

THE GOVERNING COUNCIL
REPORT NUMBER 102 OF
THE UNIVERSITY AFFAIRS BOARD

November 5, 2001

To the Governing Council,
University of Toronto.

Your Board reports that it met on Monday, November 5, 2001, 5:00 p.m. in the Croft Chapter House, with the following members present:

Dr. John P. Nestor (In the Chair)
Dr. Shari Graham Fell, Vice-Chair
Ms. Wendy M. Cecil, Chairman,
Governing Council
Professor Ian Orchard, Vice-Provost,
Students
Miss Janice Oliver, Vice-President,
Operations and Services
Mr. Muhammad Basil Ahmad
Dr. Robert M. Bennett
Ms. Aisling Burke
Ms. Margaret Hancock
Professor Bruce Kidd
Ms. Karen Lewis
Mr. Paul McCann
Professor Ian R. McDonald
Mr. Kashif S. Pirzada

Ms. Parissa Safai
Ms. Wendy Swinton
Ms. Geeta Yadav

Non-voting Members:

Ms. Susan Addario, Director of Student
Affairs
Mr. Louis Charpentier, Secretary of the
Governing Council
Ms. Marilyn Van Norman, Director of
Student Services

Office of the Governing Council:

Ms. Susan Girard
Mrs. Beverley Stefureak, Secretary

Regrets:

Professor Marion Bogo
Mr. Jacob Glick
Ms. Gail Paech
Mr. Fayez A. Quereshy

In Attendance:

Professor Brian Corman, Member, Governing Council and Chair, Elections Committee
Mr. David Melville, Member, Governing Council and Treasurer, Association of Part-time Undergraduate Students
Mr. Andrew Morgan, Member, Governing Council and Member, Elections Committee
Mr. Sam d'Angelo, St. George Police Services
Ms. Agata Durkalec, University Affairs Commissioner, Students' Administrative Council
Mr. Ivan Gottlieb, Director of Administration Services, Facilities and Services
Mr. Dan Hutt, Manager of St. George Police Services
Mr. James McGhee, Manager of Police Services, University of Toronto at Scarborough
Ms. Cristina Oke, Chief Returning Officer, Governing Council Elections
Mr. Len Paris, Manager of Police Services, University of Toronto at Mississauga
Ms. Emily Sadowski, President, Association of Part-time Undergraduate Students
Ms. Karel Swift, University Registrar

ITEMS 3.3 AND ELECTIONS GUIDELINES IN 3.4 ARE RECOMMENDED FOR APPROVAL.

The Chair informed members of the Board that there had been a request from Professor Corman, Chair of the Elections Committee, to add two items to the Agenda. On motion duly moved and seconded a recommendation with respect to the designation of academic ranks for the purposes of elections eligibility was added as item 3.3 and receipt of Report Number 26 (October 31, 2001) of the Elections Committee was added to item 6.

1. Report of the Previous Meeting - Report Number 101, October 2, 2001

Report Number 101 of October 2, 2001 was approved.

2. Business Arising from the Report of the Previous Meeting

There was no business arising.

3. Governing Council Elections

3.1 Report on 2001 Election Process and Survey on Web-Based Voting

Professor Corman reviewed the Report on the Election Process 2001, the first three sections of which provided a summary of the process and results of the election. The fourth section summarized the results of the Student Voting Survey 2001. Professor Corman highlighted the key findings of the survey: the positive response to web-based voting and the ease of access to computers by students who wished to vote. The most disappointing finding of the Student Voting Survey had been the lack of knowledge and understanding of the work of the Governing Council and its Boards and Committees. He summarized the recommendations in the final section of the report: several suggestions of ways to increase the profile of the Governing Council within the University prior to the Election Period, expansion of web-based voting to the election of graduate students to the Governing Council, and clarification of definitions within the *Elections Guidelines 2002*.

A member queried the validity of the survey, noting what appeared to him to be too high a percentage of the total respondents who reported that they had voted (20%) in relation to the percentage of the student population who had voted (5%). Ms. Oke responded that the actual sample had been 4,501 names. There were 1,210 completed interviews and 20% of those had reported voting.

The Chair invited the Secretary of the Governing Council to comment. Speaking to the question of survey validity, Mr. Charpentier thought that the survey was soundly based, well done and, in fact, the number (1,210) was in excess of numbers generally used in polls.

[Secretary's Note: In response to the concern about the validity of the Student Voter Survey raised by a member of the Board, the following clarification is provided.]

A total of 4,501 names and associated telephone numbers were provided by Student Information Services to the Hitachi Group for the survey. These formed the dialing database.

