

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

Thursday April 3, 2003

MINUTES OF THE GOVERNING COUNCIL meeting held on Thursday, April 3, 2003 at 4:30 p.m. in the Council Chamber, Simcoe Hall.

Present:

Dr. Thomas H. Simpson (In the Chair)	Mr. George Myhal
Ms Rose M. Patten, Vice-Chair	Dr. John P. Nestor
Professor Robert J. Birgeneau, President	Professor Shirley Neuman
Professor Mary Beattie	Mr. Elan Ohayon
Dr. Robert Bennett	Ms Jacqueline C. Orange
Mr. Mark Braun	Mr. Josh Paterson
Professor Philip Byer	Mr. John F. (Jack) Petch
Professor W. Raymond Cummins	Mr. Chris Ramsaroop
Mr. Brian Davis	Mr. Timothy Reid
Dr. Claude Davis	Dr. Joseph L. Rotman
The Honourable William G. Davis	Mrs. Susan M. Scace
Professor Sherwin Desser	Mr. Amir Shalaby
Dr. Alice Dong	Ms Carol Stephenson
Dr. Inez Elliston	Professor Carolyn Tuohy
Ms Susan Eng	Professor John Wedge
Dr. Shari Graham Fell	Mr. Robert S. Weiss
Professor Luigi Girolametto	
Mr. Paul V. Godfrey	Mr. Louis R. Charpentier, Secretary of the Governing Council
Mr. Gerald Halbert	
Ms Durré Hanif	
Professor Ellen Hodnett	
Ms Shirley Hoy	Secretariat:
Professor David Jenkins	
Professor Brian Langille	Mr. Neil Dobbs
Ms Karen Lewis	Ms Cristina Oke
Professor Michael Marrus	
Mr. David Melville	
Mr. Sean Mullin	
Mr. Colm Murphy	

Absent:

Professor Brian Corman
The Honourable Henry N. R. Jackman
Professor Ian R. McDonald
The Honourable David R. Peterson
Mr. John H. Tory

In Attendance:

Mr. Muhammad Basil Ahmad, Member-Elect, Governing Council
Mr. Mike Foderick, Member-Elect, Governing Council
Mr. Mohammed Hashim, Member-Elect, Governing Council
Ms Françoise Ko, Member-Elect, Governing Council
Mr. Felix Chee, Vice-President, Business Affairs
Professor Angela Hildyard, Vice-President, Human Resources
Dr. Sheldon Levy, Vice-President, Government and Institutional Relations
Professor Ian Orchard, Vice-President and Principal, University of Toronto at Mississauga
Professor David Farrar, Vice-Provost, Students
Dr. Beata FitzPatrick, Director of the Office of the President and Assistant Vice-President
Ms Rivi Frankle, Assistant Vice-President, Alumni and Development
Professor Vivek Goel, Vice-Provost, Faculty
Professor Derek McCammond, Vice-Provost, Planning and Budget
Professor Ronald Venter, Vice-Provost, Space and Facilities Planning
Ms Sue Bloch-Nevitte, Director, Public Affairs and Advancement Communications
Ms Lois Chiang, Assistant Dean, Students, Faculty of Law
Mr. Christopher Collins, President, Graduate Students' Union
Professor Ronald Daniels, Dean, Faculty of Law
Ms Mary Auxi Guiao, Equity Issues Commissioner, Students' Administrative Council
Mr. Paul Holmes, Judicial Affairs Officer, Office of the Governing Council
Ms Patricia Lee, Director, Ontario Public Interest Research Group
Ms Lesley Lewis, Assistant Provost and Special Assistant to the Vice-President and Provost
Ms Jennifer Mathews, President, Law Students' Society
Professor David Mock, Dean, Faculty of Dentistry
Ms Silvia Rosatone, Manager of Convocations and Governance Committees Secretary, Office of the Governing Council
Ms Emily Sadowski, President, Association of Part-time Undergraduate Students
Professor Martha Shaffer, Faculty of Law
Professor Pekka Sinervo, Vice-Dean, Faculty of Arts and Science
Ms Maureen Somerville, Chair, College of Electors
Mrs. Beverley Stefureak, Assistant Secretary, Office of the Governing Council
Ms Rebeka Tabobondung, Co-ordinator of the Women's Centre, University of Toronto
Professor Tas Venetsanopoulos, Dean, Faculty of Applied Science and Engineering

Chair's Remarks**(a) Welcome**

The Chair welcomed members and guests to the meeting.

(b) Audio web-cast

The Chair reminded members that the meeting was being web cast. He also noted that an overflow room with an audio feed of the meeting had been set up in the Medical Sciences Building.

(c) Other Announcements

The Chair congratulated Ms Carol Stephenson on her appointment as Dean of the Richard Ivey School of Business at the University of Western Ontario.

Chair's Remarks (cont'd)

The Chair also congratulated all those who had been elected to the Governing Council and to the Academic Board for terms beginning July 1, 2003.

1. Minutes of the Previous Meetings: February 14, 2003 and February 26, 2003

The Minutes of the meetings of February 14, 2003 and February 26, 2003 were approved.

2. Business Arising from the Minutes of the Previous Meeting

The Chair noted that items of business arising from the previous meetings would be dealt with under the appropriate agenda items.

3. Report of the President**(a) Congratulations**

On behalf of the Council, the President congratulated Dr. Simpson on being acclaimed for a second term as Chair of the Governing Council.

