

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 317 OF THE EXECUTIVE COMMITTEE

September 7, 1999

To the Governing Council,
University of Toronto.

Your Committee reports that it held a meeting on Tuesday, September 7, 1999 at 7:00 p.m. in the Board Room, Simcoe Hall, with the following members present:

Ms Wendy M. Cecil-Cockwell (In the Chair)	Mr. John H. Tory
Mrs. Mary Anne V. Chambers (Vice-Chair)	Ms Nancy L. Watson
Professor J. Robert S. Prichard, President	Dr. Alexander R. Waugh
Professor Jack Carr	
Ms Shruti Dev	Dr. John G. Dimond
Dr. Robert J. Kyle	
Professor Brian Langille	<u>Secretariat:</u>
Dr. John P. Nestor	
Dr. Joseph L. Rotman	Ms Margaret McKone
Mrs. Susan M. Scace	

Regrets:

Professor Steve Halperin

In Attendance:

Mr. Brian C. Burchell, Chair, University Affairs Board
Professor John T. Mayhall, Chair, Academic Board
Mr. Amir Shalaby, Chair, Business Board
Professor Adel S. Sedra, member, Governing Council, and Vice-President and Provost
Ms Wendy Talfourd-Jones, member, Governing Council
Professor Michael G. Finlayson, Vice-President, Administration and Human Resources
Mr. Louis R. Charpentier, Deputy Secretary and Secretary-Designate of the Governing Council
Mr. Kasi Rao, Director of the Office of the President and Director of Government Relations

1. Chairman's Remarks

The Chairman welcomed new and continuing members to the first meeting of the Committee for the 1999-2000 academic year.

At the Chairman's invitation, members and guests introduced themselves.

The Chairman then outlined the role of the Executive Committee. Firstly, the Committee set the agenda of the Governing Council. In so doing, it reviewed the recommendations from the three Boards that required the approval of Council. The Committee should not question the

1. Chairman's Remarks (cont'd)

substance of these recommendations, but rather it should assure itself that the particular Board had considered all aspects of the question and that the proposal was clear and sufficiently well documented for the Governing Council to proceed to a decision. If these criteria were met, the Committee should vote to endorse and forward the recommendation to the Governing Council. If, on the other hand, the Committee concluded that a Board's recommendation required further deliberation, it could: vote to refer it back to the Board; refer it to another Board or committee; establish a special committee; or refer it to the President. In all cases, the proposal should be accompanied by specific procedural instructions.

The Chairman noted that there might be times when members disagreed with a recommendation. Expressions of substantive disagreement should occur at the Governing Council meeting rather than at the Executive Committee.

The Chairman indicated that the Committee would also be asked to confirm recommendations from the Academic Board, making the Board's decision final. Because the Academic Board, unlike the two other Boards, did not consist of a majority of Governing Council members, the University of Toronto Act prohibited its receiving delegated authority, except in purely academic matters, like curriculum and admission requirements. In many other matters, confirmation by the Executive Committee was required.

The Committee's second function was to deal with a number of incidental matters falling outside the jurisdiction of the three Boards, for example, external appointments.

The third function of the Committee was procedural. In addition to setting the agenda of the Governing Council, the Committee coordinated the work of the Boards and committees, it screened new issues and assigned them to a particular Board or special committee, and it settled any unresolved procedural issues.

The Executive Committee was the striking committee of the Governing Council. As such, it recommended which Council members should sit on particular Boards and filled vacancies on Boards as they arose.

Finally, the Committee generally met in closed session. Matters that were discussed in closed session should be regarded as confidential and should not be discussed except with members of the Governing Council and others in attendance. When the Committee moved *in camera*, discussion would of course be limited strictly to members.

2. Report of the Previous Meeting

Report Number 316 (June 24, 1999) was approved.

3. Business Arising from the Report of the Previous Meeting

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

4. Minutes of the Governing Council Meeting held on June 24, 1999

Members received the minutes for information.

5. Business Arising from the Governing Council Meeting June 24, 1999

(a) Varsity Stadium Site - Proposed Redevelopment

The Chairman recalled that the Governing Council had previously adjourned its consideration of this item (a proposal to enter into a long-term lease of the northern portion of the present Varsity Stadium site to a commercial developer) in order to enable the administration to bring forward further advice concerning the replacement of athletic facilities. At its June 24 meeting, Council had voted to further adjourn consideration of this matter until its September 16 meeting, or until a special meeting to be called by the Chairman. She then invited the President to update members on this matter.

