

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 358 OF
THE EXECUTIVE COMMITTEE

Monday, March 24, 2003

To the Governing Council,
University of Toronto.

Your Committee reports that it held a meeting on Monday, March 24, 2003 at 5:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

Dr. Thomas Simpson (In the Chair)
Professor Robert J. Birgeneau, President
Dr. Robert Bennett
Mr. Brian Davis
Ms Susan Eng
Dr. Shari Graham Fell
Professor David Jenkins
Professor Brian Langille
Professor Ian McDonald
Mr. David Melville
Mr. Sean Mullin
Ms Rose Patten
Dr. Joseph Rotman

Non-Voting Member:

Mr. Louis R. Charpentier

Regrets:

Mrs. Susan M. Scace

Secretariat:

Ms Cristina Oke

In Attendance:

Professor W. Raymond Cummins, Chair, Academic Board and Member of the Governing Council
Dr. John Nestor, Chair, University Affairs Board and Member of the Governing Council
Ms Jacqueline Orange, Vice-Chair, Business Board and Member of the Governing Council
Professor Shirley Neuman, Vice-President and Provost and Member of the Governing Council
Mr. Felix Chee, Vice-President, Business Affairs
Dr. Beata FitzPatrick, Assistant Vice-President and Director, Office of the President

Add to the Agenda

On motion duly moved and seconded, the consideration of an external appointment was added to the agenda.

Vary the Agenda

On motion duly moved and seconded, the order of the agenda was varied to allow the President to make part of his report *in camera*.

On motion duly moved and seconded,

IT WAS RESOLVED

THAT, pursuant to sections 28 (e) and (f) of By-Law Number 2, consideration of agenda item 1 and part of 2 take place *in camera*, with the Board Chairs and Vice-Chair, Mr. Chee, Professor Neuman, and Dr. FitzPatrick admitted to the meeting to facilitate the work of the Committee.

1. External Appointments

(a) University of Toronto Asset Management Corporation Board

(i) Appointment of *ex officio* Member of the Board

Dr. Simpson vacated the Chair and was not present for the discussion of this item. Ms Patten assumed the Chair.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Dr. Thomas H. Simpson be approved and nominated as a member and director of the University of Toronto Asset Management Corporation for the remainder of a term continuing until the 2003 annual meeting of the corporation.

(ii) Appointment of Chair of the Board

Dr. Simpson rejoined the meeting and resumed the Chair.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Mr. Ira Gluskin be approved and nominated as the Chair of the University of Toronto Asset Management Corporation for the remainder of a term continuing until the 2003 annual meeting of the corporation and until his successor is appointed.

(b) Hungarian Research Institute

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Professor Laszlo Endrenyi and Ms Marvi Ricker be nominated as members and directors of the Hungarian Research Institute of Canada for three-year terms continuing until the 2006 annual meeting of the Institute and until their successors are appointed.

2. Report of the President

The President invited the Vice-President and Provost to report on the status of current searches for academic administrators.

THE COMMITTEE MOVED INTO CLOSED SESSION.

The President reported on a number of matters.

(a) Federal Government Relations

The President reported that the federal budget had been very good news for the University. An amount of \$225 million had been included in the federal budget to cover indirect costs of research. This funding would be part of base funding, and universities would be required to report on how this funding was being used.

The President highlighted other items included in the federal budget that were significant for universities, including:

- the creation of 2000 Master's fellowships which would provide students with \$17,500 for one year of study, and 2000 doctoral fellowships which would provide students with \$35,000 per year for three years of study;
- \$500 million additional funding for the Canada Foundation for Innovation (CFI) targeted at teaching hospitals, which would support the Academic Health Sciences Complex;
- \$20 million for the Medical and Related Sciences (MARS) project; and
- enhancements to the Canada Student Loan program.

(b) Provincial Government Relations

The President reported that he had met with various members of the provincial legislature to discuss funding issues. He was hopeful that the lobbying efforts of universities for more support for public education would be recognized in the upcoming budget. He also noted that a SuperBuild announcement was expected within the next few weeks.

