

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

FEBRUARY 16, 2012

MINUTES OF THE MEETING OF THE GOVERNING COUNCIL held on February 16, 2012 at 4:30 p.m. in the Council Chamber, Simcoe Hall, University of Toronto.

Present:

Mr. Richard B. Nunn (In the Chair)
Ms Judy Goldring, Vice-Chair
Professor C. David Naylor, President
Mr. Donald Andrew
Professor Robert Baker
Ms Diana A.R. Alli
Mr. P. C. Choo
Professor Elizabeth Cowper
Mr. Ken Davy
Mr. Cary Ferguson
Miss Maria Pilar Galvez
Professor William Gough
Professor Hugh Gunz
Professor Ellen Hodnett
Mr. Nykolaj Kuryluk
Professor Louise Lemieux-Charles
Mr. Aly-Khan Madhavji
Professor Michael Marrus
Professor Cheryl Misak
Mr. Gary P. Mooney
Mr. Manveen Puri
Ms Melinda Rogers
Professor Andrea Sass-Kortsak
Professor Elizabeth M. Smyth
Miss Maureen J. Somerville
Mr. W. John Switzer
Mr. W. Keith Thomas
Ms Rita Tsang
Ms Morgan Vanek
Ms B. Elizabeth Vosburgh
Mr. W. David Wilson

Mr. Louis R. Charpentier, Secretary of the
Governing Council

Absent:

The Honourable David R. Peterson
Mr. Brent Belzberg
Ms Celina Rayonne Ceasar-Chavanes
Mr. Steve (Suresh) Gupta
Ms Shirley Hoy
Professor Edward Iacobucci
Ms N. Jane Pepino
Mr. Jorge Prieto
Mr. Howard Shearer
Professor Janice Gross Stein
Professor Franco J. Vaccarino
Mr. Chirag Variawa
Dr. Sarita Verma

Secretariat:

Mr. Anwar Kazimi
Ms Cristina Oke

In Attendance:

Professor Scott Mabury, Vice-President, University Operations
Mr. David Palmer, Vice-President, Advancement
Professor Jill Matus, Vice-Provost, Students
Ms Gail Milgrom, Acting Assistant Vice-President, Campus and Facilities Planning
Ms Christina Sass-Kortsak, Assistant Vice-President, Human Resources and Equity
Ms Marny Scully, Assistant Vice-President, Government, Institutional and Community Relations
Mr. Larry Alford, Chief Librarian
Mr. Steve Bailey, Director, Office of Space Management
Ms Kathy Broad, Academic Director, Initial Teacher Education, Ontario Institute for Studies in Education of the University of Toronto (OISE)
Professor Eric Bredo, Chair, Theory and Policy Studies in Education, OISE
Ms Breanne Faulkner, Graduate Student, OISE
Ms Sally Garner, Executive Director, Planning and Budget
Professor Esther Geva, Chair, Human Development and Applied Psychology, OISE
Ms Sandy Gibson, Graduate Student, OISE
Dr. Anthony Gray, Special Advisor to the President
Dr. Jane Harrison, Director, Academic Programs and Policy, Office of the Vice-President and Provost
Ms Clara Ho, Vice-President, University Affairs, Students' Administrative Council (SAC) which operates as the University of Toronto Students' Union (UTSU)
Ms Limin Jao, Graduate Student, OISE
Ms Kathleen Lee, Graduate Student, OISE
Ms Bryn MacPherson, Director, Office of the President
Ms Evelyn McMullen, Graduate Student, OISE
Mr. Steve Moate, Senior Legal Counsel, Office of the President
Professor Julia O'Sullivan, Dean, OISE
Mr. John Portelli, Academic Director, Graduate Education, OISE
Ms Christopher Smith, Graduate Student, OISE
Ms Meredith Strong, Director of the Office of the Vice-President, University Relations
Professor Luc Tremblay, Vice-President, University and External Affairs, University of Toronto Faculty Association (UTFA)
Ms Pamela Uppal, Peace by Peace
Ms Ayesha Valliani, Peace by Peace
Mr. Daniel Vandervoort, Vice President External, Graduate Students' Union (GSU)
Professor Jeanne Watson, Associate Dean Programs (former Chair, Adult Education and Counseling Psychology) OISE

On motion duly moved, seconded and carried

It was Resolved

That an item be added to the agenda and that the item be considered *in camera*.

