

THE GOVERNING COUNCIL

REPORT NUMBER 170 OF THE ACADEMIC BOARD

November 25, 2010

To the Governing Council,
University of Toronto

Your Board reports that it held a meeting on Thursday, November 25, 2010 at 4:10 p.m. in the Council Chamber, Simcoe Hall at which the following were present:

Professor Ellen Hodnett, Chair
Professor Cheryl Misak, Vice-
President and Provost
Professor Scott Mabury, Vice-
Provost, Academic Operations
Professor Cheryl Regehr, Vice-
Provost Academic Programs
Professor Derek Allen
Professor Catherine Amara
Professor Jan Barnsley
Mr. Hanif Bayat-Movahed
Professor Ronald Beiner
Ms Patricia Bellamy
Professor Katherine Berg
Ms Annie Claire Bergeron-Oliver
Professor Parth Bhatt
Ms Marilyn Booth
Professor Phil Byer
Mr. Louis Charpentier
Professor Will Cluett
Professor David Cook

Professor Brian Corman
Professor Elizabeth Cowper
Professor Alister Cumming
Mr. Tyler Currie
Professor Christopher Damaren
Mr. Shaun Datt
Professor Karen Davis
Mr. Ken Davy
Professor Joseph Desloges
Professor Miriam Diamond
Ms Caroline Di Giovanni
Professor Suzanne Erb
Professor Meric Gertler
Professor Robert Gibbs
Professor Rick Halpern
Ms Emily Holland
Ms Cathy Hughes
Professor Ira Jacobs
Ms Jemy Joseph
Professor Alison Keith
Mr. Nykolaj Kuryluk

Professor Jim Lai
Mr. Rishi Maharaj
Professor Henry Mann
Dr. Thomas Mathien
Professor Matthew Mitchell
Mr. Liam Mitchell
Ms Carole Moore
Professor Carol Moukheiber
Professor Amy Mullin
Mr. Jeff Peters
Ms Judith Poë
Professor Yves Roberge
Professor Andrea Sass-Kortsak
Professor Sandy Smith
Professor Elizabeth M. Smyth
Miss Maureen J. Somerville
Professor Romin Tafarodi
Mr. Daniel Taranovsky
Dr. Roslyn Thomas-Long
Mr. Gregory West
Professor Charmaine Williams

Regrets:

Professor Varouj Aivazian
Professor Cristina Amon
Professor Maydianne Andrade
Professor Jan Angus
Professor Dwayne Barber
Professor Sylvia Bashevkin
Mr. Justin Basinger
Professor Denise Belsham
Professor Terry Carleton
Professor Sujit Choudhry
Professor Gerald Cupchik
Professor Gabriele D'Eleuterio
Professor Charles Deber
Professor Darryl Edwards
Mr. John A. Fraser
Professor Alan Galey
Professor Avrum Gotlieb
Professor Russell Hartenberger

Mrs. Bonnie Horne
Ms Min Hee (Margaret) Kim
Dr. Chris Koenig-Woodyard
Professor Christina Kramer
Dr. Nancy Kreiger
Mr. Kent Kuran
Ms Cecilia Livingston
Professor Michael Luke
Professor Louise Lemieux-
Charles
Professor Heather MacNeil
Professor Roger L. Martin
Professor Douglas McDougall
Professor Mark McGowan
Professor Angelo Melino
Professor Faye Mishna
Professor David Mock
Professor Mayo Moran
Professor Michelle Murphy

Professor David Naylor
Professor Sioban Nelson
Professor Linda Northrup
Professor Julia O'Sullivan
Professor Janet Paterson
Professor Ito Peng
Professor Ato Quayson
Mr. Shakir Rahim
Dr. Susan Rappolt
Professor Jeffrey Rosenthal
Professor Seamus Ross
Professor Lock Rowe
Miss Priatharsini Sivananthajothy
Ms Helen Slade
Ms Lynn Snowden
Professor Richard Sommer
Professor Njoki Wane
Professor Wendy Ward
Dr. Donald A. Wasylenki
Professor Catharine Whiteside
Mr. Dickson Yang

Non-voting Assessors:

Ms Catherine Riggall, Vice-President, Business Affairs

Secretariat:

Ms Mae-Yu Tan

In Attendance:

Professor Bill Gough, Chair, Department of Physical and Environmental Sciences and member of the Governing Council
 Mr. Olivier Sorin, member of the Governing Council
 Mr. Bill Simmons, Assistant Vice-President, University Development
 Professor Jill Matus, Vice-Provost, Students
 Ms Jane Alderdice, Director, Quality Assessment and Governance, School of Graduate Studies
 Professor Grant Allen, Faculty of Applied Science and Engineering

