

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

Thursday, February 10, 2000

MINUTES OF THE GOVERNING COUNCIL meeting held on Thursday, February 10, 2000 at 4:30 p.m. in the Council Chamber, Simcoe Hall.

Present:

Ms Wendy M. Cecil-Cockwell (In the Chair)
Mrs. Mary Anne V. Chambers, Vice-Chair
Professor J. Robert S. Prichard, President
Professor Mary Beattie
Dr. Robert Bennett
Mr. Brian C. Burchell
Professor John R. G. Challis
Professor W. Raymond Cummins
Dr. Shari Graham Fell
Dr. Anne Golden
Professor Brian Langille
Mr. Gerald A. Lokash
Professor John T. Mayhall
Professor Ian R. McDonald
Mr. Ahmed Rafi Mian
Professor Heather Munroe-Blum
Mr. Elan Ohayon
Ms Rose M. Patten
The Honourable David R. Peterson
Mr. Kashif S. Pirzada

The Honourable Robert K. Rae
Professor Emmet I. Robbins
Professor Wendy Rolph
Dr. Joseph L. Rotman
Professor Kenneth Sevcik
Mr. Robert G. Spencer
Ms Wendy Talfourd-Jones
Professor Ronald D. Venter
Ms Nancy L. Watson
Dr. Alexander R. Waugh
Ms Judith Wilson
Mr. Vilko Zbogar

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

Secretariat:

Ms Susan Girard
Ms Margaret McKone

Absent:

Professor Jack Carr
The Honourable William G. Davis
Ms Shruti Dev-Nayyar
Ms Wanda M. Dorosz
Mr. Paul V. Godfrey
Professor Vivek Goel
Mr. Peter A. Herrndorf
The Honourable Henry N. R. Jackman
Dr. Robert J. Kyle

Dr. John P. Nestor
Ms Jacqueline C. Orange
Mrs. Susan M. Scace
Professor Adel S. Sedra
Mr. Amir Shalaby
Mr. Terrence L. Stephen
Mr. John H. Tory

In Attendance:

Professor David Cook, Vice-Provost
Professor Michael G. Finlayson, Vice-President, Administration and Human Resources
Professor Derek McCammond, Vice-Provost, Planning and Budget
Professor Ian Orchard, Vice-Provost, Students
Professor Carolyn Tuohy, Deputy Provost
Professor Rona Abramovitch, Director of Transitional Year Programme, and Provost's Advisor
on Proactive Faculty Recruitment
Ms Susan Bloch-Nevitte, Director, Public Affairs
Dr. Kin Yip Chun

In Attendance: (cont'd)

Professor Rodolphe el-Khoury, Faculty of Architecture, Landscape, and Design
Dr. Beata FitzPatrick, Assistant Provost
Ms Rivi Frankle, Director of Alumni and Development
Mr. Flemming Galberg, Director, Property Management, Design and Consultation
Professor Meric Gertler, Director, Programme in Planning, Department of Geography, Faculty of Arts and Science
Professor Judith Globerman, Status of Women Officer
Ms Manon LePaven, President, Association of Part-Time Undergraduate Students
Ms Evelyn Napier, Counsel, University of Toronto Faculty Association
Mr. Kasi Rao, Director of the Office of the President and Director of Government Relations
Professor Larry Richards, Dean, Faculty of Architecture, Landscape, and Design
Professor Chandrakant P. Shah, Department of Public Health Sciences, Faculty of Medicine
Mr. Eugene Siciunas, Director, Computing and Networking Services
Ms Helen Simson, Convenor, Equity Issues Advisory Group, and Coordinator, *DISABILITY Services for Students*
Professor Pekka K. Sinervo, Chair, Department of Physics
Dr. Eva Swenson, Director, Student Information Systems
Ms Maureen Somerville, Chair, College of Electors
Mr. Paul Tsang, President, Graduate Students' Union

Chairman's Remarks

The Chairman congratulated Mr. Brian Burchell, on the recent birth of his second son, and Ms Shruti Dev-Nayyar on her recent marriage.

Address by a Non-Member

The Chairman noted that the Executive Committee had granted speaking privileges to Professor Chandrakant Shah to address Council this afternoon on a matter not on the Governing Council agenda. Prior to recognizing Professor Shah, the Chairman raised two points concerning addresses by non-members.

First, the Chairman referred members to the Report of the Executive Committee (pages 8 – 10) which contained an account of that Committee's discussion of the application of the *Procedures for Non-Members to Address the Governing Council*. She noted that if members had any questions or comments on this Report, they should be raised under agenda item 7 – Reports for Information.

Secondly, the Chairman reminded members that they could ask questions of speakers, but only for the purpose of clarification of a matter raised in the speech. It was not permissible to pose questions which were intended to be part of debate or to simply extend someone's speaking time. Members who had questions for clarification on a matter raised by Professor Shah were invited to direct their questions to her for referral to the appropriate person. Any other questions or comments could be raised under item 9 - Question Period.

(a) Professor Chandrakant P. Shah

Professor Shah highlighted the main points of his brief to the Governing Council, copies of which had been placed on the table.

He understood that there were competing priorities within the University system. However, in recent years the issue of cultural and ethno-racial diversity of faculty had not received the

Address by a Non-Member (cont'd)

attention it deserved. As the University was embarking upon recruitment of faculty members in large numbers, it was essential that it have an appropriate vision and supporting policies in place. The purpose of his brief was to highlight the importance of this issue to the University community and in particular to the Governing Council.

Professor Shah noted that he was saddened that there was a need for him argue for pro-active recruitment at the University. In his view, the University had not acknowledged and accepted the new realities of its diverse workforce and had not instituted policies to reflect those changes.

He then addressed the recommendations in his brief, noting that he and his colleagues believed that the following recommendations related to faculty hiring should be adopted formally as policy by Governing Council.

Recommendation 1 - The University should establish a policy that encourages prospective faculty members from visible minorities to apply, and that gives them a fair chance of being selected. The examples provided under this recommendation were contained in the Provost's memorandum released on January 24, 2000, with the exception of "broadening the curriculum to encompass subjects of interest to a wide range of people". Unless this point was included, Professor Shah believed the recommendation was weakened and would not achieve the goal. The Governing Council's endorsement would also strengthen policy adherence.

Recommendation 2 - The Governing Council should establish a policy for hiring visible minorities in terms of overall composition which includes a specific goal and time frame and has an annual report card on the status of hiring practices. Professor Shah noted that members had received with his brief, a copy of the article he had co-authored with Dr. Tomislav Svoboda. Their model predicted how long it would take (approximately 25 to 119 years) to achieve an even modest increase of 15% of the total faculty complement to be of visible minority background from the present level 8.7% (this figure had been provided by the University's Human Resources Department and was accurate as of September 1999). This was based on an assumption that 15% of new faculty hired had visible minority backgrounds. The impact of different policy options had also been explored. As was suggested in the brief, for the University to achieve different results it had to make different choices. Professor Shah considered the model outlined in the brief to be a tool to help the University in planning proactive recruitment. The Governing Council might wish to develop its own model based on its own assumptions. Regardless, he would like to see a definite statement made by the Governing Council that the composition of Faculty members should reflect the diversity within Ontario in five years. Unless a clear goal and time frame were specified, the same imbalance that existed today would occur in the future.

Recommendation 3 – The Governing Council should establish a mechanism which oversees that policies and practices related to equity and inclusivity within the University community reflect community standards. Professor Shah noted that the outside community frequently perceived that the University was insular, living in its own "ivory tower". Different groups had developed best practice models for hiring minorities. It was time that the University adopted such practices. The rationale for having visible minorities had been provided in his brief.

Professor Shah drew attention to a letter he sent the President outlining other suggestions for addressing diversity issues, a copy of which was included in his brief.

In summary, Professor Shah requested that the Governing Council adopt his recommendations as policies to accelerate the pace of recruiting visible minorities. His brief, he noted, was

supported by a number of distinguished colleagues who could provide members with perspectives from administration, faculty and student points of view.

Address by a Non-Member (cont'd)

Dr. Shah responded to a number of questions for clarification on his report.

A member noted that the Executive Committee had declined speaking requests from two members of the University community, both of whom were visible minorities, and both of whom were present at today's meeting. He disagreed with this decision and asked that they be permitted to address the Council.

The Chairman noted that the Executive Committee had considered various speaking requests and had made its determination, as was recorded in the Report of the meeting. As Chairman, she upheld this decision. She noted that the Council could, if it wished, appeal her ruling on this matter.

It was duly moved and seconded,

THAT the Chairman's ruling be appealed.

The motion failed.

1. Minutes of the Previous Meeting held on December 15, 1999

A member noted the following amendment to the Minutes.

Page 10, paragraph 2, line 7, should be amended as follows:

From: Currently, the combined enrolment of these [suburban] campuses was larger than that of Trent University.

To: Currently, each of these campuses had an enrolment larger than that of Trent University.

The Minutes of the previous meeting, as amended, were approved.

2. Business Arising from the Minutes of the Previous Meeting

A member noted that he had attempted to address the matter of Dr. Chun at the previous meeting, at which time he had been instructed by the Chairman to voice his concerns under "Other Business". He recalled that he had been unable to do so because the Council had not supported a motion to extend the adjournment time. He indicated that he wished to address the Council on this very important human rights matter at this time. The Chairman responded that the President would be reporting on this matter in his report, at which time she would invite comments and questions from members.