Gift to the University

On motion duly moved, seconded, and carried,

It was Resolved,

THAT the recommendation contained in the Memorandum from the Vice-President and Provost dated February 16, 2012 be approved.

THE GOVERNING COUNCIL MOVED INTO OPEN SESSION.

1. Chair's Remarks

The Chair welcomed members and guests to the meeting.

(a) Appointment of Lieutenant-Governor-In-Council Member to Governing Council

The Chair announced that the Lieutenant Governor had issued the order that Ms Shirley Hoy be reappointed to the University of Toronto Governing Council for period of three years, effective from December 3, 2011.

(b) Information Session on the Budget Report

The Chair encouraged members to attend the detailed information session on the Budget Report that was being held on Tuesday, February 28th.

(c) Addition to the Agenda and Speaking Requests

The Chair stated that some concerns had been raised concerning the Access Copyright agreement that was a subject of discussion in Report Number 194 of the Business Board (January 30, 2012). With the agreement of members, the item was being removed from the consent agenda, and a new Item 10 was being added to the agenda.

Three speaking requests had been received on a matter related to the Access Copyright Agreement. All three requests had been granted:

The speakers would be invited to address the Council under the new agenda item 10. The Provost would provide a briefing prior to the speakers.

2. Report of the President

(a) Student Presentation: [Peace by Peace](#)

The President introduced the Co-Directors of Peace by Peace, a student initiative that delivered an eleven-week conflict resolution curriculum to Grade 5 students across Toronto. Ms Ayesha Valliani, a New College student and Residence Don was completing a Specialist in the Department for the Study of Religion, focusing on religion in public life, and Ms Pamela Uppal, a Woodsworth student, also in her final year, was pursuing a double major in Philosophy and Women and Gender Studies. A copy of their presentation is attached hereto as Appendix A.

During the discussion that followed, a member asked how the program could be expanded. Ms Valliani replied that expansion of the program required additional volunteers and funding. There were several schools that wanted the program but were unable to afford it. Another member encouraged the University to highlight the program and publicize it widely.

(b) Awards and Honours

The President drew the attention of Governors to the list of [awards and honours](#) that had accompanied the agenda packages, and highlighted two awards.

Professor Shana Kelley of the Leslie Dan Faculty of Pharmacy had won the 2011 Steacie Prize, marking the third consecutive year that a University of Toronto professor had received this prestigious award for outstanding Canadian research in science and engineering. Professor Kelley's research focused on the development of nanomaterial-based detection systems that could track miniscule quantities of biomolecular analytes. Her work would help provide new non-invasive and very powerful tools for cancer and infectious disease identification.

Dr. Izzeldin Abuelaish, Associate Professor of Global Health at the Dalla Lana School of Public Health, had received Italy's Lombardy Region Peace Prize and Calabria Peace Prize. In March he would also receive the 2012 Calgary Peace Prize. These awards were the latest in a long list of honours bestowed upon Dr. Abuelaish for his extraordinary work promoting peace and public health.

The President also informed members of an award that had not been included in the list provided.

Mr. Aaron Guan, a Master of Applied Science student in mechanical and industrial engineering, had won the recent *AUTO21TestDRIVE*, a national automotive research competition. He had received a \$10,000 scholarship for his work on recyclable, lightweight, polymeric nanocomposites. In particular, he had developed a biodegradable, renewable material from shrimp and crab shells that could replace petroleum-based plastics used in auto components.

The President congratulated all those who had received honours and awards.

2. Report of the President (cont'd)

(c) Update on Negotiations

i) CUPE 3902, Unit 1

The President reminded members that the University was currently in bargaining with the union representing 4,200 teaching assistants, graduate-student instructors, lab demonstrators, invigilators and writing instructors. At a recent membership meeting, a majority of the approximately 250 CUPE members in attendance voted not to bring the University's latest offer to the full membership for a ratification vote. Instead, those present directed the Union to seek a No Board report from the Ministry of Labour. Accordingly, the University had been advised that the Union would be in a legal position to strike on February 23rd. The University was making plans to maintain academic continuity in the face of a possible strike, and would remain open if a strike did occur. The University had accepted the mediator's invitation to continue discussions on February 21st and 22nd.