(c) Public Salary Disclosure

The President reminded members that the list of University employees who had earned more than \$100,000 in the year ending December 31, 2002 would be released on March 31, as required by provincial law.

(d) Sloan Fellowships

The President informed members that five of the six Canadian researchers who had been awarded Sloan fellowships were faculty members of the University of Toronto. The Alfred P. Sloan Foundation annually awarded 116 two-year \$40,000 US fellowships to young faculty who showed the most promise in making fundamental contributions to knowledge in one of seven fields: chemistry, computational and evolutionary molecular biology, computer science, economics, mathematics, neuroscience and physics. The faculty members who had received these awards were:

- Professor Peter Andolfatto (zoology),
- Professor James Colliander (mathematics),
- Professor Kentaro Hori (physics),
- Professor Hae-Young Kee (physics),
- Professor Daniel Lidar (chemistry).

2. Report of the President (cont'd)

The President viewed the Sloan Fellows as emblematic of the way in which the University was proceeding with making excellent hires from around the world that brought diversity to the faculty.

(e) Questions

A member asked whether the SuperBuild announcement could be expected prior to April 30, when the provincial legislature was expected to resume sitting. The President replied that it was his understanding the announcement would be made before that date.

A member asked what features were attracting outstanding scholars to the University of Toronto. The President replied that the multicultural character of the City of Toronto, as well as the availability of Canada Research Chairs at the University were contributing factors. Professor Neuman added that CFI funding was helpful, and that faculty were drawn by the depth and breadth of research opportunities at the University, as well as the opportunities for inter-disciplinary work. She added that the program of employment opportunities for partners in place at the University was another advantage in recruitment.

A member congratulated the administration on the success of their efforts to promote the case of post-secondary education with the federal and provincial governments. The member noted the \$12 million initiative in funding for aboriginal students that had also been part of the federal budget.

3. Reports of the Previous Meetings

Report Number 356 of the Executive Committee meeting held on February 3, 2003 and Report Number 357 of the Executive Committee meeting held on February 26, 2003 were approved.

4. Business Arising from the Reports of the Previous Meetings

Business Arising from the meeting of October 18, 2002

(a) Report of Notice of Motion on a Faculty of Law Alumni Bursary

The Chair recalled that, at the October 18 meeting of the Executive, the Provost had reported on the following notice of motion made at the May 2, 2002 meeting of the Governing Council concerning the establishment of a Faculty of Law alumni bursary.

The Chair invited the Provost to provide an update on the status of this Bursary Fund.

Professor Neuman apologized to the member who had given the notice of motion. The member had indicated that she had not been contacted prior to the meeting, as the Provost had understood that the member would have been.

Professor Neuman noted that the wording of the notice of motion suggested that the funds raised would be used to fund tuition rebates across the board. This action would not be consistent with the policy on student financial aid that provided for needs-based assistance to students. Professor Neuman also commented that such fund-raising activities should be coordinated with the Faculty of Law.

A member indicated that there was a strong commitment to needs-based student financial aid within the Faculty of Law, and that the fund-raising details of individual faculties were not usually raised at the level of the Governing Council. The member also stated that, currently, donors could target funding towards student aid.

4. Business Arising from the Reports of the Previous Meetings (cont'd)

(a) Report of Notice of Motion on a Faculty of Law Alumni Bursary (cont'd)

The member who had made the notice of motion explained that the intention of the notice had been to provide an opportunity for the group of alumni who were not in favour of the proposed tuition increases included in the academic plan of the Faculty of Law to provide financial support targeted at reducing the proposed tuition fees. The member accepted the answer provided.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the following notice of motion not be placed on the agenda of the Governing Council:

THAT there be established a Faculty of Law Alumni Bursary Fund, designed to be eligible for matching funds from the Province of Ontario, if any, which, once it exceeds the annual alumni donations projected in the Strategic Plan, will be used to fund tuition fee rebates.