There was no other business arising from the previous meeting.

3. Report of the President

The President drew attention to an outline of his remarks that had been placed on the table.

(a) Personnel

The President noted that he would pause after section 3 - Employee Relations and after

section 4 - Dr. Chun, to respond to questions from members. Present to assist him with questions on the latter item were Vice-Provost David Cook and Professor Pekka Sinervo, Chair, Department of Physics.

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

The President extended his gratitude to Dr. Shah for his many contributions to the University, which included the advancement of issues of aboriginal health.

The President noted that Provost Adel Sedra was in California to receive the Golden Jubilee Medal from the Institute of Electrical and Electronics Engineers. Deputy Provost Carolyn Tuohy was serving as Acting Provost in his absence.

(b) Honorary Degrees

The response of those persons offered an honorary degree by the University had been very good and the President would soon be in a position to release the list of those who had accepted. Governors would be sent the list imminently pending confirmation of some details.

(c) Employee Relations

Administrative Staff. The administration had reached a first collective agreement with the United Steelworkers of America, the union representing approximately 2,400 administrative staff. This agreement had been ratified by a very substantial vote. The President characterized the agreement as an excellent framework for the new relationship between the University and its administrative staff. Positive feedback concerning the agreement had been received from across the University.

Caretakers / Groundskeepers and Library Workers. Agreements for salaries and benefits had also been reached with the Canadian Union of Public Employees (CUPE) 3261 and CUPE 1230, the unions representing caretakers / groundskeepers and library workers respectively.

Teaching Assistants. The administration had not initially been successful in reaching agreement with CUPE 3902, the union representing the University's teaching assistants. Consequently, a three-week strike had ensued in early January. This had been a very difficult period for everyone concerned. As the President had informed members in advance of the strike, the administration's position had been to respect the picket line and not to allow TAs to cross the picket line to continue with their duties. After a difficult three weeks, the administration and CUPE 3902 had found common ground and had reached an agreement, which had been subsequently ratified. The President acknowledged the considerable assistance of the Ministry of Labour and its mediators in achieving this settlement. The President was engaging his senior colleagues in a discussion to determine lessons that could be learned from the strike to assist the University in the future.

As he had previously reported, a task force, chaired by Vice-Provost Ian Orchard had been created to examine graduate student support. The membership had been modified to include a member of the CUPE 3902. The President believed this task force would do very important work for the University over the next few months.

Agreement had also been reached with CUPE 3907, the union representing graduate assistants at OISE/UT.

The President acknowledged his indebtedness to Professor Michael Finlayson, Vice-President, Administration and Human Resources, Mr. Brian Marshall, Director of Human Resources, and Ms Mary Ann Ross, Associate Director of Human Resources, for their guidance in what had been a very complex set of negotiations.

3. Report of the President (cont'd)

A member asked about the amount of savings to the University as a result of the strike (e.g. salaries saved because of non-payment of TA salaries). The President responded that the amount was not yet known. He explained that the back-to-work protocol provided for chairs to authorize additional work to TAs. Deans of the relevant divisions had been asked to keep track of these arrangements. The President believed that he would be in a position to answer the member's question at the next meeting of the Council. He continued that the Provost had asked the Deans of relevant Faculties to meet with student governments to discuss with them how any savings could be spent to improve the quality of the student experience in those Faculties.

(d) Dr. Chun

Introduction. The President noted that he welcomed a full discussion by the Council of this item, subject to whatever time constraints were imposed by the Chairman. As he had indicated previously, Vice-Provost David Cook and Professor Pekka Sinervo, Chair, Department of Physics, were in attendance for this item. The President, the Provost and Professors Cook and Sinervo had principal responsibility for this matter. The President added that he would be pleased to provide any material that governors might wish, including a briefing book of background information. He added that if governors wished to have further discussion of the matter, he and the Provost would be pleased to make the necessary arrangements.

Background. The President explained that this matter involved the allegation by Dr. Chun that he had suffered racial discrimination through the late 1980s and in the early 1990s when he had been unsuccessful in seeking a tenure-stream position in the Department of Physics at the University.

The most recent development in this case was the release last week to both the University and to Dr. Chun of a report by an investigator contracted by the Ontario Human Rights Commission (OHRC). This had been initiated as a result of a complaint by Dr. Chun to the OHRC. The investigator's report recommended to the OHRC that the complaint be referred to a board of inquiry. That is, based on his review, the investigator believed there was sufficient *prima facie* evidence to justify referring the matter to a board of inquiry. The President explained that the board of inquiry was an adjudicative body established on an *ad hoc* basis for each case. It was chaired by an independent person who would hear the case in the form of a trial of the issue, determine whether the allegation was borne out and, if so, what remedy should be awarded. The conclusion of the board of inquiry would then be referred back to the OHRC for its decision. This was, therefore, an investigator's report rather than a decision of the OHRC. The OHRC had to decide whether to accept the investigator's advice. It had asked for advice on this question from Dr. Chun and from the University by February 22, 2000, after which it would make a decision as to whether the matter would be referred to a board of inquiry.

University response. The administration was carefully reviewing the investigator's report and had referred it to Professor Cecil Yip for advice. The President recalled that when the allegations had first been raised by Dr. Chun, the President and the Provost had been of the view that there was *prima facie* reason to be concerned that there might be racial discrimination involved in this case. Given the University's commitment to fairness in its employment practices and its commitment to employment equity, they had decided to undertake an investigation. Professor Yip, a past President and Vice-President of Grievances of the University of Toronto Faculty Association, and a past Chair of the Grievance Review Panel of the University, had been invited to undertake the review. Because of the serious nature of the review, the administration had provided Professor Yip with resources necessary for him to retain legal counsel. Professor Yip had retained Mr. Stephen Goudge, who then

served as legal counsel for the Grievance Review Panel of the University, and who now served on the Ontario Court of Appeal. Professor Yip had undertaken his investigation and had reported on the

3. Report of the President (cont'd)

matter. Professor Yip had come to two conclusions. First, Dr. Chun's failure to obtain a tenure-stream appointment had not been because of racial discrimination. Second, that on non-racial grounds, Dr. Chun had been exploited in his capacity as a research associate, during which time he had carried on various professorial duties (e.g. involvement with graduate students and teaching). In the circumstances, Professor Yip had recommended that the exploitation of Dr. Chun be appropriately remedied.

The President noted that since the release of Professor Yip's report, it had been suggested by some that Professor Yip had been less than thorough or had asked the wrong questions. It was therefore essential to receive Professor Yip's advice on the report of the OHRC investigator. Professor Yip had now reviewed the report of the OHRC investigator and his judgement remained the same as that contained in his report. Furthermore, Professor Yip had indicated that there was nothing within the report of the OHRC investigator that was different from what he found and knew when undertaking his own investigation.

The President noted that the administration had not yet completed its review of the investigator's report. He had asked Professor Sinervo to review again carefully each academic appointment as well as departmental files covering the period in question and up to the present. One meeting of senior officials involved had taken place and another meeting would be held the following week as the administration determined its response.

The President offered assurance that the administration was taking the matter very seriously. The administration was doing everything possible to try to ensure that the truth and the real facts were considered.

Institutional position. In terms of the institutional position, the President emphasized that the Governing Council and the University's administration were committed to the University's *Employment Equity Policy* and its proper implementation. Various proactive strategies and procedures had been put in place to help achieve the *Policy's* objectives. These were designed to take full advantage of the academic and intellectual strength the University derived from a diverse faculty. Also, the administration reported to the Academic Board and the Business Board on its implementation of the *Policy*. The administration was increasingly concerned about the limits of voluntary self-reporting (i.e. the extent to which people reported their own racial origins). The administration did not believe it could rely solely on self-reporting by faculty members to ensure a reliable data-base. Therefore, the administration was taking steps to strengthen the data available so that the monitoring and measuring process would be more reliable. With respect to faculty appointments, the Provost would consult with deans and chairs to determine if there were ways to increase the level of review of each appointment file. These files were to include information about the pool of candidates to ensure that recruitment strategies had been proactive and that there had been a rich pool of applicants. The administration was of the view that deans and chairs should play a larger role in reporting.

As well, the administration was taking steps to strengthen the pipeline for faculty appointments. The key to developing a genuinely diverse faculty in the long term would lie in the student body. The President believed the University of Toronto's student body to be the most diverse of all the major research universities in the world. If its graduate and professional programs continued to reflect this diversity, the University would have a very rich source of candidates for faculty appointments. There had been some successes in this area and the President appreciated Professor Shah's reference to these in his deputation. For example, the University had received a major gift of \$500,000, matched by the province and by the University for a total endowment of \$1.5 million, to provide graduate fellowships for aboriginal students proceeding to graduate degrees.

3. Report of the President (cont'd)

In its faculty recruitment, the University was not only relying on junior appointments to enrich and diversify the faculty. The administration was also using a proactive strategy for lateral appointments (i.e. finding mid-career faculty at other universities). For example, over the past 10 days, the Provost had forwarded to the President for approval two senior lateral appointments of exceptional calibre, both of whom had been Chinese Canadians.

