

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 383 OF
THE EXECUTIVE COMMITTEE

Thursday, December 2, 2004

To the Governing Council,
University of Toronto.

Your Committee reports that it held a meeting on Thursday, December 2, 2004 at 5:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

Ms Rose M. Patten (In the Chair)
The Honourable Frank Iacobucci, Interim
President

Mr. Brian Davis
The Honourable William G. Davis
Ms Susan Eng
Dr. Shari Graham Fell
Ms Françoise Dulcinea Ko
Mr. Ari Kopolovic
Professor Michael R. Marrus
Mr. Timothy Reid
Professor Arthur S. Ripstein
Mr. Robert S. Weiss

Non-Voting Member:

Mr. Louis R. Charpentier

Secretariat:

Mr. Andrew Drummond
Ms Cristina Oke

Regrets:

Professor Barbara Sherwood Lollar
Mr. John F. (Jack) Petch

In Attendance:

Dr. Robert M. Bennett, Chair, University Affairs Board and member of the Governing Council
Professor W. Raymond Cummins, Chair, Academic Board and member of the Governing Council
Professor Vivek Goel, Vice-President and Provost and member of the Governing Council
Dr. Beata FitzPatrick, Assistant Vice-President and Director, Office of the President

VARY THE AGENDA

It was agreed to vary the agenda by removing item 2 (d) (Hart House Board of Stewards).

On motion duly moved and seconded,

IT WAS RESOLVED

THAT, pursuant to sections 28 (e) and 33 of *By-Law Number 2*, consideration of item 1 take place *in camera*, with the Board Chairs and Vice-Presidents admitted to facilitate the work of the Committee.

1. Report Number 47 of the Committee for Honorary Degrees

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

to the Governing Council for consideration the recommendations contained in Report Number 47 of the Committee for Honorary Degrees.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT pursuant to Section 38 and 40 of *By-Law Number 2*, the recommendations be considered by the Governing Council *in camera*.

2. External Appointments

(a) University of Toronto Press Incorporated (UTP) Board – Appointment of Chair

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Mr. Roger Parkinson be appointed as Chair of University of Toronto Press for 2004-2005, or until his successor is appointed.

(b) University of Toronto Schools

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the following individual be approved and nominated as a University-appointed member of the Board of the University of Toronto Schools for a term beginning January 1, 2005 and ending December 31, 2007, or until her successor is appointed:

Jane Gaskell, Dean, OISE/UT

2. External Appointments (cont'd.)

(c) OISE/UT Advisory Board

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the following individuals be appointed to the OISE/UT Advisory Board for terms beginning as noted and ending as noted or until replacements are appointed:

Gerri Gershon	Ontario School Trustees	July 1, 2004 to June 30, 2006
Bill Hogarth	Ontario Directors/Superintendents	July 1, 2004 to June 30, 2006
Kim Holman	Internal: Staff	July 1, 2004 to June 30, 2006
Meredith Lordan	Internal: Student	July 1, 2004 to June 30, 2005
Blair Mascall	Internal: Faculty	July 1, 2004 to June 30, 2006
Penny Milton	Professional Community	July 1, 2004 to June 30, 2006
Kenneth Lalonde	Professional Community	July 1, 2004 to June 20, 2006

The Committee returned to closed session.

3. Reports of Previous Meetings

Report Number 381 of the Executive Committee meeting held on October 13, 2004, and Report 382 of the special Executive Committee meeting held on November 29, 2004 were approved.

4. Business Arising from the Reports of Previous Meetings

There was no business arising from the reports of the previous meetings.

5. Minutes of the Governing Council Meeting

Members received for information the minutes of the Governing Council meeting held on November 1, 2004.

6. Business Arising from the Governing Council Meetings

There was no business arising from the Minutes of the Governing Council meeting.

7. Report of the President

The President reported on several matters:

a) Security in the Office of the President

Earlier in the day, an intruder had entered the Office of the President and had proceeded to vandalize the office. Fortunately, no one had been hurt, although there had been extensive damage to property, and the perpetrator had been arrested; however, the incident had shaken members of the staff seriously. Although security for the Office and for Simcoe Hall was under review in any case, the incident reaffirmed the need for such a review.

