

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

Friday April 5, 2002

MINUTES OF THE GOVERNING COUNCIL meeting held on Friday, April 5, 2002
at 3:30 p.m. in the Council Chamber, Simcoe Hall.

Present:

Ms Wendy M. Cecil (In the Chair)
Dr. Thomas H. Simpson, Vice-Chair
Professor Robert J. Birgeneau, President
The Honourable Henry N. R. Jackman,
Chancellor
Dr. Robert Bennett
Professor Philip Byer
Ms Mary Anne V. Chambers
Professor W. Raymond Cummins
Mr. Brian Davis
Dr. Claude Davis
Professor Sherwin Desser
Dr. Alice Dong
Dr. Inez Elliston
Ms Susan Eng
Dr. Shari Graham Fell
Professor Luigi Girolametto
Ms Shirley Hoy
Professor David Jenkins
Ms Françoise Ko
Professor Brian Langille
Ms Karen Lewis
Mr. David Melville

Professor Heather Munroe-Blum
Dr. John P. Nestor
Ms Jacqueline C. Orange
Ms Rose M. Patten
Mr. Kashif Pirzada
Ms Patricia Ricci
Mrs. Susan M. Scace
Ms Heather Schramm
Professor Adel S. Sedra
Mr. Amir Shalaby
Ms Carol Stephenson
Ms Wendy Swinton
Mr. John H. Tory
Professor John Wedge
Ms Geeta Yadav

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

Secretariat:

Mr. Neil Dobbs
Ms Cristina Oke

Absent:

Professor Mary Beattie
Professor Jack Carr
Professor Brian Corman
The Honourable William G. Davis
Mr. Paul V. Godfrey
Mr. Gerald A. Lokash

Professor Ian R. McDonald
Mr. Andrew Morgan
The Honourable David R. Peterson
The Honourable Robert K. Rae
Dr. Joseph L. Rotman
Professor Donna Wells
Mr. Robert S. Weiss

In Attendance:

Mr. Felix P. Chee, Vice-President, Business Affairs
Professor Angela Hildyard, Vice-President, Human Resources
Dr. Sheldon Levy, Vice-President, Government and Institutional Relations *
Professor Vivek Goel, Vice-Provost, Faculty
Professor Derek McCammond, Vice-Provost, Planning and Budget
Professor Carolyn Tuohy, Vice-President, Policy Development and Associate Provost
Professor Ronald Venter, Vice-Provost, Space and Facilities Planning

* not present for item 2.

In Attendance (cont'd):

Mr. Mark Braun, Member-Elect, Governing Council
Mr. Sean Mullin, Member-Elect, Governing Council
Mr. Chris Ramsaroop, Member-Elect, Governing Council
Mr. Tim Reid, Member-Elect, Governing Council
Professor Rona Abramovitch, Director, Transitional Year Program
Dr. Beata FitzPatrick, Director of the Office of the President and Assistant Vice-President
Ms Elizabeth Gilmore, Vice-President, External, Graduate Students' Union
Ms Maureen Giuliani, President, Graduate Students' Association, Ontario Institute for Studies in Education of the University of Toronto (OISE/UT)
Mr. Ivan Gottlieb, Director of Department of Facilities and Services
Mr. Paul Holmes, Judicial Affairs Officer of the Governing Council
Mr. Dan Hutt, Manager, Police Services, St. George Campus
Mr. Alex Kerner, President, Students' Administrative Council
Mr. Zack Marquardt, Secretary, Association of Part-time Undergraduate Students
Ms Emily Sadowski, President, Association of Part-time Undergraduate Students
Ms Maureen Somerville, Chair, College of Electors
Mr. Jorge Sousa, President, Graduate Students' Union
Mrs. Beverley Stefureak, Assistant Secretary of the Governing Council

IN ACCORDANCE WITH A DETERMINATION BY THE EXECUTIVE COMMITTEE PURSUANT TO SECTION 38 OF BY-LAW NUMBER 2, THE GOVERNING COUNCIL CONSIDERED ITEMS 1, 2 AND 3 *IN CAMERA*.

1. Report of the Committee for Honorary Degrees

On motion duly moved and seconded,

It was RESOLVED

THAT the two recommendations contained in Report Number 43 of the Committee for Honorary Degrees be approved.

On motion duly moved and seconded,

It was RESOLVED

THAT the Chancellor and the President be empowered to determine the degree to be conferred on each candidate and the date of the conferral.

