

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

DECEMBER 15, 2016

MINUTES OF THE MEETING OF THE GOVERNING COUNCIL held on December 15, 2016 at 4:30 p.m. in the Council Chamber, Simcoe Hall.

Present:

Ms Shirley Hoy (Chair)
Ms Jane Pepino (Vice-Chair)
Professor Meric S. Gertler (President)
Mr. Preet Banerjee
Mr. Harvey Botting
Mr. David N. Bowden
Dr. Catherine Bragg
Mr. Jeff P. Collins
Ms Janet L. Ecker
Mr. Aidan H. Fishman
Mr. Gary D. Goldberg
Dr. Avrum I. Gotlieb
Mrs. Zabeen Hirji
Mr. Brian K. Johnston
Ms Claire M.C. Kennedy
Prof. Bruce Kidd
Professor Paul Kingston
Mr. Mark Krembil
Mr. Nykolaj Kuryluk
Professor Ernest W.N. Lam
Prof. Mark Lautens
Mr. Brian D. Lawson
Professor Jan K. Mahrt-Smith
Mr. Jorge May
Mr. John Paul Morgan
Mr. Alex Nyikos
Ms Catherine Riddell
Mr. Mark Henry Rowswell
Mr. Igor Samardzic
Professor Andrea M. Sass-Kortsak
Mr. Bingchen (Tony) Shan
Mr. Howard L. Shearer

Professor Elizabeth M. Smyth
Professor Salvatore M. Spadafora
Mr. John Switzer
Mr. Andrew Szende
Professor Nicholas Terpstra
Mr. W. Keith Thomas
Professor Steven J. Thorpe
Mr. Bruce Winter

Ms. Sheree Drummond, Secretary of the
Governing Council

Secretariat:

Ms Mariam Ali
Mr. Anwar Kazimi
Mr. Patrick McNeill
Ms Rena Prashad
Ms Amorell Saunders N'Daw
Ms Mae-Yu Tan
Mr. David Walders

Absent:

The Honourable Michael H. Wilson
Mr. Mohammad Amin
Mr. P.C. Choo
Ms Janet Lynne Ecker
Ms Susan Froom
Professor Hugh P. Gunz
Ms Christine Moon
Professor Cheryl Regehr
Ms Melinda M. Rogers
Professor Janice Gross Stein
Ms Samra Zafar

In Attendance:

Professor Emeritus Ellen Hodnett, University Ombudsperson
Professor Ulrich Krull, Interim Vice-President, University of Toronto and Principal, University of Toronto Mississauga
Professor Scott Mabury, Vice-President, University Operations and Vice-Provost, Academic Operations
Professor Susan McCahan, Vice-Provost, Innovations in Undergraduate Education
Professor Sandy Welsh, Vice-Provost Students
Mr. Robert G. Boeckner, Member, Business Board
Mr. Stan Gasner, Member, College of Electors
Mr. David Curtin, Director, Communications Services, Office of the President
Dr. Tony Gray, Director, Strategic Research, Office of the President
Ms Nadina Jamison, Assistant Vice-President, Strategic Initiatives, Office of the President
Mr. Steve Moate, Senior Legal Counsel, Office of the President
Ms Archana Sridhar, Assistant Provost
Ms Terry McQuaid, Executive Director, Personal Safety, High Risk and Sexual Violence Prevention and Support
Prof Ryan McClelland, Acting Dean, Faculty of Music and Professor of Music Theory
Ms Julia Mirzoev, Student, Bachelor of Music, Performance, Violin, Year 3
Ms Brie Berry-Crossfield, Finance and University Governance Commissioner for the Graduate Students' Union

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

The Governing Council Moved *In Camera*.

1. Report Number 60 of the Committee for Honorary Degrees

On motion duly moved, seconded and carried

IT WAS RESOLVED

THAT the recommendations contained in Report Number 60 of the Committee for Honorary Degrees be approved: and

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

2. Senior Appointment

On motion duly moved, seconded and carried

IT WAS RESOLVED

THAT Professor Scott Mabury be re-appointed Vice-President, University Operations and Vice-Provost, Academic Operations for a five-year term effective January 1, 2017 and continuing until December 31, 2021.

The Governing Council returned to open session.