The President, assisted by the Vice-President, Administration and Human Resources, and the Provost, gave a detailed briefing on the reviews undertaken over the summer. Among the issues considered were the detailed recommendations of the Faculty of Physical Education and Health's Varsity Stadium capital project users' committee, the question of what athletics and recreation facilities would constitute satisfactory replacement for the facilities presently on the site and the cost of these replacement facilities, various site planning factors associated with the proposed replacement facilities, and the general University planning implications of proceeding with the proposed commercial and replacement athletic facilities. After lengthy discussion, it was agreed that the President should brief the Business Board, which had recommended the commercial project to Governing Council, on the key conclusions he had reached. Members agreed that, following a discussion at the Business Board on September 13, the Executive Committee have a special meeting prior to the September 16 Governing Council meeting. The purpose of this meeting would be to hear a report on the Business Board discussion and to consider what action the Executive Committee should take, or what advice it should give, with respect to the proposal that had been recommended to Governing Council but not yet acted on.

(b) Notice of Motion -- Tuition Fees for the Postgraduate Medical Trainee and Dental Residency Programs, 1999-2000

The Chairman drew attention to a communication from Dr. Dimond that had been distributed with members' agenda packages. It indicated that at the last Governing Council meeting, a member had given notice of a motion to rescind the approval given for a tuition fee for medical residents and internes. Given developments subsequent to the meeting, the member had informed Dr. Dimond that he was withdrawing his notice of motion.

6. Office of the Ombudsperson: Report of the University Ombudsperson for the period July 1, 1998 to June 30, 1999 and Administrative Response

The Chairman noted that the Report of the Ombudsperson for 1998-99 as well as the draft Administrative Response were for members' information. The Administrative Response would be put in final form following this evening's discussion. The Chairman added that Ms Mary Ward, University of Toronto Ombudsperson, would be present at the Governing Council meeting on September 16 to speak to her Annual Report and to respond to members' questions.

A member commented on the importance to governance of the Annual Report and the Administrative Response given the Governing Council's jurisdiction over the Office of the Ombudsperson. This year's Annual Report was all the more significant given the reduction in funding to the Office in 1996 and the transition to the new level of funding during the ensuing years.

6. Office of the Ombudsperson: Report of the University Ombudsperson for the period July 1, 1998 to June 30, 1999 and Administrative Response (cont'd)

The member then made two observations about the Annual Report and the Administrative Response. First, the issue of timeliness in administering judicial and appeals processes was a recurring theme within the Annual Reports and, therefore, the member advocated “a little more vigour” in the Administrative Response. Second, the member drew attention to the section titled “Code of Behaviour on Academic Matters”, contained on page 6 of the Annual Report. This section outlined several instances where concern had been expressed by the Ombudsperson in relation to the administration of the Code within academic divisions. The Administrative Response did not contain any comment on this section. The member suggested that the provision of target dates for administering judicial processes would be desirable in such a response.

Invited to comment, Professor Sedra explained that the Administrative Response was still a work in progress. He would take the member’s suggestions under advisement.

7. Report on Approvals under Summer Executive Authority

The Chairman drew attention to a memorandum from the Committee Secretary, which reported the following resolutions approved within Summer Executive Authority.

(a) Approvals within the terms of reference of the Executive Committee

Appointment of Vice-Provost, Relations with Health Care Institutions, and Acting Vice-Provost, Relations with Health Care Institutions
(SEA Number 1 – June 28, 1999)

THAT Professor David Naylor be appointed Vice-Provost, Relations with Health Care Institutions for the term August 3, 1999 to June 30, 2006, concurrent with his appointment as Dean of Medicine.

THAT Dr. Murray Urowitz be appointed Acting Vice-Provost, Relations with Health Care Institutions for the term June 18 to August 2, 1999, concurrent with his appointment as Acting Dean of Medicine.

Executive Committee Membership 1999-2000
(SEA Number 9 - July 30, 1999)

THAT the following nominees of the Lieutenant Governor in Council members of Governing Council be appointed to the 1999-2000 Executive Committee:

Dr. J. Rotman
Mrs. S. Scace
Mr. J. Tory.

7. Report on Approvals under Summer Executive Authority (cont'd)

Governing Council: Board/Committee Assignments
(SEA Number 14 - August 31, 1999)

THAT the following Governing Council Board and Committee assignments be approved.

