

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 122 OF
THE UNIVERSITY AFFAIRS BOARD

June 1, 2004

To the Governing Council,
University of Toronto.

Your Board reports that it met on Tuesday, June 1, 2004 at 5:00 p.m. in the Council Chamber, Simcoe Hall, with the following members present:

Mr. Muhammad Basil Ahmad, Chair
Dr. Robert M. Bennett, Vice-Chair
Professor David Farrar, Vice-Provost,
Students
Ms. Anne MacDonald, Assistant Vice-
President, Facilities and Services
Ms. Lisa Aldridge
Mr. John Badowski
Ms. Murphy Browne
Mr. Christopher M. Collins
Dr. Shari Graham Fell
Mr. Mike Foderick
Ms. Margaret Hancock
Mr. Jason Hunter
Ms. Karen Lewis
Mr. Sean Mullin
Ms Rebecca Spagnolo
Ms. Maggy Stepanian
Dr. John Wedge

Regrets:

Professor Bruce Kidd
Professor Michael Marrus
Dr. John P. Nestor
Ms. Parissa Safai

In Attendance:

Mr. Chris Ramsaroop, President, Association of Part-Time Undergraduate Students;
Member of the Governing Council
Ms. Oriel Varga, Graduate Students' Union; Member-elect of the Governing Council
Ms. Arij Al-Chawaf, Vice-President, Internal, Graduate Students' Union
Mr. Tad Brown, Finance and Development Counsel, Office of the Vice-President and
Chief Advancement Officer
Mr. Jim Delaney, Assistant Director, Student Affairs
Ms. Ranjini Ghosh, President, Students' Administrative Council
Mr. Mark Overton, Dean of Student Affairs, University of Toronto at Mississauga
Mr. Kyle Winters, Director, Marketing Programs, Office of the Vice-President and Chief
Advancement Officer

Non-voting Members:

Ms. Susan Addario, Director of Student Affairs
Mr. Louis R. Charpentier, Secretary of the
Governing Council
Ms. Catherine Riggall, Interim Vice-President,
Business Affairs and Chief Financial Officer
Professor Ian Orchard, Vice-President and
Principal, Mississauga
Ms. Marilyn Van Norman, Director, Student
Services
Professor Ron Venter, Vice-Provost, Space
and Facilities Planning

Office of the Governing Council:

Mr. Andrew Drummond, Secretary
Ms. Margaret McKone

ITEM 3 IS RECOMMENDED TO THE GOVERNING COUNCIL FOR APPROVAL. ALL OTHER ITEMS ARE REPORTED TO THE GOVERNING COUNCIL FOR INFORMATION.

1. Report of the Previous Meeting

Report Number 121 of April 28, 2004 was approved.

2. Business Arising from the Report of the Previous Meeting

There was no business arising.

3. Capital Project: University of Toronto at Mississauga – Phase 8 Residence

The Chair invited Professor Farrar and Professor Venter to introduce the item. It was noted that the Board had considered the project planning report at an earlier meeting and that the source of funding for the project would be recommended to Academic Board.

There was no discussion.

On a motion duly moved and seconded,

YOUR BOARD CONCURRED with the recommendation of the Academic Board:

THAT the project scope identified in the Project Planning Report, to establish a 418-bed student residence totaling approximately 11,000 gross square meters at an estimated cost of \$26.215 million, be approved at a cost of \$26,215,000 with the funding source as follows:

- (i) A mortgage in the amount of \$26,215,000 to be amortized over a period of 20 years and to be repaid from the UTM Residence Ancillary.

4. Code of Conduct for Trademark Licensees: Annual Report

The Chair welcomed Mr. Tad Brown, Finance and Development Counsel, Office of the Vice-President and Chief Advancement Officer, and Mr. Kyle Winters, Director, Marketing Programs, Office of the Vice-President and Chief Advancement Officer, to the meeting to present their report.

They noted that the University system in disclosing and tracking providers was seamless, and invited members to look on the website to determine the sites where trademark-licensed material was produced. They then noted that the attention was shifting to monitoring the situation rather than building a monitoring system, and that the University of Toronto was part of a consortium to deal with monitoring under a single system guided by Fair Labour principles. He noted that some of the funding that the licensing system generated was reinvested into Varsity teams, and now all uniforms were code-compliant.

As a result of the University's efforts in this regard, it was noted that the University of Toronto was the sole Canadian institution on the Board of Collegiate Licensing, a status that reflected the strong moves the University had made in ensuring that trademark licensees produced materials in ethical manners.

4. Code of Conduct for Trademark Licensees: Annual Report (cont'd.)

During discussion, a member asked about the status of discussions round sourcing of clothing and what the University could do to broaden its efforts. Mr. Winters noted that he hoped that the University's example and its efforts in consortia would bring about changes in the way organizations chose to do business.

The Chair thanked the guests for the report.