Mr. Steve Bailey, Director, Office of Space Management
 Mr. Robert Cook, Chief Information Officer
 Professor Thomas Coyle, Faculty of Applied Science and Engineering
 Mr. Neil Dobbs, Assistant Secretary of the Governing Council
 Ms Sheree Drummond, Assistant Provost
 Ms Nora Gillespie, Legal Counsel, Office of the Vice-President and Provost and Office of the Vice-President Human Resources and Equity
 Ms Kate Hilton, Assistant Dean, Alumni and Development, Faculty of Law

Mr. Anwar Kazimi, Committee Secretary, Office of the Governing Council
 Mr. Christopher Lang, Director, Appeals, Discipline, and Faculty Grievances
 Ms Barbara McCann, Registrar, Faculty of Applied Science and Engineering
 Mr. Steve Moate, Senior Legal Counsel, Office of the President
 Ms Jasmin Olarte, Administrative Assistant, Appeals, Discipline, and Faculty Grievances
 Ms Natalie Ramtahal, Coordinator, Appeals, Discipline, and Faculty Grievances

In this report, items 5, 6, and 7 are recommended to the Governing Council for approval. The remaining items are reported for information.

Chair's Remarks

The Chair welcomed members to the meeting. She informed the Board that, as a result of new academic administrative responsibilities, Professor Louise Lemieux-Charles had decided to step down as Chair of the Academic Board. As well, Professor Varouj Aivazian had decided to step down as Vice-Chair due to personal reasons. The Chair stated that Professor Lemieux-Charles had kindly agreed to continue to serve on the Board, and the Governing Council had approved her appointment as Vice-Chair. It had also approved the Chair's appointment, both as of October 29, 2010 to June 30, 2011. The Chair expressed her appreciation that Professor Aivazian would continue to serve as a member of the Board.

Governance Portal

The Chair noted that this was the first time that the Secretariat had used the Board Books portal as the sole means of distributing documentation for an Academic Board meeting. The portal had been used successfully for the most recent meetings of the Business Board, the University Affairs Board, and some governance committees. The Chair said that an online guide was available to assist members who had not received individual training with the Board Books staff. She invited members to share their comments about the portal with the Secretary.

Chair's Remarks (cont'd)2011 Governing Council and Academic Board Elections

The Chair reminded members that a memorandum pertaining to the upcoming nomination period for seats on the Governing Council and the Academic Board had been sent by email last week from the Chief Returning Officer. She then provided some information about the upcoming elections. There would be vacancies on the Governing Council for eight student, three teaching staff, and three alumni members. All positions, with the exception of the student seats, would be for three-year terms beginning July 1, 2011. Student members of Governing Council served a one-year term.

There would be fifteen teaching staff seats on the Academic Board for representatives of the Faculty of Engineering, the Faculty of Arts and Science, the Faculty of Information, the Faculty of Law, the Faculty of Medicine, the Lawrence S. Bloomberg Faculty of Nursing, the Ontario Institute for Studies in Education, the University of Toronto Mississauga, and the University of Toronto at Scarborough, as well as one librarian seat. Each seat would be for a three-year term beginning July 1, 2011. There would also be a by-election for one teaching staff representative of the Faculty of Medicine. The term for that position would be effective immediately upon election until June 30, 2013.

The Chair asked members to encourage their peers to become involved in the University's governance by nominating them and by voting during the election period. She emphasized the importance of the ability of individuals to bring an informed perspective and to participate meaningfully in governance deliberations. Decisions made by governance bodies had a direct impact on the University as a whole and on individual divisions.

The nomination period for the teaching staff and student seats on Governing Council and the teaching staff and librarian seats on the Academic Board would open at 12:00 noon on Friday, January 7, 2011 and would close on Friday, January 21, 2011 at 5:00 p.m. Alumni applications would be available from Monday, December 13, 2010 at noon, and the deadline for application submission was January 28, 2011 at 5:00 p.m. The Chair invited members to direct questions about the elections to Mr. Anwar Kazimi, Chief Returning Officer, or Ms Mae-Yu Tan, Deputy Returning Officer, in the Office of the Governing Council. She closed by stating that information about applications for co-opted (appointed) members of the Academic Board – administrative staff, alumni, and students – would be provided next term.

1. Approval of Report Number 169 of the Meeting held on October 7, 2010

Report Number 169 of the meeting held on October 7, 2010 was approved.

2. Business Arising from the Report of the Previous Meeting

Item 7 – Policy on the Temporary Use of Space at the University of Toronto

Referring to Item 7, section c), Procedures for the Temporary Use of Space at the University of Toronto (p. 10), a member asked for clarification of the appeal process for groups whose booking requests were denied. Professor Misak stated that such an appeal would be considered by increasingly senior administrative staff, beginning first with the supervisor of the office to which a request had been submitted. The Office of the Provost would serve as the final arbiter.