After 6,710 telephone calls, the telephone numbers in the dialing database were resolved as follows:

<i>Completed Interviews</i>	<i>1210</i>
<i>Interview Refusal</i>	<i>317</i>

3.1 Report on 2001 Election Process and Survey on Web-Based Voting (cont'd)

<i>Scheduled Callback, no response</i>	94
<i>Device Barrier (answering machine, pager, etc)</i>	1687
<i>No answer</i>	1004
<i>Wrong Number (student provided)</i>	100
<i>Phone no longer in service</i>	89
<i>Total Numbers dialed</i>	4501

Of the completed interviews, 250 people (20.7% of the 1210 surveyed) self-identified as web voters. These people had taken a strong interest in the affairs of the University by agreeing to participate in the survey. A total of 317 people refused to participate in the survey. If these people were added to the 1210 completed interviews, the percentage of people voting would have been lower, assuming that they had little interest in the affairs of the University and were unlikely to have voted. This percentage difference is normal and to be expected. Furthermore, it should be noted that well-established social surveys such as the General Social Survey conducted by the National Opinion Research Corporation of the University of Chicago and funded by the U.S. National Science Foundation always show a difference between the number of respondents who say that they voted in an election and the proportion of the eligible voters in the population who actually voted. The proportion of respondents saying that they voted is always higher than the proportion that actually voted. This is commonly interpreted as a social desirability effect. It does not invalidate the survey.]

A member spoke strongly in favour of the recommendations in the Report. He thought that the governance system served the University community well and successful outreach would increase the awareness among community members of the function and responsibilities of governance.

3.2 Report on Special Students

Professor Corman stated that the Committee's discussions with respect to the matter of eligibility for special students had been summarized in Report Number 25 which had been part of the documentation package for the meeting. He summarized the distribution of the 1,689 non-degree or "special" students who had been registered in 2000-01. Of the various sub-groups that made up the non-degree or "special" students' group, students in the Pre-University, Academic Bridging and Transitional Year Programs could potentially be designated by the Governing Council as following a program of post-secondary study. However, the Guidelines also specified that "the student must be registered during the period September to April in the constituency in which he or she was elected in order to hold his or her seat". Consistent with the *Act*, this had been a principle to which the *Election Guidelines* had adhered throughout the existence of the Governing Council: that students be elected by and from among their constituency. If a student were elected in the spring to represent the part-time undergraduate constituency, but changed his/her registration status in the fall, the seat would be declared vacant and a by-election would be conducted. The seat would likely remain vacant until November.

Professor Corman concluded by saying that, while the Committee did not wish to recommend a blanket inclusion of some or all non-degree students to be eligible for Governing Council Elections, it was willing to consider proposals from members of the relevant student groups to identify programs that could be designated as a program of study under the *Act*. The Committee, in turn, would make its recommendation to the University Affairs Board.

3.2 Report on Special Students (cont'd)

The Chair recognized Mr. David Melville, a member of the Governing Council and Treasurer of the Association of Part-time Undergraduate Students (APUS). Mr. Melville said he was pleased to see that the Elections Committee had dealt with the matter of special students. Involving these students in the governance process could raise the profile of Governing Council and he hoped that there could now be movement toward recognizing the three programs that the Elections Committee had identified as possibly meeting the criteria for being designated as a program of post-secondary study by the Governing Council.

Ms. Emily Sadowski, President of the Association of Part-time Undergraduate Students (APUS) was recognized. She informed the Board that APUS had surveyed other universities and had received lots of support from a variety of student organizations in the Province for full representation of the student body within governance. APUS had learned that this was a matter spoken about widely. It was her hope that the Report of the Elections Committee would result in at least three programs being recognized soon. She was concerned that there were still a large number of students that fell outside the recognized groups and thought that a study should be done to identify the academic goals and needs of these others. She noted that Arts and Science was already considering a ten-credit certificate program; perhaps the University should be designing other programs to fit the needs of non-degree or "special" students. She believed it was critical that the funding needs of part-time student be recognized soon. Reiterating the main focus of APUS's concern, she stated that it was the democratic right of all students to full and fair representation in governance and hoped that a way would be found soon to accomplish this.

Professor Orchard thanked the Elections Committee for their work and the students for their comments. He noted that the definition of a student was clear in the *Act* and he thought the Elections Committee had presented an appropriate compromise. They had also suggested a process whereby requests for inclusion could be brought forward to the Board for consideration.

3.3 Designation of Academic Ranks

Professor Corman informed the Board that a motion was needed to specify that three academic ranks, which had been created and defined in the *Policy and Procedures on Academic Appointments* in the past two years, be designated by the Governing Council as teaching staff ranks under Section 1.1 (m) of the *University of Toronto Act*. This would allow persons holding these ranks to be eligible to vote and to be candidates in teaching staff elections to the Governing Council and to the Academic Board

On motion duly moved and seconded,

YOUR BOARD RECOMMENDS

THAT Assistant Professor (Conditional), Athletics Instructor, and Senior Athletics Instructor be designated by the Governing Council as academic ranks for the purposes of clause 1 (1) (m) of the *University of Toronto Act, 1971*.