5. Compulsory Non-Academic Incidental Fees: Request from Association of Part-time Undergraduate Students For Increases Beginning Fall, 2004

The Chair noted that this item was not supported by the administration and requested that Ms. Murphy Browne, Board member, introduce the item. Ms. Browne noted that the Association of Part-Time Undergraduate Students (APUS) had held a referendum in preparation for the fee increase, which was approved by a substantial majority of the voters. She then noted that the fee increase was proposed in order to support APUS' admission to the Canadian Federation of Students (CFS) and its Ontario chapter.

The Chair noted that he had received three speaking requests. Ms. Arij Al-Chawaf, Vice-President, Internal of the Graduate Students' Union (GSU), spoke to support the motion and noted that the GSU was deeply concerned that the administration would not support the request for the compulsory non-academic fee, noting that student groups, as autonomous entities, should not be subject to interference from administration.

Ms. Ranjini Ghosh, President, Students' Administrative Council (SAC), noted that 80% of the voters in the APUS referendum voted in favour of joining the CFS, and that the election had been conducted in accord with APUS' bylaws. She reiterated that the Board had a mandate to comply with the legitimate democratic will of student organizations, and that Board interference in the process would question the autonomy of all student organizations.

Mr. Chris Ramsaroop, President, APUS, echoed the representatives of GSU and SAC, noting that his organization had appropriately followed all internal processes to achieve a legitimate end. He then noted that an 80% majority in a vote was a very strong mandate to proceed, and urged the Board not to interfere with a duly constituted democratic process.

The Chair invited Professor Farrar to comment. He noted that the issue had been before the Board on five separate occasions during the 2002-2003 academic year, and had not been discharged; indeed, he noted, on one occasion the Chair invited Board members to make a motion to discuss the issue but none came forward. He reiterated the administration's position that it was not satisfied that the referendum had proceeded fairly. In particular, he noted, that the administration felt that the referendum question had proceeded on an 'unbalanced playing field.' Professor Farrar then noted that the administration had concerns about the way that the three campaigns were run as a single referendum, since it had been managed by a joint committee.

During discussion, a member noted that the referendum was unfairly conducted, so that the 'no' side was disadvantaged. He noted that he had observed examples of several abuses of process, including voters being strongly campaigned even near ballot boxes. He noted that students had been 'hoodwinked by professional campaigners' and that the

5. Compulsory Non-Academic Incidental Fees: Request from Association of Part-time Undergraduate Students For Increases Beginning Fall, 2004 (cont'd.)

true student voice had been lost as a result of manipulation of the campaign. He noted that the Board had no moral authority to pronounce judgment in the case and said that, in his opinion, a new referendum should be held with appropriate guidelines agreed-to in advance by all parties.

A member raised a point of order, indicating that another member was in a position of conflict because of involvement on the 'no' side of the referendum. The Chair ruled that there was no conflict.

The Chair then reminded all members that the Board had full authority to arrive at a decision in this matter.

A member noted that he did not agree with the previous member's comments, indicating that there were three separate joint referendum committees because each was conducted under different bylaws. He noted that no complaint had been brought forward during or following the campaign, and that it had been unfair for the Office of Student Affairs to apply rules of 'fairness' that did not exist in any code of conduct, based on questionable research. He noted that the single bylaw infraction that did occur was a result of a delayed negotiation, and that alternative methods in the bylaw were used to handle the infraction internally.

The Chair agreed that Ms. Oriel Varga, of the Graduate Students' Union, could speak. Ms. Varga noted that if the Board rejected the motion, all student groups' autonomy would be at risk. She noted that there had been a single referendum campaign, and that its rules of conduct had been clear.

The Vice-Chair invited Mr. Delaney to speak to the decision taken by his Office. He noted that he could not satisfy himself of the fairness of processes used, the noted several procedural issues had arisen that gave rise to significant ambiguity, and that as a result there was an unbalanced playing field in the conduct of the referendum.

A member noted that she had not received the material in advance of the meeting, and she noted that another member had received the material earlier in the day. In order to allow the members sufficient time to review the material, a ten-minute recess was declared. Following the recess, members noted that they were concerned about the appearance of unfairness by not having all members have access to the material in advance, and that the web posting had occurred only earlier during the day instead of well in advance as usual.

A member noted that although she believed there were irregularities in the conduct of the referendum, they did not seem to be so serious as to warrant a negative vote at the Board for the motion.

A member noted that it was unfortunate that the line drawn during the debate seemed to imply that a vote in favour of the motion would endorse poor referendum tactics, while a vote in opposition would endorse restrictions of autonomy of student groups. He noted his belief that a majority of members were trying in good conscience to understand a difficult issue.

5. Compulsory Non-Academic Incidental Fees: Request from Association of Part-time Undergraduate Students For Increases Beginning Fall, 2004 (cont'd.)

A member noted that he had been asked by Ms. Varga to indicate that she had misspoken when she had noted that there had been a single referendum process.

