

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 371 OF
THE EXECUTIVE COMMITTEE

Friday, March 12, 2004

To the Governing Council,
University of Toronto.

Your Committee reports that it held a meeting on Friday, March 12, 2004 at 12:00 noon. in the Boardroom, Simcoe Hall, with the following members present:

Dr. Thomas Simpson (In the Chair)
Professor Robert J. Birgeneau, President
Professor Philip H. Byer
Ms Susan Eng
Mr. Michael Foderick
Ms Françoise Ko
Professor Michael Marrus
Mr. John F. (Jack) Petch
Dr. Joseph Rotman (via telephone)
Mrs. Susan M. Scace

Non-Voting Member:

Mr. Louis R. Charpentier

Secretariat:

Ms Cristina Oke

Regrets:

Dr. Robert Bennett
Ms Karen Lewis
Professor Ian McDonald
Ms Rose Patten

In Attendance:

Mr. Muhammad B. Ahmad, Chair, University Affairs Board
Professor W. Raymond Cummins, Chair, Academic Board
Professor Vivek Goel, Interim Vice-President and Provost and member of the Governing Council
Professor Angela Hildyard, Vice-President, Human Resources and Equity ¹
Ms Catherine Riggall, Interim Vice-President, Business Affairs
Dr. Beata FitzPatrick, Assistant Vice-President and Director, Office of the President

Vary the Agenda

It was agreed to vary the agenda to consider the external appointment before the President's Report.

¹ Present only for items 1 and 2.

1. Report of the Previous Meeting

The Chair noted that Report 370 of the Executive Committee had been revised to include two matters under Item 12 (e). The motion had been included, as well as the question that had been raised concerning the impact of the revisions to the Health and Safety Policy on the personal liability of members of the Governing Council.

Report 370 of the Executive Committee meeting held on February 2, 2004 was approved as revised.

2. Business Arising from the Report of the Previous Meeting **(a) Health and Safety Policy: Revision**

The Chair reminded members that the Executive Committee had deferred endorsing and forwarding this policy to the Governing Council in February, pending clarification of issues that had been raised by members. As a result of discussions following the February meeting of the Executive Committee, a revised Health and Safety Policy had been placed on the table.

It was agreed that the following motion be withdrawn:

THAT the proposed revised Health and Safety Policy, replacing the policy approved by the Governing Council on June 23, 1993, be endorsed and forwarded to the Governing Council for approval.

At the invitation of the Chair, Professor Hildyard summarized the results of recent discussions concerning this revised policy. She explained that, following the meeting of the Business Board on January 19, 2004, and after consultation with legal counsel, the word ‘accountability’ was added to the first sentence of the third paragraph of the policy. She also noted that Professor David Farrar, Vice-Provost, Students, had undertaken a review of policies related to student health and safety. Professor Hildyard commented that, while there were no changes to the responsibilities of individuals arising from the revised policy, more information had to be provided to members of the University concerning their responsibilities for health and safety.

A member expressed his pleasure at the response which had been provided by the administration to the issues that had been raised. He noted the recent reports concerning the removal of asbestos from a University building, and asked for clarification of the responsibilities of Facilities and Services and of academic administrators in such matters as asbestos and air quality. Professor Hildyard confirmed that health and safety issues with respect to asbestos and air quality were the responsibility of Facilities and Services.

The member noted the reference in Report Number 131 of the Business Board concerning the legal implications of the policy for members of the Governing Council, and requested an explanation of members’ personal liability. The Chair explained that, under the *University of Toronto Act, 1971*, members were responsible for exercising due diligence. It was noted that the University holds insurance under the Canadian Universities’ Reciprocal Insurance Exchange (CURIE) which indemnifies members of the Governing Council and its Boards and Committees.

2. Business Arising from the Report of the Previous Meeting
(b) Health and Safety Policy: Revision (cont'd)

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

To the Governing Council for approval the proposed revised Health and Safety Policy dated March 12, 2004, a copy of which is attached hereto as Appendix “A”, replacing the policy approved by the Governing Council on June 23, 1993.