3. Chair's Remarks

The Chair welcomed members to the meeting. She informed those present that during the *in-camera* session, governors approved the re-appointment of Professor Scott Mabury as Vice-President, University Operations and Vice-Provost, Academic Operations for a five-year term effective January 1, 2017 and continuing until December 31, 2021. Chair Hoy told members that one speaking request had been received from Ms Brie Berry-Crossfield, Finance and University Governance Commissioner for the Graduate Students' Union. It was related to item 5a, *the Policy on Sexual Violence and Sexual Harassment* and the Chair had granted the request.

4. Report of the President

The President began his report by welcoming Professor Ryan McClelland, Acting Dean, Faculty of Music. Professor McClelland highlighted some of the programs offered by the Faculty. Ms Julia Mirzoev, a third year student in the Bachelor of Music, Performance, Violin program, was invited to perform a piece from Johann Sebastian Bach's repertoire. Ms Mirzoev's performance was applauded by the members and guests.

(a) *Boundless Campaign*

The President thanked governors for their efforts in the success of the *Boundless* campaign. He made note of the campaign event held on December 8, 2016 at which it was announced that the campaign had surpassed its \$2 billion goal and had raised \$2,058,559,590 to date. The President added that, with unanimous support from the University's senior administrators and the campaign volunteer leadership, the campaign's goal had been expanded to \$2.4 billion. President Gertler noted that amounts raised from the expanded goal would help support the University's *Three Priorities* (<http://threepriorities.utoronto.ca/>) as well as other academic priorities that had arisen from the divisions over the course of the campaign. The President acknowledged the impact of what had already been achieved and, on behalf of the University, expressed overwhelming gratitude to benefactors, alumni and friends. He thanked faculty, staff, and students for their support for the campaign. Finally, the President noted the contributions of Mr. David Palmer, Vice-President, Advancement, and his team for their hard work and dedication.

(b) Federal Matters

The President informed governors that on December 2, 2016, the Hon. Kirsty Duncan, Minister of Science, visited the Factor-Inwentash Faculty of Social Work to announce 203 new and renewed Canada Research Chairs (CRC) across the country, including 25 CRCs awarded to the University of Toronto. The University's CRC count stood at 255. The President drew members' attention to the fact that 16 of the 25 Chairs were women, welcoming this increased diversity.

The President commented on his visit to Ottawa, where he had met with the Hon. Amarjeet Sohi, Minister of Infrastructure & Communities, the Clerk of the Privy Council, the Deputy Minister of Finance and other senior officials. During these discussions, the President had reported on the University's progress in implementing the investments made under the Strategic Investment Fund (SIF), highlighting the success of the project in leveraging \$84M of federal investment to upgrade nearly 50% of the University's research laboratories. During the visit, the President was advised that the activities of the proposed new federal infrastructure bank would be limited to federal agencies, and would not extend to university capital and infrastructure funding.

The President noted that the federal government was considering enhancements to its immigration regulations that would assist universities in attracting international students as well as facilitating the recruitment of talented faculty from around the world. President Gertler mentioned that roughly half of the University's faculty recruitment was done outside of Canada and that it was willing to work with government officials to ensure that the system worked as smoothly as possible.

President Gertler noted that the report of the independent panel struck to review federal funding for fundamental science, chaired by President Emeritus David Naylor, was expected to be released in early 2017.

(c) Provincial Matters

The President informed members that the University had been working with the Ministry of Advanced Education & Skills Development on its funding formula review and that changes were to be announced shortly. The President expressed hope that the revisions to the formula would be good news and that the new approach would acknowledge, in tangible ways, the roles of differentiation and performance-based funding.

(d) Other Matters

The President provided an update on the establishment of the Committee on the Environment, Climate Change, and Sustainability, which had been struck as a result of the President's Administrative Response to the Report of the Advisory Committee on Divestment from Fossil Fuels. The call for nominations for the Committee had opened in October and had closed in mid-November. He announced that Professor John Robinson of the Munk School of Global Affairs and the School of the Environment had agreed to chair the Committee and to serve as Presidential Advisor. The full Committee was expected to be announced in the new year.

The President reminded governors that the University's Truth & Reconciliation Commission Steering Committee would be presenting its final report to him and the Provost in early 2017.

President Gertler concluded his report by informing members that he had previously accepted the invitation to join the Campaign Cabinet of the United Way of Toronto & York Region, where he chaired the Education Committee. He had been delighted by the University's response to date, noting that there had been more than a fifty per cent increase in participation and fundraising from the previous year. He thanked all those who had donated and reaffirmed that the University's participation in the United Way campaign was one way of demonstrating the University's commitment to city building.