The President noted that there had been a long-standing concern as to whether the University was making sufficient progress with respect to its goals for diversity (gender and racial), particularly within certain disciplines, including the Department of Physics. The President reported that the current Chair of the Department of Physics, building upon the work of his predecessors, was responding directly and effectively to those concerns. While he did not believe the Department of Physics had succeeded in its ultimate goal, the President believed the Department was making significant progress in achieving the University's employment equity objectives. He was encouraged by and very respectful of the leadership within the Department in achieving this progress and in the continuing commitment of the leadership to the Department's long-term goals in this area.

The President noted that at the time the University had received the Yip report, including its two findings which included that a remedy be extended to Dr. Chun, the Provost and the President had accepted the advice. Unfortunately, the administration and Dr. Chun had been unable to find a mutually agreeable settlement which would allow Dr. Chun to return to his work as a physicist. Both parties had tried hard to reach agreement with assistance from two different mediators and various colleagues. Despite the OHRC investigator's report, the University would continue to seek a mutually agreeable settlement with Dr. Chun. As he had reported to the Council and the Academic Board on many occasions, he believed a mutually agreeable settlement consistent with the findings of Professor Yip's report and the University's *Policy and Procedures on Academic Appointments* would be the right outcome for this case.

The President concluded his remarks on this matter. When he had had the honour of being installed as President ten years ago, a central theme of his installation address had been the need for the University to make as much progress as possible in reflecting the diversity of the City of Toronto and the Province of Ontario. Professor Shah had sent him a quotation from his remarks to the last meeting of the Council in 1991, at which time he had said that the University needed to ask itself what steps could be taken to respond more fully to the changing cultural, racial, linguistic diversity of Toronto and the province. The community around the University had changed faster than it could change itself. It remained clear to the President that the University had some catching up to do. While he believed that there had been some considerable success in this area, there remained more to do as the University tried to keep pace with the extraordinary strength and diversity of its community. He believed that the University had adopted good policies and procedures and had the good will and commitment of people to make progress on this issue. The University should not be swayed from this effort by strong passions on either side of particular cases. As long as he had the privilege of serving as President of the University, he and his administration would continue to do all they could to make progress in this area consistent with the University's policies and values.

The President reiterated that, subject to the Chairman's direction on timing, he would welcome as much debate as the Council wished on this matter. The Chairman suggested that given the length of the agenda, members who wished to pose questions do so briefly so that there could be an emphasis on the answers rather than questions.

A member noted that Dr. Chun was in attendance and requested that he be permitted to address the Council.

3. Report of the President (cont'd)

It was duly moved and seconded,

THAT Dr. Kin Yip Chun be permitted to address the Governing Council.

The motion passed with the required two-thirds majority.

Address by Dr. Chun. Dr. Chun noted that both he and his children had suffered a long ordeal. He urged that people not judge Professor Sinervo too harshly. Professor Sinervo had confided to him that it was only natural that in faculty hiring practices there were territorial instincts. Dr. Chun continued that after his first unsuccessful competition for a tenure-stream position, a member of the search committee had told him in confidence that people had given him (the member) a favour by letting him in the back door in that he had been appointed as a tenure-stream professor without having to go through proper processes. The member of the search committee, therefore, had indicated that he could not resist arm twisting by the dominant member of the search committee. When Dr. Chun had asked if this was normal practice, the member had replied that in every search in which he had participated there had usually been a dominant figure who twisted the arms of the other search committee members. For example, some search committee members were junior and inexperienced faculty and were targets for such practices.

Dr. Chun continued that in his second unsuccessful job competition, a candidate had been hired who had almost no publications three years following the awarding of his degree in geophysics from the University of Toronto. In response to concerns, the University had indicated that the successful candidate had a broad background in geophysics. Dr. Chun asked how a candidate could have broad expertise when he/she had virtually no publications. Dr. Chun continued that the successful applicant in this instance, as well as two tenure-track professors in areas unrelated to geophysics, had been let go in the late 1980s because they had been appointed to tenure-stream positions without proper credentials. Rather, they had been appointed on the basis of potential. Dr. Chun suggested that such practices were extremely rare at other universities.

In conclusion, Dr. Chun stated that he had no hard feelings against any member of the Department of Physics. He believed that many of the injustices against him had not been intentional. He would forgive the University for what had happened to him without asking for an apology. However, he urged that the University issue an apology to visible minorities in Canada, especially Chinese Canadians.

Discussion. Discussion ensued on the following points.

A member drew attention to Professor Shah's brief to the Governing Council on cultural and ethno-racial diversity of faculty, copies of which had been placed on the table. Many of the recommendations within the brief seemed in line with University policy. The member asked for the President's comments on the applicability of the recommendations.

The President indicated that his response would be preliminary given that he had asked his colleagues in the Provost's Office, including the Provost's Advisor on Proactive Faculty Recruitment, to consider the brief and its recommendations and to provide their advice. He noted that some of the recommendations were already University policy and informal practice. Other recommendations would require a change to existing policy. The President would report back to the Council following his consultations.

The member noted that there were many members of the Council with experience in race-relations matters. He asked that the President undertake to consult with some of these members in developing the University's response to the brief. The President said that he welcomed the

3. Report of the President (cont'd)

advice of any member of the Council, or its boards and committees on the matter and urged members to communicate to him their views by fax or e-mail. He reiterated that he would report on the administration's response at the next meeting.

A member asked if there were currently any women or members of visible minorities who held tenure-stream positions in the Department of Physics. Professor Sinervo responded. Currently, one woman and five visible minorities held tenure-stream positions out of a total faculty complement of 43 positions. As context, he explained that of the twenty offers made to applicants for tenure-stream positions during the past ten years, five had been made to women and three had been made to visible minorities. The Department continued to work towards the University's goals of diversity. He added that the lack of diversity in the Department of Physics was not unique to the University of Toronto; it was widespread and afflicted other physics departments as well. For example, during a recent search at another institution, there had been thirty-five candidates, of whom four or five had been visible minorities and one had been a woman. This was the nature of the problem faced by the Department when it undertook a search.

A member noted that he had commenced his studies at the University in September, 1997. Prior to the completion of his first week, he had heard about Dr. Chun's case against the University. At the time, he had been appalled by what he had heard. Since then, he had followed the case and had read the Yip report as well as information provided by the administration and Dr. Chun. He had hoped that the allegations made were not true. The OHRC investigator's report was the first independent account of the circumstances. The member now believed that his worst fears were true. While he believed that wrong doings had been unintentional and arose from systemic practices, he was appalled that they had taken place at a university. The member thanked Professor Shah for his deputation and for bringing to the attention of the Council the issues involved in achieving diversity within the University. There obviously remained a great deal for the University to do to address the current imbalance and the member urged immediate action. He hoped that the administration's response to the OHRC investigator's report, which he believed to be a denial of any wrongdoing in the Chun matter, was not an indication of its willingness to redress the imbalance of equity and diversity at the University. He offered his assistance to the administration as it sought to address equity concerns and noted that it would be very useful, as the President had offered, for governors to receive a background package on

Dr. Chun's case. In conclusion, the member noted his embarrassment at the OHRC investigator's report and indicated that he hoped the University would do the right thing in response.

The President indicated that he was grateful for the spirit of the member's intervention. On the issue of systemic racism, the President noted that in the various disciplinary pools of potential candidates there were systemic biases of under-representation by gender and race, particularly for First Nations People of Canada. Professor Sinervo had provided similar examples within the Department of Physics. This was a dilemma for departments of physics across North America as well as for other disciplines. This was why he believed the future would lie in the enrichment of the pipeline of possibilities (i.e. the increasingly diverse doctoral student body). The President continued that there was a second dimension of systemic racism. There had been an allegation that in the Dr. Chun case, systemic discrimination had influenced the choice of the search committees. Despite what the OHRC investigator had reported, this question had been very much in the mind of Professor Yip when he had undertaken his review. Professor Yip had recently reaffirmed this to the President. The issue of patterns and interconnection of events had been

considered by Professor Yip. Based on the advice of Professor Yip, the President did not believe there had been systemic discrimination against Dr. Chun.

3. Report of the President (cont'd)

The President acknowledged that there was, unfortunately, a long history of discrimination at the University. There had been anti-Semitism and periods where women had been tremendously disadvantaged. However, the University now had in place a set of policies and procedures aimed at addressing inequities on terms consistent with the University's fundamental values and goals as an academic institution. Endeavours included the appointments of Professor Rona Abramovitch as the Provost's Advisor on Proactive Faculty Recruitment, and Mr. Kelvin Andrews as the Race Relations and Anti-Racism Initiatives Officer. These initiatives had been undertaken in recognition that a great deal had to be done. However, they did not speak to the narrow issue of Dr. Chun's case. The President respected the conclusions of Professor Yip. He knew of no member of the University faculty who had a greater reputation for fairness. Professor Yip, with excellent assistance, had done a very thorough job. The President had accepted Professor Yip's advice at the time and had further sought his advice in light of the conclusions of the OHRC investigator. In response, Professor Yip had confirmed that his advice would not be different. The President believed that he was right to accept Professor Yip's conclusions, both with respect to the finding on race and on the finding of exploitation, which included a recommendation for a mutually agreeable settlement.