(b) Procedures for Non-Members to Address Governing Council, its Boards and Committees

The Chair reminded members that, at the February 3 meeting, a member had suggested that the approved procedures be discussed at the next meeting of the Committee. Members had received in their agenda packages information on the *Procedures for Non-Members to Address Governing Council, its Boards and Committees*.

The Chair noted that, with respect to matters on agendas of meetings, there were two ways in which non-members might be invited to address Governing Council or its Boards and Committees:

- the appropriate Chair might grant the speaking request;
- the request might be granted following a motion made by a member and approved by a 2/3 vote of members.

The Chair indicated that members would take into account the criteria laid out in the *Procedures* when the speaking requests for the April 3 meeting were reviewed.¹

¹ The procedures lay out certain matters that may be taken into account when considering speaking requests by non-members with respect to **items on the agenda**:

- the **relevance of the intervention** to the agenda item,
- whether **the members already possess the information** being offered,
- the **length of the agenda**,
- the **number of speaking requests** and
- the maintenance of good relations with and **fulfillment of obligations to official campus groups** representing staff and students.
- **Requests from representative campus groups** (e.g. UTFa, USWA, APUS, GSU, SAC) to address Governing Council or a board or committee **are normally granted** by the appropriate chair.

4. Business Arising from the Reports of the Previous Meetings (cont'd)

(b) Procedures for Non-Members to Address Governing Council, its Boards and Committees (cont'd)

A member noted that the Chair had the discretion to allow non-members to speak for more than five minutes, and to respond to members' questions.² The member also noted that the principles adopted by the Executive Committee in January 2000 stated that non-members who wished to address the Council on matters not on the agenda should speak at the beginning of the meeting.³ During the past year, non-members had spoken under Other Business at the end of the meeting.

The Chair replied that the decision that non-members speak at the beginning of the meeting was not consistent with the approved policy – i.e. the *Procedures*. He had chosen to follow the approved *Procedures*.

A member commended the Chair for granting the speaking requests of representative campus groups.

5. Minutes of the Governing Council Meetings held on February 14, 2003 and February 26, 2003

The Committee received for information the minutes of the Governing Council meetings held on February 14, 2003 and February 26, 2003.

6. Business Arising from the Governing Council Meeting

The Chair noted that there were two items of business arising from the Governing Council meeting.

(a) Referral Back of the Procedure to Consider Tuition and Budget

The Chair reminded members that they had received a memorandum on Governing Council Procedures prior to the meeting. The advice from the Secretary was that a motion to divide was equivalent to a motion to amend and that the Governing Council had limited itself to accept,

² Section 62 (b) of By-Law Number 2 states: *The Presiding Officer may permit a member to address a question to a member or other person invited to address Council who has completed speaking in debate upon a motion, for the purpose of obtaining clarification of some matter raised in the address of the person to whom the question is directed.*

³ In January 2000, the Executive Committee approved a set of principles that would guide decisions on speaking requests by non-members with respect to **items not on the agenda**:

1. **Statements from individuals are permitted at the discretion of the Executive Committee and are not granted as of right.** In light of experience, the Committee is of the view that applicants for such speaking privileges should **demonstrate that there exists a sound reason for the request from the individual to speak to this topic** (i.e. that there would be real value added to the Council's deliberations and without damage to, or duplication of, normal governance procedures);
2. Statements by individuals and groups who wish to address the Governing Council on items not on the agenda will **normally be heard at the outset of the meeting**;
3. Consistent with *By-law Number 2*, speakers will be required to **limit their remarks to five minutes**. There will be no exceptions to this rule;
4. There will be **no Governing Council debate or discussion of statements by non-members at the time of the speaker's address**. Members of the Governing Council may comment under "Other Business"; and
5. Speaking privileges will be **considered only for non-members who provide reasonably well-developed proposals meeting the above criteria in a timely fashion, normally for the Executive Committee meeting at which the Governing Council agenda is set**. Speakers should outline their reasons for wishing to address the Council and their particular role with respect to the issue they are bringing forward.

