

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**  
**REPORT NUMBER 130 OF THE ACADEMIC BOARD**

**November 11, 2004**

To the Governing Council  
University of Toronto

Your Board reports that it held a meeting on Thursday, November 11, 2004 at 4:10 p.m. in the Council Chamber, Simcoe Hall. In this report, items 4, 5, 6, 7 and 8 are recommended to the Governing Council, and the remaining items are reported for information.

**Present:**

Professor W. Raymond  
Cummins, Chair  
Professor Brian Corman, Vice-  
Chair  
The Honourable Frank  
Iacobucci, Interim President  
Ms Rose M. Patten, Chair,  
Governing Council  
Professor Vivek Goel, Vice-  
President and Provost  
Professor John Challis, Vice-  
President, Research and  
Associate Provost  
Professor Ronald D. Venter,  
Vice-Provost, Space and  
Facilities Planning  
Professor S. Zaky, Vice-Provost,  
Planning and Budget  
Professor Rona Abramovitch  
Mr. Syed W. Ahmed  
Professor Derek Allen  
Ms Holly Andrews-Taylor  
Professor Gage Averill  
Professor George Baird  
Professor James Barber  
Dr. Mary Barrie  
Ms Janice Bayani  
Professor Terry Blake  
Ms Lisa E. Boyes  
Professor Donald Brean  
Professor Rorke Bryan  
Professor Ragnar Buchweitz  
Professor Philip H. Byer  
Mr. Blake Chapman  
Mr. Shaun Chen  
Professor Mary L. Chipman

Ms Maple Chong  
Professor David Clandfield  
Professor Frank Cunningham  
Professor Luc F. De Nil  
Professor Donald N. Dewees  
Professor Miriam Diamond  
Professor James Donaldson  
Dr. Inez. Elliston  
Professor Guy Faulkner  
Dr. Shari Graham Fell  
Professor Faith E. Fich  
Professor Steven T. Fong  
Professor John J. Furedy  
Professor Jane Gaskell  
Professor Avrum Gotlieb  
Professor Hugh Gunz  
Professor Anthony A. Haasz  
Professor Wayne Hindmarsh  
Ms Bonnie Horne  
Professor Michael Hutcheon  
Mr. Senai Iman  
Professor Yuki Mayumi Johnson  
Professor Bruce Kidd  
Dr. Joel A. Kirsh  
Professor Ronald H. Kluger  
Professor Christina Kramer  
Professor James Lepock  
Professor Robert Lewis  
Mr. William R.J. Lumsden  
Professor John F. MacDonald  
Professor Michael R. Marrus  
Professor Diane Massam  
Professor John R. Miron  
Professor Cheryl Misak  
Ms Carole Moore  
Professor David Naylor

Professor Mariel O'Neill-Karch  
Mr. Kedar Patil  
Professor Paul Perron  
Professor Susan Pfeiffer  
Mr. Andrew Pinto  
Ms Salma Rawof  
Professor Cheryl Regehr  
Professor James A. Reilly  
Professor Robert Reisz  
Ms Marvi H. Ricker  
Professor Jay Rosenfield  
Professor John Scherk  
Professor Anthony N. Sinclair  
Professor Brian Cantwell Smith  
Professor J. J. Berry Smith  
Miss Maureen J. Somerville  
Professor Lisa Steele  
Professor Dennis Thiessen  
Mr. Leo Trottier  
Ms Oriel Varga  
Ms Cindy Woodland

**Non-voting Assessors:**

Professor Angela Hildyard, Vice-  
President, Human Resources and  
Equity  
Professor Edith Hillan, Vice-  
Provost, Academic  
Ms Catherine Riggall, Interim  
Vice-President, Business Affairs  
Professor Kwong-loi Shun, Vice-  
President and Principal,  
University of Toronto at  
Scarborough