7. Report of the President (cont'd)**b) Brockhouse Canada Prize**

The President reported that University Professor Sajeev John of the Department of Physics and University Professor Geoffrey Ozin of the Department of Chemistry had won the first ever Brockhouse Canada Prize, valued at \$250,000. The two had created the first photonic crystal capable of trapping light, which could pave the way for the development of an optical computer, a computer that uses beams of light instead of electrical currents to perform digital operations. The prize, administered by the Natural Sciences and Engineering Research Council (NSERC), had been named after Nobel laureate Bertram Brockhouse, an alumnus of the University of Toronto and former Professor at McMaster University.

c) Maclean's Rankings

The President noted his pleasure that the University of Toronto had maintained its top ranking in the *Maclean's* University Ranking issue, particularly given the challenges of implementing the onset of the double cohort. He noted, however, that consistent top ranking did not mean there were not issues that required attention, particularly on class size and services to students. He noted that the Rae Review of postsecondary education remained an opportunity to address key issues, and that in the mean time, the Provost and Vice-Provost, Students were developing plans to tackle issues requiring improvement. He further noted that new data from NSSE (the National Survey of Student Engagement) would be forthcoming to governance in the new year.

d) University Submission to the Rae Review

The President noted that the University's submission appeared to have been well received, and that the University was now within its advocacy stage. The Report of the Rae Review was expected early in February, 2005. In addition, as part of the Rae Review process, the University was sponsoring a conference entitled 'Taking Public Universities Seriously', which was taking place between December 2 and 4, 2004. The University of Toronto Press had agreed to publish the conference proceedings in January, 2005.

e) G10 Meeting

The President had recently returned from a G10 (a group of ten of the largest research-intensive Universities across Canada) meeting in Hamilton that focused on continued federal support for the research agenda. The next G10 meeting would be hosted by the University of Toronto in April, and preliminary plans were to involve Chancellors and Board Chairs as well as members of administrations in addressing relations with the federal government.

f) Hate Graffiti

The President noted that some incidents of hate graffiti had been reported, and that Campus Police were investigating. He noted his disgust that these incidents had occurred on campus. He reported that although he had been unable to attend the November 9 University Affairs Board meeting dealing with reports from the equity officers on campus, his commitment to equity and to the elimination of hate on campus remained undiminished.

During discussion, members raised the following issues:

- Safety of the President and his staff should not be compromised, and he should not hesitate to take all appropriate measures to secure his Office.

7. Report of the President (cont'd.)**f) Hate Graffiti** (cont'd)

- Negative aspects of the University's *Macleans* ranking should encourage the administration to continue to attempt to improve, especially around undergraduate student life. The President noted that members of the University community had an enormous amount of expertise, but that it would be critical to focus efforts on where they could best take effect. Identification of issues requiring attention was underway, and the NSSE data would assist in that regard.
- Perpetrators of hate crimes should be sought out and dealt with fairly but strongly, and the issue should continue to be pursued vigorously.

The Chair thanked the President for his report and members for their comments and advice.

8. Items for Endorsement and Forwarding to Governing Council*(a) Arising from Report Number 130 of the Academic Board (November 11, 2004)***Item 4 – Policy on Clinical Faculty**

Professor Cummins stated that the Academic Board had heard that dialogue between the administration and the Faculty Association had strengthened the proposed policy. He reported that the President of the University of Toronto Faculty Association (UTFA) had repeated his concern that decisions of the Academic Clinical Tribunal were not binding; nonetheless, the Board had recommended approval by an overwhelming majority.

A member, in noting that the issue of academic freedom was (appropriately) emphasized throughout the documents before members, asked if the issue of academic responsibility was sufficiently reflected also. Professor Goel noted that the policy stated that academic freedom was subject to ethical principles and the rules governing the institutions in which clinical faculty worked. Professor Ripstein noted that the concept of responsibility was also embedded in the requirement that practice plans needed to be consistent with the institutional academic mission.

Professor Goel noted for the record that the Vice-Chair (who was absent due to illness) had asked a question about whether all appropriate due diligence had been performed with respect to the fully affiliated teaching hospitals. Professor Goel reported that the policy had been approved by every hospital CEO and counsel, as well as having undergone extensive legal assessment by University counsel.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED
to the Governing Council the following recommendation:

THAT the Policy on Clinical Faculty dated October 28, 2004, a copy of which is attached to Report 130 of the Academic Board as Appendix "A", be approved effective July 1, 2005.