(b) Moment of Silence

The President asked those present to observe a minute of silence to reflect on the wish for a rapid end to the war in Iraq and on the achievement of peace in the world.

(c) Death of Professor Emeritus Donald Coxeter

The President informed members of the death of Professor Emeritus Donald Coxeter, a distinguished senior scholar of the University of Toronto who was regarded as the world's greatest living geometer.

(d) University Response to the Outbreak of Severe Acute Respiratory Syndrome (SARS)

The President reported that an emergency response group, led by Vice-President Angela Hildyard and Deputy Provost Vivek Goel, had been meeting to monitor and review the University's response to SARS. Information was being made available to members of the community through the University's home page and by memos from the Vice-President and Provost and the Vice-President, Human Resources. An academic program disruption had been declared for students in the health sciences whose program included training in hospitals.

(e) Sloan Research Fellowships for 2003

The President announced that the University of Toronto had received five Sloan Research Fellowships, a prestigious award made to outstanding junior scientists in seven fields: physics, chemistry, mathematics, neuroscience, economics, computer science and computational and evolutionary molecular biology. One hundred sixteen fellowships were awarded annually. This year, the University of California at Berkeley received ten of the Fellowships; California Institute of Technology, Massachusetts Institute of Technology and Stanford University each received six awards, and Chicago, Columbia, Princeton and University of California at San Diego, along with the University of Toronto, received five.

3. Report of the President (cont'd)

The University of Toronto Sloan Fellows were Professor Daniel Lidar, (chemistry), Professor James Colliander (mathematics), Professors Kentaro Hori and Hae-Young Kee (physics), and Professor Peter Andolfatto (computational and evolutionary molecular biology). The President noted that these faculty members had Ph.D.s from Hebrew University, the University of Illinois at Urbana-Champaign, the University of Tokyo, Seoul National University and the University of Chicago, respectively, and that they had done post-doctoral work at the University of California at Berkeley, the University of California at Los Angeles, Harvard University and the University of Edinburgh. The Sloan Fellows were emblematic of the view that recruiting superb candidates from around the world increased faculty excellence and diversity, and demonstrated the vision for the University as one of the best public research and teaching universities in the world.

(f) UK-Canadian Consortium in Structural Genomics

The President informed members that, earlier in the day, a \$95 million funding partnership had been announced among the U.K.-based research charity the Wellcome Trust, four Canadian research funding organizations (Genome Canada, the Canadian Institutes of Health Research (CIHR), the Ontario Research and Development Challenge Fund (ORDCF), and the Ontario Innovation Trust (OIT)) and the global pharmaceutical company Glaxo Smith Kline. The Structural Genomics Consortium had been established as a charity, and would operate from research laboratories at the University of Toronto and the University of Oxford, the lead being Toronto. Half of the funding (\$52.5 million) would come from the British partners and half from the Canadian federal and provincial partners. The consortium was a three-year initiative led by Professor Aled Edwards, working with Professor Cheryl Arrowsmith. Both were world-leading experts in proteomics and structural genomics. The partnership would further science and medical discovery on both sides of the Atlantic. The President congratulated all those who were involved in the creation of the consortium.

(g) Financial Matters

The President noted that the University was entering into the final year of a six-year budget cycle, and highlighted some of the essential features of the budget for 2003-04 that had been presented to the Planning and Budget Committee on March 26. In order to balance the budget and to keep the accumulated deficit within the limit set by the Governing Council, a budget cut of 4.5% or \$22 million was necessary. The factors that had resulted in the shortfall included provincial funding that had not included inflationary increases for over a decade, the tuition cap in Arts and Science programs, investment losses, and the need to resume employer pension fund contributions sooner than expected.

The proposed tuition increases totaled 5 % overall, from which 30% was required to be set aside for student financial aid. The net increase in tuition fee revenue was less than 4%.

The provincial government had recently announced Quality Assurance Funding in the amount of \$75 million for next year, and growing to \$200 million by 2006. The University expected to receive \$15 million of this funding next year. This was a major breakthrough for the University, since provincial funding was not tied to enrolment growth. The provincial government had also announced \$400 million in funding for a second round of the Ontario Student Opportunity Trust Fund (OSOTF) program. The University had raised \$100 million for student aid in the first round.

3. Report of the President (cont'd)**(h) Questions**

A member asked whether the University would be required to increase enrolment to receive allocations from the Quality Assurance Fund. The President replied that fund allocations would be independent of the number of students.

4. Update on Enrolment Expansion, December 2002

Professor Cummins explained that this report focused on the changes made since Governing Council had 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 Academic Board, a question had been asked about the adequacy of classroom space and control over scheduling. The Provost had responded and had then suggested that the member speak to Professor Venter.

On motion duly made and seconded,

It was RESOLVED

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.

5. Enrolment Growth Fund, Allocations for 2002-03

Professor Cummins reminded 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. Both were expected to contribute to their capital expansion from this funding. A question had been asked at the Academic Board about a particular allocation and Professor McCammond had responded.

5. Enrolment Growth Fund, Allocations for 2002-03 (cont'd)

On motion duly made and seconded,

It was RESOLVED

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

(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

6. School of Graduate Studies: Master of Visual Studies Program

Professor Cummins informed members 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. No questions on this program had been raised at the Academic Board.