3. Report Number 166 of the Agenda Committee (November 17, 2010)

The Chair drew members' attention to two items in Report Number 166 of the Agenda Committee.

Item 3 - Review of Academic Programs and Units, Annual Report – Part 1 (January – June, 2010)

The Chair said that one of the responsibilities of the Agenda Committee was to identify any general academic issues arising from the Review of Academic Programs and Units that warranted discussion by the Academic Board. The Committee had considered Part 1 of the Annual Report and had decided that Professor Andrea Sass-Kortsak, Chair of the Committee on Academic Policy and Programs (AP&P), should be asked to provide a brief overview of the review process to the Board.

Invited by the Chair to address the Board, Professor Sass-Kortsak stated that the AP&P was responsible for the first step in governance oversight of the process of reviews of academic programs and units. The Committee's responsibility was to consider reviews, to satisfy itself that the necessary steps were being taken by the academic units to address any problems and achieve improvements, to satisfy itself that the process of reviews was being managed well, and to report to the Agenda Committee on the outcome. The AP&P had made its first report under the revised *Policy on Approval and Review of Academic Programs and Units*. That new *Policy* had been approved by the Governing Council in June 2010. At the same time, the University's new Quality Assurance Process (UTQAP) had been submitted to the Governing Council for information and to the Ontario Universities Council on Quality Assurance (Quality Council) for approval.

Professor Sass-Kortsak explained that the new process involved a number of changes. First, reviews would be considered twice each year rather than once. That would allow the AP&P to consider reviews in a more timely fashion and to devote more time to each. Second, reviews would normally be presented to the Committee within six months of their completion. In the past, they had been submitted on a slip-year basis to enable Deans to complete their responses and to begin the implementation of changes. Third, the process had been cast so as to encourage more candid, critical analysis and reporting. Previously, reviews of graduate programs by the Ontario Council on Graduate Studies had been threshold reviews, asking whether particular programs merited approval. The University itself would now be responsible for graduate and undergraduate reviews, and reviewers were being asked to point out areas of strength and areas where improvements were required. Fourth, the AP&P could request follow-up reports on any areas of concern, to be provided in one year's time.

3. Report Number 166 of the Agenda Committee (November 17, 2010) (cont'd)

Item 3 - Review of Academic Programs and Units, Annual Report – Part 1 (January – June, 2010) (cont'd)

At its September meeting, the AP&P had considered twelve reviews, engaging in a lengthy and rich discussion. Overall, there had been the continuing recognition by the reviewers and by the AP&P that the University of Toronto continued to offer outstanding programs. The AP&P had requested follow-up reviews in three cases (the Centre for Environment in the Faculty of Arts and Science, the UTM Forensic Science Program, and the UTSC Department of Physical and Environmental Science) where significant changes were underway, and it was looking forward to reports on the outcome. Professor Sass-Kortsak noted that the Report of the AP&P was part of the meeting documentation and invited members to review that Report.

In closing, Professor Sass-Kortsak assured the Board that the quality assurance process was working. On behalf of the AP&P, she thanked the staff in the Office of the Vice-President and Provost, particularly Professor Cheryl Regehr and Mr. Scott Moore, for their excellent work on the quality assurance process. The Chair echoed Professor Sass-Kortsak's sentiments.

A member asked whether the report on the review of academic programs and units would normally be brought forward to the Board. The Chair replied that the Agenda Committee and the AP&P's reports would always be submitted to the Board for information. However, only when the Agenda Committee determined that there were issues of particular importance would the annual report on the review of academic programs and units be brought forward to the Academic Board. Professor Regehr added that the governance path for consideration of the review of academic programs and units remained unchanged.

Academic Administrative Appointments

The Chair stated that the Agenda Committee had delegated authority from the Academic Board to consider and approve recommendations for academic administrative appointments, and she noted that the most recent appointments that had been approved by the Committee were listed on pages 5 to 6 of the Committee's Report. The Chair congratulated two members of the Board, Dean Mayo Moran and Dean Catharine Whiteside, on their decanal reappointments.

4. Report of the Vice-President and Provost

(a) Budget Update

Professor Misak provided members with an update on some factors that would have an impact on the University's operating budget. She informed the Board that the University had received the University of Toronto Faculty Association (UTFA) arbitration award for faculty and librarians for the period of July 1, 2009 to June 30, 2011. Despite the provincial government's recent request that all public sector organizations voluntarily exhibit wage restraint, the arbitrator had awarded across-the-board increases that amounted to nearly 2.5 per cent per year, in addition to the normal 1.9 per cent merit payments (PTR). The arbitration award would place a significant burden on the divisions, as salaries and benefits constituted the bulk of their operating costs. The central administration was

4. Report of the Vice-President and Provost (cont'd)

(a) Budget Update (cont'd)

working closely with the academic divisional leaders as they carefully reviewed their budgets and academic plans.