6. Business Arising from the Governing Council Meeting (cont'd)**(a) Referral Back of the Procedure to Consider Tuition and Budget (cont'd)**

reject, or refer back items before it.

A member asked what authority was being cited in the Secretary's memorandum. The Chair explained that By-law Number 2 of the Governing Council regulated the conduct of Council meetings, and provided for the use of *Bourinot's Rules of Order* for matters that were not included in By-law Number 2. The member noted the use of the term 'normally' with respect to limiting the Council to accept, reject or refer back items before it. The member suggested that approval of tuition and budget might not be considered normal under some circumstances.

The Chair noted that the two main points raised in debate of the proposed procedure were whether the procedure constituted a new standing procedure and whether the proposed procedure would give more power to the Chair. The answer to both concerns was 'no'.

A member suggested that more flexibility was needed in the interpretation of rules of order. She noted that no amendments to the tuition schedule were allowed at the Business Board.⁴ The member asked what the process for review of the current by-law and procedures would be. The Chair invited the member to meet with him and with the Secretary to discuss the matter.

A member noted that the Secretary's memorandum indicated that the University's solicitors had advised that 'the Chair has the authority and indeed the duty to rule any motion to amend out of order'. The Chair indicated that, if he made such a ruling, members could appeal the ruling of the Chair if they disagreed. The member expressed concern that an appeal to the ruling of the Chair was the only available action for members. A member repeated that, in his view, the approval of the tuition schedule should not be considered normal for purposes of accepting, rejecting or referring back.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT no further action be taken with respect to its recommendation concerning the motion regarding the process for consideration of tuition fee schedules and budget proposals.

(b) Notice of Motion

The Chair reminded members that the following notice of motion had been given at the February 14 meeting of the Governing Council:

THAT the Governing Council set up an ad hoc committee to discuss federal-provincial legislation for post-secondary education analogous to the Canada Health Act.

The Chair stated that the motion was similar in substance to the notice of motion concerning the proposed Canada Post-Secondary Education Act of the Canadian Association of University Teachers (CAUT) that had been considered by the Executive Committee in February. A member

⁴ A motion to refer back the tuition fee schedule for publicly funded programs with a recommendation that all tuition increases be limited to 10% was defeated at the meeting of the Business Board held on March 3, 2003.

6. Business Arising from the Governing Council Meeting (cont'd)**(b) Notice of Motion (cont'd)**

expressed his support of the notice of motion, stating that the matter was appropriate for discussion within the University community.

It was duly moved and seconded,

THAT the Executive Committee reconsider the establishment of an ad hoc committee to discuss federal-provincial legislation for post-secondary education.

The motion was defeated.

The Chair ruled the notice of motion out of order.

7. Item for Confirmation by the Executive Committee**(a) University of Toronto at Scarborough: Calendar Changes 2003-04**

Professor Cummins reported that the University of Toronto at Scarborough (UTSC) had proposed four new joint programs with Centennial College, that would bring the total number of joint programs to seven. The general principles for these programs were covered by an agreement between the two institutions. The costs would be supported by enrolment growth funding. There had been no questions about the programs at the Board.

On motion duly moved and seconded,

YOUR COMMITTEE CONFIRMED
THE APPROVAL OF THE ACADEMIC BOARD

THAT the new joint programs with Centennial College, as described in the submission from the University of Toronto at Scarborough, dated December 18, 2002, a copy of which is attached to Report Number 117 of the Academic Board as Appendix "B", effective for the academic year 2003-04, be approved.

8. Items for Endorsement and Forwarding to the Governing Council**(a) Arising from Report Number 117 of the Academic Board (March 20, 2003)****(i) Update on Enrolment Expansion, December 2002**

Professor Cummins explained that the report focused on the changes made since Governing Council approved the *Update on Enrolment Expansion of April 2002*. The Ministry of Training, Colleges and Universities (MTCU) had revised its projections of student demand upward and the University had agreed to take a further 750 students in the first-entry intake in July and a further 92 in September. Again, the increase was dependent upon appropriate funding from MTCU for capital construction. All Ontario universities had been asked to sign an Enrolment Target Agreement or ETA. There were an additional 500 doctoral students added to the total graduate enrolment in the ETA. At the Board, a question had been asked about the adequacy of classroom space and control over scheduling. The Provost had responded and then had suggested the member speak to Professor Venter.