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

**Absent:**

Professor Stewart Aitchison  
 Professor Sidney Aster  
 Professor Mary Beattie  
 Professor Clare Beghtol  
 Mr. Mark S. Bonham  
 Mr. Bruce G. Cameron  
 Professor Sujit Choudhry  
 Professor George Elliott Clarke  
 Professor David Cook  
 Professor Ronald Daniels  
 Professor Raisa B. Deber  
 Professor Robin Elliott  
 Mr. Sean Forbes  
 Mr. John Fraser  
 Professor Eric Freeman  
 Ms Bonnie Goldberg  
 Ms Leigh Honeywell  
 Professor Jenny Jenkins  
 Ms Lesley Ann Lavack  
 Professor Lori Loeb  
 Mr. Joseph Mapa  
 Professor Roger L. Martin  
 Ms Susan C. McDonald  
 Professor Mark McGowan

Ms Vera Melnyk  
 Mr. Raza M. Mirza  
 Professor David Mock  
 Professor Richard Reznick  
 Professor Gareth Seaward  
 Professor Pekka Sinervo  
 Ms Arjuna Thaskaran  
 Professor Tas Venetsanopoulos  
 Professor Rinaldo Wayne  
 Walcott  
 Professor Judy Watt-Watson  
 Professor Melissa S. Williams

**In Attendance:**

Professor Craig Boutilier,  
 Chair, Department of  
 Computer Science,  
 Faculty of Arts and  
 Science  
 Professor Gary Crawford,  
 Chair, Department of  
 Anthropology and  
 Religion, University of  
 Toronto at Mississauga  
 (UTM)

**Secretariat:**

Mr. Andrew Drummond  
 Ms Cristina Oke, Secretary

**In Attendance: (cont'd)**

Ms Sheree Drummond, Assistant  
 Provost  
 Professor Jonathan Freedman,  
 Acting Vice-Dean, Graduate  
 Education and Research, Faculty  
 of Arts and Science  
 Dr. Beata FitzPatrick, Assistant  
 Vice-President and Director,  
 Office of the President  
 Professor George Luste, President,  
 University of Toronto Faculty  
 Association  
 Ms Judith Pöe, University of  
 Toronto Faculty Association  
 Professor Mohamad Tavakoli-  
 Targhi, Chair, Department of  
 History and Classics (UTM)

The Chair welcomed members to the meeting, and reminded them to stand and give their name when they spoke

**1. Report of the Previous Meeting**

Report Number 129 of the meeting held on September 27, 2004, was approved.

**2. Business Arising Out of the Report**

There was no business arising from the report.

**3. Report Number 115 of the Agenda Committee (October 28, 2004)**

The report was received for information. The Chair drew the attention of members to the discussion of the Reviews of Academic Programs and Units on the second page of the Report. He reminded members that Report 109 of the Committee on Academic Policy and Programs had been included in the agenda package, and indicated that questions about the Reviews of Academic Programs and Units could be raised under agenda item 9 – Reports for Information.

#### **4. Policy on Clinical Faculty**

##### **Introduction**

The Chair noted that policies on the nature of academic employment came directly to the Academic Board, and were recommended to the Governing Council for approval. Two written communications in support of the Policy had been distributed to members before the meeting. These came from the Dean of Arts and Science and the Chair of the Department of Surgery. The Chair informed members that he had granted the speaking request of Professor George Luste, President of the University of Toronto Faculty Association. Professor Luste would be invited to address the Board following the introduction of the policy.

Professor Goel explained that clinical faculty worked in hospitals and almost all received a major portion of their remuneration from or through practice plans. The proposed policy recognized the matters that governed work in the hospital setting, and had been approved by the elected Medical Staff Associations, Chief Executive Officers and Chairs of Medical Advisory Committees for the nine fully-affiliated hospitals, and the clinical leadership in the Faculty of Medicine.

Professor Goel indicated that the proposed policy had been strengthened by the dialogue with the University of Toronto Faculty Association (UTFA). As an example, he noted the addition of a provision in the Procedures Manual for Clinical Faculty for the appointment of a Clinical Faculty Advocate to provide support to clinical faculty in matters covered by the proposed policy. Professor Naylor, Dean of the Faculty of Medicine, added that the proposed policy represented a major step forward for clinical faculty to be fully embraced by the University. He observed that the policy and procedures had taken a long time to develop, and the development had included a plebiscite overseen by the Ontario Medical Association as well as discussions with the Medical Staff Associations, Chief Executive Officers and Chairs of Medical Advisory Committees of the fully-affiliated hospitals.