The Chair reported that the motion had been carried unanimously.

3.4 *Election Guidelines – 2002*

The proposed *Election Guidelines 2002* and a covering memorandum summarizing the suggested revisions had been circulated to members of the Board. Professor Corman reviewed the changes, highlighting in particular two new sections – Chapter 1 and Chapter 2; the addition of the right to appeal a decision of the Chief Returning Officer on a technical matter; measures to improve the dissemination and understanding among students of the election regulations; and, a system of demerit points with associated vote penalties designed as a deterrent to violation of the regulations.

It was duly moved and seconded,

THAT the *Election Guidelines 2002* be approved.

Mr. Morgan, a member of Governing Council and of the Elections Committee, was recognized. Mr. Morgan spoke in support of the system of demerit points with associated vote penalties, recalling that previously the only course of action available to the Chief Returning Officer in the case of a candidate who had violated election regulations was disqualification. In cases where the infraction was minor, this had seemed an excessive response. He preferred a system more gradual in its effect. Originally the demerit proposal had been linked to a financial penalty; the problem he saw with that approach was the potential of a candidate buying an election. It seemed fairer to link violations to vote deductions. He concluded by indicating strong support for the Guidelines as proposed.

Mr. Melville, member of the Governing Council, was recognized and stated his view that the issue of non-degree or “special students” should have been addressed in the guidelines. He believed that adjudication of status should not be the responsibility of one person but should be more open and transparent. He hoped for a process that was inclusive of all students, resulting in more active involvement of students in governance, and expressed disappointment that the issue of special students, which he thought had been settled, was, in his view, still in question.

Ms. Agata Durkalec was recognized by the Chair and stated, on behalf of the 33,000 students represented by the Students’ Administrative Council (SAC), serious concern about the proposed *Election Guidelines*. She believed that there was a lack of democracy and openness and that the Elections Committee had not shown its understanding of the implications of vote penalties. It was her strong opinion that there should be no tampering with the rights of a voter. She saw the proposed demerit system with associated vote penalties as potentially taking away an individual’s vote, which in her view disenfranchised the voter. She believed the proposal was seriously unfair and was based on erroneous underlying assumptions. She warned that such a system could expose the Governing Council to liability with very little accompanying benefit. With more thought, she believed a more accessible, just and effective system could be identified.

A member spoke strongly against the linking of demerit points with vote claw backs. He saw it as anti-democratic, the denial of a voter’s voice, and a system that could exacerbate low voter turnout. He expressed his concern with approving a system that had never been tried and he recommended rejection or referral back of the *Guidelines*.

Another member questioned the need for the demerit system. Professor Corman indicated that this had been a response to what formerly was the “all or nothing”

3.4 *Election Guidelines – 2002* (cont'd)

disqualification in the face of a campaign violation. The Committee had thought this system of gradual penalization preferable to the former approach. Ms. Oke added that there had been an increased number of infractions over the past several years and the Committee had seen a need to address the matter. In response to a member's query about whether any candidate had ever been disqualified because of infractions, she responded in the negative.

It was noted that the Students' Administrative Council (SAC) had tested a demerit system in the recent SAC by-election, but no evaluation of its effectiveness had yet been done. A number of members saw the penalties in this proposal as very severe, too arbitrary, based on no research, and as having the potential of reflecting poorly on the governance of the University and decreasing voter turnout. The proposed demerit system would primarily affect students, and in light of the strong opposition from the student bodies the members could not support the proposal.

There was considerable discussion about the most effective route for addressing the serious concerns raised while ensuring that the *Election Guidelines* were in place for the 2002 process which was scheduled to begin in January 2002.

It was duly moved and seconded,

THAT section 12.i.i of Appendix C to the *Election Guidelines 2002* be amended to remove "and resulting vote penalty" and that section 12.k on page 31 of the same document be removed.

The vote was taken and the motion to amend was carried unanimously.

In response to a question, Ms. Oke informed the Board that "public reprimand" had never been used and, if it were, the action would be kept appropriate. The member asked to have "public reprimand" changed to "public announcement". This change was accepted as a friendly amendment.

The vote was taken on the motion to approve the *Election Guidelines 2002*, as amended. The motion received unanimous approval.

[Amended *Election Guidelines 2002* and the covering memorandum are attached hereto as Appendix "A".]

A member sought reassurance that students in the Transitional Year, Pre-University and Academic Bridging Programs would be approached to determine their interest in participating in governance. The Secretary of the Governing Council noted that he would initiate the process by contacting Professor Rona Abramovitch, Director of the Transitional Year Program and Acting Principal of Woodsworth College.