On motion duly moved and seconded,

IT WAS RESOLVED

THAT, pursuant to sections 28 (e) and (f) of By-Law Number 2, consideration of agenda item 3 and part of the President’s Report take place *in camera*, with the Board Chairs, Vice-Presidents, and Dr. Fitzpatrick admitted to facilitate the work of the Committee.

3. External Appointments

(a) University of Toronto Schools

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Professor David Farrar be approved and nominated as a University appointed member of the Board of the University of Toronto Schools effective immediately, until December 31, 2006.²

4. Report of the President

The President reported on three confidential matters.

THE COMMITTEE RETURNED TO CLOSED SESSION

(a) Advisory Committee on the Appointment of a Vice-President and Provost

The President reminded members that the Advisory Committee on the Appointment of a Vice-President and Provost had been struck. The Advisory Committee was large and broadly representative. He acknowledged the participation of members of the Executive Committee: Mr. Muhammad Ahmad, Professor Ray Cummins, Ms Françoise Ko, Professor Ian MacDonald, and Ms Rose Patten.

² Secretary’s Note: Professor Farrar replaced Professor Goel, who had resigned from the Board of the University of Toronto Schools.

4. Report of the President (cont'd)

(a) Advisory Committee on the Appointment of a Vice-President and Provost (cont'd)

A member asked why there were no alumni governors on the Advisory Committee. The President replied that most members of the Advisory Committee were members of the academic community, as this was an academic appointment. Ms Patten was the only lay governor on the Advisory Committee, and provided a senior voice for lay members of the Governing Council. The member suggested that comments on the appointment of the Vice-President and Provost should be invited from alumni and other members of the University community.³

(b) Advisory Committee on the Appointment of a Vice-President, Business Affairs

The President informed members that he and Professor Roger Martin, Dean of the Rotman School of Management, would co-chair this Advisory Committee. Membership of this Advisory Committee, which would be smaller than the Advisory Committee on the Appointment of a Vice-President and Provost, would be announced shortly. The membership of this Advisory Committee would include lay governors. The successful candidate in this search would have substantial professional experience.

(c) Academic Planning

The President informed members that he was meeting with groups of Deans and Chairs in the various faculties to talk about academic planning and demonstrate the University's firm commitment to proceeding with the planning process. He also noted that he was speaking to Deans and Chairs about the importance of benchmarking to ensure that the University's planning would truly strengthen departments and advance the University's vision. He was encouraging each department to examine the research and teaching in its field and to decide which areas should be emphasized in the future, and which should no longer be pursued.

The President commented that, at one of these faculty meetings, a question had been raised concerning the percentage of the University's operating budget that had been spent on central administration over the past few years. The President had determined that there had been a 20% decrease in the percentage of budget spent on central administration over the past four years. The number of staff in the central offices had not increased over that time, while there had been a substantial increase in University revenue.

³ Secretary's Note: A call for nominations and advice has been sent to Principals, Deans, Academic Directors and Chairs (PDAD&C), Governing Council, and its Boards.

4. Report of the President (cont'd)

(d) Government Relations

(i) Infrastructure Funding

The President informed members that the University had recently received notice of \$59.5 million in Canada Foundation for Innovation (CFI) awards. A major concern for the University was the status of the Ontario Innovation Trust (OIT) matching funding. \$300 million had been authorized by the previous provincial government but had not been transferred. It was critical for the University that this funding be made available. The University was making the argument that the OIT funds represented a major infrastructure investment in the Province. In this most recent round of competition, Ontario's contribution of \$167 million would result in some \$420 million of infrastructure investment in the Province. Professor Carolyn Tuohy, Vice-President, Institutional and Government Relations, Professor John Challis, Vice-President, Research, and the President were looking to meet with the Honourable Joe Cordiano, Minister of Economic Development, on this issue.