On motion duly made and seconded,

It was RESOLVED

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", effective September 2003, be approved.

7. Tuition Fee Schedule, 2003-04, for Self-Funded Programs

Before consideration of the Tuition Fee Schedules, the Chair outlined to members the process for consideration of the items. He explained that he would first call on the Chair of the Business Board to introduce the Tuition Fee Schedule for Self-Funded Programs and to move the motion. He would then ask for a seconder. Following that, members would debate the matter and the vote would take place as usual.

After the vote on the Tuition Fee Schedule for Self-Funded Programs, the Chair would call on the Chair of the Business Board to introduce the Tuition Fee Schedule for Publicly-Funded Programs and to move the motion. The Provost would be invited to provide background information concerning the tuition fee schedule.

The Chair indicated his intention, supported by the Executive Committee, to ensure that there was a minimum period of time protected for governors to debate the matter. Before the meeting, governors had had a chance to read many of the submissions and the minutes of the extensive debates and presentations by external speakers to the Business Board and to the Committee on Academic Policy and Programs which had already considered tuition fees and accessibility. Members of the Council had made the point strongly and repeatedly that, before voting on important matters, they wanted to hear one another's views. When a matter such as this came to the Governing Council, members wanted time to debate the issues themselves and not to primarily listen to a debate between non-members and the Administration. The Chair proposed to allow at least sixty minutes for members of the Governing Council to discuss and debate this item.

The Chair noted that external speakers could be heard at two different points on the agenda. The first would be in the usual time slot before debate began, and the second would be after the conclusion of the minimum period of time protected for governors to debate.

With respect to the first time slot for external speakers, the Executive Committee had considered eighteen speaking requests from non-members. After taking into account whether the individual or group had addressed either the Committee on Academic Policy and Programs (AP&P) or the Business Board, as well as whether the individual would speak on behalf of a representative group, it had been decided to accept six speaking requests – three from the campus-wide student groups and three from the other requests that had been received. Each speaker had been asked to limit their remarks to 3 minutes.

With respect to the second time slot for external speakers, the Chair explained that he would ask for a motion that an additional speaker be heard for a three-minute speaking opportunity, pursuant to section 45 (a) of *By-Law Number 2*. If the motion passed, he would draw by lot the name of a person or group whose speaking request had not been granted. If that person or group were not present, a second name would be drawn by lot. If a member wished to move that a named individual address Council under Section 45(b) of *By-Law Number 2*, the member could do so at that time.

7. Tuition Fee Schedule, 2003-04, for Self-Funded Programs (cont'd)

Mr. Shalaby explained that the self-funded programs received no Government support and were required to meet their costs from tuition fees. These included business programs (such as the executive Master of Business Administration (M.B.A.) program), special programs in Medicine and Dentistry (such as the program for medical trainees sponsored by foreign governments) and the programs offered to younger students by the Ontario Institute for Studies in Education of the University of Toronto (OISE/UT) – the laboratory school program and the University of Toronto Schools (UTS). Fee increases in these programs reflected increased costs, which had to be recovered. The UTS fee also included a levy for capital improvements.

On motion duly made and seconded,

It was RESOLVED

THAT the proposed tuition-fee schedule for self-funded programs for 2003-04, a copy of which is attached to Report Number 124 of the Business Board as Appendix “C”, be approved.

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs

Introduction of Motion

Mr. Shalaby informed members that, for about 55% of students, tuition fees were regulated by the Province, and increases were limited to 1.9% - less than the increase in the rate of inflation. That increase applied to most Arts and Science programs and other undergraduate programs including Music, Nursing, and Physical Education and Health. There was no fee increase whatever in the undergraduate program in Education.

For 40% of students, fees were proposed to increase by 5%. For students who were now at the University and continuing their programs, the proposed fee increase was either 1.9% in the fee-regulated programs or 5% in the others.

For 5% of students, fees would increase more substantially. The larger increases applied to new students in Engineering, Dentistry, Law, and the M.B.A. program, and for students entering the second year in undergraduate business administration and computer science programs.

For the program in Law, the increase was one step in a series projected to continue over the next four years. It was important to understand that the Governing Council was being asked to approve the fee for 2003-04 only. The external submissions to the Business Board had included a great deal of speculation about the effects of fees being planned in four years' time. That speculation was not relevant. The administration had stated that it would bring forward future steps only if it was satisfied, through rigorous monitoring, that accessibility was being maintained and career choice was not being steered by debt load.

For international students, tuition fees would be the same amount as the domestic student fee, plus the amount of the government grant the students would have attracted had they been domestic students. With no increase in per capita government grants, the outcome was a fee

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Introduction of Motion (cont'd)**

increase of the same dollar amount as domestic students. From a higher base, that was a lower percent increase.

Mr. Shalaby described the process that had taken place prior to consideration of the tuition fee schedules by the Governing Council. The policy on tuition had been highlighted at the Orientation for members of the Governing Council held in the fall. An off-line session on tuition had been held to provide members of the Council and of the Business Board with an opportunity to discuss the matter informally with members of the administration. Members of the Board had reviewed the Enrolment Report, and determined that enrolment remained very strong and growing, and admission applications continued to increase. Members had also received the annual report of the Vice-Provost, Students on Student Financial Support. The Report concluded that accessibility to the University had been maintained for potentially disadvantaged students in all demographic categories including gender, parental income, parental education, and ethno-cultural background. In addition, members had received the law-school accessibility report.