5. Items for Governing Council Approval

a. Policy on Sexual Violence and Sexual Harassment

The Chair invited Professor Sandy Welsh, Vice-Provost, Students, to present the item in the Provost's absence.

Professor Welsh began her presentation by informing members that the University had been working on the challenge of sexual violence for several years, beginning in November 2014 with the *Advisory Committee to the President and Provost on Preventing and Responding to Sexual Violence*.

The University was responding to provincial legislation introduced in March 2016 (*Bill 132*) which contained specific provisions applicable to Ontario Universities that came into effect January 1, 2017. The University was working to ensure that its policies and processes complied with the new legislation. Professor Welsh mentioned that while the proposed *Policy* was being recommended by the University Affairs Board, it was also presented for information to Business Board and Academic Board.

Highlights of *Bill 132* and the University's compliance with it included:

- *Bill 132* employed a broad definition of sexual violence, which included actions from sexual harassment to sexual assault. The University *Policy* adopted the definition outlined in the legislation.
- The *Policy* would be applicable to students, staff and faculty and created uniform expectations for all members of the University community.
- The scope of the *Policy* would extend to events that occurred on-campus, off-campus, via social media or other electronic media, where both parties were members of the University community.
- The *Policy* balanced a survivor-centric approach with a commitment to due process and procedural fairness for all parties. It outlined supports for those who had experienced sexual violence, as well as for those who had received a disclosure or who had had an allegation made against them.
- Education and prevention efforts for all members of the University community were also key components of the new *Policy*, as well as specialized training for those who would be receiving disclosures or reports.

- A tri-campus University of Toronto Sexual Violence Prevention and Support Centre had also been established and would serve as a key point of contact for those who had been affected by sexual violence.
- The Vice-Provost, Students explained that extensive consultation on the proposed *Policy* had been undertaken, including the creation of a consultation website, meetings and focus groups for students, faculty and staff.

Based on input and feedback, changes were made to the draft *Policy*. These included:

- The definition of gender-based harassment had been clarified and brought into alignment with the Ontario Human Rights Code.
- The definition of ‘members of the University community’ had been clarified to include adjunct, retired, and visiting faculty.
- The title of the *Policy* now included sexual harassment, to reflect the breadth of *Bill 132*’s definition of sexual violence.
- The *Policy*’s scope was also clarified to reflect the fact that the investigative process could only apply when both complainant and respondent were members of the University community.
- Details about due process were added and it was made clear that supports were available to the respondent as well.

Professor Welsh outlined the steps that would be taken to implement and operationalize the *Policy*. These included the development of a companion guide and internal operating procedures for the Centre. She noted that a review of existing policies would be conducted to ensure that they aligned with the proposed *Policy*. Additionally, the work of the *Expert Panel on Education and Prevention of Sexual Violence* would continue.

Professor Welsh noted that questions had been asked during the consultation process about procedural or operational issues that were outside the scope of the *Policy*, but said that they had been taken into consideration and would help to inform the companion guide and internal Centre procedures.

She concluded her presentation by thanking the University community for its engagement in the process and noted that the new *Policy* would leave the University in a stronger position to effectively address the challenge of sexual violence.

Ms Claire Kennedy, Chair, Business Board reported on the discussion on the proposed *Policy* that had occurred at the meeting of that Board. Ms Kennedy noted that many of the comments by Business Board members focused on the challenges related to the implementation of the new *Policy* and that members were pleased with the “action plan” set out by the Provost. She reported that the members had recognized the *Policy*’s importance and were fully supportive of it. Business Board members expressed gratitude to the Provost and many others who had brought the *Policy* forward.

Professor Andrea Sass-Kortsak, Chair, Academic Board, reported that Academic Board members had appreciated receiving an update on key revisions to the draft *Policy*. The one question that was raised was on the possible need for safeguards with respect to academic freedom in light of *Bill 132*'s definition of sexual violence. In reply, Professor Cheryl Regehr, Vice-President and Provost, had indicated that it was the University's position that there was no conflict between the draft *Policy* and the key principle of academic freedom.