##### **External Speaker**

At the invitation of the Chair, Professor Luste addressed the Board. He reminded members that he had sent them an email message prior to the meeting that included the url's of several documents which described UTFA's views on clinical faculty. He highlighted three main points of concern:

- The importance of academic freedom to all faculty;
- The fact that an open forum on the new policy had not been held;
- The fact that a decision of the Academic Clinical Tribunal was not binding.

Professor Luste noted that, in June 2004, UTFA had proposed that a forum be organized for the fall of 2004 to discuss the proposed policy for clinical faculty. This forum had not been scheduled.

Professor Goel clarified that there had been consultation over the past four years during the development of the proposed policy and procedures. The administration had understood that a forum to discuss the policies was to be organized by UTFA and the clinical faculty. Professor Goel also clarified that the Academic Clinical Tribunal could make a binding finding of fact related to academic freedom that would be accepted by all parties.

#### **4. Policy on Clinical Faculty (cont'd)**

##### **External Speaker (cont'd)**

Professor Luste expressed his view that, since the members of the Academic Clinical Tribunal would be appointed by the hospitals, they should be given jurisdiction to make binding remedies. Professor Naylor noted that, in fact, the Academic Clinical Tribunal would be rooted in the University. He regretted the legal commentary on the UTFA website that used the inflammatory term 'illegal' to characterize the policy and procedures, and suggested that this indicated a lack of respect for clinical faculty colleagues' right of self-determination.

##### **Questions for Clarification**

Members asked for clarification of several matters.

A member asked what percentage of clinical faculty had voted in favour of the proposed policy and procedures. Professor Naylor replied that the response rate was low, but more than 75% of the voting clinical faculty had supported the proposal.

A member expressed his appreciation for the work that had gone into developing the policy and procedures. He asked what mechanisms were available to make changes to the proposal, and what external perspective would be acceptable under the proposals. Professor Goel replied that the procedural details described in the Procedures Manual could be changed as needed, with approval of the Clinical Relations Committee and the Provost, and reported to the Board. Changes to the policy would require approval of the Governing Council, but the policy would be reviewed regularly and, if necessary, changes would be recommended for approval. There were provisions for individuals external to the University to be brought in when necessary and appropriate on the dispute resolution panels.

A member asked for clarification of the application of the proposed policy on the clinical faculty of partially-affiliated hospitals. Professor Naylor replied that the inclusion of clinical faculty of partially-affiliated hospitals was being recommended. However, in order for the policy to apply, clinical faculty in partially-affiliated hospitals had to be members of a recognized practice plan. There would be ongoing education concerning the policy and procedures in partially-affiliated hospitals.

A member asked whether it would be possible for an adjunct clinical faculty member to work more than 20%. Professor Naylor replied that individuals had the option of changing their status from adjunct to part-time. Part-time faculty would have access to the Academic Clinical Tribunal if they met requirements outlined earlier. It was important to anticipate the possible combinations of the approximately 1,300 full-time and 2,000 part-time and adjunct clinical faculty that the proposed policy and procedures would cover.

#### **4. Policy on Clinical Faculty (cont'd)**

##### **Discussion**

Interim President Iacobucci strongly endorsed the proposed policy and procedures. He recalled having worked, along with others, quite tirelessly to arrive at the entering into of a Memorandum of Agreement that was appropriate for faculty and librarians and the University. In his view, the proposed policy and procedures represented a unique response to issues that had been historically difficult to resolve. The policy and procedures being considered were the result of proper procedure, included appropriate consultation, and, in all circumstances, were reasonable and sound. He thanked all those who had contributed to the development of the policy and procedures.

Professor Hindmarsh, Dean of the Leslie Dan Faculty of Pharmacy, endorsed the proposed policy and procedures on behalf of the Council of Health Sciences and Social Work Deans.

Many members voiced their strong support of the proposed policy and procedures, and made the following points in favour of the proposal.

- The clinical faculty needed a proper dispute resolution mechanism, which the policy and procedures provided.
- The proposed policy and procedures had been approved by all the relevant parties.
- An individual or group could have an effect without having legal standing, therefore it was not necessary for the proposed Clinical Faculty Advocate to be legal counsel.
- It was important for members to take into account the wishes of the clinical faculty.
- The proposed policy and procedures brought all the players to the table and made them all participants in the process.
- The documents were the result of serious discussions, and would be valuable for clinical faculty.
- UTFA should accept the wishes of the clinical faculty and support the proposed policy and procedures.