University Affairs Board: The Hon. William G. Davis

Planning and Budget Committee: Mr. Brian Burchell

Academic Appeals Committee: Acting Chairs

Ms Bonnie Croll
Professor Emeritus Alan Mewett
Professor Kent Roach
Professor Emeritus Ralph Scane

(b) Approvals within the terms of reference of the Academic Board

Ontario Facilities Renewal Fund/UIIF/AFD Infrastructure Plan
(SEA Number 4 - July 28, 1999)

The Ontario Facilities Renewal Fund/UIIF/AFD Infrastructure Plan for 1999-2000, as set out in Professor McCammond's memorandum dated July 14, 1999.

University Infrastructure Investment Fund: Allocation
(SEA Number 5 - July 28, 1999)

The University Infrastructure Investment Fund allocation for increase in scope of Department of Psychology renovations, as set out in Professor McCammond's memorandum dated July 14, 1999.

Academic Priorities Fund and Academic Transitional Fund: Allocations (SEA Number 6 - July 28, 1999)

The allocations from the Academic Priorities Fund and Academic Transitional Fund as set out in Professor McCammond's memorandum dated July 15, 1999.

Administrative Transitional Fund: Allocation
(SEA Number 7 - July 28, 1999)

The Administrative Transitional Fund allocation re compliance with Tri-Council Policy Statement: Ethical Conduct for Research involving Humans, as set out in Professor McCammond's memorandum dated July 14, 1999.

7. Report on Approvals under Summer Executive Authority (cont'd)**OFRF/UIIF/AFD Infrastructure Plan Funding**

(SEA Number 8 - July 28, 1999)

THAT the Vice-President Administration and Human Resources be authorized to execute the following projects, being funded by the University's OFRF/UIIF/AFD Infrastructure Plan:
Chiller Replacement in the South East Chiller Plant (\$1.6 million).

THAT the Vice-President Administration and Human Resources be authorized to obtain any necessary financing, internally or externally, for these projects and other smaller projects in the approved Infrastructure Plan 1998-99, pending the receipt of provincial funding.

(c) Approvals within the terms of reference of the Business Board**Administrative User Fees and Fines**

(SEA Number 2 - June 28, 1999)

Approval of the re-establishment of an administrative fee of \$190, re PGY1 registration, to implement the 1999-2000 arrangements for new medical residents.

United Steelworkers of America

(SEA Number 3 – July 16, 1999)

Approval of Memorandum of Settlement re certain compensation issues, University of Toronto and United Steelworkers of America.

(N.B. The settlement provides that members of the University's pension plans represented by the Union will enjoy the same pension-contribution holiday as other members of the University until June 30, 2000 or until a collective agreement is signed, whichever comes first. In consideration of the extension of the employee pension-contribution holiday, the Union agreed that it would make no demand for an additional salary increase beyond the 1.5% across-the-board increase, plus the usual program of merit increases, already contained in the settlement with the University of Toronto Staff Association, which had previously represented most of the University's administrative staff.)

Capital Project: The Centre for Information Technology

(SEA Number 10 - July 30, 1999)

THAT the Vice-President, Administration and Human Resources be authorized to expend up to \$1,250,000 for the design and site development work related to the Centre for Information Technology with funding provided from the grant already received from the Provincial Access to Opportunities Program.

7. Report on Approvals under Summer Executive Authority (cont'd)

Capital Project: Parking Garage under Centre for Information Technology (SEA Number 11 - July 30, 1999)

THAT the Vice-President, Administration and Human Resources be authorized to expend up to \$750,000 for the design of the parking garage and relocation of site services, with funding provided from the Parking Ancillary capital reserve.

Property

(SEA Number 12 - July 30, 1999)

THAT the Vice-President, Administration and Human Resources be authorized to commit \$23.6 million to the purchase of 666 Spadina Avenue.

(N.B. The offer was not accepted.)

Munk Centre for International Studies

(SEA Number 13 - August 31, 1999)

Approval of increase in project cost of the Munk Centre for International Studies from \$10,000,000 to \$11,980,000, as described in the memorandum from Janice Oliver dated August 9, 1999. The funding of the increase is: donations (\$1,230,000), settlement of legal claim (\$450,000), favourable exchange on donation (\$100,000), and \$200,000 financed through the Capital Reserve Fund. The Chief Financial Officer is authorized to arrange bridge funding, if required, from internal or external sources.

In response to a member's request, the President provided background information concerning the authorization to purchase 666 Spadina Avenue.

8. Calendars of Business, 1999-2000

The Chairman noted that the Calendars of Business were provided for members' review and comment. She invited members to provide advice to her, to the President and/or to the Board Chairs and Assessors. Advice could pertain to specific items to be considered, on timing, on the route of particular business through governance, on the presentation or format of the calendars, etc.