Professor Misak said that the need for the University to make greater special payments into the pension plan would pose an additional challenge for divisional leaders already struggling to manage their constrained budgets. At present, faculty and administrative staff contributed approximately \$35-million to the plan (5.3% of their salary) and the University contributed \$73-million (equivalent to 10.9% of salary costs). Since 2004, the University had annually set aside \$27-million to deal with pension funding problems. Given the current economic realities, the University's special pension payments would likely have to be augmented unless an increased member contribution level could be negotiated with UTFA.

A member asked whether tuition and/or incidental fees might be increased in order to fund the pension payments. Professor Misak noted that students would be affected if the University was required to make additional special pension payments. It was her intent to make that argument when engaging in negotiations with the UTFA. Professor Misak said that, if an additional special pension payment was required, the payment would be divided among divisions. Each division would have autonomy in determining the most appropriate means of generating the portion of the payment for which it would be responsible. In response to a question regarding the possibility of increasing class sizes, Professor Misak said that while she hoped that decisions would not be made to increase class size, that was an option that divisions might consider when examining their budgets.

In response to a member's question, Ms Riggall said that the payments that the University had designated for the pension since 2004 had been intended to provide a protective cushion. At that time, the pension plan had emerged from a deficit after approximately three years of positive stock market returns. Even though it had a surplus, a decision had been made to continue to set aside the \$27-million payments. Ms Riggall explained that, in the future, the University would need to convince the provincial government that it had made sufficient contributions to the plan for it to be sustainable. Due to recent legislation, the University had been allocated three years to develop and present its repayment plan to the Financial Services Commission of Ontario (FSCO). If it was successful, the University would then be granted an additional ten years for repayment. Ms Riggall noted that the Commission was of the view that employers and employees should make equal going concern pension plan payments. Professor Misak emphasized the importance of having increased member contributions in order to remove the need for the University to make special pension payments over a short period of time.

Professor Misak referred to a memorandum regarding academic planning in the context of *Towards 2030*¹ that she had issued in October 2009. In that memorandum, she had outlined in considerable detail the essential processes and content for academic plans across the University. Since the circulation of that memorandum, the Provost and her staff had been working diligently to align the

¹ <http://www.provost.utoronto.ca/planning.htm>

4. Report of the Vice-President and Provost (cont'd)

(b) Academic Planning

academic planning process with the Quality Assurance Framework for Ontario Universities, a provincially mandated framework overseen by the Ontario Council of Academic Vice-Presidents. A Quality Assurance Working Group had been created, and the University of Toronto Quality Assurance Process (UTQAP) had been developed. The UTQAP provided a format for reviews of academic programs and units and guidelines for self-studies and for collecting data for benchmarking of performance. By aligning program reviews with unit reviews, it was anticipated that divisions would be able to conserve resources and create efficiencies. The University hoped to receive a decision from the Quality Council shortly with respect to the UTQAP.

Professor Misak announced that she would be establishing a Provostial Advisory Group on Academic Planning that would be co-chaired by Professor Edith Hillan, Vice-Provost, Faculty and Academic Life, and Professor Cheryl Regehr, Vice-Provost, Academic Programs. The mandate of the group would be to set out best practices and models of academic planning within units. The composition of the group would include eight faculty members, two graduate students, two undergraduate students, two administrative staff members, and one librarian. A call for nominations for membership would be issued to the University community the next day.

A member commented that it would be important for the Provostial Advisory Group on Academic Planning to consider how academic and budgetary planning might be linked in the future. Professor Misak stated that that issue had been clearly addressed in her memorandum of September, 2009. She said that divisions had been engaged in ongoing academic planning, particularly since the implementation of the current budget model, and during annual meetings between decanal and provostial staff the matter that the member had raised was carefully examined.

5. Constitution: School of Graduate Studies

The Chair said that the proposal for amendments to the School of Graduate Studies (SGS) Constitution had come directly to the Academic Board for its consideration. If recommended by the Board, the proposal would require Executive Committee confirmation at its December 6th meeting.

Professor Misak introduced the proposal², which had been included in the agenda package that had been made available to members of the Board on the governance portal. She recalled that the SGS Constitution had been revised last in 2006. The current proposed changes to the Constitution addressed new and amended procedures that had resulted from dramatic changes in quality assurance procedures for graduate and undergraduate programs in Ontario. The approval function of the Ontario Council on Graduate Studies (OCGS) for graduate program proposals and graduate program review would cease in the 2010-2011 academic year, and Ontario's new Quality Council (QC) and Quality Assurance Framework (QAF) would function in place of OCGS in that regard. The QC would address both graduate and undergraduate program approvals.