The Chairman reminded members that nominees' names and the discussion of nominations were strictly confidential. When the individuals had responded to the offers, the President would report to the Governing Council. Following that report, a public announcement would be made.

2. Senior Appointment: Interim Vice-Provost, Students

On motion duly moved and seconded,

It was RESOLVED

THAT Dr. Sheldon Levy be appointed to the position of Interim Vice-Provost Students, from April 1 until December 31, 2002, or until the appointment of a Vice-Provost, Students, whichever comes first.

3. Code of Behaviour on Academic Matters: Recommendation for Expulsion

On motion duly moved and seconded,

It was RESOLVED

THAT the President's recommendation for expulsion, contained in the memorandum from the Secretary of the Governing Council dated March 27, 2002, be approved.

THE GOVERNING COUNCIL RETURNED TO OPEN SESSION.

4. Chairman's Remarks

(a) Welcome

The Chairman welcomed members and guests. She extended a particular welcome to the members-elect of the Governing Council who were in attendance: Mr. Mark Braun; Mr. Sean Mullin; Mr. Tim Reid and Mr. Chris Ramsaroop. She also welcomed the Chair of the College of Electors, Ms Maureen Somerville.

(b) Her Majesty Queen Elizabeth, the Queen Mother

The Chairman invited members and guests to rise for a minute of silence in memory of Her Majesty Queen Elizabeth, the Queen Mother.

(c) *In Camera* resolutions

The Chairman announced the resolutions approved by the Council during its *in camera* session. She congratulated Dr. Sheldon Levy on his appointment as Interim Vice-Provost, Students, and also extended congratulations to Professor Ian Orchard on his appointment as Principal, University of Toronto at Mississauga, effective July 1, 2002.

The Chairman reported that the expulsion which was on the agenda had been approved.

4. Chairman's Remarks (cont'd)**(d) Congratulations**

The Chairman congratulated Dr. Thomas Simpson on his election as Chairman of the Governing Council for 2002-03. She noted that a call for nominations for Vice-Chair of the Governing Council had been distributed, and asked that members disregard the initial call for nominations because, inadvertently, not all eligible candidates had been listed.

(e) Speaking Requests

The Chairman reported that she had received two speaking requests and that, if members had no objection, she would allow these requests at the appropriate time in the agenda.

5. Minutes of the Previous Meeting

A member asked for clarification of the authority conferred by Section 47 of By-law Number 2, which was referred to in page 10 of the minutes. At the request of the Chair, the Secretary explained that Section 47 gave the Presiding Officer the authority to maintain order and décorum and ensure that the Governing Council could conduct its legitimate business. The member requested clarification concerning reasons for the introduction of the ticketing system. It was noted that a discussion of this matter would be more appropriate in the consideration of Report Number 345 of the Executive Committee, under the agenda item Reports for Information.

The minutes of the previous meeting held on February 14, 2002 were approved.

6. Business Arising from the Minutes of the Previous Meeting**(a) Notice of Motion**

At the invitation of the Chairman, Ms Elizabeth Gilmore, Vice-President, External, Graduate Students' Union (GSU), addressed the Council. She expressed the view that members of the Governing Council were not taking the concerns of students seriously. This was reflected in the decision of the Executive Committee not to place the notice of motion for a tuition freeze on the agenda of the Governing Council. She also expressed the opposition of the Graduate Students' Union to the ticketing system that had been implemented for this meeting of the Governing Council. In the view of the GSU, the ticketing system would have the effect of blocking students from Council meetings.

Ms Gilmore noted that a number of reports, including those from Statistics Canada, indicated a decrease in accessibility to university education to those from low-income families. She indicated that members of the Governing Council had a responsibility to ensure that increased tuition fees would not result in decreased accessibility to the University, and she encouraged members to consider the motion of a tuition freeze for 2002-03.

The Chairman thanked Ms Gilmore for her remarks.

7. Report of the President

(a) Honorary Degree Recipient

The President reported that Mr. Ben Heppner had accepted the offer of an honorary degree.

(b) Senior Appointments

The President thanked Dr. Levy for agreeing to act as Interim Vice-Provost, Students, and expressed his delight with the appointment of Professor Ian Orchard as Principal, University of Toronto at Mississauga. The President also congratulated Dr. Thomas Simpson on his election as Chairman of the Governing Council for 2002-03.

