

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 388 OF THE EXECUTIVE COMMITTEE
May 18, 2005

To the Governing Council,
University of Toronto.

Your Committee reports that it held a special meeting on Wednesday, May 18, 2005 at 4:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

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| Ms. Rose M Patten, Chair | Professor Arthur Ripstein |
| The Honourable Frank Iacobucci, Interim President | Mr. Robert Weiss |
| Mr. Brian Davis | Mr. Louis R. Charpentier |
| Dr. Shari Graham Fell | |
| Ms. Françoise Ko | <u>Secretariat:</u> |
| Mr. Ari Kopolovic | |
| Professor Michael Marrus | Mr. Andrew Drummond |
| Mr. Timothy Reid | |

Regrets:

Mr. John F. (Jack) Petch
The Hon. William G. Davis
Ms. Susan Eng
Professor Barbara Sherwood Lollar

In Attendance:

Professor W. Raymond Cummins, Chair, Academic Board and member of the Governing Council
Professor Vivek Goel, Vice-President and Provost and member of the Governing Council
Ms. Jacqueline Orange, Chair, Business Board and member of the Governing Council
Ms. Catherine Riggall, Vice-President, Business Affairs
Dr. Beata FitzPatrick, Assistant Vice-President and Director, Office of the President

1. Reports of the Previous Meetings

Report 386 of the Executive Committee meeting held on March 10, 2005, and Report 387 of the special meeting of the Executive Committee held on April 26, 2005, were approved.

2. Business Arising From the Reports of the Previous Meetings

There were no items of business arising from the previous meetings.

3. Minutes of the Governing Council Meetings

Members received for information the minutes of the special Governing Council meeting held on April 13, 2005. The Chair informed members that the minutes of the special meeting of April 26, 2005 and of the regular meeting of April 28, 2005 would be distributed at the next meeting of the Executive Committee.

4. Business Arising from the Minutes of the Governing Council Meeting

The Provost informed the Committee that, at the Governing Council meeting of April 28, 2005, a discussion had occurred concerning a meeting in the Faculty of Applied Science and Engineering with representatives from the United States Army, from the office that supported basic and applied research. The purpose of the meeting was to discuss opportunities for funding. At the Governing Council meeting, the discussion subsequently turned to the policy framework on externally-funded research, and what safeguards existed.

The meeting, which had been set for the Monday following the Governing Council meeting, was cancelled. Demonstrations against the meeting had been scheduled to take place, and because the meeting did not occur, the demonstration visited the Office of the President, demanding a meeting. The President declined to meet, and approximately 90 minutes later, the demonstration dispersed.

Professor Goel informed the Committee that the fundamental issue at stake was the freedom to pursue legitimate lines of inquiry, which can be pursued and disseminated as long as all legal boundaries and policies are observed. He noted that some laws that would restrict research included anti-discrimination, anti-hate and anti-defamation laws, which had to be respected absolutely in any University activities. Other restrictions encountered by researchers included codes on animal research, use of radioactive and other hazardous substances, and human subjects. University of Toronto policies and guidelines did address each of these issues.

The key element of all University policies was that results of research be published, without suppression of results. That is, secret or private proprietary work is not permitted, with the exception of denial of access for short intervals (normally one year at a maximum) so that researchers had the opportunity to patent the results of their research.

Professor Goel then noted that one of the questions raised at the Governing Council meeting was what research projects were funded by military sources. Not having had advance notice of the request, the administration was unprepared to provide a report with that level of detail at that time, but would provide a summary report on areas which received funding from military sources for the next meeting of the Governing Council. He noted that there were significant areas of research funded by military sources, the results of which were without direct military application. Examples included computing research, materials research, and numerous health research initiatives. Because of the range of research funded by military sources, it would be imprudent and inappropriate for the University to constrain 'military' research. It would be impossible to define which lines of inquiry had military applications.

A member asked if there were enough safeguards to prevent inappropriate military research, such as research into the effects of LSD on psychiatric patients in the 1950s. Professor Goel responded that the LSD research the member was referring to took place prior to the introduction of current human research safeguards. Professor Iacobucci noted that the University of Toronto had been a leader in the development of appropriate ethical standards for human research.

A member stated that he would defend the right of the demonstrators to conduct peaceful protest and to attempt to change the policies under which research was conducted, but that the most

4. Business Arising from the Minutes of the Governing Council Meeting (cont'd.)

effective means of doing so would be to use the processes put in place by University governance. He noted his dismay that pressure was being placed upon individual researchers, which, he felt, was inappropriate and left researchers vulnerable. He asked if there were other instances in which researchers were vulnerable, and what could be done to communicate the proper methods of attempting policy change.

Professor Goel responded that protests that had taken place at OISE/UT had severely affected the research projects undertaken by a graduate student. Researchers facing intimidation needed to come forward to alert the administration that their academic liberties were being limited.