The President also informed members about a proposal concerning a next generation telescope which had received the highest ranking from CFI, but had not been funded at this time, as the consortium involved with the development of this telescope was not yet fully in place. The University had been encouraged to submit a request for funds for planning this project.

(ii) Tuition Fees Replacement

The President reported that the issue of tuition fee replacement funding still remained unresolved. There had been no official announcement from the provincial government on the proposed tuition freeze, and the provincial government had not yet released an official policy on tuition. Some Ontario universities were sending out offers of admission which included increased tuition fees.

A member asked when the tuition fee schedule would be presented to the Business Board. The Chair replied that the tuition fee schedule and budget would come to governance in April, as currently scheduled.

(iii) Pre-Budget Consultation

The President described his participation in one of the provincial pre-budget consultations organized by the Honourable Greg Sorbara, Minister of Finance. In his opinion, the messages that were given to Minister Sorbara were remarkably similar to the Ralph Goodale federal budget consultation which had been reported at the February meeting of the Executive Committee.

The President repeated the four points that he had made to the pre-budget hearing:

1. OIT matching funding must be continued.

4. Report of the President (cont'd)

(d) Government Relations (cont'd)

(iii) Pre-Budget Consultation (cont'd)

2. Planning must begin now for the demand of the double cohort for graduate and professional programs. This planning was more complex than undergraduate planning and could not be done at the last minute in one year.
3. Flexibility between graduate and undergraduate Basic Income Units (BIUs) was needed to assist with graduate and professional program planning. This flexibility would not be an extra cost to the government.
4. Inflation must be recognized in operating grants to the University.

(e) Council of Ontario Universities (COU)

The President informed members of the advertisement that had been placed in the Globe and Mail newspaper by the COU on behalf of the universities of Ontario requesting that provincial funding for Ontario's universities be brought up to the national average. He requested that a copy be distributed to members of the Governing Council.⁴ The President recalled that, prior to the election, the University of Toronto had placed an open letter to Ontarians in the Globe and Mail. The current ad was part of a program to raise the public profile of post-secondary education.

5. Minutes of the Governing Council Meeting held on February 11, 2004

Members received for information the minutes of the Governing Council meeting held on February 11, 2004.

6. Business Arising from the Governing Council Meeting

There was no business arising.

7. Meeting Schedule for Executive Committee, 2003-04: Revision

At the invitation of the Chair, the Secretary of the Governing Council explained that the Executive Committee must approve any changes to its previously-approved meeting schedule.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the Executive Committee meeting scheduled for Monday, April 19, 2004 at 5:00 p.m be re-scheduled for Thursday, April 15, 2004 at 4:00 p.m.

⁴ A copy of the print ad is available at <http://www.cou.on.ca/whats%20new/News%20paper%20ad%204.pdf>.

8. Items for Endorsement and Forwarding to the Governing Council

(a) Capital Project: Downsview, Library Storage Facility – Project Planning Report

(Arising from Report Number 126 of the Academic Board (February 26, 2004))

Professor Cummins reported that questions had been asked at the Academic Board about the options that had been considered before the administration proposed this site and method of storage. Robotic retrieval had been considered and discarded as too expensive. The modular design of the building copied that used by Harvard. A site on the same block as the Robarts had been considered but found to present serious design problems and the need for City approvals. There was not enough land at either UTM or UTSC to accommodate this facility. Renovating Robarts to support the weight of more books was ruled out as impractical and too costly and it would only accommodate a small portion of the books to be stored. The Downsview site was the most suitable site available.