² <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7310>

5. Constitution: School of Graduate Studies (cont'd)

Professor Misak said that the University of Toronto's Quality Assurance Process (UTQAP) had been provided for information to the Governing Council this past June. The UTQAP outlined changes to governance and administrative procedures for new program proposals, major modifications to programs, and minor modifications. In accordance with the UTQAP, the Graduate Education Council (GEC) would no longer be responsible for the approval of graduate programs offered in SGS, and that change was reflected in the proposed constitutional amendments. Professor Misak emphasized that, despite this change, widespread consultation with stakeholders such as the Council of Graduate Deans and graduate students would still occur. She noted that the proposed changes to the constitution also adjusted language for graduate faculty memberships in accordance with University appointment policies and procedures and clarified the role of SGS in the process. As well, other administrative changes with respect to the Dean's responsibilities were proposed, and some editorial and formatting changes had been made. In closing, Professor Misak reiterated the importance of aligning the SGS constitution with the new provincially-mandated QAF.

Invited by the Chair to comment, Professor Brian Corman, Dean, SGS, and Vice-Provost, Graduate Education, clarified that while the OCGS's program review function would cease, the Council itself would continue to exist. He stated that extensive consultation had taken place in the process of developing the proposed amendments, and he acknowledged the assistance that had been provided by members of the University, including the staff in the Office of the Vice-President and Provost and the Office of the Governing Council. Professor Corman also thanked Ms Jane Alderdice, Director, Quality Assessment and Governance, SGS, for her substantial work in developing the proposal over the past year.

A member stated that some graduate students had expressed concern at the removal of the requirement for GEC approval of graduate programs offered in SGS. He asked whether graduate student groups would have increased opportunity to address governance bodies, given the loss of their formal role in the graduate program approval process. In response, Professor Corman stated that he was aware of this concern, and academic units had been alerted to the altered approval process. Proposed program changes always originated at the faculty or divisional level, and student input always occurred as part of the normal process in developing proposals. Professor Corman suggested that it would be appropriate for discussions regarding student consultation to occur between the Graduate Student Union and the respective academic units. He also noted that there was student representation on the Committee on Academic Policy and Programs (AP&P) and that requests from the GSU to address the AP&P were normally granted.

On motion duly moved, seconded, and carried

YOUR BOARD RECOMMENDS

THAT THE EXECUTIVE COMMITTEE CONFIRM

THAT the proposed amendments to the Constitution of the School of Graduate Studies, which were approved by the Graduate Education Council on October 19, 2010, a copy of which is attached hereto as [Appendix "A"](#), be approved.

6. Capital Project: Project Planning Report for the University of Toronto St. George Campus Data Centre Renewal

The Chair said that the proposal for the St. George Campus Data Centre Renewal Capital Project had been considered by the Planning and Budget Committee (P&B) at its meeting of November 10, 2010. If recommended by the Academic Board, the proposal would be considered for approval by the Governing Council on December 16th.

Professor Diamond introduced the proposal³ and highlighted the discussion that had occurred at the P&B meeting⁴. There were no questions from the Board.

On motion duly moved, seconded, and carried

YOUR BOARD RECOMMENDS

1. That the Project Planning Report for the Renewal of the St. George Data Centre in its present location in the McLennan Physical Laboratories Building, a copy of which is attached hereto as [Appendix "B"](#), be approved in principle.
2. That the project scope for Phase 1, as identified in the Project Planning Report, be approved at a total project cost of \$5,160,100 with sources of funding as follows:

Information & Technology Services	\$ 2,835,000.00
<u>Central funding</u>	<u>\$ 2,325,100.00</u>
Total	\$ 5,160,100.00

3. That, pending available funding, Phase 2 be brought forward to implementation through the Accommodation and Facilities Directorate in accordance with the *Policy on Capital Planning and Capital Projects*.

7. Approval of New Academic Rank: Sessional Lecturer III

The Chair said that the proposal for the designation of the rank of Sessional Lecturer III as an academic rank had come directly to the Academic Board for its consideration. If recommended by the Board, the proposal would require Governing Council approval at its December 16th meeting.

Professor Misak introduced the proposal⁵. She stated that the Canadian Union of Public Employees, Local 3902 (CUPE 3902), Unit 3, represented instructors who taught for the University on contracts of less than one year, subject to certain exceptions specified in the collective agreement. In 2005,

³ <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7310>

⁴ <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7310>

⁵ <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=7310>

7. Approval of New Academic Rank: Sessional Lecturer III (cont'd)

Governing Council had approved the designation of Sessional Lecturer I and Sessional Lecturer II as academic ranks.