9. External Appointment: Sunnybrook and Women's College Health Sciences Centre

Dr. Dimond noted that the Executive Committee approved on behalf of the Governing Council a majority of directors to the Board of the Sunnybrook and Women's College Health Sciences Centre. Nominations came from several sources related to the founding partners of the Hospital and the new Board itself. The Chairman had been informed that there was a vacancy in one of the seven seats to be filled by a person nominated by the Sunnybrook SHSC Corporation, representing the former Sunnybrook Hospital. Members'

9. External Appointment: Sunnybrook and Women's College Health Sciences Centre (cont'd)

agenda packages had contained a proposed nomination for this vacancy and a formal nomination, along with a professional profile of the nominee, had been placed on the table.

A member noted that the nominee had previously served on the former Sunnybrook Hospital Board. Was there any restriction on past service that would prohibit the Executive Committee's approval of this appointment? Dr. Dimond responded in the negative.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Ms Maureen J. Sabia, a nominee from the Sunnybrook SHSC Corporation, be appointed to Board of the Sunnybrook and Women's College Health Sciences Centre until June 28, 2001.

Dr. Dimond also reported that the Chairman had appointed Dean David Naylor of the Faculty of Medicine as her nominee to the Board of Sunnybrook and Women's College Health Sciences Centre.

10. Report for Information

Members received for information the following report.

Report Number 99 of the Business Board (June 17, 1999)

11. Report of the President

Given the lateness the hour, the President noted that his report would be extremely brief. He then reported on the following matters.

(a) Tuition Fees for the Postgraduate Medical Trainee and Dental Residency Programs, 1999-2000

The President recalled that he had reported at the June 24 meeting of the Governing Council on a conflict which had arisen between the medical internes and residents, some of whom had been refusing to pay the newly imposed tuition fee, and the University and teaching hospitals. Documentation reporting on developments subsequent to the meeting had been distributed to governors. The administration continued to work with the new Dean of Medicine on this issue, including the setting up of the Task Force.

(b) Honorary Degrees: Nominations

The President encouraged governors to submit the names of potential candidates for honorary degrees.

(c) Senior Appointments

The President noted the appointment of two outstanding senior academics: Professor Gail Donner, as Dean of the Faculty of Nursing, and Professor David Naylor, as Dean of the Faculty of Medicine.

11. Report of the President (cont'd)

As well, recent senior administrative appointments included Professor Judith Globerman as Status of Women Officer, and Professor Rona Abramovitch, as Advisor on Proactive Recruitment.

(d) Orientations

This year's orientations were proceeding at a substantial pace. Participants from the senior administration included Professor Ian Orchard, Vice-Provost, Students; Ms Margaret Hancock, Warden, Hart House; Professor Adel Sedra, Vice-President and Provost; and the President. The President remarked on the unprecedented level of spirit and excitement being displayed by the new cohort.

(e) Enrolment

The University continued to realize success in achieving its enrolment objectives, despite extremely high entrance requirements in some disciplines.

(f) Property

The President briefed members *in camera* on a property matter.

(g) Letter re Apotex

The President recalled a Toronto Star business story the previous Saturday reporting on a letter he had written to the federal government requesting that Ottawa allow an extension of 30 days in its review of drug patent protection regulations. The President explained that the letter in question had been written following a request for assistance from Dr. Barry Sherman, President, Apotex Inc and the Apotex Foundation, because the proposed new legislation might make it financially impossible for Apotex to fulfill its \$20 million donation towards the University's new Centre for Cellular and Molecular Biology Research. This was a project for which major funding had been secured from the Canada Foundation for Innovation and was anticipated from the Ontario Innovation Trust. His letter had maintained the University's long-standing position of neutrality on the substantive issues involved in the regulations, but had recommended further time for discussion of them. The President noted that the letter was clearly open to wrongful interpretation of the University's position (i.e. of not taking sides on this issue) and that it placed the University in an inappropriate position of intervening in a matter beyond the legitimate scope of the University's jurisdiction. The President explained that the error arose in part from the absence of consultation with either Professor Sedra or Professor Munroe-Blum prior to his sending the letter. The President apologized for his judgement in what had clearly been a mistake on his part and for which he, and he alone, was responsible.

(h) Naming

The President briefed members *in camera* on a significant potential naming opportunity.

12. Date of Next Meeting

The Chairman reminded members that a special meeting of the Executive Committee had been called for Thursday, September 16, 1999 at 3:45 p.m., immediately prior to the meeting of the Governing Council.

She also reminded members of the next regularly scheduled meeting on Monday, October 25, 1999, at 7:00 p.m.

The meeting adjourned at 9:40 p.m.

Secretary

Chairman

September 9, 1999