Mr. Jack Petch, Vice-Chair of the Business Board, informed members that, subject to Governing Council approval of the motion now before the Executive Committee, the Business Board had approved spending of \$1-million for design, site preparation and other work on this project. The Board had not authorized expenditure of the total \$6 million, as it was awaiting a review of borrowing capacity before authorizing further spending on the project. It was the Board's understanding that the University was now at the limit of its borrowing capacity, and this project depended entirely on borrowed funds.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

To the Governing Council, the following recommendation:

1. THAT the Project Planning Report for the Library Storage Facility at Downsview, a copy of which is attached to Report Number 126 of the Academic Board as Appendix "A", be approved in principle.
2. THAT the proposed Library Storage Facility be located on the Downsview campus.
3. THAT the project scope identified in the Project Planning Report, to establish a 2700 gross square meter storage facility to house 2 million volumes with the appropriate shipping, receiving and processing areas to service the facility be approved at a cost of \$6,000,000 with the funding source as follows:
 - (i) A mortgage in the amount of \$6,000,000 to be amortized over a period of 20 - 40 years and to be repaid from the University of Toronto operating budget.

8. Items for Endorsement and Forwarding to the Governing Council (cont'd)

(b) Capital Project: University of Toronto at Mississauga, Phase 8 Residence – Project Planning Report, Initial Design Work

(Arising from Report Number 126 of the Academic Board (February 26, 2004))

Professor Cummins reported that, in response to questions at the Academic Board, members had learned that the new residence would contain a mix of students, not just those in first year. It would also contain a dining room and be able to offer a meal plan. Day care facilities were not included in this project. It was noted that this project would come back to the Planning and Budget Committee and through the governance system when the sources of funding were known. Design work would be undertaken at this time. Professor Cummins also noted that funding for initial design work was coming from the operating budget of the University of Toronto at Mississauga (UTM).

Mr. Petch informed members that the Business Board supported the proposal of undertaking design work on the Phase 8 residence at this time. Mr. Ahmad stated that the University Affairs Board (UAB) concurred with the recommendation of the Academic Board, but noted that UAB members had expressed concerns about the fact that residence rates for this project had not yet been established.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

To the Governing Council, the following recommendation:

Subject to the project returning to Planning and Budget Committee for consideration of further funding sources when those can be identified,

1. THAT the Project Planning Report for the Phase 8 Residence at the University of Toronto at Mississauga [UTM], a copy of which is attached to Report Number 126 of the Academic Board as Appendix "B", be approved in principle;
2. THAT the proposed residence be located on the UTM Campus on the site(s) identified for residence accommodation within the UTM Master Campus Plan;
3. THAT the project scope identified in the Project Planning Report, to establish a 418-bed student residence totaling approximately 11,000 gross square meters at an estimated cost of \$26.215 million, be approved;
4. THAT funding in the amount of \$300,000 to initiate the design of the Phase 8 Residence at UTM be from the UTM Operating Budget.

9. Items for Information

The Committee received for information the following reports:

- Report Number 126 of the Academic Board (February 26, 2004)
- Report Number 132 of the Business Board (March 1, 2004)
- Report Number 119 of the University Affairs Board (February 24, 2004)

10. Date of the Next Meeting

The Chair reminded members that the next meeting of the Executive Committee was scheduled for **Thursday** April 15, 2004 at **4:00 p.m.**

11. Other Business

a) Senior Salary Committee

A member asked, in follow-up to the recent changes in senior administration, whether there were policies and processes in place to deal with exit arrangements, and whether they had been followed in the three most recent changes. He explained that, in light of speculation within the University community, he felt that it was important for members of the Governing Council to be able to reply knowledgeably to questions asked of them by members of the community. The Chair invited Mr. Petch, Vice-Chair of the Business Board and member of the Senior Salary Committee, to respond.

Mr. Petch informed members that a Senior Salary Committee had been established by the *Policy on Appointments and Remuneration* (1999). It was responsible to the Governing Council, through the Business Board, for a number of matters related to compensation programs and to compensation for individuals. The Committee reported annually to the Business Board on matters under its purview, providing summary information on all decisions it had made and attesting to its satisfaction with the senior compensation decisions made by the University's administration.

