

UNIVERSITY OF TORONTO  
THE GOVERNING COUNCIL  
**REPORT NUMBER 417 OF**  
**THE EXECUTIVE COMMITTEE**

**Monday, October 6, 2008**

To the Governing Council,  
University of Toronto.

Your Committee reports that it held a meeting on Monday, October 6, 2008 at 5:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

Mr. John F. (Jack) Petch (In the Chair)  
Dr. Alice Dong, Vice-Chair  
Professor David Naylor, President  
Professor Varouj Aivazian  
Ms Diana A.R. Alli  
Ms Susan Eng  
Mr. David Ford  
Ms Judith Goldring  
Mr. Grant Gonzales  
Mr. Gerald Halbert  
Professor Louise Lemieux-Charles  
Mr. Joseph Mapa  
Mr. Timothy Reid  
Professor Arthur S. Ripstein

**Non-Voting Member:**

Mr. Louis R. Charpentier

**Secretariat:**

Mr. Henry Mulhall, Secretary  
Ms Alison Webb

**In Attendance:**

Dr. Claude Davis, Chair, University Affairs Board and Member of the Governing Council  
Mr. Jim Delaney, Director, Office of the Vice-Provost, Students <sup>1</sup>  
Professor Michael Marrus, Chair, Academic Board and Member of the Governing Council  
Professor Cheryl Misak, Interim Vice-President and Provost, and Member of the Governing Council  
Ms Rose Patten, past Chair of the Governing Council <sup>2</sup>  
Ms Catherine Riggall, Vice-President, Business Affairs

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<sup>1</sup> In attendance for agenda item #6(c).

<sup>2</sup> In attendance for agenda item #9.

**1. Report of the Previous Meeting**

Report Number 416 (June 23, 2008) of the Executive Committee was approved.

**2. Business Arising from the Report of the Previous Meeting**

There was no business arising from the report of the previous meeting.

**3. Minutes of the Governing Council Meeting of June 23, 2008**

Members received for information the Minutes of the Governing Council meeting held on June 23, 2008.

**4. Business Arising from the Minutes of the Governing Council Meeting**

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

**5. Report of the President**

The President welcomed new members to the Executive Committee, and expressed the appreciation of the University administration for the time and effort contributed by all members of the Governing Council to the governance processes of the University. He expressed the view that the Executive Committee added real value to governance in that it was a smaller and more nimble body than the Council, where it was possible to have frank exchanges and to consider strategic options with respect to a variety of issues. At this initial meeting he would report only briefly, as there were a number of substantial items for consideration on the Committee's agenda.

The President did wish to report that there were ongoing challenging issues with respect to a number of student groups. Some of these had resulted in legal action, including that between the Association of Part-time Undergraduate Students (APUS) and the University of Toronto at Mississauga Students' Union (UTMSU) that would be considered by the Committee later on its agenda. Allegations of electoral irregularities had led to the resignation of many members of the executive of the Arts and Science Students' Union (ASSU), a large and important divisional student group, and new elections were planned. Some of these developments spoke to the need for clear rules of engagement by which the University administration could satisfy itself that student groups were operating in an open and democratic fashion given its role in collecting compulsory fees from all students on behalf of student groups. The Interim Provost emphasized that the administration's role under policy with respect to student groups was minimal. One of its main functions was to collect fees on behalf of groups, and to forward those fees to the groups on the understanding that they were operating in an open and democratic fashion. For the most part, administrative investigations of groups occurred only in response to complaints about their practices. Recent enquiries had made clear that some groups did not have adequate internal rules and procedures, such as complaint resolution processes, to be able to demonstrate that they were operating openly and democratically. In response, the Interim Provost had decided to establish a Provost's Advisory Committee on Democratic Processes in Student Government consisting of student leaders, and faculty members with relevant expertise. The mandate of the Advisory Committee would be to provide advice and recommendations to the Interim Provost with respect to what constituted appropriately open and democratic processes. These would be used to establish procedures that would give practical guidance to student groups. There followed a brief discussion of options with respect to this proposal.