A member indicated that he had followed Dr. Chun's case for some time and had repeatedly raised the matter at meetings of the Council. On those occasions, he had been informed by the administration that everything was fine. However, the release of the OHRC investigator's report supported his concerns. The member emphasized that racism was not a question of history at the University, as was confirmed by the report. The point that there existed policies and procedures to address employment equity concerns had clearly been shown to be false. For example, four faculty searches had contravened policy. The member continued that there were policies to provide for people to bring matters to the attention of the Governing Council; however, there had been changes made to those policies which, in his view, would limit individuals' right to address the Council. The member continued that he welcomed the suggestion by the President for a briefing document for members. The member noted that he had requested such a file previously and had been informed that one did not exist. The report spoke to the fact that documents had been shredded. The member also welcomed the fact that there would be a settlement between the University and Dr. Chun; however, this did not seem likely given that the matter had now been ongoing for ten years.

The member continued that he too respected Professor Yip and believed that he had done a good job given his mandate. However, the member did not believe Professor Yip had been qualified to have undertaken the review. The OHRC investigator's report cited two supreme court decisions that outlined why the Yip report was not appropriate in its findings. Also, the Yip report had been internal rather than external and Professor Yip had not spoken with many of the individuals who had been interviewed by the OHRC investigator. The member noted that as had been stated earlier by Dr. Shah, the area of equity and diversity at the University was not getting better. As Dr. Chun had noted, four appointments made in the Department of Physics had been out of order. Furthermore, the OHRC investigator's report noted that employment equity was a continuing problem at the University. The member noted that the University's By-law Number 2, section 27(a), Indemnification of Members, stated very clearly that members were indemnified with the exception of willful neglect and willful default. The member continued that the matter of Dr. Chun had been raised in the past repeatedly and that now it was being raised by the OHRC. He urged members to take the matter very seriously. The administration must support the inquiry, support the report's findings, and immediately settle with Dr. Chun.

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

The President responded to four points raised by the previous member. First, Professor Yip did not share the view expressed by the OHRC investigator about the inadequacy of the questions he had asked. Both Professor Yip and the President believed that the right questions had been asked and that they had been asked thoroughly and independently. Second, while it was true that Professor Yip had been an internal rather than an external investigator, the President believed this to be a strength in a self-governing collegial institution, which should look to its colleagues and utilize peer-reviews to judge itself. At the same time, the University was subject to the jurisdiction of the OHRC. The University accepted this jurisdiction and was cooperating with OHRC. Third, it was not true that four appointments had been out of order. At the request of the President, Professor Sinervo had reviewed this allegation and the President believed the facts would support the view that all of the appointments were in order. Finally, the administration would take a legal position consistent with the *Ontario Human Rights Act*, and accept the jurisdiction of the *Act* as it related to the University. Also, any position taken would defend the University of Toronto and the proper conduct of its work, including the application of its policies.

(e) Enrolment Growth

The President recalled that he had reported at the last meeting of the Council his expectation that a framework for enrolment growth would be ready for today's meeting. However, as he had advised the Executive Committee, the administration had required additional time to complete its consultations prior to finalizing its recommendation. The framework would be brought to governance shortly so that it could receive the Council's consideration at its next meeting.

The administration was actively engaged in the development of the framework. The issues being contemplated included: the level of growth, campus by campus; the level and mix of enrolment growth; the issue of the three-year degree; the summer term; the resources required to support growth; and the administrative and governance implications of growth.

The Provost, the Deputy Provost and the President had drafted a framework document, which they were in the process of consulting with their senior colleagues, including the Principals of the University of Toronto at Mississauga and the University of Toronto at Scarborough, and the Dean and Vice-Dean of the Faculty of Arts and Science. Following discussion with these key people, they would broaden their consultations. The document would then be brought to governance through the Planning and Budget Committee.

The President believed the choices being made were critical to the University and he was glad that the administration had taken the extra time to ensure that it got it right. The administration would also consult with the provincial government during the consultation process.

(f) Provincial Government Relations

The University was awaiting decisions concerning operating funding for 2000-2001, the SuperBuild Growth Fund, and multi-year funding for system growth.

(g) Federal Government Relations

The federal budget was expected on February 28, 2000. There was nothing new to report since his previous report to the Council.

3. Report of the President (cont'd)

(h) Various Matters

Licensing and the University of Toronto Logo. An all day-symposium had taken place the previous week. Dr. Dellandrea and his colleagues were now drafting a policy that would be brought to governance for consideration and approval, through the University Affairs Board.

Y2K. The University had experienced no Y2K-related problems with its automated systems.

“Basement Apartments” intervention. The University would be appearing before the Ontario Municipal Board later in the month as an intervener in support of the City’s By-law on basement or second-suite apartments. The President had briefed members on the University’s intention in this matter at the previous meeting and had invited comments from members. He had received no negative feedback on the University’s position.

Access 2000 Campaign. A substantial number of University of Toronto students had participated in the Canadian Federation of Students’ national demonstration - Access 2000 Campaign. The administration had provided advice to faculty colleagues asking that they be flexible in dealing with students who were unable to meet their academic obligations because of their participation in the demonstration.

Hospital for Sick Children. The President referred members to Report Number 322 of the Executive Committee (page 12) for his update on Dr. Gideon Koren at the Hospital for Sick Children. He hoped that the disciplinary process outlined would be completed during the month of February.

(i) Questions

A member expressed surprise at the number of outstanding funding decisions by the provincial government. The President responded that the University had advised the provincial government that the later the funding decisions were made, the more difficult it was for universities to provide places for every qualified student (e.g. hiring faculty and building infrastructure). The administration was actively communicating with government officials to urge a conclusion to these funding decisions.

A member drew attention to a letter that had been circulated to governors concerning enrolment growth. The letter, co-authored by the member and one of his colleagues on the Council, concerned the need for increased quiet space for studying and for religious observances. The two members had also raised this matter at the recent meeting of the University Affairs Board. He referred members to Report Number 89 of that Board (page 11). He continued that space was desperately needed for students to gather and he emphasized that this should be a priority for the University. For example, prayer services for Muslim students were held in a dank poorly-light room in the basement of New College. The Massachusetts Institute for Technology and York University had built multi-faith facilities and other universities had central student spaces. One possible source of funding could be savings realized as a result of the TA strike. The member hoped that this proposal would be taken seriously by the University as it contemplated its plans for enrolment growth.

The President recalled that the first recommendation of the Task Force on Student Activity Space had been for the creation of a multi-faith facility. The President had previously communicated to the Council his support for this objective. Unfortunately, this was not a facility that would qualify for government funding. Therefore, its funding would have to be independent of funding in support of enrolment growth. The administration continued to seek

a donor for this initiative and he believed there would be support from student groups for dedicating other funds

3. Report of the President (cont'd)

toward this initiative. Regarding the need for club space and student activity space, the Task Force had made a series of recommendations, which the administration had accepted. Vice-Provost Orchard was working to create the needed spaces despite significant capital constraints. The President added that there might be some opportunities to increase student spaces in the new residences. While he was sympathetic to the needs outlined, there was no funding plan at present. The President took note of the member's suggestion that any savings from the TA strike be used for this purpose. It had previously been contemplated that any savings would be spent on the student experience Faculty by Faculty. He would discuss the suggestion further with the Provost, noting that some commitments had already been made to the Arts and Science Students Union and the Engineering Students' Council.

The member noted that his proposal had been shared with many campus organizations, most of whom had indicated their support. He reiterated that the creation of a multi-faith centre and increased student and activity space should be a priority for the University. If the University wished to grow well in the next decade it needed the described space in order to provide a stronger sense of community.

The President agreed that the addition of a student centre at the University of Toronto of Mississauga had been a great improvement for that campus. This initiative had been possible as a result of a partnership between students and the private-sector. There would probably be a case made in the University's response on enrolment growth for additional student activity space at the University of Toronto at Scarborough. Hart House was considered to be the student centre for the St. George campus. The administration had asked the Warden to think of ways to provide additional space for campus groups and clubs within the House. This was one of the issues that had been debated within the Task Force and the President believed that Hart House should continue to be considered as an extraordinary student centre, with even greater potential for the future.

A member agreed that there was a need for a multi-faith facility as well as for space for clubs and activities. He advocated a proactive approach to funding these initiatives. Currently, if spaces were to be incorporated into new residences, the cost was borne by the residences or the project was delayed because no donor could be found. The member cited a study that indicated that, given its size, the University was approximately 300,000 square feet short of quiet study space. He hoped that the University would take seriously this proposal and make it a priority.

A member reiterated the comments made by his colleagues. While it was true that Hart House was a magnificent facility, it was grossly inadequate for some purposes. For example, Muslim students attending prayer service spilled out into the hallways because the space was not adequate. To depend on a private donor to build a new facility would delay the process. The University had to take active steps to ensure the implementation of the recommendations of the Task Force on Student Activity Space, as outlined by the President.

(j) Mr. Paul Tsang, President, Graduate Students' Union

Mr. Tsang commented on statements made by Professor Shah. The University had been working on employment equity issues for some time. Initiatives including the Report of the Presidential Advisors on Ethno-Cultural Groups and Visible Minorities at the University of Toronto (the Rossi and Wayne Report) and the Report of the Presidential Advisory Committee on Race Relations and Anti-Racism Initiatives. Professor Shah had now written a report on employment equity. All were very welcome. Mr. Tsang noted that the figures presented by Professor Shah were disconcerting. For example, his model predicted that it would take approximately 25 to 119 years to achieve a visible minority complement of 15% at the University. Mr. Tsang suggested the University should ask itself if this goal was in fact

3. Report of the President (cont'd)

sufficient. While he supported recent initiatives such as the hiring of Professor Abramovitch as the Provost's Advisor on Proactive Faculty Recruitment, the University was doing a disservice if it did not look to initiatives at other universities. Policies and procedures had to be in place to achieve these goals. The University had to be more aggressive if it was to achieve a greater complement of visible minorities in its faculty.