8. Items for Endorsement and Forwarding to the Governing Council (cont'd)

(a) Arising from Report Number 117 of the Academic Board (March 20, 2003) (cont'd)

(i) Update on Enrolment Expansion, December 2002 (cont'd)

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

to the Governing Council for consideration the recommendation

THAT the revised enrolment expansion described in Figure 1 of *Update on Enrolment Expansion, December 2002*, a copy of which is attached to Report Number 117 of the Academic Board as Appendix “C”, be approved in principle.

(ii) Enrolment Growth Fund, Allocations for 2002-03

Professor Cummins informed members that the Fund contained tuition revenue from planned enrolment increases and increased government operating funds for MTCU approved growth. It was distributed on the basis of approved and achieved enrolment expansion. Both the University of Toronto at Scarborough (UTSC) and the University of Toronto at Mississauga (UTM) received 90% of the tuition revenue related to their enrolment growth rather than the 75% received by other faculties/divisions. Both were expected to contribute to their capital expansion from this funding. A question had been asked about a particular allocation and Professor McCammond responded.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

to the Governing Council for consideration the recommendation

THAT the following allocations from the Enrolment Growth Fund to the divisions to accommodate the 2002-03 enrolment expansion be approved.

(a) OTO funding in 2002-03 of:

Library	\$499,855
Student Information Systems	\$400,000
Facilities and Services	\$504,496
Faculty of Arts and Science	\$6,180,540
University of Toronto at Mississauga	\$3,183,611
University of Toronto at Scarborough	\$3,675,455
Faculty of Pharmacy	\$704,806
Faculty of Applied Science and Engineering	\$1,059,724
Faculty of Physical Education and Health	\$12,864

8. Items for Endorsement and Forwarding to the Governing Council (cont'd)**(a) Arising from Report Number 117 of the Academic Board (March 20, 2003) (cont'd)****(ii) Enrolment Growth Fund, Allocations for 2002-03 (cont'd)****(b) Base funding in 2003-04 of:**

Library	\$499,855
Student Information Systems	\$400,000
Facilities and Services	\$504,496
Faculty of Arts and Science	\$4,846,015
University of Toronto at Mississauga	\$3,583,186
University of Toronto at Scarborough	\$4,471,810
Faculty of Pharmacy	\$1,057,209
Faculty of Applied Science and Engineering	\$289,537
Faculty of Physical Education and Health	\$0

A member asked why there was a disparity between OTO and base funding for certain faculties. At the request of the President, and at the invitation of the Chair, Dr. Fitzpatrick explained that funding for international students was provided OTO and not in base.

(iii) School of Graduate Studies: Proposed New Master of Visual Studies Program

Professor Cummins explained that this two-year professional master's program would be unique in Canada. It was not media-specific but rather the program offered "interdisciplinary" studio art practice in combination with other knowledge-based activities such as research and critical writing. Steady state enrolment would be eight students. The costs of this program were expected to be met from enrolment growth funding. There had been no questions at the Board

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

to the Governing Council for consideration the recommendation

THAT the proposal for a new Master of Visual Studies (M.V.S.) program, as described in the submission from the School of Graduate Studies, dated November 29, 2002, a copy of which is attached to Report Number 117 of the Academic Board as Appendix "A", to be effective September 2003 be approved.

(b) Arising from Report Number 124 of the Business Board (March 3, 2003)

Ms Patten informed members that the tuition fee schedules had been fully debated and discussed at length at the Business Board meeting. The Chair indicated that Report Number 100 of the Committee on Academic Policy and Programs, as well as Report Number 117 of the Academic Board and Report 124 of the Business Board, would be circulated to members in the agenda package for the Governing Council.