(c) Provincial Government Relations and Issues

The President indicated his hope that the appointment of Mr. Ernie Eves as Premier would lead to some additional public support for Ontario's university system, currently the worst-funded system in Canada and possibly in North America. The University would continue to press for capital funding for its full plan for buildings to accommodate enrolment expansion. While applications for admission to the University for September 2002 had increased by 20%, the University would be able to admit only sixty-six more students than last year. The President was concerned that Government inaction on funding expanded facilities could well lead to a crisis.

The President informed members that he and President David Johnston of the University of Waterloo were Co-Chairs of the Task Force on Learning Technologies, one of several task forces established by the Council of Ontario Universities to consider approaches to dealing with the increased pressure for university places. The President and President Johnston were reaching the conclusion that the use of instructional technology would not solve the system's space problem, but it could well help to improve the quality of undergraduate education. The effective use of instructional technology would, in addition, require substantially more funding than reliance on traditional teaching methods.

(d) Federal Government Relations and Issues

The President noted that the Honourable Allan Rock, newly-appointed federal Minister of Industry, had been giving strong support to the "innovation agenda" and had called for a significant increase in graduate education.

(e) Municipal Relations

The President commented on the positive media coverage in Toronto area papers of the University's 175th Anniversary celebrations, and the acknowledgement of the contribution made by the University to the city's intellectual and cultural life.

7. Report of the President (cont'd)**(e) Municipal Relations (cont'd)**

The President informed members about the letter-writing campaign that had been organized by tenants and patients regarding the purchase of the Medical Arts Building on Bloor Street by the University of Toronto. He noted that the building had been on the market for two years before the purchase, and that the tenants had been given the option of buying the building, but had chosen not to exercise that option. The tenants have been given four years' notice to find a new location.

(f) Discussion Paper on a New Structure of Academic Administration for the Three Campuses

The President reported that, in light of the impact of enrolment expansion on the size of the Mississauga and Scarborough campuses, a discussion paper had been written by Professor Sedra, Professor Tuohy, and himself, outlining a revised management structure. The proposed structure would require some changes to existing divisional constitutions and to certain policies.

(g) Search for Vice-President and Provost

The President informed members that the search for the Vice-President and Provost was nearing conclusion.

(h) Questions

A member asked about the withdrawal of funding from the St. George Health Centre which was located in the TARTU Building. Invited by the Chairman to respond, Professor Sedra replied that the clinic was affiliated with the Faculty of Medicine, and that the decision to close it had been made by the Dean of the Faculty of Medicine, and supported by the Vice-President and Provost. The clinic had been established to provide family-practice training to students and was no longer required for that purpose.

8. University of Toronto Police Policy

(Arising from Report Number 105 of the University Affairs Board)

Dr. Nestor introduced the proposal, noting that the University Affairs Board was responsible for policy on campus security and for recommending new policy or major changes to Governing Council. Following a review of the St. George Police Services in 2000, the University Affairs Board had requested that the administration develop a policy on policing. In developing the policy, the administration had consulted with the Police Community Advisory Board at St. George campus and with the suburban campus police services at Mississauga and Scarborough. The Board had considered and strongly supported the policy at its February 26 meeting, requesting only that the wording under the implementation section be amended to reflect the reality of three police services.

8. University of Toronto Police Policy (cont'd)

On motion duly moved and seconded,

It was RESOLVED

THAT the University of Toronto Police Policy, as revised, dated February 27, 2002, a copy of which is attached to Report Number 105 of the University Affairs Board as Appendix "A", be approved.

9. Reports for Information

The Governing Council received the following Reports for information
Report Number 105 of the University Affairs Board (February 26, 2002)
Report Number 344 of the Executive Committee (February 14, 2002)
Report Number 345 of the Executive Committee (March 25, 2002)

(a) Report Number 345 of the Executive Committee (March 25, 2002)

A member expressed her concern about two decisions that were made at the Executive Committee meeting on March 25, 2002. In her view, the decision to implement ticketed seating for Governing Council meetings would curtail good attendance and public interest. By providing tickets to the media, student governments and other campus organizations first, certain individuals were being privileged over others. She requested that this decision be reconsidered by the Executive Committee.

A member asked the cost of the additional security and the ticketing process. The Chairman directed the question to the Secretary and asked that he also provide the cost of reconvening a meeting in another venue. The Secretary undertook to provide the costs requested, and noted that the cost of ticketing was minimal as the tickets were produced within the Governing Council office.