8. Items for Endorsement and Forwarding to Governing Council (cont'd)***Item 5 – Capital Project: Centre for Biological Timing and Cognition – Project Planning Report***

Professor Cummins noted that the project had undergone extensive discussion at the Planning and Budget Committee and that the administration had informed the Academic Board that funding from the Canada Foundation for Innovation (CFI) might be lost if the project was not approved by December 31, 2004. The risk of lost funding was the reason to proceed to the Executive Committee pending final approval by the Planning and Budget Committee.

Mr. Weiss, representing the Business Board, informed members that the Business Board had discussed the medium-term timeframe for the planned research project that would be housed in the (proposed) Centre, and had heard from the Chair of the Department of Psychology that funding would be sought to continue the research after the initial five-year grant.

During discussion, a member asked if the capital project might no longer be useful beyond the initial research project. The Provost noted that granting councils did not fund projects in the long term, but that even if the research project initially envisioned for the Centre ended, the facility would continue to be a valuable component of the University's research infrastructure.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED
to the Governing Council the following recommendation:

Subject to a review by the Planning and Budget Committee at its meeting on December 7, 2004 of the final Project Planning Report

1. THAT the Interim Project Planning Report for the Centre for Biological Timing and Cognition at the University of Toronto, a copy of which is attached to Report 130 of the Academic Board as Appendix "B", be approved in principle.
2. THAT the project scope as identified in the Project Planning Report which requires the construction of additional floors on the south section of the Ramsay Wright Building be approved at a cost of \$13,000,000 from the following funding sources:
 - i) A cash contribution in the amount of \$1,500,000 from the Faculty of Arts & Science,
 - ii) A contribution in the amount of \$5,750,000 awarded by the Canada Foundation for Innovation, and
 - iii) A contribution in the amount of \$5,750,000 awarded by the Ontario Innovation Trust and the Ministry of Economic Development and Trade.

Item 6 – Capital Project: Department of Mathematics, Phase 1 – Project Planning Report

Professor Cummins noted that the project had undergone extensive discussion at the Planning and Budget Committee. Concerns raised had included the potential effect on the Department of Computer Science; in response, the Provost had agreed to further consultation with the Department of Computer Science prior to the proposal's return to the Planning and Budget Committee. The

8. Items for Endorsement and Forwarding to Governing Council (cont'd)**Item 6 – Capital Project: Department of Mathematics, Phase 1 – Project Planning Report (cont'd)**

immediate need of space accommodation was cited as the reason for the project to proceed to the Executive Committee pending final approval by the Planning and Budget Committee.

Mr. Weiss, again representing the Business Board, informed the Committee that the Business Board had approved the spending of \$800,000 on architects and consultants in order to keep the project moving while awaiting final approval because of the urgent need to proceed.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED
to the Governing Council the following recommendation:

Subject to a review by the Planning and Budget Committee at its meeting on
December 7, 2004 of the final Project Planning Report

1. THAT the Interim Project Planning Report for the Department of Mathematics, Phase I at the University of Toronto, a copy of which is attached to Report 130 of the Academic Board as Appendix "C", be approved in principle.
2. THAT the project scope as identified in the Project Planning Report which requires the outfitting of the entire sixth floor of the Bahen Centre for Information Technology be approved at a cost of \$5,500,000. The full funding for this project will be provided from the operating budget within the Faculty of Arts and Science.

Item 8 – University of Toronto at Mississauga: Departmental Restructuring and Name Changes

Professor Cummins informed the Committee that the Academic Board had supported the restructuring, and had heard an eloquent argument in favour of moving the study of religion into the same department as the study of history and classics.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED
to the Governing Council the following recommendation:

THAT the program in religion be moved from the Department of Anthropology and Religion to become part of the Department of History and Classics.

THAT resulting from the above change, the name of the *Department of Anthropology and Religion* be changed to the *Department of Anthropology*, effective January 1, 2005

and

THAT the name of the *Department of History and Classics* be changed to the *Department of Historical Studies*, effective January 1, 2005.