Most recently, a new rank of Sessional Lecturer III had been included in the collective agreement that had been reached on November 8, 2009 between the University and CUPE 3902, Unit 3. Consideration for the rank of Sessional Lecturer III was reserved for individuals who possessed an advanced degree or significant professional accomplishment, had been advanced to the Sessional Lecturer II rank, and who had served at that rank in the advancing department for at least three academic years and had taught an average of four half courses or two Full Course Equivalents (FCEs) per year in the prospective advancing department over the previous three academic years. It was being proposed that, in keeping with the ranks of Sessional Lecturer I and Sessional Lecturer II, the rank of Sessional Lecturer III be designated as an academic rank for the purposes of the definition of “teaching staff” under s. 1(1)(m) of the *University of Toronto Act, 1971* for the purpose of the Act itself.

Among the matters that arose in questions and discussion were the following.

A member expressed disapproval of the creation of the Sessional Lecturer III rank. She outlined the steps by which an individual might progress through the ranks of Sessional Lecturer I and II noting that such advancement could take many years to achieve. The member voiced her dismay that such a situation had been permitted to exist for so long. While there were circumstances in which sessional lecturers were necessary, in general, it seemed unfair to employ instructors, many of whom had completed advanced degrees, over a long period of time without offering them a continuing appointment.

Professor Edith Hillan, Vice-Provost, Faculty and Academic Life, stated that, in accordance with the *Labour Relations Act*, the Ontario Labour Relations Board determined the scope of the bargaining unit and its ruling was legally binding. She explained that the approximately 630 instructors who were represented by CUPE 3902, Unit 3, were on contracts of less than one year. The majority of those members were employed elsewhere and taught only one course per year at the University. She noted that the *Policy and Procedures on Employment Conditions of Part-time Academic Staff*⁶ only applied to individuals who were appointed on a contract of one year or more. That *Policy* could only be altered with the mutual agreement of the UTFA and the University. Discussions between the two groups with respect to changes to the appointment policies had been ongoing for the past year; to date, the discussions had been quite productive. Professor Misak commented that, in an ideal situation, the University would increase its tenure-stream professoriate if more public funding was available. Unfortunately, because of current funding circumstances, the University needed to have flexibility on how to deliver curricula, including the use of sessional lecturers. That need would continue in the foreseeable future.

A member asked why there was a need for the Sessional Lecturer III rank and questioned the process whereby such a rank had been created under a collective agreement. Professor Hillan replied that, in 2005 when CUPE 3902, Unit 3, had come into existence, the Governing Council had recognized the

⁶ <http://www.governingcouncil.utoronto.ca/policies/ptfac.htm>

7. Approval of New Academic Rank: Sessional Lecturer III (cont'd)

need for the creation of new ranks under the *University of Toronto Act, 1971*⁷ to reflect the fact that individuals appointed in that Unit were separate and distinct from those appointed under the *Policy and Procedures on Academic Appointments*⁸ and the *Policy and Procedures on Employment Conditions of Part-time Academic Staff*. In the most recent round of bargaining, there had been a desire to acknowledge a relatively small group of instructors who had a significant long-term relationship with the University, and this was recognized in terms of pay, employment commitment and severance, hence the creation of the rank of Sessional Lecturer III.

Some members inquired whether it was possible that heads of academic units might tend to rely more heavily on sessional lecturers to provide instruction over long periods of time. Had any studies been conducted with respect to the impact on faculty and students from the ongoing use of sessional lecturers? Would the new rank result in any disadvantage to the sessional lecturers themselves? Professor Hillan acknowledged the importance of monitoring the employment of sessional lecturers and confirmed that such statistics had been collected over the past five years since the creation of the ranks of Sessional Lecturer I and II. She pointed to the need for academic divisions to continue to contemplate the most appropriate use of academic staff in the delivery of their programs over the long term. There was a balance that could be achieved between tenure- and teaching-stream professoriate in order to provide excellent instruction to the University's students. Sessional lecturers served various roles across the divisions. For example, some taught specialized courses when tenure-stream faculty were on leave, some taught summer courses, some provided support in writing centres, and some offered one-to-one instruction in the Faculty of Music.

Professor Hillan noted that instructors who were advanced to the Sessional Lecturer III rank would be offered the opportunity to teach two FCEs in the advancing department in the academic year(s) following advancement in accordance with the provisions set out in the collective agreement. The determination of the courses to be taught would be at the discretion of the Chair or his/her designate, after prior consultation with the Sessional Lecturer III. Of course, there was no certainty that a given course would be taught by a faculty member from year-to-year. While course offerings might vary, particularly if a department were undergoing a curriculum development or renewal process, there were sometimes opportunities for instructors to teach courses with similar content within an academic unit from one year to the next. Professor Hillan emphasized that anyone, including sessional lecturers, was free to apply for an advertised position for a continuing appointment.