With respect to Dr. Chun, Mr. Tsang noted that there was considerable internal and external interest in this matter. When members of the University community wished to address the Council on matters such as Dr. Chun's case, they should be welcomed. Two members of the University community had wished to address the Council at today's meeting; however, their requests had been declined by the Executive Committee. He believed it was a disservice to the University when community members were not allowed to bring forward their concerns. Mr. Tsang continued that the OHRC investigator's report stated that Professor Yip's report had not been sufficient. While he respected Professor Yip, Mr. Tsang supported the conclusion of the OHRC. Mr. Tsang cited a 1985 Supreme Court Decision within the report as the test that that should have been applied. Professor Yip's report had not applied this test. The OHRC were experts in this area and, therefore, Mr. Tsang urged the University to welcome its findings, look forward to the board of inquiry, accept rather than deny the existence of systemic discrimination at the University, and offer justice to Dr. Chun.

4. Growing Ontario's Innovation System: The Strategic Role of University Research - University's Response

(arising from Report Number 98 of the Academic Board - January 13, 2000)

(a) Introduction

The President recalled that the Government of Ontario had invited Professor Heather Munroe-Blum to provide advice on how the province could improve its record of innovation based on research. Professor Munroe-Blum had taken a leave of absence from the University to undertake the report, copies of which had been distributed to members at the previous meeting. The President characterized the report as outstanding and he believed this view was widely shared. The Government of Ontario had asked each university as well as the Council of Ontario Universities to provide a response to the report. At the University of Toronto, the report had been reviewed by the Planning and Budget Committee, the Committee on Academic Policy and Programs, and the Academic Board. It was now before the Council for endorsement. Two provincial bodies had also considered the report: the Ontario Council on Graduate Studies had met and unanimously endorsed the series of recommendations within the report calling for stronger graduate student funding; as well the Ontario Council on University Research had met and unanimously supported the principal directions. Universities across Ontario were also in the process of considering the report. The President continued that the report had been discussed twice by the University Research Working Group, a joint body of the Government of Ontario and the Council of Ontario Universities, and had been the subject of discussion between Ontario's Centres of Excellence and the province.

The report was before the Council for endorsement of the directions therein. The Governing Council's endorsement would enable the University of Toronto to go on record as supporting the recommended directions and framework in the expectation that the University could work with the province in the months and years ahead to achieve the fullest possible implementation of the report's recommendations. In closing, the President extended his gratitude to Professor Munroe-Blum for her work - the report was a signal service to the province and to Ontario universities.

4. *Growing Ontario's Innovation System: The Strategic Role of University Research - University's Response* (cont'd)

(b) Report Highlights

Professor Munroe-Blum prefaced her introduction by noting that the University did not normally think about university research in terms of innovation and productivity impact. This had been the emphasis of both the federal and provincial governments. If they were to increase their support for university research, they wished to make the case to the tax payers that university research made a difference. She added that when the Government of Ontario had asked her to develop a report, they had asked her to "put her money where her mouth was" given that she had been an active advocate for increased research funding. She had agreed to do so, but on the understanding that there would be recommendations for greater investment in university research. For Ontario's universities to be truly internationally competitive, as was the goal of the University of Toronto, there needed to be broader public support than was currently the case.

Professor Munroe-Blum continued that the study had focused on four jurisdictions within Canada (British Columbia, Alberta, Ontario, and Quebec) and the United States (Massachusetts, Michigan, North Carolina and Ohio) and, as a secondary analysis, the United Kingdom. She explained that within the United Kingdom there had been an experimental policy of university funding focusing on university research productivity.

In looking at the above jurisdictions, Professor Munroe-Blum had made recommendations in five areas. These were summarized below.

Ontario must create an optimal University science and research policy environment for innovation

- An Ontario Science, Research and Innovation Council. The province had accepted this recommendation although the terms of reference had yet to be announced.
- New provincial university research policy. Within the context of an innovation policy there must be a new provincial university research policy.
- Incentives rather than regulation. It was important to recognize that incentives would do more to foster the impact of university research than regulations.
- Open research and scholarship programs to all disciplines. There was clearly a need within research programs, both at the provincial and federal levels, that there be no disciplinary restrictions on access to university research support - both the provincial and federal governments had grown increasingly to create new research programs that in effect supported primarily the physical and life sciences to the detriment of support for the humanities and social sciences.
- Effective support for basic as well as applied research.
- Remove caps that discourage transformative research. There was no defensible reason to have arbitrary caps on the size of research grants awarded to colleagues. The size of the award should depend on the purpose of the research.
- Use matching approaches selectively. While there was evidence in a jurisdictional study of a role for targeted matching programs in support of university research, these must be selectively used. There was no way that a government could have an effective research policy that had as its goal displacement of public support through increases in private sector matching.

4. **Growing Ontario's Innovation System: The Strategic Role of University Research - University's Response** (cont'd)

Grow talent and university research competitiveness and construct a world-class infrastructure

Within this recommendation two major gaps in Ontario's research capacity were identified. These were the two biggest financial items under the recommendations for the province of Ontario.

- Address two significant policy gaps by creating the Research Performance Fund and the Ontario Health Research Council. Currently, granting councils provided only a portion of the direct cost of research and provided no support for the time spent by faculty members on research or for the range of indirect costs of research, including the maintenance of a world-class talent pool and growing a world-class research infrastructure. There had been previous recommendations for an Ontario Health Research Council. While it was broadly acknowledged that the National Institutes for Health in the United States constituted the world's best endowed public research granting council, it was also true that only half of the states in the United States had their own state health research councils. The reason for this was that it was not possible to compete effectively in a federal competition in the absence of local support. Ontario had enormous critical capacity in the health and research field. As Ottawa doubled its investment in health research through the creation of the Canadian Institutes of Health Research, Ontario universities would be irreparably damaged if they were not able to be supported at the local level by a provincial health research council.
- Regional Distinctiveness Program.
- Ontario Talent Investment Program.
- Double Ontario Graduate Scholarships (OGS) and Ontario Graduate Scholarships for Science and Technology (OGSST).
- Create scholarly awards in humanities and social sciences.
- Maximize research-teaching interaction. Teaching and research went hand in hand. This was a distinctive goal of universities in Canada; however, there was real unevenness both within and across universities in the extent to which students benefited from research taking place in their university. Absent a way of recovering the full cost of research, an institution's success in external research competitions affected the cost of that research at the expense to the quality of academic programs.
- Maximize institutional distinctiveness. Universities had to make strategic planning decisions about how to become excellent in areas of research distinction.

Expand the impact of university research and foster entrepreneurship

- Academic plans to enhance teaching-research synergies.
- Strategically link humanities and social sciences programs and research with physical and life sciences and the professions.
- Foster "externships" not only in industry but in a range of knowledge-based sectors.
- Create a university-run Ontario University Intellectual Property management program.
- Enhance university outreach to primary and secondary schools and the community.

4. **Growing Ontario's Innovation System: The Strategic Role of University Research - University's Response** (cont'd)

Foster local, national and global innovation networks and global profile

- International versus local benchmarks. There was a real need in Ontario's universities to measure performance within the context of academic plans against international benchmarks.
- Set targets to recruit the very best international graduate and undergraduate students.
- Attract outstanding faculty.
- Enhance investments in Ontario-based world-class national research institutes and attract new facilities.
- Market internationally Ontario's distinctive research and innovation capacity.

Celebrate our people, achievements and success

- Create high profile opportunities to recognize and celebrate our innovations, people and successes.
- Build recognition and profile through participation with media and in international ranking programs.
- Identify and promote leaders at all levels of organizations, communities, the Province and the nation.

Professor Mayhall noted that Professor Munroe-Blum had received many complimentary remarks on her report at the meetings of the Academic Board and its Planning and Budget Committee and Committee on Academic Policy and Programs. He continued that following Professor Munroe-Blum's presentation of the highlights of the report, there had been lively discussion in all three meetings. The motion had passed unanimously at the committee level and had received the full support of the Academic Board, with one abstention recorded.

(c) Ms Evelyn Napier, Counsel, University of Toronto Faculty Association (UTFA)

The Chairman recognized Ms Napier, who had requested permission to address the Council. She read a prepared statement from Professor Bill Graham, President, UTFA, who had been unable to attend the meeting

UTFA's Council would be meeting on February 22, 2000, at which time it would have a copy of the report before it for review and comment.

In light of the deeply disturbing content of the federal Report of the Expert Panel on the Commercialization of University Research and the critical comments made by such distinguished members of the University's research community as University Professor John Polanyi, among others, concerning the recent trends in commercialization and innovation on university campuses, UTFA urged the Governing Council to defer its consideration of this motion and report until thoughtful and full discussion had taken place among the faculty on this campus who would be drastically affected by the content of the Munroe-Blum report.