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

(b) Arising from Report Number 130 of the Academic Board (November 11, 2004) and Report Number 124 of the University Affairs Board (November 9, 2004)

Item 7 - Capital Project: University of Toronto at Scarborough (UTSC) Food Services Revitalization - Project Planning Report

Professor Cummins reported that the Academic Board had been informed of the urgent need for increased student space at the University of Toronto at Scarborough. Questions had been raised about the use of operating funds to support an ancillary operation, and the implications of the contribution from Aramark. Professor Goel had explained that UTSC had a single budget that included ancillaries, and that Aramark had a non-exclusive 10-year contract that included a provision for contributions towards food-service equipment over the course of the contract.

Dr. Bennett noted that the University Affairs Board was pleased that the proposed project went part of the way to increasing food service capacity at UTSC to a desired level, given that few alternatives for food service existed within easy walking access. He noted the Board's concurrence with the Academic Board's recommendation.

Mr. Weiss, representing the Business Board, noted that full funding had been approved pending Governing Council approval. At the Business Board meeting, questions had been raised about the Aramark contribution, and members heard that the amount supported the purchase of new equipment, an obligation in the contract. The provision did not obligate the University to continue its contract with Aramark, but would require payment of any unamortized cost of the equipment if the contract were terminated. The equipment would be amortized at 10% per year for 10 years.

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 Food Services Revitalization at the University of Toronto at Scarborough, attached as Appendix "D" to Report Number 130 of the Academic Board, be approved in principle.
2. THAT the project scope identified in the Project Planning Report, to expand the food services at the University of Toronto at Scarborough, be approved at a cost of \$3,065,000 from the following funding sources:
 - i) A mortgage in the amount of \$1,460,000 to be amortized over a period of 20 years and to be repaid from the Enrolment Growth Fund at the University of Toronto at Scarborough.
 - ii) A cash contribution in the amount of \$200,000 to be provided by Aramark.
 - iii) A cash contribution in the amount of \$50,000 from the UTSC food services ancillary.
 - iv) A cash contribution in the amount of \$1,355,000 from the operating budget of the University of Toronto at Scarborough.

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

(c) Arising from Report Number 124 of the University Affairs Board (November 9, 2004)

Item 3 - Elections Guidelines 2005

Dr. Bennett reported that the University Affairs Board recommended approval of the *Elections Guidelines 2005*, noting that three substantial changes had been incorporated from the previous year: reduction of the campaign period for web-based voting from three weeks to two; permission for candidates to claim legitimate expenses incurred between the announcement of candidates and the campaign period, such as web design or material printing; the removal of candidate access to voters' lists and mailing labels, in order to protect privacy.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED
to the Governing Council the following recommendation:

THAT the *Elections Guidelines 2005*, attached as Appendix "A" of Report 124 of the University Affairs Board, be approved.

9. Report of the Ombudsperson and Administrative Response

The Secretary introduced the Report of the Ombudsperson, noting that the Report and accompanying administrative response were presented annually to Governing Council for information and comment. Ms. Mary Ward, University Ombudsperson, would be invited to provide a brief presentation and to respond to any questions that might arise at Council.

A member commented that, in her view, the report was insufficiently informative, with too much emphasis on case count and insufficient analysis of the meaning for governance. She wondered whether cases handled by the Ombudsperson were personal, academic, or institutional in nature, and observed that little evidence seemed to indicate any change over time. Other members echoed concerns, and suggested altering the reporting format for future years.

It was agreed that the Secretary would undertake to discuss the issues raised with the Ombudsperson so that she could be prepared to answer questions at the Governing Council meeting.

A member expressed concern with a statement in the Report that 79% of cases were resolved favourably to students; he argued that a better statement for an Ombudsperson would be that 100% of the cases resulted in fair treatment.

Another member noted that the changing expectations of students informed their University experience. There was no 'quick fix' for concerns expressed by students.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

That the Report of the Ombudsperson and Administrative Response be placed on the Agenda of the December 16, 2004 Governing Council meeting.