ii) University of Toronto Faculty Association (UTFA) Concern with revised Grading Practices Policies

At its meeting of January 26, 2012, the Academic Board had approved the consolidation and amendment of the existing grading practices policies and the approval of two new policies on transcripts and academic continuity. The President noted that the new policies had undergone an extensive consultation and revision process over a period of more than six months, with public circulation of the draft materials, discussions at faculty councils, and consideration in the usual fashion by governance Committees and the Academic Board. Effective July 1, 2012, the *University Assessment and Grading Practices Policy* would cover both undergraduate and graduate assessment and evaluation; the *Transcript Policy* would address distinct issues with respect to transcript notations; and the *Policy on Academic Continuity* would deal with academic disruption.

After the revised policies had been approved by the Academic Board, UTFA raised concerns about the *Policy on Academic Continuity*. The President indicated that he and the Provost understood why some faculty colleagues might be unsettled about their roles in the event that the upcoming bargaining was unsuccessful and a strike ensued. He noted that such a situation could put a university teacher in the position of weighing competing responsibilities to undergraduate students, to graduate students (both those who worked as TAs and those who did not), to dedicated staff, and to faculty colleagues who were at the heart of the University's teaching mission; principled differences might arise about the balance of these responsibilities. Given the quality and dedication of the University's collegiums, the President anticipated that any such differences would be aired respectfully, and with an effort to appreciate the perspectives and choices of others. Nevertheless, the President and Provost thought it was important to respond to colleagues' concerns. The Provost, therefore, would be meeting with UTFA to review their concerns in the near future.

(d) Drummond Report

The President noted that the Province had released the *Report of the Commission on the Reform of Ontario's Public Services (Drummond Report)* on February 15, 2012.¹ The University Relations portfolio was putting together a thorough review of the *Report* which would be made widely available. The President reminded members that social spending in Ontario was at the bottom end and per capita spending was well below that of other provinces.

¹ <http://www.fin.gov.on.ca/en/reformcommission/index.html>

2. Report of the President (cont'd)

(e) Honorary Degrees

The President commented that inviting and corresponding with honorary degree recipients was one of the most gratifying parts of his job. He was always impressed with the quality of individuals who honoured the University by accepting its highest award.

The President read into the record the names of the honorary degree graduands for 2012.

Anne Carson

For her exceptional achievements in poetry and literature and her scholarly contributions to Classics.

W. (William) Edmund Clark

For his outstanding voluntary and philanthropic endeavours as well as for his contributions to Canada's banking and financial industry.

John H. Dirks

For his outstanding leadership of the Gairdner Foundation and his life-long contributions to academic medicine in Canada and abroad.

Avis Glaze

For her outstanding contributions to education.

Paul M. Hoffert

In recognition of his distinguished achievement in, and service to, arts, music and media.

Sheldon Inwentash and Lynn Factor

For their support of the profession of Social Work and their contributions to the University community.

Michael Kirby

For his outstanding record of contributions to Canada, through public service and through his exceptional advocacy for the improvement of national mental health services.

David R. Olson

For his outstanding scholarly contributions to literacy, psychology and education.

Pierre Rivard

In recognition of his leadership in the development and commercialization of clean energy technologies in Canada.

Vandana Shiva

For her commitment to the empowerment of women in developing countries, advocacy of human rights and support of environmental sustainability.

Phillip (Rocky) Simmons

For his exceptional contributions to engineering research and technology which have enhanced environmental and economic sustainability.

Lawrence M. Tanenbaum

For his outstanding record as a business leader, as well as his exceptional philanthropic support for health care and educational institutions.

The President indicated that Mr. Tannenbaum had accepted the offer of an honorary degree as a means of honouring the students and their families at convocation, a reflection of his belief in the importance of youth to the future of Canada. The President believed that this same sentiment almost certainly motivated all of the distinguished individuals who were being acknowledged and honoured that year.

3. Consultation on “Towards 2030 View from 2012”

The Provost summarized the results of the consultation of the past seven months by means of a power point presentation which is attached hereto as Appendix B. The core message that had emerged from the consultations was that the University was respected as one of the world’s best research-intensive universities despite its severely-constrained resources. The University was meeting the goals set out in *Towards 2030* while meeting new and continuing challenges.