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

The President called members' attention to his letter of September 24, 2008 to Ms Donalda Robarts that had been placed on the table. This had been written in response to letters that he and members of the Governing Council had received concerning the University's sale of the David Dunlap Observatory. The letter was self-explanatory, and would also be distributed to all members of the Governing Council in advance of its meeting on October 23, 2008. He noted that he was very pleased with the final resolution of this issue which had been a challenge for the University for over two decades. The Department of Astronomy and Astrophysics was similarly pleased with the outcome, and the resulting establishment and endowment of the new Dunlap Institute would do much to enhance what was already a world-class academic department.

**6. Items for Endorsement and Forwarding to the Governing Council**

- (a) **Faculty of Medicine and the Michener Institute for Applied Health Sciences: Memorandum of Understanding**  
*(Arising from Report Number 158 of the Academic Board [October 2, 2008]- Item 6)*

Professor Marrus reported that this was a renewal of the Memorandum of Agreement between the Faculty of Medicine and the Michener Institute for Applied Health Sciences. The Memorandum would allow for the development of further joint programs beyond the single one that existed currently. New program proposals would be brought forward for Governing Council approval as appropriate. The Memorandum had no resource implications for the University's operating budget, and it had engendered no discussion by the Academic Board.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE ENDORSED AND FORWARDED to the Governing Council for consideration the recommendation

THAT the Memorandum of Understanding between the University of Toronto and The Michener Institute of Applied Health Sciences be approved, effective November 1, 2008.

Documentation is attached to Report Number 158 of the Academic Board as [Appendix "A"](#).

- (b) **Towards 2030: A Long-term Planning Framework for the University of Toronto**  
*(Arising from Report Number 158 of the Academic Board [October 2, 2008]- Item 7)*

Professor Marrus reported that this item had been very positively received by both the Planning and Budget Committee and the Academic Board. During discussion, the President had proposed a minor correction to the text of the document, and this had been accepted by the Board. The second sentence of the second paragraph on page two (under the heading of 'Tri-Campus Issues') had been amended to add the words "under the Governing Council". The amended sentence was as follows: "The University will support the development of three differentiated campuses under the Governing Council and a single University-wide administration with a strong overall identity and overarching academic standards." Following this correction, the Board had provided overwhelming support for the Long-term Planning Framework, with the exception of a single member who had spoken at length in strong opposition to its approval.

**6. Items for Endorsement and Forwarding to the Governing Council (cont'd)****(b) *Towards 2030: A Long-term Planning Framework for the University of Toronto* (cont'd)**

On motion duly moved, seconded, and carried,

YOUR COMMITTEE ENDORSED AND FORWARDED to the Governing Council for consideration the recommendation

THAT “*Towards 2030: A Long-term Planning Framework for the University of Toronto*”, be approved in principle.

Documentation is attached to Report Number 158 of the Academic Board as [Appendix “B”](#).

**(c) University of Toronto at Mississauga Students’ Union: Recognition as a Representative Student Committee – Rescission**

Professor Misak referred to her memorandum of October 2, 2008 to the Committee on the subject of Rescinding the Designation of the Erindale College Student Union (operating as the University of Toronto at Mississauga Students’ Union - UTMSU) as a Representative Student Committee. In summary, the University administration had received a request from the presidents of UTMSU and the association of Erindale Part-time Undergraduate Students (EPUS) to realign student society fees charged to part-time University of Toronto at Mississauga (UTM) students and the formal representation of those students to the Governing Council. This had followed a referendum among part-time undergraduate UTM students in February 2008 to shift their membership from the Association of Part-time Undergraduate Students (APUS) to UTMSU. Based on the positive referendum results, the University Affairs Board had on June 2, 2008 approved the administration’s recommendation for the realignment of the student society fees. Similarly, the Governing Council had on June 23, 2008 approved the administration’s recommendation that UTMSU replace APUS as the formal representative student committee to the Governing Council for part-time undergraduate students at UTM. Subsequently, on August 27, 2008, the Ontario Superior Court of Justice had invalidated the process leading up to the request to the administration. Having envisaged that such an outcome was possible, the administration had previously undertaken to APUS to reverse the realignment of the fees and representation should the court find defect with the process. The reversal of the fee changes was being carried out by administrative action. The reversal of the formal representation to Governing Council required the rescission of the motions approved by the Council on June 23, 2008, and that was the recommendation that was now before the Committee for its consideration.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE ENDORSED AND FORWARDED to the Governing Council for consideration the recommendation