The Chair thanked the Provost and the President for discussing this important matter.

5. Report of the President

The President reported on two items:

Ontario Budget

The Budget, which had been tabled at the provincial legislature on May 11, 2005, provided \$6.2 billion over five years for postsecondary education in Ontario. President Iacobucci noted this was a significant reinvestment in higher education, and was likely as much as could reasonably be hoped for. The University of Toronto, he felt, had advocated for government support as effectively as it could have, and he singled out Professor Carolyn Tuohy, Vice-President, Government and Institutional Relations, for her leadership role. He also thanked all those who participated in a team effort consisting of governors, other Vice-Presidents, and other members of the University of Toronto community, whose influential and significant contributions before, during, and after the Rae Review process significantly affected the government as it planned.

President Iacobucci, along with other members of the administration, had not only attended the Budget lockup, but had attended a May 13 speech by Premier McGuinty that demonstrated his devotion to education, as well as a May 16 announcement by Ministers Smitherman and Chambers for increased numbers of spaces in Ontario's medical schools. Taken together, the University had reason to be cautiously optimistic for the upcoming years.

The \$6.2 billion over five years resulted in a \$683 million increase in 2005/06, rising to \$1.6 billion in 2009/10. 80% of the spending was within the current government's mandate, and, in effect, new cumulative investments for postsecondary education would rise by 39% over the five-year period. Operating grants for 2005/06 would be \$447 million, or 14% higher than base 2004/05 funding. Student assistance was also being enhanced, with an additional \$192 million for student financial aid in 2005/06, increasing to \$358 million in new investments by 2009/10. New Millennium-Ontario Access Grants were being established to enhance access for low-income students, eligibility for loans would be expanded, and \$50 million was earmarked to match funds raised to establish endowments (OSOTF).

The tuition freeze would continue for 2005/06, and a new tuition framework was to be established by 2006. President Iacobucci noted for the Committee that this matter would have to be addressed very soon, and while a new framework was potentially beneficial to both institutions and students, there would be many key issues to resolve as it was developed.

Graduate student growth was also planned in the Budget, with \$220 million in operating funds for 14,000 new spaces, and a \$100 million endowment for graduate student fellowships. Medical school expansion would increase new first-year spaces at medical schools by 15% (or 104 spaces).

5. Report of the President (cont'd.)

The Government also planned an increased accountability regime. A new Higher Education Quality Council of Ontario would be created and charged with identifying performance targets for the sector. This would inform agreements between institutions and the government to ensure that results would be achieved. President Iacobucci noted that the government's expectation was that "this historic investment would not simply be used to enrich compensation packages within the system." Universities would be subject to the provisions of the Freedom of Information and Protection of Privacy Act.

The Budget also addressed research initiatives: \$25 million would be placed in an endowment to create research chairs to address key issues of public policy, MaRS would receive increased funding, a Chair in Productivity and Competitiveness would be created at the University of Toronto, and a new Ontario Research Council would be created.

Furthermore, \$200 million in one-time-only funds would be provided for deferred maintenance issues, and \$30 billion would be provided for infrastructure over five years for the entire range of infrastructure needs, including roads, bridges, public transit, hospitals, universities, etc. No further details were available. Universities would also be eligible for loans from the Ontario Strategic Infrastructure Financing Authority, though no details were available yet.

The University of Toronto was very pleased with the renewed commitment to universities, but remained concerned that the details of the arrangements, especially in future years, remained vague. Furthermore, two years of the funding commitments were outside the current government's mandate. Much of the funding was announced for the entire postsecondary sector (i.e., colleges and universities), but with little detail on how it would be split beyond 2005/06 (for which, of \$447 million allocated to the sector, \$282 million was for universities). For the amount dedicated to universities, it was unclear what formula would be used to split the money by institution. Furthermore, a comparison was necessary between what was already in the University's revenue assumptions with what was announced in the budget – it was not totally a 'windfall', even though it would enable the University to improve its long-term budget projections and program quality.

To frame the University's response to the Budget, a retreat of the senior executive members had recently taken place; working groups and task forces were being struck to help determine the best strategies for the University to proceed. The senior administration had hired Mr. Ken Snowden as Special Advisor to assist with the process. Another issue to be resolved would be the form and level of interaction with the Council of Ontario Universities (COU) on these issues, recognizing that collective and individual advocacy with governmental officials would continue to be necessary.

Transition to the new Presidency

The President noted that a significant transition in the senior administrative team was underway. Apart from the President himself, there were four valued members of the administration who were ending their terms. He noted that Dr. Jon Dellandrea was departing Canada for Oxford University, Professor Carolyn Tuohy and Professor Ron Venter were ending their terms, and Dr. Beata FitzPatrick was departing to serve as the Assistant Chancellor at the University of California at Berkeley. The President then reported that three acting appointments would commence on July 1 and end on September 30 as President-designate David Naylor prepared to assume office:

- a. Ms. Rivi Frankle would hold the position of Acting Vice-President and Chief Advancement Officer;
- b. Ms. Cathy Riggall would hold the position of Acting Vice-President, Government and Institutional Relations;
- c. Ms. Bryn MacPherson-White would hold the position of Acting Director, Office of the President.