It was deeply disturbing to UTFA that, to the best of its knowledge, the Report did not even contain the term "academic freedom", which the Association viewed to be a prerequisite for research integrity and credibility on university campuses. Moreover, the "business speak" in the report was so thick it was impenetrable in parts.

4. *Growing Ontario's Innovation System: The Strategic Role of University Research - University's Response* (cont'd)

These were deep, complex and important issues that required thoughtful debate and not hasty approbation for what might traverse some of the fundamental values of the most respected researchers on this campus. There was overwhelming historical evidence that the best model of research was one guided by the vision of scientists and conducted with a level of public funding equal to the highest standards in the world. Such a model allowed an independent voice for researchers and it assured a place for the University of Toronto on the leading edge of scientific discovery.

(d) Discussion

The President responded that he believed it would be regrettable for the Governing Council to defer its consideration of the proposal until April, as had been suggested by UTFA. As members were aware, the provincial government was drafting its budget during the months of February and March. Each university had been asked to express its opinion of the report during the month of February. In response to UTFA's request for full discussion of the report, the President noted that there had been open meetings of the Planning and Budget Committee, the Committee on Academic Policy and Programs, and the Academic Board, as well as the groups of Principals, Deans, Academic Directors and Chairs, and Principals and Deans. The report was now being discussed by the Council in open session. He believed the report had in fact enjoyed full discussion, especially given the government's eight-week timeframe for a response.

On the subject of the Report of the Expert Panel on the Commercialization of University Research, the President noted that the University was already on record as dissenting with the Report. Copies of the University's response had been circulated to members of the Council and widely across the campus. No member of the Governing Council had expressed disagreement with the position taken by the administration on this matter either in response to previous reports by the President to the Council or to the administration's written response.

Finally, the President addressed UTFA's concern that the Report did not contain the term "academic freedom". He considered this fundamental principle to be self-evident and central to any position taken by the University. As well, he considered the reference to university autonomy within the Report to be inclusive of each university's statement of institutional purpose and its fundamental freedoms. He knew of nothing within the report inconsistent with this position and therefore urged that the Council not defer its consideration of the proposal. This matter would be on the agenda of the Council of Ontario Universities the following week, at which time Deputy Provost Tuohy would be representing the University. The President would like her to be able to indicate the Governing Council's support for the Report.

Professor Munroe-Blum responded to UTFA's concern regarding public support. An underlying case had been made throughout the Report for sustained effective public funds to support academic autonomy, excellence and international competitiveness. One of Professor Munroe-Blum's slides that had been omitted in the interest of time had illustrated the distribution of research grants and contracts in universities by source of funding. The differences in public research funding in Canada and the United States had been highlighted.

A member noted that within the bounds of current discourse, the Report was progressive. It was refreshing to read of the call for increased public support and that attention should be paid to the humanities and social sciences. The member also applauded the use of international data. However, the member expressed concerns about the Report. It spoke to innovation from a commercialization perspective. Innovation was not what the University should be seeking. It was important that researchers had the freedom to think independently of external forces. He

did not believe there was a role for the private sector in the University, which should be a separate

4. **Growing Ontario's Innovation System: The Strategic Role of University Research - University's Response** (cont'd)

entity. He cited the University's matching program as an unacceptable example wherein donors had interfered with the University's mission. He continued that there were many examples where innovation had not been positive for humanity or society. The member welcomed the idea of reaching out to the community. However, the issues of diversity and accessibility had not been adequately addressed within the Report. In conclusion, the member stated that if the University wanted community involvement in innovation, it had to eliminate chasms like commercialization and intellectual property. The University needed the diversity of the community in place to create the type of innovation it desired, as opposed to the commercial innovation contemplated in the report.

A member congratulated Professor Munroe-Blum on her report which he believed to be extraordinary. He applauded its thoroughness and attention to detail. It had many great ideas, including the recommendation for the creation of an Ontario Science, Research and Innovation Council. In conclusion, the member expressed surprise that the University fared as well as it did given the low levels of existing support for research infrastructure. He urged the Governing Council to move quickly to endorse the Report.

A member expressed reservations about government predictions concerning commercialization. If the government set out to direct innovation at any level it would run into trouble. The member suggested that innovation did not happen in a linear way but rather as a result of chaos or disorganization. This was what he believed universities should be about. The member indicated his support for the elimination of caps on transformative research. Finally, the member applauded the recognition within the report of international students, which would help to increase access to and visibility of the University.

On motion duly moved and seconded,

It was RESOLVED

Whereas research and scholarship are central to both the mission of the University and the benefit and prosperity of the Province; and

Whereas the University applauds the articulation of a provincial policy framework for the support of research and scholarship; and

Whereas the University agrees that a policy framework premised on university autonomy, peer review, excellence and accountability together with appropriate funding is best suited to the dynamic world of knowledge and innovation; and

Whereas, within the context of the urgent need for improved operating funding, the University applauds the identification of the need for substantially increased resources for research;

Therefore:

The University of Toronto welcome the issuance of the report, *Growing Ontario's Innovation System: The Strategic Role of University Research* (1999), prepared for the Government of Ontario by Professor Heather Munroe-Blum, and strongly endorse the directions recommended therein.

5. **School of Graduate Studies: (a) Master of Science in Planning Program - New Field in Urban Design; (b) Proposal for a New Master of Urban Design Studies (MUDS) Program; and (c) Proposal for a New Master of Urban Design (MUD) Program**

(arising from Report Number 98 of the Academic Board - January 13, 2000)

Professor Mayhall introduced these three items as a group because they concerned a suite of programs that had been proposed in the area of Urban Design. He noted that the first recommendation, the approval of a new field in an existing program, could have been approved at the Committee level. But, it had been decided to bring the programs forward together. The three programs presented various way of studying urban design at the master's level, ranging from a field within a planning degree program to a full professional practitioner's program. These programs had been recommended in the Provost's Task Force on Graduate Programs in Architecture, Landscape Architecture, Planning and Urban Design. Resources for the new programs were already in place, or in the case of the MUD degree, were part of the Faculty's academic plan and had received funding through the Academic Priorities Fund. Professor Mayhall congratulated Deans Richards and Amrhein and Professors Sedra and Tuohy on their considerable efforts to make this discipline stronger and more distinctive.

The President noted that the senior administration was in full support of the motion. He added that there had, however, been a question about the appropriateness of the degree designations MUD and MUDS. At the meeting of the Executive Committee, he had asked the Provost's Office to ascertain whether this was the conventional terminology in the discipline.

In response, Professor Tuohy advised that the Governing Council approve the recommendation without change to the degree names. There were a variety of designations in the field of urban design across North America. She confirmed that there was at least one institution which the University considered an aspirational peer - University of California at Berkley - which had a MUD degree. It was the judgement of deans, chairs and directors involved in the proposal that these designations best signified the content of the programs and the audience for which they were intended.

On motion duly moved and seconded,

It was RESOLVED

THAT the proposal for the establishment of a new field in Urban Design in the Master of Science in Planning (MScPl), effective September 1, 2000, as described in the submission from the School of Graduate Studies, dated November 1999, a copy of which is attached to Report Number 98 of the Academic Board as Appendix "B", be approved.

THAT the proposal for the establishment of a new Master of Urban Design Studies (MUDS) program, effective September 1, 2000, as described in the submission from the School of Graduate Studies, dated November 1999, a copy of which is attached to Report Number 98 of the Academic Board as Appendix "C", be approved.

THAT the proposal for the establishment of a new Master of Urban Design (MUD) program, effective September 1, 2000, as described in the submission from the School of Graduate Studies, dated November 26, 1999, a copy of which is attached to Report Number 98 of the Academic Board as Appendix "D", be approved.

6. **Capital Project: Gerstein Science Information Centre: Phase 2**
(arising from Report Number 98 of the Academic Board - January 13, 2000)

Professor Mayhall recalled that the previous year, the Governing Council had approved the users' committee report for renovations to the Gerstein Science Information Centre. The renovations were to be completed in a number of phases at a total cost of \$20 million. The phases were to be undertaken as funding became available. Phase 2, the east addition and renovation, with an increased scope, was now being recommended. A private donation had been received which would cover 40% of the cost of the project, to a maximum of \$5.6 million. After consultation, it had been proposed to increase significantly the study space planned for this phase. The cost of Phase 2 had, therefore, been revised from \$8.2 million to a total of \$12 million. The University would seek additional funding through donations and through the SuperBuild Growth Fund. Any shortfall in funding would be met by an allocation from the University Infrastructure Investment Fund. The Library would provide the funds for detailed designs.

A member indicated his support for the proposal. He urged the administration and the Governing Council to consider the structure of the recommendation, which approved the proposed capital project in advance of secured funding to be realized from a variety of sources. This structure should be contemplated for the development of the multi-faith facility addressed earlier in the meeting.

On motion duly moved and seconded,

It was RESOLVED

THAT the revised scope of Phase 2 of the Users' Committee Report for the Gerstein Science Information Centre approved on May 17, 1999 as described in Professor McCammond's memorandum dated December 2, 1999, a copy of which is attached to Report Number 98 of the Academic Board as Appendix "E", at an estimated cost of \$12 million to be derived from the SuperBuild Growth Fund, private donations, and the University Infrastructure Investment Fund, be approved; and

THAT as funding is received from the SuperBuild Growth Fund and private donations, any shortfall be met by an allocation of not more than \$7 million from the University Infrastructure Investment Fund.