A member noted that there seemed to be considerable opposition to the tuition schedule, and asked if the amount of tuition fee increases could be slowed down and the accessibility study extended. The President replied that it had been agreed at the meetings of both the Committee on Academic Policy and Programs, and the Business Board that the accessibility study would be continued. The

8. Items for Endorsement and Forwarding to the Governing Council (cont'd)**(b) Arising from Report Number 124 of the Business Board (March 3, 2003) (cont'd)**

President pointed out that, overall, the tuition fee schedule was break-even. The tuition increases for the Faculty of Law affected only 1 per cent of all students.

A member commented that an opportunity was being missed to consider the issues arising from increased tuition since, despite protests, the tuition fee schedule was likely to be approved. She suggested that the ad hoc measures that had been put in place this year, including the accessibility report and the off line sessions on tuition and budget, should be built upon for next year.

A member expressed his view that the University as a whole would pay the price for the increase in tuition proposed for the Faculty of Law.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

to the Governing Council for consideration the recommendations

THAT the proposed tuition-fee schedule for self-funded programs for 2003-04 and the proposed tuition-fee schedule for publicly-funded programs for 2003-04 be approved.

9. Participation in Meetings via Audio or Video Conferencing

Discussion of this item was again deferred to the next meeting.

10. Performance Measures for Governance

Discussion of this item was deferred to the next meeting.

11. Reports for Information

Members received for information the following reports:

Report Number 123 of the Business Board (February 11, 2003)

Report Number 124 of the Business Board (March 3, 2003)

A draft of Report Number 117 of the Academic Board (March 20, 2003) was placed on the table.

12. Date of the Next Meeting

The Chair reminded members that the next regular meeting of the Executive Committee was scheduled for Monday, April 21, 2003 at 5:00 p.m.

13. Other Business**(a) Requests for Non-members to Address the Governing Council**

The Chair informed members that seventeen speaking requests on the topic of tuition had been received for the April 3 meeting of the Governing Council. A member noted that an additional request had been sent prior to the meeting, but had not been received due to the use of an incorrect email address. This request was added to the list that had been circulated to members.

13. Other Business

(a) Requests for Non-members to Address the Governing Council (cont'd)

The Chair suggested that, in light of the number of speakers that had addressed the Committee on Academic Policy and Programs and the Business Board on tuition, and the discussion and debate that had taken place, a total of six speakers be invited to address the Governing Council. Three of the speakers would be the campus-wide student groups: the Graduate Students' Union (GSU), the Students' Administrative Council (SAC), and the Association for Part-time Undergraduate Students (APUS). He welcomed suggestions from members for the remaining three speakers.

Some members expressed the view that a total of six speakers was too few, given the importance of the topic. Both the Chair and the President stated that a number of members of Council had informed them that they would like to ensure that there would be an opportunity for members to debate fully the tuition schedule. This need had to be balanced with requests from non-members to address Council.

The Chair explained that he proposed allowing 90 minutes for the consideration of the tuition fee item at the Governing Council on April 3. Ten minutes would be allocated to an introduction and background information on the matter. Sixty minutes would be allowed for debate by members. The Committee was asked whether more than twenty minutes should be allocated for non-members to address Council. A majority of those present indicated that they would prefer that no more than twenty minutes be allocated to non-members.

There was agreement that the President of the Students' Law Society and a member of the teaching staff of the Faculty of Law be invited to speak to the Governing Council. It was agreed that the Chair would determine the third speaker by lot if, after considering the remaining requests, a speaker from a more broadly representative group was not identified.

A member thanked the President and the Provost for the information that they were providing on the major issues facing the University. He expressed his concern with the amount of time being spent by members of Governing Council on narrowly-focussed issues, when there was a need to debate the broader issues that were critical to the future of the University.

The meeting adjourned at 7:20 p.m.

Secretary

Chair

March 27, 2003