At the March meeting of the Business Board, members had spent 3 ½ hours considering tuition fees. Eight external speakers and three members of the Governing Council who were not members of the Business Board had addressed the Board. Six Deans had also commented on the tuition fee schedule. Board members had engaged in a lengthy debate on this matter and had recommended approval of the tuition fee schedule to the Governing Council.

It was duly moved and seconded,

THAT the proposed tuition-fee schedules for publicly funded programs for 2003-04, copies of which are attached to Report Number 124 of the Business Board as Appendix "B", be approved.

Professor Cummins said that while it was no pleasure to second a motion increasing tuition fees, it was his duty and honour to do so on behalf of the Academic Board. That was all the more the case in this year, when so much time had been spent considering the matters of student financial support and accessibility.

The President urged members to consider the tuition fee schedule in its entirety, rather than to focus on any one Faculty.

Provost's Remarks

The Chair invited the Provost to comment on the tuition fee schedule. Professor Neuman reminded members that the Governing Council was asked each year to consider tuition fees, keeping in mind the need to serve students, to set fees to ensure fiscal responsibility, and to maintain program quality. The *Tuition Fee Policy* was intended to reflect the University's mission as one of the world's leading public research and teaching universities, and assumed funding principally from the provincial and federal governments, as well as support from endowment funds and tuition fees. The *Tuition Fee Policy* was tied to the *Policy on Student Financial Support* which was based on the principle that no student offered admission to a

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)

Provost's Remarks (cont'd)

program at the University of Toronto should be unable to enter or complete the program due to lack of financial means.

The Provost described the five elements contained in the *Tuition Fee Policy*:

- Advocacy for continued public investment in the university sector;
- Fee revenue to supplement financial support from governments;
- Fee differentiation, taking into account
 - the plans and aspirations of each academic division;
 - program costs;
 - fees charged by institutions with programs of similar quality;
 - future income prospects of graduates;
 - balance across public and private sources of revenue per student;
 - intentional, disproportionate public subsidies and intra-university cross-subsidies.
- Fee level commitment that the level of fees to be charged over the normal course of a full-time course of study would be provided to all students when they entered the University.
- Monitoring of any effects on enrolment arising from changes in tuition fees.

Professor Neuman indicated that government funding had declined by 30% over the past decade. Recently proposed increases in funding would barely cover inflation. The successes of the University's diversification of sources of revenue through investment of the endowment had not been maintained in the past two years.

The Provost concluded her remarks by commenting that the current environment was a difficult one in which to make decisions, but reminded members that, for a majority of students, tuition increases would be no greater than 1.9%.

External Speakers

The Chair invited Professor Martha Shaffer, Faculty of Law, to address the Council. Professor Shaffer commented that she was an alumna of the Faculty of Law, and had taught at the Faculty for the past thirteen years. It was her view that the proposed tuition increases for the Faculty could be slowed down without having any negative effect on the Faculty. Over the past few years, new faculty had been hired, buildings had been renovated, new offices had been created, and student programs had been expanded. Proceeding with the increases was a risky strategy that need not be taken. The Chair thanked Professor Shaffer for her comments.

The Chair invited Ms Jennifer Matthews, President of the Law Students' Society, to address the Council. Ms Matthews asked members to consider limiting the increase in the tuition fee for the Faculty of Law to 5%, instead of approving the proposed 14% increase. This was one of the recommendations of the *Official Student Response: Provost's Study on Accessibility and Career Choice in the Faculty of Law* which had been distributed to members of the Governing Council. Ms Matthews highlighted two points contained in the Response:

- In the 2002 incoming class which was affected by the initial \$2,000 increase in tuition, the number of students whose combined parental income was less than \$60,000 decreased by 8.5%, while students whose parental income was greater than \$90,000 increased by 12.5%;

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**External Speakers (cont'd)**

- The *Study* reported on the career choices of students whose total three years' tuition ranged from \$9,432 to \$13,862. Students entering in 2003 would have a total tuition of \$50,440. The proposed increases were on a different level than previous increases.

Ms Matthews encouraged the continuation of the *Study*. The Chair thanked Ms Matthews for her remarks.

The Chair invited Ms Patricia Lee, Director of the Ontario Public Interest Research Group (OPIRG) and Ms Rebeka Tabobondung, Co-ordinator of the Women's Centre, to jointly address the Council. Ms Lee and Ms Tabobondung explained that OPIRG was funded by all students and represented all students, especially those existing on the margins, including students of colour, aboriginal students, and single parents. They called for an immediate freeze on tuition. In their view, women, aboriginals and people of colour did not have access to higher education. Students were being burdened with debt and could not afford university. Education should be a right, not a privilege. The Chair thanked Ms Lee and Ms Tabobondung for their remarks.

The Chair invited Mr. Christopher Collins, President of the Graduate Students' Union (GSU), to address the Council. Mr. Collins expressed his concern that a greater number of speakers had not been invited to address Council. He noted that there were 4,142 graduate students who were currently outside the guaranteed funding program of the University. Each year there was an increased reliance on the bursary program of the School of Graduate Studies. Mr. Collins stated that it was time for students and administrators to work together to oppose tuition fee increases and to demand that the provincial government restore funding to appropriate levels. Mr. Collins encouraged members of the Governing Council to take a stand against inadequate funding. Mr. Collins reminded members that University administrators and students had worked together during the past year to develop a proposal to reform the Ontario student loan program. There was agreement that current student aid was insufficient. The effects of debt, whether government subsidized or not, were far-reaching and devastating. On behalf of the 11,000 members of the GSU, Mr. Collins asked members to vote against the proposed tuition fee schedule. The Chair thanked Mr. Collins for his remarks.