THAT the following resolutions approved by the Governing Council on June 23, 2008 be rescinded:

THAT the Governing Council cease its recognition of the Association of Part-time Undergraduate Students (APUS) as the Representative Student Committee of part-time undergraduate students registered at the University of Toronto at Mississauga (UTM); and

**6. Items for Endorsement and Forwarding to the Governing Council (cont'd)****(c) University of Toronto at Mississauga Students' Union: Recognition as a Representative Student Committee – Rescission (cont'd)**

THAT the Erindale College Students' Union (currently operating as the University of Toronto at Mississauga Students' Union, UTMSU) be recognized as the Representative Student Committee and primary representative body of part-time undergraduate students registered at UTM.

Terms and conditions of the foregoing recommendation and approval:

1. THAT for the purposes of the *Memorandum of Agreement between the University of Toronto, the Students' Administrative Council, the Graduate Students' Union and the Association of Part-Time Undergraduate Students for a Long-Term Protocol on the Increase or Introduction of Compulsory Non-Tuition Related Fees* (the "Protocol"), the Association of Part-time Undergraduate Students shall continue to represent part-time undergraduate students registered at UTM until such time as a new or revised Protocol is approved; and
2. THAT the Erindale College Students' Union (currently operating as the UTMSU) will: (a) undertake, in consultation with the Students' Administrative Council (currently operating as the UTSU), to address the formal representation of full-time undergraduate UTM students; and (b) will report to the administration the society's progress on addressing this matter no later than the spring of 2010.

Documentation is attached hereto as [Appendix "A"](#).

**7. Reviews of Academic Programs and Units – Annual Report**

Professor Marrus reported that the *Reviews of Academic Programs and Units 2006-07* had been considered at two meetings of the Committee on Academic Policy and Programs during the spring of 2008, and that there had been extensive discussion about some of the reviews. In accordance with the *Accountability Framework for Reviews*, the Agenda Committee had then considered the Committee's Reports, the Review Summaries, and the administrative responses. It had been determined that there were no matters that required the attention of the Academic Board.

A member asked for clarification regarding the type of follow up that occurred to identify and address issues of concern, especially common issues that occurred across a number of academic divisions. He suggested that such information could provide useful input for academic planning processes and the *Towards 2030* planning exercise. The Interim Provost responded that follow up mechanisms had been somewhat informal to date, but that they were currently undergoing a review by the Office of the Vice-President and Provost. It was likely that the mechanisms would become more formal and more substantial. The President added that such processes were needed, and that their oversight might become part of the portfolio of a vice-provostial position responsible for academic quality.

A member who had also taken part in the consideration of the Reviews as a member of the Committee on Academic Policy and Programs added that members of the Committee had asked various Deans some challenging questions regarding issues of concern, especially those that had arisen repeatedly. However, there had been some uncertainty by members

**7. Reviews of Academic Programs and Units – Annual Report (cont'd)**

concerning the follow up that occurred once the Reviews had passed through the governance process.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT the *Reviews of Academic Units and Programs 2006-07* be placed on the agenda of the Governing Council meeting of October 23, 2008.