7. **Capital Project: Flavelle House – Interim Users' Committee Report**
(arising from Report Number 98 of the Academic Board - January 13, 2000)

Professor Mayhall noted that the Faculty of Law was proposing to renovate the currently empty attic of Flavelle House to accommodate 12 faculty offices. Flavelle House was a heritage building and the only change planned to the facade was the addition of one dormer window. An elevator with access to all floors was also included in the project. The cost of the project was \$2.14 million, which would be met by funds from the Ontario Research and Development Challenge Fund, the University Infrastructure Investment Fund, and the Faculty of Law. Dean Daniels had noted that this was an interim report and that issues of space for classrooms and student activities would be considered in the next phase.

A member questioned the project cost of \$2.14 million given that only 12 faculty offices were to be created. Professors Mayhall and McCammond clarified that a substantial component of the cost was for the installation of an elevator which would make the Flavelle House wheelchair accessible. The President added that there was no other space at present in which the Faculty of

7. **Capital Project: Flavelle House – Interim Users’ Committee Report** (cont’d)

Law could expand. As well, because the building was designated as historic, costs were relatively more expensive given that the renovation had to be within designated parameters.

A member indicated his support for the efforts to make this building accessible. He asked about the area of specialization of the faculty who would be housed in the newly renovated attic. The President responded that one of the principal sources of faculty expansion in the Faculty of Law arose from the Faculty’s successful application for a large grant to the Ontario Research and Development Challenge Fund for the Centre for Innovation. This Centre would be concerned with international property law, an under-developed field in Canada. Some of the newly created office space would be for faculty in this area and some would be for faculty members currently located elsewhere.

On motion duly moved and seconded,

It was RESOLVED

THAT the Interim Report of the Users’ Committee for the Attic Renovation, Flavelle House, dated December 2, 1999, a copy of which is attached to Report Number 98 of the Academic Board as Appendix “F”, be approved in principle at a cost of \$2.14 million, with the sources of funds as described in Professor McCammond’s memorandum dated December 2, 1999; and

THAT an allocation of \$600,000 from the University Infrastructure Investment Fund, be approved.

8. **Capital Project: Heart and Stroke/Richard Lewar Centre for Excellence for Cardiovascular Research - Users’ Committee Report**

(arising from Report Number 98 of the Academic Board - January 13, 2000)

Professor Mayhall reported that this proposal called for the renovation of the basement of the FitzGerald Building (which was actually at ground level) to house specialized cardiovascular analysis laboratories. The space would be located adjacent to the Medical Sciences Building and the planned Centre for Cellular and Biomolecular Research. Highly specialized facilities and equipment would make the Centre one of only a few in the world equipped for such innovative research. The cost of the renovation, \$1.47 million, would be funded from donations from the Lewar family and the Ontario Heart and Stroke Foundation, and expected funding from the Canada Foundation for Innovation and the Ontario Research and Development Challenge Fund.

A member recalled that a member of the Academic Board had pointed out that while the Centre was grateful for the provision of space, it was insufficient. The member noted that there would, therefore, be need for additional space for this Centre.

On motion duly moved and seconded,

It was RESOLVED

THAT the Users’ Committee Report, dated December 1999, for the Lewar/HSFO Centre, a copy of which is attached to Report Number 98 of the Academic Board as Appendix “G”, be approved in principle at a cost of \$1.47 million, with funding to be provided by donations from the Lewar family, the Ontario Heart and Stroke Foundation, and funds obtained from the Ontario

Research and Development Challenge Fund, and the Canada Foundation for Innovation.

9. **Election Guidelines 2000 - Introduction of Web-based Voting**

(arising from Report Number 89 - January 11, 2000 and Report Number 90 - February 1, 2000 of the University Affairs Board)

(a) Introduction

Mr. Burchell noted that it was within the mandate of the University Affairs Board to recommend major amendments to procedures for conducting elections. The introduction of web-based voting constituted such an amendment. There were several key points that members should take into consideration.

Need. The introduction of the new student ID card, known as the Smart Card or TCard, had forced a change in the way the Governing Council conducted elections for full- and part-time undergraduate students. Previously, undergraduate students could vote at one of many polling stations across the three campuses. Poll clerks could show that the student had in fact voted by marking a designated box on the back of the student's ID card. This would prevent students from voting more than once. The new TCard had no such box and attaching stickers, for example, created problems for the card's use. An interim measure adopted for the by-election held this past fall had required students to vote only at the polling station located in their college or faculty, where there were unique voters' lists. Understandably, this had not proven convenient or practical for many potential voters who took their classes in other buildings or even on other campuses. There was a risk that voter participation would further decline if this method of voting was repeated.

Process. Mr. Burchell noted that, at its January 11 meeting, the University Affairs Board had received a proposal from the Elections Committee for web-based voting, exclusive of other methods of conducting the upcoming elections. Board members had raised a number of concerns, which were outlined in Report Number 89 of the University Affairs Board (pages 4 and 5). Mr. Burchell continued that given the lack of consensus evident at the Board's meeting and a sense of unease among its members, debate of the motion had been adjourned to allow for additional consultation and information gathering. The Board then held a special meeting on February 1 at which time members had received information on subsequent actions taken concerning consultations, security, accessibility and profile. These actions had been outlined in a memorandum from the Secretary of the Governing Council, a copy of which members of the Governing Council had received as background material. Given the feedback from the University Affairs Board and the additional information and assurances provided, the Elections Committee had recommended an alternative proposal which maintained ballot-box voting but also provided the option of web-based voting. This alternative proposal was the one which the University Affairs Board had endorsed.

Details of the proposal. Mr. Burchell outlined the following details of the proposal.

- Web-based voting was proposed only for full- and part-time undergraduate students. There was no proposal to change the current method of mail ballots for graduate students, faculty or staff.
- Both ballot-box and web-based voting would be made available for the 2000 elections. Students opting to vote by ballot box could do so at any of the designated locations. Secrecy envelopes would be used, replicating the mail ballot system, thus providing a mechanism to ensure that students voted only once.
- A program had been developed by staff from the Student Information Systems which would use the new student record system, ROSI, to verify the eligibility of voters. Students were familiar with ROSI; they were required to use it to maintain their addresses and to request

transcripts. In some faculties, students could use ROSI to delete and add courses from their academic programs.

9. **Election Guidelines 2000 - Introduction of Web-based Voting** (cont'd)

- Web access was available to students free of charge on computers in the Information Commons and in its satellite facilities on all three campuses and in many colleges, faculties and libraries. Many students could also connect to the Web from their home computers.
- A security system, known as a fire wall, was in place to prevent unauthorized access, hackers and fraudulent voting. Members had received a one page statement on the security system. In response to concerns regarding security, the Board had received assurance from the University's Director of Computing and Networking Services that the University's operating system was well-established and that there had been no accounts to date of hackers gaining entry.

In conclusion, Mr. Burchell noted that, independent of the need to consider alternative means of conducting elections, the Elections Committee had been contemplating the introduction of web-based voting for some time. The proposal made sense for many reasons. Students were increasingly using information technology and there was the potential for increased participation because of additional voting sites and extended hours of voting.

(b) Address by Ms Manon LePaven, President, Association of Part-time Undergraduate Students

Ms LePaven indicated her support for the introduction of web-based voting. However, she expressed concern that the recommended *Guidelines* did not provide specifically for students who had a visual disability.

Ms Girard, Chief Returning Officer for the Governing Council elections, responded that special adaptive programs would be placed on two computers in the Information Commons to enable students who were visually impaired to participate in the voting process. Braille ballots would also be made available. Newspaper advertisements announcing the elections would request that students with visual disabilities get in touch with the Chief Returning Officer two days prior to the election period so that Braille ballot forms could be made available.

Ms LePaven asked that the *Guidelines* be amended to include this information. The Chairman assured Ms LePaven that the Minutes would reflect this provision.

(c) Discussion

A member asked if the proposal, which recommended both web-based and ballot-box voting, would be applicable for elections beyond the 2000 election period. Mr. Burchell responded that the regulations would take effect for the upcoming 2000 election and, unless subsequently amended, would be maintained.

A member noted that there had been considerable discussion of the proposal at the January 11 meeting of the University Affairs Board. Specifically, concerns had been raised as to the potential for fraudulent voting. He asked that the administration monitor the upcoming election carefully to determine if there was an increased voter turnout and/or if there was any evidence of fraudulent voting. He supported the option of web-based and ballot-box voting.

The Chair of the Elections Committee, Ms Wendy Talfourd-Jones, highlighted the merits of the proposal. The Elections Committee had unanimously endorsed the concept of web-based voting as well as the alternative proposal currently before the Council. She viewed this as a move towards the future that was in line with the Governing Council Secretariat's mandate to increase use of information technology. Access would be increased as there would be a longer

period of time in which students could cast their vote. As well, there would be more locations for voting

9. **Election Guidelines for 2000 - Introduction of Web-based Voting** (cont'd)

given that students could now cast votes on any computer that had web access. Members of the Committee had been confident in the security of the proposed system given information provided by the University's Director of Computing and Networking Systems and the Director of Student Information Systems. The new program would be simple to use, and would guide students step by step. It would also inform students when they had spoiled a ballot. Campaign statements of candidates would also be accessible with the ballot. It was hoped that the introduction of web-based voting would lead to increased voter participation, which had been very low in the past. In terms of publicity, the elections would be advertised on the Governing Council's web page and in campus press. The web address of candidates and the Governing Council web page address would be published on all campaign literature. As well, candidates could put up posters across campus in keeping with established practice. In conclusion, Ms Talfourd-Jones noted that the introduction of web-based voting would make it easier in future to set up referenda for students.