The Chair invited Ms Mary Auxi Guiao, Equity Issues Commissioner, Students' Administrative Council (SAC) to address the Council. Ms Guiao commented that the actions taken by the Governing Council set the tone and standard for universities in Ontario. She asked whether all students should have an opportunity to attend the University of Toronto, or only wealthy students, and suggested that the education of the poor was being jeopardized. She reported that, in a recently published survey, over 85% of Ontario residents supported a tuition freeze for universities, even if it resulted in higher taxes. Ms Guiao stated that the *Policy on Student Financial Support* was excellent, but it had to be made to work. Currently, 40% of students were ineligible for loans from the Ontario Student Assistance Program (OSAP). The university funding system was unsustainable. Ms Guiao concluded by asking members of the Governing Council to think of the students who would not attend the University of Toronto because of the decisions being made. The Chair thanked Ms Guiao for her remarks.

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)

External Speakers (cont'd)

The Chair invited Ms Emily Sadowski, President of the Association of Part-time Undergraduate Students (APUS) to address the Council. Ms Sadowski informed members that part-time study was decreasing as tuition increased. In her view, the University was not committed to part-time students. Although part-time students accounted for 12% of the University's students (FTEs), they only received 4% of the funding available for student financial assistance. Ms Sadowski asked that financial aid be extended to part-time students and that a permanent working group on financial aid be established. The Chair thanked Ms Sadowski for her remarks.

Discussion

It was duly moved and seconded,

THAT Ms Tess Sheldon from the Mandate for Public Interest Law (MAPIL) be invited to address Council.

The Chair ruled the motion out of order, but indicated that he would accept such a motion later in the meeting, after members had had an opportunity to debate the tuition fee schedule.

It was duly moved and seconded,

THAT the ruling of the Chair, that the request for a non-member to be heard was out of order at this time, be appealed.

A member requested clarification concerning whether an appeal of the ruling of the Chair was debatable. The Secretary of the Governing Council read Section 49 of *By-Law Number 2*, which stated that an appeal of the ruling of the Chair be heard without amendment and without debate.

A recorded vote was requested.

The vote was taken.

In Favour: 9

Opposed: 24

The appeal was defeated.

The Chair reiterated his suggestion that motions for an individual to be heard be deferred until after members had had their opportunity to debate the tuition fee schedule. A member commented that it was unfair to keep members of the community waiting while members debated the issue. Another member noted that the Chair had made a ruling on the matter.

A member acknowledged the challenging budget situation that was faced by the University, but expressed concern at the nine-fold increase in tuition by the Faculty of Law since 1995. He stated that, in his view, the results of the *Provost's Study on Accessibility and Career Choice in the Faculty of Law* (the *Study*) were equivocal, and that accessibility and career choice were being impacted by the tuition increase. The member suggested that the increase in tuition for the Faculty of Law be slowed down, and that the impact of the increases to date continue to be monitored.

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

A member commented that the law tuition debate was a proxy for the issues that members should be debating. When tuition levels were set by the Council, a decision was being made not only on the cost of the education but on who had access to that education. The Governing Council had allowed the increase in 2002 but members wanted to be satisfied that such increases had no negative impact on accessibility and career choice before any further increases were allowed. In requiring the Provost's office to conduct the *Study*, members believed they were exercising their monitoring role in ensuring that the actions of the Council were consistent with stated policies and that they were fulfilling their responsibility to account to and to address the concerns raised by the university and broader community. The member thanked those in the external community who had spoken to the Council and its Boards and Committees, and who had sent written submissions to Council members. She indicated that she had not been satisfied by the responses to the critiques, and that she would vote against approval of the tuition fee schedule. It was her intention to introduce a motion to refer the tuition fee schedule back to the Business Board.

The Chair suggested that the motion to refer back be deferred until members had concluded the debate, which would allow any other issues raised in the discussion to be included in the motion. The member agreed to this course of action.

A member commented that the decision to approve the proposed tuition fee increases would have a lasting impact. He stated that current students in the Faculty of Law were willing to pay the current tuition fees, and would not be affected by the proposed increases; yet they were opposing the tuition increase. The member noted that there was a dearth of agreement on the conclusions of the *Study*. Students had not been asked why they had made the choices that they had made. The reasons that potential students had declined their offer of admission to the Faculty had not been explored. In the member's view, it would be irresponsible to approve the proposed tuition fee schedule.

A member stated that he had served on the Council for twelve years, and, in each of those years, had reviewed the information provided and made a choice that he believed was in the best interests of the University. This year, he was unable to support the proposed tuition fee schedule because, in his opinion, the increase in tuition for the Faculty of Law was inconsistent with the *Tuition Fee Policy* and with the requirements made by the Governing Council in May 2002. The *Study* had, in his view, not provided answers to the questions 'Is the Law School accessible now?' and 'Will the proposed \$2,000 increase and planned future increases reduce accessibility and create career distortion?' He suggested that the rate of increase in tuition for the Faculty of Law be slowed down to allow the Faculty's financial aid and income-contingent debt-relief programs to catch up with the recent large increases, to allow OSAP reform, to allow appropriate communication to students from low-income backgrounds, and to continue and improve upon accessibility.