Mr. Andrew Szende, Chair, University Affairs Board, reported that in reply to questions about consultation, Professor Regehr had said that in her view the *Policy* had struck an appropriate balance between the needs of various stakeholders, and that the provisions concerning due process and procedural fairness had been drafted to withstand judicial review. Mr. Szende reported that the proposed *Policy* received unanimous support from the University Affairs Board.

At the invitation of the Chair, Ms Brie Berry-Crossfield spoke on behalf of the University of Toronto Graduate Students' Union. She thanked and acknowledged those who had been working on sexual violence issues since 2014. She said that the proposed *Policy* was a step in the right direction and was glad to see that clarifications had been made around the role of investigators and that supports would be made available to students and those receiving disclosures. However, in her opinion, there was still lack of clarity around data retention and the type of supports that would be made available to respondents. She requested that safe spaces be created for anyone reporting acts of sexual violence. Ms Berry-Crossfield also requested that consultations continue, particularly around the companion guide and education and prevention components; and that a review of the *Policy* occur within the 2017-2018 timeframe.

Professor Welsh thanked Ms Berry-Crossfield for her comments and shared with members that Ms Berry-Crossfield and her colleagues had been engaged throughout the process. Professor Welsh said that the *Policy* stated that there would be a review after three years and that the University was committed to continuous improvement and would continue to count on student leadership for input and feedback.

A member asked what the expectation was for ongoing monitoring and reporting back to the Governing Council. In reply, Professor Welsh said that the Provost would be pleased to report back, as was customary for other policies.

In reply to a comment from a member about the need for ongoing monitoring and continuous improvement, Professor Welsh replied that the University was in ongoing talks with other University colleagues noting that other universities had looked at the University's model, and that the University continued to be open and responsive to input and feedback.

On motion duly, moved, seconded and carried

IT WAS RESOLVED

THAT the proposed *Policy on Sexual Violence and Sexual Harassment*, dated November 1, 2016, be approved, effective January 1, 2017.

b. Policy and Procedures Governing Promotion in the Teaching Stream

Professor Sass-Kortsak presented the highlights of the proposed new *Policy and Procedures Governing Promotion in the Teaching Stream*. Professor Sass-Kortsak reported that at the Academic Board meeting, a member had asked how a Promotions Committee might assess a candidate's efforts with respect to innovation and experimentation in teaching. In response, Professor Regehr had noted that promotions and tenure committees were experienced in evaluating candidates whose innovation and experimentation in research or teaching had not resulted in expected outcomes, but who were able to articulate and build on this knowledge in their continued scholarly work.

Professor Regehr also affirmed the University's commitment to innovation in teaching, and she pointed to existing funds available to faculty members for such purposes. Another member had commented on the importance of clarity with respect to the teaching excellence criteria that would be used for promotion in both the tenure stream and the teaching stream. Professor Regehr had assured the Board that, as with the tenure stream, the promotions process for the teaching stream would be rigorous, and that it would evolve over time.

On motion duly moved, seconded and carried

IT WAS RESOLVED

THAT the proposed new *Policy and Procedures Governing Promotions in the Teaching Stream* be approved, effective December 16, 2016.

CONSENT AGENDA

On a motion duly made, seconded and carried

IT WAS RESOLVED

THAT the consent agenda be adopted and items approved.

6. Minutes of the Previous Meeting of the Governing Council

The minutes of the October 27, 2016 meeting were approved.

7. Business Arising from the Report of the Previous Meeting

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

8. Reports for Information

Members received the following reports for information:

- a) Report on the Reviews of Academic Units and Programs
 - i. Semi-Annual Report, April – September, 2016
 - ii. Follow-up Report on Reviews:
- b) Report Number 206 of the Academic Board (November 24, 2016)
- c) Report Number 229 of the Business Board (November 17, 2016)
- d) Report Number 197 of the University Affairs Board (November 28, 2016)
- e) Report Number 20 of the University of Toronto Mississauga Campus Council (December 7, 2016)
- f) Report Number 485 of the Executive Committee (December 5, 2016)

END OF CONSENT AGENDA

9. Date of Next Meeting

The Chair advised members that the next Governing Council meeting was scheduled for Thursday, February 15, 2017, 2016 from 4:30 p.m. – 6:30 p.m. at the University of Toronto Scarborough.

10. Question Period

There were no questions.

11. Other Business

There were no matters of other business.

The meeting adjourned at 5:59 p.m.

Secretary

Chair

December 16, 2016