Following a brief discussion, members agreed that they had had sufficient time to review the material and were prepared to proceed with a vote.

On a motion duly moved and seconded,

YOUR BOARD APPROVED

a proposal from the Association of Part-Time Undergraduate Students that, beginning in the fall 2004 session, the Association of Part-time Undergraduate Students fee be increased by \$3.14 per session, from \$34.30 to \$37.44, charged to all part-time undergraduate students.

6. Report on Recognized Campus Groups

The Chair invited Professor Farrar to present the Report on Recognized Campus Groups. Professor Farrar noted that the report was the second of the 2003-2004 academic year and that any questions on detail could be directed to Mr. Jim Delaney.

A member asked why a group was denied status. Mr. Delaney noted that the group had failed to follow appropriate procedures during the registration process.

7. Report Number 35 of the Elections Committee

The Chair introduced the item and noted that the Elections Committee had performed its duty as Elections overseers during the 2004 Governing Council elections.

There was no discussion.

8. Report of the Assessors

Professor Farrar invited Professor Venter to present a report on possible developments at the Varsity stadium site. Professor Venter reported that a strong possibility existed for the University to enter into partnership with the Canadian Soccer Association and the Toronto Argonauts Football Club to redevelop the Varsity Stadium site into a 25,000-seat stadium to be used by Soccer Canada and the Argonauts as well as by University of Toronto Athletics. He noted that numerous attempts to revive the Varsity site had been attempted over the years but that this one, with its significant external funding, represented an excellent opportunity to revisit the issue with a strong possibility of success. He noted that governmental sources of funding for the project had been offered, conditional upon the awarding of an under-20 international soccer tournament to the Canadian Soccer Association, but that no bids other than Canada's had been received by the sport's governing body, the Fédération Internationale de Football Associations (FIFA). The proposal as it stood would see the construction of an \$85 million stadium, with \$30 million from the University's borrowing capacity; under this arrangement funding would not have to come from the University's operating budget.

8. Report of the Assessors (cont'd.)

Lastly, Professor Venter noted that a formal proposal would proceed through governance (and require the Board's concurrence) in the fall of 2004.

9. Other Business

A member requested that it be noted for the record the inappropriateness of not providing materials to members in sufficient time, indicating that rendering decisions with due diligence was made much more difficult in unusual circumstances.

Another member suggested to the senior assessor that he establish a committee to look at expectations surrounding referendum conduct. Professor Farrar noted that he would take the recommendation under advisement and report back to the Board in the fall.

Prior to proceeding to the *in camera* portion of the meeting, Professor Farrar thanked the Chair and Vice-Chair, as well as all members, for their service to the Board and their oversight of and assistance to the administration in carrying out the Board's functions.

The Chair thanked Professor Farrar, Ms. Macdonald, Ms. Addario, Mr. Delaney, and all members of the Board for their service in the past year. He noted that the position of Chair was an interesting and challenging one, and thanked all members and assessors for their assistance in performing his duties as Chair.

10. Next Meeting

The next meeting was scheduled for the fall of 2004.

On a motion duly moved and seconded,

YOUR BOARD AGREED to continue the meeting *in camera*.

Guests were requested to leave the meeting room and complied with the request.

11. Council on Student Services: Appointment of Chair

Professor Farrar noted that the Chair of the Council on Student Services (COSS) rotated among full-time undergraduate students, part-time undergraduate students, and graduate students. He then noted that during 2004-05, a graduate student would hold the title. He further noted that, following consultation with the President, the nominee would be Ms. Kendra Coulter.

On a motion duly moved and seconded,

YOUR BOARD APPOINTED

Ms Kendra Coulter chair of the Council on Student Services, effective July 1, 2004 and lasting until June 30, 2005.

12. Report of the Striking Committee

(a) Co-Opted Membership of the University Affairs Board for 2004-2005

On a motion duly moved and seconded,

YOUR BOARD APPOINTED

the following individuals to serve as co-opted members of the University Affairs Board for terms beginning July 1, 2004 and ending July 1, 2005:

Administrative Staff:

Ms. Katherine Anne Boyd
Mr. Christopher McGrath
Ms. Rebecca Spagnolo
Ms. Maggy Stepanian

Alumni:

Ms. Mubarka Alam

Students:

Mr. Christopher Collins
Ms. Teresa Pun
Mr. Tarek Saghir
Ms. Preet Viridi

(b) Discipline Appeals Board: Appointment of Members for 2004-2005

On a motion duly moved and seconded,

YOUR BOARD APPOINTED

the following individuals to serve as co-opted members of the Discipline Appeals Board for terms beginning July 1, 2004 and ending July 1, 2005:

Mr. Muhammad Basil Ahmad
Professor Sherwin Desser
Ms. Françoise Ko
Mr. Colm Murphy
Ms. Cheryl Shook
Mr. Adam Watson

Secretary

Chair