A member spoke against the proposal for various reasons. The proposal for web-based voting proposed was not consistent with democratic standards. The introduction of the TCard had posed numerous problems and the member suggested that its modification to allow for elections would cost less than the proposal before the Governing Council. The proposal put convenience issues ahead of privacy issues. There were technical problems associated with the proposal. For example, information concerning students and the record of student voting would be stored on the same computer. There was therefore the possibility to link how students had voted. As well, there was the potential for hackers to cause havoc with the voting process. Hacking was a very real concern as was evident in recent media stories. Members of the University Affairs Board had been assured that firewalls existed to prevent hacking and fraudulent voting; however, these were not guaranteed and only reduced the likelihood. He therefore urged members to vote against the proposal, which he believed would greatly compromise democracy at the University.

Invited to respond to the member's concern regarding security, Mr. Eugene Siciunas, Director of Computing and Networking Systems, noted that there had indeed been web servers around the world which had been compromised by hackers in recent weeks. However, he clarified that those instances concerned the web servers themselves. The computer server that would be used for web-based voting used the IBM MVS operating system. The web interface was a separate system that provided an interface for students to indicate their voting preference. That information was then passed to the server via an isolated, protected network. This operating system was well established and had never been compromised to the knowledge of the University or IBM. Mr. Siciunas further noted that there was no record kept on how a student had voted. A student logged into the system using his/her student number and password and was authenticated to ensure that he/she was eligible to vote. Following this, the student's vote was used to increment a counter for a particular candidate. There was no tie in to indicate how the student had voted. With regard to privacy, data travelling from a student's computer was encrypted so that it could not be easily intercepted and read.

The Chairman noted that a motion would be required to extend the time of adjournment.

It was duly moved and seconded,

THAT the time of adjournment be extended to 7:10 p.m.

The motion passed.

A member suggested that the Elections Committee take a proactive stance and review the election process for the 2000 elections upon its completion rather than wait for any complaints to

arise. This review should then be reported on by the Elections Committee to the University Affairs Board. The Chairman agreed that the Elections Committee would undertake the review suggested.

9. **Election Guidelines for 2000 - Introduction of Web-based Voting** (cont'd)

A member asked if the Elections Committee had contemplated the extension of web-based voting to the faculty and staff. Mr. Charpentier responded that the proposal had been contemplated at this time only for undergraduate students. The Elections Committee would evaluate the success of the proposal in the coming year. He expected that the member's suggestion would be raised with the Elections Committee in future.

(d) Address by Mr. Paul Tsang, President, Graduate Students' Union (GSU)

Mr. Tsang noted that a member had voiced many of the technological issues involved with web-based voting. The GSU had also raised this issue with the University Affairs Board. Mr. Tsang then addressed his comments to the consultation process undertaken. He believed there had been a disservice to the University community given that the Governing Council Secretariat had not consulted with student groups. He reminded the Governing Council that student groups existed for a purpose, including consultation. These groups were charged with representing students' interests and concerns. He was glad that some of these groups had eventually been consulted by the Elections Committee. However, although the GSU had expressed concerns at a meeting of the University Affairs Board, its representatives had not been invited to the subsequent meeting of the Elections Committee. The Graduate Students' Union had much to contribute to this issue as it had been working on issues concerning technology, privacy and the TCard. He did not understand why the process had been expedited at the expense of a lack of consultation with student groups.

Mr. Charpentier agreed that the consultation process had been somewhat flawed and had occurred rather late in the process. However, he was pleased that in discussing the proposal with the student leaders of the Association of Part-time Undergraduate Students, the Students' Administrative Council, and the Arts and Science Students' Union, a great deal of common ground had been quickly identified. He understood from SAC that it would be moving in the same direction as soon as possible. He regretted that the Elections Committee had not had more consultation with the GSU; however, in the end, the constituency being affected was undergraduate students, and those were the representative groups with whom the Elections Committee and Secretariat staff had consulted.

On motion duly moved and seconded,

It was RESOLVED

THAT the 2000 election for undergraduate student representatives on Governing Council be conducted by a combination of web-based and ballot-box voting.

THAT the *Election Guidelines 2000*, amended to reflect this change, dated January 27, 2000, a copy of which is attached to Report Number 90 of the University Affairs Board as Appendix "A", be approved.

10. **Reports for Information**

The Chairman noted that members had received the following reports for information.

Report Number 98 of the Academic Board – January 13, 2000
Report Number 102 of the Business Board – December 6, 1999
Report Number 89 of the University Affairs Board – January 11, 2000
Report Number 90 of the University Affairs Board – February 1, 2000
Report Number 322 of the Executive Committee – January 24, 2000

10. Reports for Information (cont'd)

Discussion ensued on the following matter.

(a) Report Number 322 of the Executive Committee (January 24, 2000) – Item 7

A member drew attention to the record of the Executive Committee's discussion of the *Procedures for Non-members to Address the Governing Council and its Boards and Committees* and its decision to decline several speaking requests. He referred members to the Report of the Committee, noting that it had changed the spirit and nature of the *Procedures* which had been designed so the members of the community could have an unencumbered point of access to the Governing Council. The Executive Committee's interpretation of the *Procedures* changed this intent. For example, requests from two speakers from the Chinese Community to address the Council at today's meeting had been declined. The member noted that the Executive Committee's discussion implied that past deputations had been unfruitful. He could not think of one instance during the past year where a non-member had addressed the Council on a matter of insignificance. The member urged that in considering speaking requests, the Executive Committee should ensure that access to the Council was not compromised. He proposed that the Council not accept the interpretation of the Executive Committee, but rather that it discuss the matter in detail at a future meeting.

The Chairman responded that she had chaired the meeting of the Executive Committee to which the member had referred. She clarified that the *Procedures* delegated authority for speaking requests to the Executive Committee, which was responsible for setting the agenda of the Governing Council. The Executive Committee had given careful and thorough consideration to several requests to address the Council at today's meeting. She clarified that the Governing Council was not the sole forum for discussion and debate of matters. People could address matters in many forums and were able to communicate with governors in many different ways. The Council had a responsibility to consider a great deal of business throughout the year. As Chairman she had to be sensitive to how much the Council could consider in any one meeting. As well, she had to be sensitive to the time of governors, all of whom dedicated a great deal of time to preparation for meetings and had an expectation that they would be completed within a certain length of time. In conclusion, she noted that the *Procedures* had in fact been followed and the appropriate criteria had been met. It was within the mandate of the Executive Committee to decline speaking requests.

The member responded that the *Procedures* provided for up to fifteen minutes of address by non-members on matters not on the Council's agenda. It was only six times a year that the Council was required to listen to members of the University community. He suggested that the *Procedures* contemplated the drawing of names by lot and not by the decision of the Executive Committee because they had envisaged that three speakers would be permitted to address the Council at any one meeting.

Mr. Charpentier clarified that the *Procedures* did mention lots; however this reference did not denote a final decision. When there were more than three speaking requests to address the Council, the Secretary of the Governing Council drew lots to determine which three requests would be brought to the Executive Committee. If the Committee decided to decline the three speaking requests, the next group would be considered.

11. Date of the Next Meeting

The Chairman reminded members that the next regular meeting was scheduled for Thursday, April 6, 2000. Her intent was to hold this meeting on the Mississauga campus.

The President reminded members that the recommended framework for enrolment growth would be before the Council at its next meeting. Given the importance of this matter to the University, he encouraged members to make every effort to attend the next meeting.

12. Question Period**(a) *Toronto Sun* Article**

A member drew members' attention to an e-mail communication that had been placed on the table. It was from a group of individuals who had expressed outrage at recent articles in the *Toronto Sun* which they considered to be racist and prejudicial. The member asked that the University take a stance on the matter and refrain from advertising in this newspaper until it had issued an apology to the offended groups.

The President undertook to consider the request in consultation with the Provost. He asked governors who had views on the matter to communicate them to him as soon as possible. He undertook to circulate a note to governors with his recommendation.

(b) Deputation by Professor Shah

A member hoped that the University would take a stance on the above matter. He expressed concern about the statistics cited by Professor Shah in his deputation to the Council and urged action by the University. For example, the University could strike a task force to examine the issue of employment equity. He asked if the administration had plans to consider the recommendations made by Professor Shah.

The President responded that he would be consulting with his senior colleagues on the recommendations. In response to the member's suggestion concerning a task force, the President noted that he had undertaken a thorough review of race relations in 1991 when he had come into office. He was proud of the work of the task force, which had resulted in many good initiatives, and did not believe it would be prudent for him to commence a major review at this time given that the University was currently in transition to a new President. He reiterated that he would be considering the recommendations raised by Professor Shah in consultation with his senior colleagues.

The meeting adjourned at 7:10 p.m.

Secretary

Chairman

March 16, 2000