Professor Misak added that, once a unit determined that it would have stable funding within its base budget for a teaching- or tenure-stream position, anyone could apply. From time-to-time, Sessional Lecturers I and II had been hired to fill such positions at the University.

A member commented that, as Interim Director of the Transitional Year Program, he hired many sessional lecturers to assist with a program that was run in some high schools. Many of those instructors were employed elsewhere; for example, one was an artist, one was a high school teacher, one was a social worker. The member observed that it appeared necessary to designate the Sessional

⁷ <http://www.governingcouncil.utoronto.ca/policies/uoftact-1.htm>

⁸ <http://www.governingcouncil.utoronto.ca/policies/phoct302003i.htm>

7. Approval of New Academic Rank: Sessional Lecturer III (cont'd)

Lecturer III rank as an academic rank, given that it had already been defined in the collective agreement. Professor Hillan confirmed that the collective agreement that outlined the rank of Sessional Lecturer III had been ratified by CUPE 3902, Unit 3, and it had been presented to the Business Board for information on December 14, 2009. Professor Misak agreed with the member's observation.

On motion duly moved, seconded, and carried

YOUR BOARD RECOMMENDS

THAT the rank of Sessional Lecturer III be designated as an academic rank for the purposes of clause 1(1)(m) of the University of Toronto Act, 1971, effective July 1, 2010.

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

8. Presentation on Academic Appeals and Academic Discipline

The Chair informed members that the Agenda Committee had decided to include an educational component on relevant subjects in Board meetings from time-to-time throughout the year. Members of the Board had indicated in the year-end survey this past June that such an initiative would be valuable. The Chair invited members of the Board to send suggestions for future educational sessions to her or the Secretary.

The Chair expressed her pleasure that one such session had been prepared for the Board by Professor Hillan; Ms Kate Hilton, Senior Chair of the Academic Appeals Committee; Ms Nora Gillespie, Legal Counsel, Office of the Vice-President and Provost and Office of the Vice-President Human Resources and Equity; and Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances.

The speakers then provided an overview of the University's academic appeals and academic discipline processes. A copy of the presentation slides are attached hereto as [Appendix "D"](#).

A member commented that he had sat on some tribunals of the Academic Appeals Committee in the past. While he had found the process to be very fair, in his view, it was quite time-consuming and drew significantly on the University's resources. The member asked whether the University was obliged by law to allow all appeals to proceed to the central Academic Appeals Committee or whether it was possible for only certain cases to be heard at that level. The member noted that the Governing Council had recently approved in principle the *Report of the Task Force on Governance* (June 22, 2010)⁹. One of the recommendations that had been endorsed was that a framework for redistribution and greater delegation of responsibilities should be adopted for the Governing Council's Boards, Committees, and administration. Ms Hilton replied, stating that the University's process had been designed to withstand judicial review. The process was quite robust with respect to procedural fairness and the opportunities afforded to students to have their cases heard. It was

⁹ <http://www.governingcouncil.utoronto.ca/taskforce/reportTFOG.htm>

8. Presentation on Academic Appeals and Academic Discipline (cont'd)

preferable to have a less restrictive process that enabled the resolution of appeals within the University, than to have a greater number of cases proceeding to divisional court. The latter scenario could be quite costly for the University. The University's appeal policies were developed within a legal context. Much care was taken to ensure that those policies were aligned with administrative law cases, a number of which addressed principles within a University setting. Professor Misak added that the University was committed to procedures which provided students with robust procedural protections and opportunities to have their cases heard. The member stated that he would ask the Governing Council's Implementation Committee to consider his question. A member said that, in her view, a student should have every opportunity to appeal an academic decision, particularly when it could have a dramatic impact on his/her life.

A member asked whether a University tribunal decision could be appealed in a provincial court. Ms Gillespie replied that it was possible for students to ask the courts for a judicial review of the University's tribunal decisions, but that judicial review applications were rare and would normally focus on procedural or jurisdictional issues rather than constituting an actual appeal.

A member remarked that, of the 912 divisional academic discipline cases in 2009-2010, only a very small number had been brought forward to the University Tribunal. Mr. Lang agreed, noting that charges had been laid in only 38 new cases, less than 1% of the total divisional cases.

Noting that decisions of the Tribunal were expurgated before being made publicly available, a member commented that that was sometimes problematic when a case involved fabrication of data. The member suggested that the practice limited the information that could be shared with other institutions when academic units were attempting to manage the dissemination of false data. Ms Gillespie replied that such factors should be taken under consideration during the investigation of a case, and that the University did take steps where appropriate to address matters such as the dissemination of false data that might have been published or relied upon. It was possible, in some situations, for the University to take action. Professor Hillan added that debates on the advantages and disadvantages of publishing an appellant's name occurred from time to time but there were differing views as to the most appropriate course of action.