A member spoke in support of the motion. The Faculty of Law had undertaken a brutally honest planning exercise, and had identified the risks involved with the proposed tuition increases. The Faculty was committed to the same two principles espoused by the University in its mission statement: to be one of the best institutions in the world, and to ensure that no one was excluded from its program due to lack of financial means. The data available indicated that the Faculty was achieving this mission. The member suggested

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

that members had a responsibility to focus on broader issues facing the University rather than on the tuition increase of one Faculty.

A member expressed his hesitation in voting to approve the tuition fee schedule because, in his view, the proposed increases were not in compliance with the *Tuition Fee Policy*. He indicated that he would support increases in tuition that were less than double-digit. He did not find an explanation of the level of competition for faculty and for students in other peer institutions, of a justifiable balance of public and private sources of revenue per student, or examples of programs that were receiving cross-subsidization. The member suggested that *Tuition Fee Policy* be reviewed.

A member commented that, although the tuition fee schedule applied to thousands of students in hundreds of programs, members of the Council were focusing attention on one program in one Faculty. The Faculty of Law had demonstrated its progress in various areas, and it had completed an exemplary academic planning process. It was disrespectful to the Faculty of Law for the Governing Council to challenge its academic plan each year. It was impossible for any Faculty to plan in such a politicized environment.

A member raised a point of order. Quoting Section 47 of *By-Law Number 2*,¹ the member asked the Chair to call to order non-members whose comments were repeatedly interrupting members who were speaking. The member noted that this behaviour had occurred at several meetings of the Governing Council over the past year, and that no action had been taken. The Chair indicated that he would call for appropriate behaviour from non-members, and, if necessary, take action under the *Policy on the Disruption of Meetings*.

A member pointed out that, at other universities in Ontario, decisions on tuition increases had been made with students excluded from the decision-making body. In his view, the University of Toronto had one of the world's most democratic governance systems. The Provost had organized a number of town hall and constituency meetings to discuss the academic planning process. Although budget cuts were necessary in the coming year, the budget for student financial assistance would not be cut. The *Policy on Student Financial Support* was being used as a model across Canada. The federal budget had included a number of programs of financial support for students, while the provincial government had indicated that the OSOTF program would be expanded. The member supported the motion.

¹ At all meetings of the Governing Council, the Presiding Officer shall, in addition to his or her duties as a member of the Council, maintain order and decorum, exercise the authority under *The University of Toronto Act, 1971*, as amended, to exclude or cause to be removed from the meeting any persons whose improper conduct impedes the orderly transaction of business of the Council, and conduct the meeting in conformity with the By-laws of the Council.

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

A member commented that, in his opinion, people in the community were being antagonized by the proposed increases in tuition fees at the University. The member showed the Council slides that illustrated the following points:

- Ancillary fees were increasing for students;
- The University of Toronto had the lowest increase in applications received by the Ontario Universities Application Centre;
- The average eligibility for interest-subsidized Scotia Loans was increasing annually;
- 86% of Ontarians believed that the province's universities should be public institutions;²
- 89% of Ontarians believed that universities were becoming too expensive.³

The member gave notice of his wish to make the following motion:

Whereas the University of Toronto is committed to the principles of equal opportunity, equity and justice

And

Whereas the University of Toronto reaffirms its commitment to accessible public education and the elimination of financial barriers to university education:

Be It Resolved That the tuition schedule be referred back to the Business Board

Be It Resolved Further That the University call upon the provincial government to ensure that the allocated basic income units (BIUs) reflect the actual cost of educating a student

Be It Further Resolved That the University call upon the provincial government to reinstate the grant portion of OSAP and to ensure that grant levels reflect the real and full cost of education

Be It Further Resolved That the University call upon the provincial government to cover the full cost of all new capital projects, operating costs and deferred and major maintenance, including retrofit projects to ensure barrier free accessibility

Be It Further Resolved That the University call for the immediate reinstatement of funding for capital and operating costs of student services by the provincial government

Be It Further Resolved That the University call upon the provincial government to cover the cost of student housing projects

² *Public Perceptions on Quality: Final Report*, submitted to the Council of Ontario Universities by EKOS Research Associates Inc., February 2003

³ Ibid.

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

Be It Further Resolved That the University of Toronto call upon the provincial and federal governments to enact a Universal Post Secondary Education Act analogous to the Canada Health Act that will guarantee access to post secondary education and protect public funding of post-secondary education.

Be It Further Resolved That the Governing Council immediately strike a committee with membership from APUS, GSU, SAC, Governing Council, Faculty, Staff, Alumni and Community Representatives with the mandate to prepare a joint document detailing the above concerns with a call for the re-establishment of previously cut provincial government base funding in order to implement an immediate reduction in tuition fees.

Be It Further Resolved That the Business Board work with the above committee to present Governing Council with a new model of the tuition fee schedule.

A member noted that a motion to refer back had been deferred earlier in the meeting. It should, in fairness, be given priority.

It was duly moved and seconded,

THAT the Tuition Fee Schedule for Publicly-Funded Programs be referred back to the Business Board with a view to reconsidering the tuition fee for the Faculty of Law.