10. Report of the Special Committee to Review the Elections Process for Alumni Governors and Chancellor and Secretariat's Response

The Chair excused herself from the Chair to comment on the item because she felt that a major element of her responsibility as Chair was to ensure that the process for selection of governors was key to good governance generally. She noted that, as Chair of the Special Committee, the principle of not impinging on the College's independence while ensuring that Governing Council was served by capable, informed governors was key to her support of the Secretariat's response. She further noted that her commitment extended to the selection and election of governors from all constituencies.

She then resumed the Chair and invited the Secretary to introduce the item.

The Secretary summarized the recommendations of the Report and the Secretariat's response to them. He noted that for the election and re-election processes for the Chancellor, the Secretariat recommended that amendments to the Constitution of the College of Electors be brought forward so that the College's responsibilities could be better codified and clarified. The changes recommended were consistent with earlier directions advocated by the College itself.

With regards to the election process for alumni governors, the Secretariat's response emphasized the continuing enhancements to practice, and noted that they were permitted under the Constitution of the College. The Response suggested ways to continue to build a College that elected alumni governors with a strong knowledge base. A recommendation suggesting that the Chair of Governing Council be permitted to offer comments on nominees for election was, in the Response, not suggested for adoption because of the perception that it could limit the College's independence.

On the question of the composition of the College, the Secretariat recommended reviewing the question at the next time of the next review, which was suggested for three years hence.

During discussion, members thanked the Secretariat for its sensitivity to concerns raised about the nature of alumni constituencies and for the need to maintain the College's independence. A member expressed concern that the College be able to continue to set its own interview questions and not be unduly guided by either the administration or the Chair of Governing Council.

A member noted that the issue of unrepresented and underrepresented alumni still needed to be addressed, but the administration might be asked to ensure that grassroots alumni organizations form within the unrepresented areas.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the Executive Committee receive the *Report of the Special Committee to Review the Elections Process for Alumni Governors and Chancellor*;

THAT the Executive Committee receive the Secretariat's response to the Report;

and

THAT the Executive Committee approve the implementation strategy recommended in the Secretariat's response.

The Report and Response are attached hereto as Appendix "A".

10. Report of the Special Committee to Review the Elections Process for Alumni Governors and Chancellor and Secretariat's Response (cont'd.)

The Secretary noted that the next steps to be taken were to submit a proposal to amend the Constitution of the College of Electors to the University Affairs Board for approval early in 2005, and to discuss with the Chair of the College means by which practice changes within the current Constitution could be implemented.

11. Reviews of Academic Programs and Units – Annual Report

Professor Cummins introduced the above-noted item, summarizing the 1999 Accountability Framework for Reviews of Academic Programs and Units and the roles played in that framework by the Committee on Academic Policy and Programs, by the Agenda Committee of Governing Council, by the Executive Committee, and by Governing Council. He noted that the role of the Executive Committee was to ensure that the review audit process had been carried out appropriately and to raise any major unresolved issues.

During discussion, a member noted the large size of the document package for members and stated that some form of ranking and measuring would be helpful for governance. Professor Goel responded that a new policy was proceeding to the Committee on Academic Policy and Programs in December, 2004, and that a review of performance indicators was also underway to conform with the academic review and performance process to assist in clarity of external quality assessment.

The President noted that the Provincial Auditor had been granted the authority to perform Value For Money (VFM) audits of Universities, and stressed the importance of having a clear, coherent, and strong review system to meet accountability requirements.

A member asked how reviewers were selected. Professor Goel informed the Committee that his Office selected reviewers for Faculty reviews, while Deans normally selected reviewers for Departmental reviews.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

That the Report of the Reviews of Academic Programs and Units dated June 2004 be placed on the Agenda of the December 16, 2004 Governing Council meeting.

12. Reports for Information

The Committee received the following reports for information:

- (a) Report Number 130 of the Academic Board (November 11, 2004)
- (b) Report Number 124 of the University Affairs Board (November 9, 2004)
- (c) Report Number 136 of the Business Board (October 6, 2004)
- (d) Draft Report Number 137 of the Business Board (November 8, 2004)

13. Date of Next Meeting

The Chair noted that the next regular meeting was scheduled for Thursday, January 27, 2005 at 5:00 p.m.

14. Other Business

There was no other business.

The meeting adjourned at 6:40 p.m.

Secretary
December 14, 2004

Chair