Clinical faculty members expressed their strong endorsement of the proposed policy and procedures, and made the following points in support of the proposal:

- The proposed policy and procedures represented the yielding by the hospitals of some of their power and oversight.
- The policy represented a step towards making clinical faculty equal with their University colleagues.
- Members of the Medical Staff Associations had discussed the proposed policy and procedures and were overwhelmingly in favour of the proposals.
- The proposed policy and procedures would have a positive effect on accreditation reviews.
- There would be a serious deterioration in morale if the policy and procedures were not approved.

One member spoke against the proposed policy. She believed that clinical faculty were currently covered by UTFA, and cited the cases involving Dr. Olivieri and Dr. Healey. She noted that, according to the UTFA legal commentary, the proposed policy and procedures invested in the Chief Executive Officers of the hospitals the power to veto University practice. The Clinical Faculty Advocate was not legal counsel. She encouraged members of the Board to vote against the proposed policy.

**4. Policy on Clinical Faculty (cont'd)**

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDED

THAT the Policy on Clinical Faculty, dated October 28, 2004, a copy of which is attached hereto as Appendix “A”, be approved, effective July 1, 2005.

**5. Capital Project: Centre for Biological Timing and Cognition - Project Planning Report**

The Chair informed members that this recommendation and the following two recommendations concerning Project Planning Reports had arisen from the meeting of the Planning and Budget Committee that had been held on November 10, a day prior to the meeting of the Board.

Professor Gottlieb informed members that the Project Planning Report had been discussed at length by the Planning and Budget Committee. Professor Goel and Professor Venter had explained that the Canada Foundation for Innovation (CFI) funding might be lost if the project was not approved by December 31, 2004.

Members of the Committee had raised a number of questions, including the following:

- How would the project impact on the long-term space plans for the Faculty of Arts and Science;
- How long would it take to obtain the appropriate City of Toronto building approvals;
- How would the project affect traffic flow and existing public transportation stops and drop off points.

Members had noted that there were no representatives from the Department of Zoology and no students on the Project Planning Committee. Professor Venter had undertaken to add a representative from the Department of Zoology and a student member to the Project Planning Committee

Members had been reminded that the Report before them was an Interim Project Planning Report, and that the recommendation for approval was subject to the approval of the Final Report by the Committee at its meeting on December 7, 2004. Professor Goel had assured the Committee that the project would be withdrawn if appropriate details could not be finalized by the December 7<sup>th</sup> meeting.

**5. Capital Project: Centre for Biological Timing and Cognition - Project Planning Report (cont'd)**

A member raised a number of questions concerning the research that would be conducted in this facility. Professor Goel pointed out that each research project was subject to the Tri-Council Statement on Human Subjects' Research. It was not usual for governance to question research being conducted by faculty. Professor Challis added that the project had been extensively reviewed by the CFI prior to its funding approval. Professor Freedman, Acting Vice-Dean, Graduate Education and Research of the Faculty of Arts and Science, noted that the innovative research project was a study of circadian rhythms and would involve northern and southern communities.

The member clarified her questions concerning the ethics of research in aboriginal communities. Several members noted that the questions were out of order.

On a motion duly moved and seconded,

**YOUR BOARD RECOMMENDED**

Subject to a review by the Planning and Budget Committee at its meeting on December 7, 2004 of the final Project Planning Report

1. THAT the Interim Project Planning Report for the Centre for Biological Timing and Cognition at the University of Toronto, a copy of which is attached hereto as Appendix "B", be approved in principle.
2. THAT the project scope as identified in the Project Planning Report which requires the construction of additional floors on the south section of the Ramsay Wright Building be approved at a cost of \$13,000,000 from the following funding sources:
  - i) A cash contribution in the amount of \$1,500,000 from the Faculty of Arts & Science,
  - ii) A contribution in the amount of \$5,750,000 awarded by the Canada Foundation for Innovation, and
  - iii) A contribution in the amount of \$5,750,000 awarded by the Ontario Innovation Trust and the Ministry of Economic Development and Trade.