Another member requested that the Executive Committee reconsider the issue of ticketing, and noted his concern that, in Report Number 345, the issue of ticketing was linked to the disruption of the Governing Council meeting. It was his view that ticketing should only be linked to space limitations; otherwise there was a danger of the perception of preferential treatment with respect to certain groups. The member questioned the authority of the Executive Committee to make such a decision. He noted that the matter of disruption of meetings was a serious issue, but one which should not be confused with what would be a legitimate reason for ticketing – space.

At the request of the Chairman, the Secretary replied that the Executive Committee had delegated authority to make decisions with respect to the conduct of meetings of the Governing Council. He also noted that information concerning the implementation of ticketing was distributed as quickly and as widely as possible to the individuals and groups normally on the distribution list and was posted publicly following usual practice. This was to ensure that those interested in attending could be assured a seat in a chamber that had limited seating.

9. Reports for Information (cont'd)**(a) Report Number 345 of the Executive Committee (March 25, 2002) (cont'd)**

A member commented that, while it was apparent to her that tickets were available to all members of the campus community upon request, and limited only by available space, the discussion had indicated that the implementation of ticketing had been a response to the disruption rather than to space requirements, and asked that other suggestions for dealing with disruptions be brought forward. In her view, it would be appropriate to escort individuals from the meeting if, after appropriate warning, their disruptive behaviour continued. At the invitation of the Chairman, the Secretary confirmed that tickets were provided upon request, and that no record was kept of those who had received tickets. He also noted that those requesting tickets were not asked if they were members of the University community.

A member asked whether it would be possible to use modern technology, such as web broadcasts, for meetings of the Governing Council. He was unaware of any other public organization that did not make use of audio and/or video technology to broadcast its meetings. At the request of the Chairman, the Secretary responded that, while there were no current plans to provide such coverage, a proposal was coming forward for approval that would install in the Board Room and the Council Chamber the technology to make such broadcasts possible in the future. However, such broadcasts would require changes in By-law Number 2, should the Governing Council wish to use this approach. The member noted that he could find no prohibition in the current By-law against the use of video or other cameras at meetings of the Governing Council. The Secretary replied that the use of a camera while members were voting would violate the procedure for recording votes defined in the By-law. The Chairman added that, in By-law Number 2, a recorded vote referred only to numbers, not to individuals.

A member voiced her concern that actions had been taken at the direction of the Executive Committee without motions of approval or discussion by the Governing Council. The member also stated that, while members of the Executive Committee had discussed the use of video cameras at Council meetings, she did not recall a decision having been made by the Executive Committee to ban the use of video cameras at Council meetings. A member noted, however, that the Executive Committee had discussed and agreed that video recording was not to be permitted.

The member stated that, in her view, the letters which the Secretary had been directed to write were intimidating and intended to stifle student dissent. The effect of the letters would be to increase the adversarial relations between students and administration. The member commented that, in her view, the letters were inappropriate. The Chairman noted that members of the public who attended Council meetings were expected to behave in a way that would allow the meetings to be conducted appropriately and to give members the opportunity to discuss the business before them. The advisory letters were written in that spirit and the Chairman hoped that the minutes reflected that intent.

9. Reports for Information (cont'd)

(a) Report Number 345 of the Executive Committee (March 25, 2002) (cont'd)

The member also expressed concern that the implementation of ticketing was in conflict with section 2 (18) of the *University of Toronto Act, 1971* which stated that no one person should be excluded.¹ At the request of the Chairman, the Secretary replied that it was not the intention of that section of the *Act* that seating capacity be exceeded, but that public access be facilitated. The requirement to hold public meetings must be met to the best of the Council's ability, and, in order to ensure public access to the Governing Council's deliberations, representatives from the media were always invited to attend.

A member asked whether it would be possible to move to a larger venue if the seating capacity of the Council Chamber were reached. At the request of the Chairman, the Secretary replied that, while it might be possible to find another venue, the Council Chamber was, to his knowledge, the largest room on campus that could accommodate the configuration required for Council meetings, while at the same time allowing ample room for guests.

A member noted that the Executive Committee had discussed the possibility of escorting people from the room if they persisted in disruptive behaviour, but that members had indicated their discomfort with that course of action.

10. Date of the Next Meeting

The Chairman reminded members that the next regular meeting of the Governing Council was scheduled for Thursday, May 2 at 4:30 p.m. She added that it might be necessary to schedule a special meeting before that time to consider a senior appointment.

11. Question Period

A member requested that the Executive Committee consider ways of dealing directly with disruptions, and referred to the precedent of other public organizations where guests were escorted from meetings if their behaviour continued to be disruptive after repeated warnings. The Chairman indicated that the matter would be discussed by the Executive Committee.