3.4 Election Guidelines – 2002 (cont'd)

On motion duly moved and seconded,

YOUR BOARD APPROVED

THAT the Election Committee communicate with the students in the Transitional Year Program and the Academic Bridging Program to determine their interest in initiating a proposal to the Elections Committee for consideration and recommendation to the University Affairs Board with respect to participation in Governing Council elections.

4. Police Services Reports: University of Toronto, St. George, University of Toronto at Mississauga, and University of Toronto at Scarborough

Miss Oliver noted that members had received the Police Services Reports for the calendar year 2000 from three campuses and she asked the police managers to report individually, beginning with Mr. Hutt.

Mr. Hutt noted that events of September 11 had changed the way police services viewed emergency responses in public institutions across North America. A lot had been learned with respect to managing a crisis and he commended Public Affairs for the excellent job of informing the community. Revisions had been made to security procedures in cooperation with a number of departments across campus. There had been increased awareness of security issues within the community and the request for police services had increased accordingly. Mr. McGhee echoed those comments, noting the need for increased staff.

Mr. Paris saw the events of September 11 as a test of emergency procedures that the University had been preparing over a number of years. Police Services at his campus had been appreciative of the opportunity for overall campus training and particularly proud of the support they were able to give to students from the United States following the day of crisis. With respect to his annual report, there had been a significant increase in the number of reports but that was due to a different way of reporting. Crimes against persons had actually decreased. His campus was preparing for the growth that was expected within two years. In closing, he recognized the student media for their assistance in communicating with members of the community.

In response to a question, Miss Oliver reported that an advisory committee had been struck and had met several times. One action item had been to update the guidelines on responses to emergency situations. The Committee intended to meet again this month and the guidelines would be reviewed in light of the University's response to the September 11 disaster. The Board could expect a full report on the advisory committee in the 2001 annual reports.

Mr. Hutt responded to a question about the move of St. George Police Services to a new location. The move, expected in mid-January, would relocate Police Services amidst a number of student clubs with whom Mr. Hutt expected there would be a lot of positive interaction.

5. Code of Student Conduct: Annual Report on Decisions of Hearing Officers

Professor Orchard referred to his report, which was generated annually by Ms. Addario for the Office of the Provost. He noted that changes being proposed to the *Code of Student Conduct*, to be considered in January, would result in a more extensive report next year. He said that cases that proceed to a hearing continue to be extremely low for a campus this large. The spike that had occurred in 1999-2000 was due to the University of Toronto at Scarborough dealing with a particularly high incidence of photocopied parking passes.

6. Report Number 24 (September 21 and October 1), Report Number 25 (October 17) and Report Number 26 (October 31) of the Elections Committee

The Chair referred to Reports Number 24 and 25, which had been circulated prior to the meeting, and Report Number 26, which had been placed on the table at the meeting and asked if members had any questions. There were none.

7. Report of the Assessors

Professor Orchard reported that the Provost had established an Advisory Committee on the Warden of Hart House, as Ms. Hancock completed her first five-year term (1997-2002). Terms of Reference and Membership of the Provostial Committee had been distributed from the Provost's office and he reported that three members of this Board – Dr. Robert Bennett, Professor Ian McDonald, and Ms. Geeta Yadav – were members of the Advisory Committee.

Professor Orchard recalled the President's article in the *University of Toronto Magazine* calling on Ontario universities to stop the automatic awarding of merit-based, entrance scholarships. It seemed a misuse of funding to distribute awards automatically on merit where no needs had been evaluated. The President's discussions with other universities had generated favourable response and he had requested Ms. Karel Swift, University Registrar, and Professor Orchard to produce a discussion paper identifying the total number of merit scholarships that could be varied, a recommendation on how financial needs could be assessed and recommendations for changes in the Ontario Student Assistance Program. The objective would be to make it possible for universities to generate more financial aid for students. Discussions would be held with students to receive input on policy development to determine how merit could be rewarded based on need.

Finally, Professor Orchard reported that the Dean of Arts and Science was assessing registrarial procedures in the Faculty. Terms of reference included reviewing the Faculty's relationship with Recruitment, Admissions and Awards, and other offices and services. He noted that a number of those areas were within his portfolio and he hoped that the outcome would be an improvement to the student experience.

Miss Oliver had nothing beyond the annual reports of the police services to report.

8. Date of Special Meeting

The Chair said that the Special Meeting, primarily for the purpose of receiving the reports of equity offices, was scheduled for Monday, November 26, 4:00 p.m., Croft Chapter House. He reminded members that it was an important responsibility of the University Affairs Board to monitor equity areas and he hoped all members would be able to attend.

9. Other Business

A member asked when the Board could expect a report on the responses from the Transitional Year Program and Woodsworth College with respect to elections. Mr. Charpentier said the report would come to the next regularly scheduled meeting of the Board. There was no other business.

The meeting adjourned at 7:05 p.m.

Secretary

Chair

December 4, 2001

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