5. Report of the President (cont'd.)

President Iacobucci noted his particular appreciation for Dr. Beata FitzPatrick, who had served the University of Toronto for many years, and wished her well in her move to Berkeley.

During discussion, a member noted that the budget raised numerous issues of accountability both to governance and the government. In particular, he wondered about the relationship of the proposed Quality Council and its relationship with the Governing Council, and whether the University's self-governance would be limited by the activities of the Quality Council. He also noted for the record that the governance structures at the two suburban campuses had not been significantly altered since their rapid expansion. Given these changes in the governance landscape, he felt it would be appropriate to begin the development of terms of reference for a review of governance to enable the University to look forward to the long term.

President Iacobucci agreed that the University had to examine issues of expected accountability closely, and that significant action would need to be taken, but noted that the details on many of the issues presented by the budget had yet to be determined. He cited the Quality Council, the Research Council, and the implementation of the Freedom of Information and Protection of Privacy Act as initiatives which were of considerable concern to the University, and that it was critically important to work together with government to ensure that its initiatives respected the autonomy and accountability of governing bodies. Professor Goel added that the East and West campuses' relationship with governance was an issue, noting that they had governance structures that had not initially been set up to perform the range of tasks that were increasingly expected of them. Furthermore, the administrative relationships among the Vice-Presidents and Vice-Provosts continued to evolve following the implementation of the tri-campus model.

A member noted that the University was both transparent and accountable, and that the administration could highlight to the government the existing controls within its governance structure.

Another member asked how high enrolments could be expected to rise, noting that if enrolment growth was badly managed, it could cost the University money in an environment of fiscal restraint. President Iacobucci responded that increased graduate enrolment required additional physical space and supervisory capacity if the expansion were to be successful; similarly, the University needed to be sensitive to issues of unfunded BIUs at the undergraduate level so that the University was not left in an inferior financial position. The St. George campus was at or near its capacity, with only some room left for expansion at the Scarborough and Mississauga campuses. Professor Goel did note, however, that it might be possible to restore a desired balance between graduate and undergraduate enrolment, which had been skewed in recent years by the flow-through of the double cohort. The government would have to examine a range of options to ensure that the demand for further growth was met.

A member questioned whether the plans for a School of Public Policy could be framed to government as an example of the University's working within a desired public framework. President Iacobucci and Professor Goel reiterated the University's commitment to proceed with the development of a proposal and indicated that the idea had been well received by members of the government.

A member asked if the 5% cut planned for the 2006/07 year would still go ahead given the budget. Professor Goel responded that it was too early to estimate the effects of the budget, but noted that the potential existed to reduce the size of the cut.

A member asked if the administration had planned alternative scenarios for planning for budget allocations. For example, she noted that graduate student enrolment expansion was a desirable

5. Report of the President (cont'd.)

goal, but not if the necessary facilities and supervisory capacity did not accompany the growth. Professor Goel noted that the Council of Ontario Universities had a working group on university capacity, and noted that the system-wide addition of 14,000 students in such a short period of time would place significant strains on all graduate institutions. Because the conversations on implementation were in their earliest stages, additional information about the University's strategies was unavailable.

Members thanked the President and his team for their excellent work on the Rae Review and its follow-up. Furthermore, they thanked the President for overseeing an excellent year in governance with the resolution and potential resolution of numerous issues, such as the Varsity issue, mandatory retirement, clinical faculty and numerous others.

**6. Item for Confirmation by the Executive Committee
(Arising from Report 135 of the Academic Board (May 5, 2005))**

School of Graduate Studies: Centre Name Change

Professor Cummins informed the Committee that the Academic Board had recommended that the Centre for Industrial Relations had requested a name change to the Centre for Industrial Relations and Human Resources in order to reflect better the broad study of employment issues that characterized graduate teaching and research at the Centre. It had been clarified at the Board that the name change would not alter the type or focus of research performed there.

On motion duly moved and seconded,

YOUR COMMITTEE CONFIRMED THE DECISION OF THE
ACADEMIC BOARD

THAT the name of the Centre for Industrial Relations become the Centre for Industrial Relations and Human Resources, effective July 2005, as described in Appendix "A" to Report Number 135 of the Academic Board (May 5, 2005).

7. Reports for Information

Members received for information the following report:

- (a) Report Number 128 of the University Affairs Board (April 26, 2005)

8. Date of Next Meeting – June 22, 2005 at 5:00 p.m.

The meeting adjourned at 5:05 p.m.

Secretary

Chair

May 9, 2005