**8. Office of the University Ombudsperson****(a) Report of the University Ombudsperson (June 1, 2007 – July 31, 2008), and Administrative Response**

The Chair noted that the report of the Ombudsperson and the Administrative Response were presented annually to the Governing Council for information and for comment. The Executive Committee was being asked to endorse the Report and Response, and to place them on the agenda of the next meeting of the Governing Council. He also noted that the Ombudsperson's Terms of Reference required an annual Interim Report to the Executive Committee, and that this would be submitted for the meeting of January 15, 2009. Both the Chair and President commented on the excellent quality of the Report. The President added that the University administration was particularly pleased with the Report's focus on systemic issues, and supported its four recommendations.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT the Report of the University Ombudsperson (June 1, 2007 – July 31, 2008) and Administrative Response be placed on the agenda of the Governing Council meeting of October 23, 2008.

**(b) Terms of Reference for the Office of the University Ombudsperson: Revisions**

The Chair noted that the Executive Committee had authority to revise the Terms of Reference of the Office of the University Ombudsperson. The proposed changes had arisen from Recommendation 4 of the Ombudsperson's Annual Report. Specifically, the amendments would shorten the period for the retention of case files from 7 years to 3, and add clarifying language relating to access to records.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT section 6 of the Terms of Reference for the Office of the University Ombudsperson, as provided below with revisions underlined, be approved.

**6.1.** The Ombudsperson shall maintain suitable records of complaints, findings and recommendations and these shall be accessible only to the Ombudsperson and members of the staff of the Office of the Ombudsperson who need those records to perform their official duties.

**8. Office of the University Ombudsperson (cont'd)****(b) Terms of Reference for the Office of the University Ombudsperson: Revisions (cont'd)**

**6.2.** Each file and record will be maintained for a period of three years and one day from the date on which the Ombudsperson deems the case to be completed. At the end of the period of three years and one day, the file or record may be destroyed; however, no destruction of the file or record will take place while any proceedings are pending in the University, the Courts or any outside tribunal and until after all rights of appeal are exhausted or times of appeal have expired.

**6.3.** Unless otherwise required by law, the Ombudsperson shall not release any information regarding personal and personnel records, unless written permission has been received from the affected persons for releasing the information.

**9. Towards 2030: Task Force on Governance Phase 2 – Mandate**

The Chair introduced Ms Rose Patten, Chair of the Task Force on Governance and former Chair of the Governing Council. Ms Patten provided an overview of the highlights of the proposed mandate for the renewed Task Force. It had been developed over the previous months in consultation with the Vice-Chair and Secretary of the Task Force in light of the potential scope of the work and of what could or should be accomplished both in the short- and longer-term. It took into account three key considerations. The work would be broken down into manageable components, with the understanding that there would be some intersection between and among them. The time required to complete the work had been reassessed, and the timeline extended. Finally, it would be important to provide periodic updates to keep the Chair, the Executive Committee and the Governing Council informed about the Task Force's progress. The themes identified in Phase 1 of the Task Force's work would be encompassed within three components: refinements to practice, delegations of authority, and tri-campus governance. The first task of Component 1 would be to focus on the articulation of the essential principles of good governance, both generally and within the University of Toronto context. These principles would serve as a frame of reference for the analysis of the issues under consideration, and for the recommendations that would be made to address those issues. This would include an examination of current practices, as well as recommendations for the refinement of delegations of authority. Among the practices under consideration would be a self-evaluation process for the Governing Council. The initial meetings would be dedicated to the articulation of the principles, and to the development of a work plan for the Task Force. The overall approach was intended to be thorough, thoughtful, and deliberate, with sufficient flexibility in the work plan to allow the introduction of beneficial changes at appropriate points in the process. It would also provide for ongoing communication, ensuring that there was sufficient transparency in the process.

A member commented that he agreed with the statement in the proposed mandate that revisions to the *University of Toronto Act* should be avoided, as should a debate on the advantages and disadvantages of unicameral versus bicameral governance. However, he noted that there might be a constraint upon the Task Force's intention to assess and revise delegations of authority by the Governing Council, including to the Academic Board and to faculty and divisional councils. Only three of the 15 'Powers of Governing Council' listed in the *Act* could be delegated by Council to committees in which the majority of the members were not members

**9. Towards 2030: Task Force on Governance Phase 2 – Mandate (cont'd)**

of the Governing Council. These three powers related to standards of admission, curricula, examinations, and awards for achievement. The member asked if a legal opinion existed from the legislative legal advisors to the Provincial Government concerning whether current delegations of authority by the Council were allowable under the *Act*. Similarly, he recommended that such an opinion be sought concerning the extent to which further delegations of authority would be permissible. The Chair responded that this question and recommendation would be taken under consideration by the Task Force. A member commented that it was important that any changes to governance processes should enhance the engagement of governors with the issues that were before them, and diminish any perception of 'rubber stamping' of approvals.