A member spoke in favour of approval of the tuition fee schedule. Although he sympathized with the concerns that had been raised, in his opinion, the Faculty of Law had made a commitment to maintain accessibility, and should be trusted to ensure the commitment was kept.

It was duly moved and seconded,

THAT the time of adjournment be extended by 30 minutes to 7:30 p.m.

The motion was carried with the necessary two-thirds majority.

A member expressed her concerns about equity within the legal profession. The percentage of visible minorities, women and aboriginals was less in profession of law than in the general population. There was evidence that female lawyers earned considerably less than their male colleagues. It was her view that the proposed increase in tuition for the Faculty of Law would limit accessibility. Students from minority groups were particularly sensitive to such equity issues.

A member commented that students from other professional faculties were concerned about the proposed projected tuition fee of \$22,000 in the Faculty of Law in 2006-07. Although it was being claimed that students of lower-income backgrounds would benefit from the financial support available to them, the member asked whether this would in fact be the case. What perception would potential students have of a program that had a

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)

Discussion (cont'd)

cost of \$22,000? The member referred to the remarks that had been circulated from Professor Philip Berger which included anecdotal evidence of the effect of increased tuition on students from low income backgrounds. Were members of the Governing Council confident that the demographics of future classes of the Faculty of Law would not be skewed in favour of those from higher income backgrounds?

A member stated that, while she appreciated the fiscal constraints facing the University, and the role of tuition fees in budgetary planning, she was concerned about the many students who came from families who were facing an uncertain future. The member commended the timely delivery of the *Study*, but observed that it could not be considered conclusive given the number of gaps in the information provided. She welcomed the statement from the Dean of Law that he would be working collaboratively with other Deans of Law to continue to investigate issues of accessibility and career choice within the faculties of law in Ontario. The member concluded by stating that the University must continue to demonstrate its ongoing commitment to equity and fairness to the community, and expressed her opinion that a freeze on tuition or reduced increases in tuition for the Faculty of Law would send a strong message to the community that its concerns were understood by the University.

A member questioned whether there had been sufficiently broad consultation to proceed. He noted that the speaking requests of several community groups had not been granted for the Council meeting. The member also questioned whether there had been a sufficient review of the research on law school accessibility and career choice. He had assembled several binders of material on tuition and access over the past few weeks. He stressed that students paid their fair share of the cost of education through tuition and taxes. A survey conducted in the Faculty of Social Work in 1998 had shown that students were terrified of going into debt. Increasing tuition fees were creating barriers to higher education for students from certain communities, even though that was not the intent of the increases. The member encouraged the Council to vote against all tuition increases.

A member explained that he had supported the motion on the *Study* in May 2002, and had read the material provided. He supported the goals of the Faculty of Law, and recognized that increases in tuition were necessary to achieve excellence in the absence of sufficient provincial government funding. Students in the Faculty of Law were paying less than 50 per cent of the cost of their education. The Governing Council had mechanisms in place to monitor the effects of tuition increases and the provision of student financial aid. The member concluded by noting that faculty members across the University were trying to deliver quality education to students while coping with decreased operating funds. He expressed the hope that the Governing Council would spend as much time addressing the severe budgetary challenges facing the University as a whole as it had spent on the discussion of accessibility and tuition increases in the Faculty of Law.

A member acknowledged that the topic of tuition fee increases was a difficult one. He welcomed the opportunity at a later date of having a discussion of the mission of the University, the *Tuition Fee Policy* and the appropriate way for members of the Council to discharge their responsibilities. In his view, for this agenda item, members had to judge whether the tuition fee schedule that had been put forward by the administration was responsive to the mission of the University and complied with the *Tuition Fee Policy*.

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

It was also important to consider the student financial support policy at the same time as the tuition fee schedule. In his experience, the University had always spent more than the required 30 per cent of tuition increases to improve student financial aid. It was the responsibility of the Governing Council to ensure that the combination of tuition fee increases and student financial assistance did not limit accessibility. The University had been successful in attracting additional funds from various federal and provincial government programs, and the University's endowment had increased over the long term. The member said he would support the motion because, in his opinion, it was the right proposal at this time. The member concluded by stating that he hoped that the legitimate issues that had been raised in the debate would be dealt with before next year's tuition debate.

It was duly moved and seconded,

THAT the time of adjournment be extended by 30 minutes to 8:00 p.m.

The motion was carried with the necessary two-thirds majority.

A member spoke in support of the motion. She had reviewed the academic plan of the Faculty of Law and believed that the proposed increase was appropriate. Members of the Governing Council were responsible for ensuring that due process had been followed. It was her view that the academic plan of the Faculty of Law had been reviewed both this year and last year, and should not be reviewed again. Rather, the Governing Council should discuss other major issues facing the University, such as deferred maintenance.

A member noted that there were many other challenges facing the University at the present time. It might be necessary for the University to do things very differently in the future, in light of pressing budget challenges and the impact of the current world situation. It would not be an appropriate use of the Provost's time to conduct additional studies of the Faculty of Law when so much else needed her attention.

A member indicated that he supported the University's goals and thought that higher tuition was supportable, but he expressed reservations at the rate of the proposed increases. While he had been reassured by remarks made by the Dean of the Faculty of Law at the Business Board meeting of March 3 concerning back-end debt relief, subsequent discussions with students had indicated that there was no formal policy on back-end debt relief within the Faculty, and that the situation was different than the Dean had described. In conclusion, the member asked what could be done to leverage the University's position as a research leader to generate additional revenue, rather than relying solely on government funding and private fundraising initiatives.

