a long-term lease with the University of Toronto for 43 Queen's Park Crescent East that permitted it to make significant tenant improvements to the property, with permission from the University. In the proposed plan, the Department of Italian Studies would occupy approximately 350 net assignable square meters. The Multicultural History Society of Ontario, which had occupied part of the premises since 1980, would occupy approximately 140 nasms. The total project cost of the renovations to 43 Queen's Park Crescent was estimated to be \$3 million. The project would be fully funded by a private benefactor through USMC and would not affect the borrowing capacity for the capital program of the University of Toronto.

9. Capital Project: Department of Italian Studies: Project Planning Report (cont'd)

On motion duly moved and seconded,

It was RESOLVED

THAT the Project Planning Report for the Department of Italian Studies and the Frank Iacobucci Centre at 43 Queen's Park Crescent East, a copy of which is attached as Appendix "C" to Report Number 140 of the Academic Board, be accepted in principle.

10. Faculty of Arts and Science and School of Graduate Studies: Disestablishment of the Department of Botany and the Department of Zoology and Creation of the Department of Ecology and Evolutionary Biology and the Department of Cell and Systems Biology

Professor Cummins noted that this proposal arose from the *Stepping UP* planning process, external reviews, and extensive consultation within the Departments of Botany and Zoology. The reorganized departments would facilitate undergraduate and graduate education by focusing teaching resources in ecology and evolution on the one hand, and cell, molecular and systems biology on the other. The reorganization would not result in any changes in base funding resources at a University level. The recommendation had been approved unanimously by the Academic Board.

A member asked if the proposed restructuring would result in (a) the stranding of students in their programs or (b) position changes or job losses for faculty or staff. Professor Goel responded that no students would be stranded. The undergraduate programs in the two departments were already largely combined and the two existing graduate programs would continue until all students currently registered completed their programs. As the documentation noted, there had been extensive work done on the faculty side and all faculty had elected to join one of the two new departments. With regard to staff, there had been a task force, chaired by Mr. Paul McCann, Assistant Dean and Director, Human Resources, Faculty of Arts and Science, to restructure the two departments. The restructuring would not result in the elimination of any positions.

On motion duly moved and seconded,

It was RESOLVED

1. THAT the Department of Botany and the Department of Zoology be disestablished coincident with the establishment of the new Department of Ecology and Evolutionary Biology and the new Department of Cell and Systems Biology as of July 1, 2006; and
2. THAT the graduate Department of Botany and the graduate Department of Zoology be disestablished coincident with the establishment of the new graduate Department of Ecology and Evolutionary Biology and the new graduate Department of Cell and Systems Biology as of July 1, 2006.

Documentation is attached to Report Number 140 of the Academic Board as Appendix "A".

11. Reports for Information

The Council received the items for information contained in the following reports.

Report Number 139 of the Academic Board (December 8, 2005)

Report Number 140 of the Academic Board (January 12, 2006)

Report Number 145 of the Business Board (November 28, 2005)

Report Number 392 of the Executive Committee (December 1, 2005)

12. Date of the Next Meeting

The Chair reminded members that the next regular meeting of the Governing Council was scheduled for Thursday March 23, 2006 at 4:30 p.m.

IN ACCORDANCE WITH A DETERMINATION BY THE EXECUTIVE COMMITTEE PURSUANT TO SECTION 38 OF BY-LAW NUMBER 2, THE GOVERNING COUNCIL CONSIDERED ITEMS 13, 14 and 15 *IN CAMERA*.

13. Senior Appointment

A member commented on the timing of the appointment, noting that the Council had only approved the creation of the position earlier in the meeting. The President noted that the challenge was the nature of the governance cycle and the time distance between meetings of the Council. As he proceeded to look at strengthening his leadership team, he would discuss this matter with the Chair, the Executive Committee and the Secretary of the Governing Council.

On motion duly moved and seconded,

It was RESOLVED

THAT Mr. Steven Moate be appointed to the position of Senior Legal Counsel, effective February 10, 2006.

14. Code of Behaviour on Academic Matters: Recommendations for Expulsion

The Chair said that there were recommendations for the expulsion of two students recommended by the University Tribunal to the President, who had in turn recommended the expulsions to the Governing Council for confirmation. Members had received a detailed dossier of information on each case. In considering the recommendation of the President, the Governing Council's role in the matter was three-fold. First, the Council had to consider whether an established and reasonable process had been followed in arriving at the recommendations for expulsion. Second, the Council had to satisfy itself that the sanction of expulsion was appropriate to each offence. Third, based on the

14. Code of Behaviour on Academic Matters: Recommendations for Expulsion (cont'd)

results of the previous two tasks, the Council had to confirm the President's recommendation for expulsion, impose a lesser sanction on the student or return the matter of sanction to the University Tribunal for reconsideration. The *University of Toronto Act, 1971* required that the Governing Council confirm any recommendation for expulsion of a student.

(a) First Recommendation for Expulsion

Following discussion,

On motion duly moved and seconded,

It was RESOLVED

THAT the President's first recommendation for expulsion, as outlined in the memorandum and supporting documentation from the Secretary of the Governing Council, dated January 27, 2006, be confirmed.

(b) Second Recommendation for Expulsion

Following discussion,

On motion duly moved and seconded,

It was RESOLVED

THAT the President's second recommendation for expulsion, as outlined in the memorandum and supporting documentation from the Secretary of the Governing Council, dated January 27, 2006, be confirmed.

15. Other *In Camera* Business

The President briefed members on the status of two offers of honorary degrees.

The meeting adjourned at 5:45 p.m.

Secretary Chair

March 16, 2006

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