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT the proposed mandate of the *Towards 2030* Task Force on Governance Phase 2, as described in the attached document dated September 29, 2008, be recommended to the Governing Council for approval.

Documentation is attached hereto as [Appendix "B"](#).

**10. Reports for Information**

Members received the following reports for information.

- (a) Report of Approvals Under Summer Executive Authority
- (b) Calendar of Business 2008-09
- (c) Report Number 167 of the Business Board (June 19, 2008)

The Chair noted that four approvals under Summer Executive Authority had been necessary since the end of the 2007-08 governance year, details of which were outlined in the memorandum from the Secretary of the Governing Council. The Chair also drew the attention of members to the consolidated Calendar of Business for the Governing Council and all its Boards and Committees. This document was posted on the Governing Council website and was regularly updated throughout the year. It was an important planning tool, and provided an overview of virtually all matters that would come before governance.

**11. Date of the Next Meeting**

Members were reminded that the next regular meeting of the Executive Committee was scheduled for Monday, November 24, 2008 at 5:00 p.m.

**12. Other Business**

There was no other business.

On motion duly moved, seconded, and carried,

IT WAS RESOLVED

THAT, pursuant to sections 28 (e) and 33 of *By-Law Number 2*, consideration of items 13 and 14 take place *in camera*, with the Board Chairs, Vice-Presidents, and Special Advisor to the President admitted to facilitate the work of the Committee.



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*In Camera Session*

**13. Code of Behaviour on Academic Matters: Recommendation for Expulsion**

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT the recommendation for expulsion contained in the Memorandum from the Secretary of the Governing Council dated October 6, 2008, be placed on the agenda for the October 23, 2008 meeting of the Governing Council; and

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

**14. External Appointments**

**(a) McLaughlin Centre Oversight Committee**

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT Chaviva Hosek be reappointed to the McLaughlin Centre Oversight Committee for a one-year term, effective immediately until October 31, 2009 or until her successor is appointed; and

THAT Charles Tator be appointed to the McLaughlin Centre Oversight Committee for a two-year term, effective immediately until October 31, 2010 or until his successor is appointed; and

THAT J. Christopher Wansbrough be reappointed to the McLaughlin Centre Oversight Committee for a one-year term, effective immediately until October 31, 2009 or until his successor is appointed.

**(b) University of Toronto Press (UTP)**

On motion duly moved, seconded, and carried,

YOUR COMMITTEE APPROVED

THAT the following individuals be appointed members and directors of the University of Toronto Press, effective immediately, for terms to continue until the 2009 Annual General Meeting, or until their successors are appointed:

**14. External Appointments (cont'd)**

**(b) University of Toronto Press (UTP) (cont'd)**

Mr. Frank Anderson  
Ms Dominique Barker  
Mr. Hart Hillman  
Mr. Brent Houlden  
Ms. Carole Moore  
Professor Andy Orchard  
Mr. David Oxtoby

Mr. Roger Parkinson  
Professor Louis W. Pauly  
Ms. Catherine J. Riggall  
Mr. James Robinson  
Mr. Daniel Soper  
Mr. John Yates

THAT Mr. Roger Parkinson be appointed as Chairman of the Board of the University of Toronto Press, effective immediately, for a term to continue until the 2009 Annual General Meeting, or until his successor is appointed.

The Chair and Secretary consulted with the Committee regarding the refinement of practices with respect to the conduct of Governing Council meetings.

The Committee returned to closed session.

The meeting adjourned at 6:30 p.m.

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Secretary  
October 10, 2008

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Chair