**6. Capital Project: Department of Mathematics, Phase 1 - Project Planning Report**

Professor Gottlieb reported that Professor Venter had explained the importance of moving ahead with this project. Questions raised by members of the Planning and Budget Committee had included the following:

- Would the Math Library be accessible to all students if it was located in the Bahen Building, since access to many parts of the building was by key card.
- Did the University have a long-term space plan?
- Was the space in the Medical Arts Building fully committed?

## **6. Capital Project: Department of Mathematics, Phase 1 - Project Planning Report (cont'd)**

A member raised three concerns:

- The Project Planning Report did not address the impact of the project on the consolidation of the Department of Computer Science;
- The current Chair of the Department of Computer Science had not been consulted about the project;
- No alternatives had been given in the Report.

At the invitation of the Chair, Professor Freedman replied that the Faculty of Arts and Science had carefully considered the space needs of both departments. The Department of Computer Science had space in 3 locations, while the Department of Mathematics was located in 5 locations. The plan being proposed was to move the Department of Economics into the Bahen Centre while renovations to the buildings housing the Department of Economics were being completed. When those renovations had been completed, the Department of Mathematics would move into the space in the Bahen Centre. Professor Freedman acknowledged that the current Chair of the Department of Computer Science had only recently been consulted about the proposed project, but indicated that the previous Chair had agreed with the project. At the invitation of the Chair, Professor Boutilier, Chair of the Department of Computer Science, expressed his support of the project, and encouraged consultation to ensure maximum flexibility with respect to the space.

Professor Goel undertook to ensure further consultation with the Department of Computer Science prior to the December 7 meeting of the Planning and Budget Committee. He noted that concerns about the space occupied by the Department of Mathematics had been raised in the Ontario Council of Graduate Studies (OCGS) appraisal. Professor Zaky commented that, as a member of the Department of Electrical and Computer Engineering (ECE), he and his colleagues welcomed the Department of Mathematics to the Bahen Centre.

On a motion duly moved and seconded,

**YOUR BOARD RECOMMENDED**

Subject to a review by the Planning and Budget Committee at its meeting on December 7, 2004 of the final Project Planning Report

1. THAT the Interim Project Planning Report for the Department of Mathematics, Phase I at the University of Toronto, a copy of which is attached hereto as Appendix "C", be approved in principle.
2. THAT the project scope as identified in the Project Planning Report which requires the outfitting of the entire sixth floor of the Bahen Centre for Information Technology be approved at a cost of \$5,500,000. The full funding for this project will be provided from the operating budget within the Faculty of Arts and Science.



## 7. **Capital Project: University of Toronto at Scarborough (UTSC) Food Services Revitalization - Project Planning Report**

Professor Gottlieb informed members that Professor Venter had explained the need for increased student space at the University of Toronto at Scarborough (UTSC).

Members of the Committee had raised several questions, including the following:

- Was there a policy or benchmark on how many cafeteria seats per student should be available within a faculty or division?
- Why were operating funds being used to support an ancillary operation?
- Why was the cost of the project so high?
- Why was the University contributing so much more to the project than Aramark?

Professor Goel explained that UTSC had one budget which included ancillaries. Aramark was a food-services provider, with a contract that included a provision for contributions towards food-service equipment over the course of the contract.

A member asked what the relationship was between the University and Aramark. Ms Riggall replied that Aramark had a 10-year non-exclusive contract with the University.

A member asked why the Academic Board was dealing with this matter, since it had been discussed by the Business Board earlier in the week. Professor Goel explained that the Academic Board was responsible for recommending the approval of Project Planning Reports to the Governing Council.

On a motion duly moved and seconded,

### YOUR BOARD RECOMMENDED

1. THAT the Project Planning Report for the Food Services Revitalization at the University of Toronto at Scarborough, a copy of which is attached hereto as Appendix "D", be approved in principle.
2. THAT the project scope identified in the Project Planning Report, to expand the food services at the University of Toronto at Scarborough, be approved at a cost of \$3,065,000 from the following funding sources:
  - i) A mortgage in the amount of \$1,460,000 to be amortized over a period of 20 years and to be repaid from the Enrolment Growth Fund at the University of Toronto at Scarborough.
  - ii) A cash contribution in the amount of \$200,000 to be provided by Aramark.
  - iii) A cash contribution in the amount of \$50,000 from the UTSC food services ancillary.
  - iv) A cash contribution in the amount of \$1,355,000 from the operating budget of the University of Toronto at Scarborough.