The Chair thanked the speakers for their informative and timely presentation.

9. Items for Information

(a) Semi-Annual Report: Academic Appeals Committee, Individual Cases, Fall 2010

The Chair thanked members for having submitted their questions to the Secretary in advance of the meeting.

Referring to Report Number 345 and 350 of the Academic Appeals Committee, a member noted that the Committee had clearly expressed its discomfort with the Faculty of Applied Science and Engineering's practice of providing accommodation for students in the form of assessed grades rather than permitting alternate remedies such as deferred exams. The Committee had also

9. Items for Information (cont'd)

(a) Semi-Annual Report: Academic Appeals Committee, Individual Cases, Fall 2010 (cont'd)

addressed the importance of including a written rationale when providing a decision on a petition. The member asked what steps were being taken by the Faculty to deal with the issues that had been raised by the Committee. Professor Grant Allen, Vice-Dean, Undergraduate, Faculty of Applied Science and Engineering (FASE), reported that the Faculty had been receptive to the feedback from the Committee, and it was working to provide an increased number of deferred exams in the future. The Faculty was currently developing a policy regarding the use of deferred exams to ensure consistency across all students. That proposed policy would likely be presented to the FASE Council for approval in February, 2011. Professor Allen stated that it was the Faculty's view that the use of an assessed mark often provided a fairer means of accommodation than the provision of a deferred exam. As well, because the Faculty promoted students by term rather than by session, it was important to ensure that students could receive their final course grades in an expedient fashion; there was typically a delay when a deferred exam was provided. Professor Allen said that it was quite costly to prepare a fair exam, and it was important to consider carefully how best to allocate the Faculty's resources. He assured the Board that, in the future, the FASE Academic Appeals Board would provide written decisions in response to appeals.

A member expressed concern that Committee hearings occasionally proceeded in the absence of a student appellant. In her view, it was critical for the student to be present to speak on his/her own behalf. Professor Thomas Coyle, Chair, Examinations Committee, FASE, replied that such an occurrence was quite rare in the Faculty. In the case to which the member had referred, the student had been invited to attend a meeting of the Board on an alternate date but had refused.

The Chair thanked Ms Hilton for the excellent guidance that she provided as Senior Chair of the Academic Appeals Committee and asked her to convey the Board's sincere thanks to the other Chairs and members of the Committee for their hard work and dedication.

(b) Semi-Annual Report: University Tribunal, Individual Cases, Fall 2010

Invited by the Chair to comment, Professor Hillan informed the Board that the format of the semi-annual report of the University Tribunal had been altered for the Fall 2010 individual cases. She stated that a summary of the decisions had been prepared for the Board in the hope that it would be easier for members to review. While the complete decisions had not been included in members' packages, they could be viewed online. Professor Hillan noted that the semi-annual report was provided to the Board for information.

A member commented that it seemed unusual that an entire Ph.D. thesis could have been plagiarized. Professor Hillan stated that by reading the complete decision, the Board might gain an understanding of how such an offence could have occurred.

The Chair asked Mr. Lang to thank the members of the Tribunal for their time and service to the University on behalf of the Board.

9. Items for Information (cont'd)

(c) Annual Report: Academic Discipline - 2009-2010

The Chair thanked Professor Hillan, Mr. Lang, and their staff for their efforts in preparing such a comprehensive report for the Board.

(d) Appointments and Status Changes

There were no questions arising from the Appointments and Status Changes Report.

(e) Report Number 147 of the Committee on Academic Policy and Programs (September 21, 2010)

Referring to Report Number 147, Item 4, Reviews of Academic Programs and Units, Part I, Faculty of Arts and Science: Aboriginal Studies Program (p. 8), a member expressed the view that aboriginal perspectives, rather than colonizer perspectives, should be adopted in the curriculum. Professor Misak suggested that the member appeared to have misinterpreted that section of the Report. She explained that no recommendations with respect to the Aboriginal Studies Program curriculum were being made; the Report simply contained an overview of the discussion that had occurred at the September 21, 2010 meeting of the Committee on Academic Policy and Programs.

(f) Report Number 139 of the Planning and Budget Committee (November 10, 2010)

There were no questions about the Report.

10. Date of Next Meeting

The Chair reminded members that the next meeting of the Board was scheduled for Thursday, January 27, 2011, at 4:10 p.m. in the Council Chamber

11. Other Business

There were no items of other business.

The Chair thanked members for their attendance at the Board meeting and wished them all the best during the holiday season.

The meeting adjourned at 6:30 p.m.

Secretary
November 30, 2010

Chair