A member expressed opposition to the motion to approve the tuition schedule and his support of the motion to refer it back to the Business Board. He believed that the *Study* was inconclusive, but suggested that it had been useful and should be continued. He urged members to refer the motion back and request that the administration develop a revised schedule that more carefully balanced the needs and interests of the Faculty of Law and the University as a whole. In his view, the revised proposal would be one on which all members could agree. An additional advantage to the referral back would be to allow the University to approach the government to make necessary changes to the Ontario Students' Assistance Program (OSAP).

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

A member referred to a report to the Faculty Council of the Osgoode Hall Law School which reported growth in the number of applicants across the law school system in Ontario. The rate of increase had, however, been lowest for the University of Toronto Faculty of Law. The member noted that the increase might have been higher if tuition fees had not increased. The member asked what the role of tuition was with respect to competition for students. The member also asked where were the representative members of poorer communities who supported the increase in tuition for the Faculty of Law. The member commended the elected student representatives and groups who had been involved in the development of recommendations for changes to OSAP. In conclusion, the member urged the Governing Council to refer the tuition fee schedule back.

A member stated that, in his view, the process had been broad and deep and he suggested that members of Council vote on the motion. In his view, the differences that had been expressed were deep, and additional debate would not change the strongly held opinions which members held. He asked that the question be called.

It was duly moved and seconded,

THAT the question be put.

The motion carried with the necessary two-thirds majority.

The vote was taken on the following motion:

THAT the Tuition Fee Schedule for Publicly-Funded Programs be referred back to the Business Board with a view to reconsidering the tuition fee for the Faculty of Law.

The motion was defeated.

It was duly moved and seconded,

Whereas the University of Toronto is committed to the principles of equal opportunity, equity and justice

And

Whereas the University of Toronto reaffirms its commitment to accessible public education and the elimination of financial barriers to university education:

Be It Resolved

That the tuition schedule be referred back to the Business Board

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

Be It Further Resolved That the University call upon the provincial government to ensure that the allocated basic income units (BIUs) reflect the actual cost of educating a student

Be It Further Resolved That the University call upon the provincial government to reinstate the grant portion of OSAP and to ensure that grant levels reflect the real and full cost of education

Be It Further Resolved That the University call upon the provincial government to cover the full cost of all new capital projects, operating costs and deferred and major maintenance, including retrofit projects to ensure barrier free accessibility

Be It Further Resolved That the University call for the immediate reinstatement of funding for capital and operating costs of student services by the provincial government

Be It Further Resolved That the University call upon the provincial government to cover the cost of student housing projects

Be It Further Resolved That the University of Toronto call upon the provincial and federal governments to enact a Universal Post Secondary Education Act analogous to the Canada Health Act that will guarantee access to post secondary education and protect public funding of post-secondary education.

Be It Further Resolved That the Governing Council immediately strike a committee with membership from APUS, GSU, SAC, Governing Council, Faculty, Staff, Alumni and Community Representatives with the mandate to prepare a joint document detailing the above concerns with a call for the re-establishment of previously cut provincial government base funding in order to implement an immediate reduction in tuition fees.

Be It Further Resolved That the Business Board work with the above committee to present Governing Council with a new model of the tuition fee schedule.

The Chair called the question.

The motion was defeated.

It was duly moved and seconded,

THAT the ruling of the Chair, that the question be called without allowing debate, be appealed.

8. Tuition Fee Schedule, 2003-04, for Publicly-Funded Programs (cont'd)**Discussion (cont'd)**

The member who appealed the ruling of the Chair stated that there should have been an opportunity to debate his motion to refer back.

A member raised a point of order. He reminded the Council that a motion to approve the tuition fee schedule was on the floor. The only motion that would be in order would be a motion to refer it back. A previous motion to refer back had just been defeated. The second motion to refer back with a number of provisos would not be in order.

Another member raised a point of order. His interpretation of Section 68 of *By-Law Number 2* was that a motion to put the question was not debatable. He asked for a ruling on the earlier motion that the question be put. The Chair replied that he had ruled that the earlier motion to put the question had been in order. The mover had expressed his opinion that members were ready for the vote, and then made the motion to put the question. There had been no debate on the motion itself.

The Chair explained that he had also ruled the second motion to refer back in order, and, given the length of the debate on the first motion to refer back and the approach of the time of adjournment, he had called the question.

It was duly moved and seconded,

THAT the question on the appeal of the Chair's ruling be put.

The motion carried with the necessary two-thirds majority.

The vote on the motion to appeal the ruling of the Chair was taken.

The motion was defeated.

It was duly moved and seconded,

THAT the question on the main motion be put.

The motion carried with the necessary two-thirds majority.

A recorded vote was requested.

It was RESOLVED

THAT the proposed tuition-fee schedules for publicly funded programs for 2003-04, copies of which are attached to Report Number 124 of the Business Board as Appendix "B", be approved.

In Favour: 24
Opposed: 16
Abstention: 1

Two members requested that their names be recorded in the minutes as publicly disassociating themselves from the approval of the tuition fee schedules. The Chair agreed that the names of Mr. Ohayon and Mr. Ramsaroop be so recorded.

The meeting adjourned at 8:00 p.m.

Secretary

Chair

April 13, 2003