## **8. University of Toronto at Mississauga: Departmental Restructuring and Name Changes**

The Chair informed members that the recommendation had also arisen from the meeting of the Planning and Budget Committee held on November 10. He noted that Section 5.3.1 of the Board's Terms of Reference required Governing Council approval for departmental restructuring. This recommendation would therefore go forward to Governing Council for approval, rather than being confirmed by the Executive Committee, as had been noted on the agenda.

Professor Gottlieb reported that Professor Goel had explained that the restructuring of two departments was the result of academic planning at the University of Toronto at Mississauga (UTM). Some members of the Committee had expressed their regret at the loss of the words 'Classics' and 'Religion' in the proposed departmental names.

A member requested additional information about the proposed departmental restructuring. Professor Cheryl Misak explained that two years ago, UTM had restructured its academic departments into smaller groupings. There were two faculty members in Religion. Professor Tavakoli-Targhi, Chair, UTM Department of History and Classics added that moving the program in religion into the Department of History and Classics provided an opportunity to provide programs relevant to twenty-first century Canada. Courses on religion were being expanded to include courses on Islam, Hinduism, Buddhism, and other world religions.

On a motion duly moved and seconded,

**YOUR BOARD RECOMMENDED**

THAT the program in religion be moved from the Department of Anthropology and Religion to become part of the Department of History and Classics.

THAT resulting from the above change, the name of the Department of Anthropology and Religion be changed to the Department of Anthropology, effective January 1, 2005, and

THAT the name of the Department of History and Classics be changed to the Department of Historical Studies, effective January 1, 2005.

Documentation for this item is attached hereto as Appendix "E".

## **9. Items for Information**

### **(a) Report from the Vice-President and Provost**

Professor Goel reported that a synthesis document of the divisional plans was being prepared, and would be considered by the Planning and Budget Committee on December 7, along with recommendations for allocations from the Academic Initiatives Fund. An updated Capital Plan was also being prepared for the December meeting of the Planning and Budget Committee.

Professor Goel encouraged members to participate in the Rae review by attending the Town Hall meetings that had been scheduled, and by completing the workbook that was available on the Review's website (<http://www.raereview.on.ca/en/default.asp?loc1=home>).

**9. Items for Information (cont'd)****(b) Appointments and Status Changes**

Members received for information a number of appointments and status changes.

**(c) Items for Information in Report Number 109 and 110 of the Committee on Academic Policy and Programs**

Members received for information Reports 109 and 110 of the Committee on Academic Policy and Programs.

**(d) University Tribunal – Individual Cases**

A member asked how much the University spent on the University Tribunal each year. Professor Goel took the question under advisement. The member asked if a record was kept of personal circumstances of those involved in tribunal cases, so that systemic circumstances might be identified. She observed that a student might plead guilty because the individual felt that he/she did not have any other option. A member raised a point of order, stating that questions concerning the tribunal cases should have been raised prior to the meeting.

Professor Goel explained that the University Tribunal was conducted under clear guidelines. The University supported Downtown Legal Services, a group which often provided legal counsel for students. The Academic Board received for information reports of the decisions made by the University Tribunal, but it would not be appropriate for the individual details of each case to be provided to the Board.

**10. Date of Next Meeting – Thursday December 9 at 9:00 a.m.****11. Other Business**

The Chair recalled that, in September 2004, members had approved appointments to the Planning and Budget Committee and its agenda planning group by electronic ballot. In order to record this approval, the Chair read the following motion into the Report of the meeting:

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the following be appointed as members of the Planning and Budget Committee for 2004-05, effective September 7, 2004:

Professor Miriam Diamond, Faculty of Arts and Science  
 Professor Robert Reisz, University of Toronto at Mississauga  
 Professor Tony Sinclair, Faculty of Applied Science and Engineering.

THAT Professor Miriam Diamond be appointed as Vice-Chair of the Planning and Budget Committee for 2004-05.

THAT Professor Don Dewees be appointed as a teaching staff member of the Planning and Budget Committee Agenda Planning Group for 2004-05.