A member repeated the sense of the members of the Executive Committee that they were uncomfortable with the thought of escorting people out of a meeting of the Council.

A member asked whether it was correct to interpret the ticketing system as temporary until its impact was assessed. The Chairman confirmed the

¹ Section 2 (18) of the *University of Toronto Act, 1971* as amended, states: The meetings, except meetings of committee of the whole, of the Governing Council shall be open to the public, prior notice of the meetings shall be given to the members and to the public in such manner as the Governing Council by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public.

11. Question Period (cont'd)

interpretation and noted that the matter of ticketing would likely be the subject of future discussions.

12. Other Business

At the invitation of the Chairman, Ms Emily Sadowski addressed the Council. She expressed her dismay that the motion for a tuition freeze for 2002-03 had not been placed on the agenda of the Council meeting. She indicated that the students also regarded the disruption of the Governing Council meeting on February 14th as a serious matter but that, in their view, the disruption resulted from their belief that student voices had not been heard. Ms Sadowski suggested that the Council encourage public participation, and referred to the Council on Student Services (COSS) as a model which could be used. Mr. Zack Marquardt expressed his concern that creative solutions were not being brought forward to the Governing Council.

A member asked what criteria were used by the Executive Committee to decide whether or not a motion was placed on the agenda of a meeting. In his view, criteria could include the importance of the matter to a constituency and the length of the agenda. The Chairman noted that the motion had been discussed and asked the Vice-President and Provost to repeat the reasons he had given in support of the motion not being placed on the agenda. Professor Sedra stated that the tuition fee schedule was put forward every year and debated in open session. The tuition fee schedule was being considered by the Business Board in the coming week, and would be brought to the May 2nd meeting of the Governing Council. Members of the Board and of the Council would have an opportunity to speak to the fee schedule and propose motions, if they chose.

A member echoed the statement of the Provost, and stated that the decision not to place the motion on a tuition freeze on the agenda was made because the matter was already being discussed through the governance process.

A member referred to the second part of the notice of motion proposing a committee to recommend a program to eliminate all tuition fees, and asked when that would be discussed. The President indicated that the proper context for such a discussion would be the debate on the tuition fee schedule.

A member voiced her concern at the letters that were sent to four students who had apparently participated in the disruption of the February 14th meeting of the Governing Council. She asked whether the issuing of such letters was a University policy. It was her understanding that such letters had not been sent to students who had participated in other disruptions, for example, the occupation of the President's Office. Another member supported the previous speaker and re-iterated the opinion that students had felt that disruption of the Governing Council meeting on February 14 was the only way in which they could be heard.

A member asked whether the motion for a tuition freeze could be included on the agenda of the Business Board on April 8, 2002. The Chairman replied that it was not necessary to have the motion on the agenda, as the tuition fee schedule was on the agenda and would be debated. The Chair of the Business Board said that those who favoured a tuition freeze should simply speak and vote against the proposed

12. Other Business (cont'd)

tuition fee schedule. The member asked whether there would be an opportunity to examine the question of whether a tuition freeze would ever be a possibility at the University. At the invitation of the Chairman, the Vice-President and Provost remarked that he could not comment with respect to future years, but he would provide detailed reasons about the need for the increases proposed in the tuition fee schedule for 2002-03.

A member suggested that the Governing Council adopt a policy with respect to public access. The development of such a policy would provide an opportunity for discussion on ticketing and other alternatives.

A member expressed her concern at the reaction to the letters that had been sent, and requested that members be sent a copy of the letters. The Chairman undertook to do so.

A member asked whether the financing for the Varsity Centre project had been approved by the Governing Council. Another member raised the issue of the letter from the President in support of the Varsity Centre and of the student levy that had been widely distributed. The President replied that he had no hesitation in publicly expressing his support of the project and of the proposed student levy. A member noted that the 'No' Committee had been requested to add the phrase 'for identification purposes only' to a quote from the President of the Students' Administrative Council.

A member extended his congratulations to all those who had organized the 175th anniversary celebrations for the University. He also thanked members of the senior administration who had participated in a recent Natural Sciences and Engineering Research Council (NSERC) site visit.

A member gave notice of motion:

THAT tuition fee increases for the Faculty of Law be considered separately from the remainder of the tuition fee schedule.

The meeting adjourned at 5:05 p.m.

Secretary

Chairman

April 10, 2002