Mr. Petch explained that the Committee reserved to itself compensation decisions regarding the President, senior salary direct reports to the President and individuals directly accountable to the Governing Council. At the time of appointment, the Committee was asked to consider the proposed employment contract of a Vice-President which included, among other items, the term of appointment, salary, benefits, administrative leave arrangements and exit provisions. If, at termination, proposed new exit arrangements differed substantially (in terms of an increased economic cost to the University) from those previously approved by the Committee, the President would seek the Committee's prior approval for such changes. If exit arrangements were unchanged or proposed arrangements were consistent with those approved as part of the individual's contract, the President reported that information to the Committee. In the cases of the three Vice-Presidents to which the member referred, established policies and practices were followed by the administration and the Committee, and in each case either appropriate approvals were obtained or required reports made.

11. Other Business (cont'd)

a) Senior Salary Committee (cont'd)

Mr. Petch noted that, shortly after becoming Chair, Tom Simpson asked the Vice-Chair, Rose Patten, to undertake a review of the activities of the Senior Salary Committee. The purpose of the review was to provide an expert critical overview of the Committee's work and the implementation of the *Policy on Appointments and Remuneration*, and to make recommendations as necessary to ensure that the appropriate oversight and accountability for senior compensation was in place. The Senior Salary Committee had now received the review report and would consider shortly various actions for the immediate and longer terms. It was expected that the Business Board would consider the Committee's recommendations as soon as they could be scheduled on a Business Board agenda. Decisions arising from the Board's deliberations would proceed to the Executive Committee and Governing Council as appropriate.

The meeting adjourned at 1:35 p.m.

Secretary

Chair

March 22, 2004

University of Toronto

HEALTH AND SAFETY POLICY

(For Governing Council Approval March 2004)

The University of Toronto is committed to the promotion of the health, safety and wellbeing of all members of the University community, to the provision of a safe and healthy work and study environment, and to the prevention of occupational injuries and illnesses.

The Governing Council, the President and all levels of management will work in consultation and cooperation with University employees, joint health and safety committees, students, contractors and visitors to ensure that the requirements of the Occupational Health and Safety Act and its regulations, other applicable legislation, and the University's Occupational Health and Safety Management System are fully implemented and integrated into all University work and study activities.

Where reasonable, the University will strive to exceed the legislated requirements by adopting the best practices available to protect the University community and to promote a positive health and safety culture. The University will work towards continuous improvement in its health and safety program.

Managers and supervisors, whether academic or administrative, will take responsibility and accountability for the health and safety of those individuals under their direction and those workplaces under their charge. They will advise their employees of the existence of potential or actual workplace hazards, and will ensure that they work safely and in accordance with the Occupational Health and Safety Act and its regulations, and all applicable University policies and procedures. They will take every precaution reasonable in the circumstances for the protection of their employees.

All University employees, including faculty, librarians, and non-unionized and unionized employees, have some responsibility for ensuring health and safety in the workplace. Employees will work safely and in compliance with the Occupational Health and Safety Act and its regulations, and University policies and procedures. Employees will report all unsafe and unhealthy conditions and practices in the workplace to their immediate supervisors so that they may be promptly remedied.

Contractors, tenants and visitors at the University will comply with all relevant legislation, as well as University of Toronto policies and procedures.

While students are not covered by the Occupational Health and Safety Act, the University is also committed to ensuring that health and safety is considered in all aspects of student life. Students are responsible for conducting themselves in a safe manner, and are required to comply with all relevant legislation, University policies and procedures.

The University's Policy for Safety in Field Research addresses health and safety responsibilities for faculty, staff and students engaged in field research beyond the geographical boundaries of the University.

Individuals who fail to meet their obligations concerning health and safety may, depending on the circumstances, face appropriate disciplinary action, up to and including discharge.

All members of the University community are expected to demonstrate their commitment towards a safe and healthy work and study environment by acting in compliance with this Policy.

March 12, 2004