Discussion

Research

A member asked whether pure academic research could be justified for provincial and federal funding. The Provost replied that the University’s mission was to educate and to engage in pure and applied research. It was indeed engaged in communicating the benefits of pure research to government. The President added that a document was being prepared to highlight the University’s research. The decision had to be made as to whether the document would be for an external audience or an internal audience.

Another member agreed that the issue of applied research versus pure research needed to be addressed. The depth and success of the University’s research had to be harnessed, and sectors other than health care needed to be addressed.

Graduate Student Recruitment and Funding

A member asked whether graduate student funding was at the discretion of the Provost. The Provost replied that the University’s commitment to graduate student funding was not discretionary, although there were challenges in putting together highly competitive funding packages. The Provost noted that this was a priority in the Campaign and that \$6 million of matching money had been made available for gifts towards PhD funding.

A member noted the changing ratio of international to national students. The Provost indicated that a major concern of the University was that excellent international graduate students were being turned away from the University because the Ontario government did not provide any grant funding for them. Again, matching funds of \$6 million had been made available by the Provost, and Department Chairs were taking up the challenge and fund raising for PhD funding, including funding for international PhD students.

Institutional Organization

A member commented that there had been no mention of the Task Force on Institutional Organization that had been part of the *Towards 2030* process. The Provost replied that the three-campus structure was successful, however communication could be improved and internal structural change was necessary.

Pension Plan Funding

A member asked for an update on the University’s pension plan. The Provost replied the University was putting special payments into the pension plan each year, and increased member contributions were being negotiated.

Faculty

A member commented that, in his view, the relationship between the University and the University of Toronto Faculty Association (UTFA) needed to be improved.

3. Consultation on “Towards 2030 View from 2012” (cont’d)

Conclusion

A member thanked the President and his team for their success in the time of constraint and said that, in his view, members of the University were not self-congratulatory enough. The Provost stated that the University’s success was due to the depth and excellence of its students, staff, alumni and faculty.

4. Items for Governing Council Approval

(a) Proposal for the Departmental Restructuring at the Ontario Institute for Studies in Education

Professor Hodnett summarized the process that had led to the proposal for departmental restructuring at the Ontario Institute for Studies in Education (OISE). No questions about the proposal had been raised at the Academic Board.

A member commented that the proposal had been well thought out, and commended those involved for ensuring that no administrative staff would be forced to resign as a result of the restructuring.

On motion duly moved, seconded and carried

It was Resolved

THAT the Department of Adult Education and Counselling Psychology at the Ontario Institute for Studies in Education be disestablished effective July 1, 2012, and three of the four remaining units be renamed as follows:

- the current Department of Human Development and Applied Psychology to the Department of Applied Psychology and Human Development;
- the current Department of Theory and Policy Studies in Education to the Department of Leadership, Higher and Adult Education; and
- the current Department of Sociology and Equity Studies in Education to the Department of Humanities, Social Sciences and Social Justice Education.

Documentation is attached to Report Number 177 of the Academic Board as [Appendix “B”](#).

4. Items for Governing Council Approval (cont'd)**(b) Capital Project: Project Planning Report for the University of Toronto Mississauga North Building Reconstruction, Phase A**

Professor Hodnett described the project and the key points of the discussion at the Academic Board. Mr. Wilson summarized the discussion at the Business Board.

Several members referred to the fact that the North Building had been considered a temporary structure since the time of its construction in 1967, and stated their support of the reconstruction.

On motion duly moved, seconded and carried

It was Resolved

1. THAT the Project Planning Report for the University of Toronto Mississauga, North Building Reconstruction, Phase A, dated December 16, 2011, be approved in principle; and
2. THAT the project scope, covering 5,220 nasm, as identified in the Project Planning Report be approved in principle at a total project cost of \$56-Million with funding as follows:

Provincial Government	\$ 35.0M
Funds from borrowing	\$ 17.0M
UTM capital reserves	\$ 3.1M
<u>UTM Graduate Expansion Fund</u>	<u>\$ 0.9M</u>
Total	\$ 56.0M

Documentation is attached to Report Number 177 of the Academic Board as [Appendix "C"](#).

CONSENT AGENDA

On motion duly moved, seconded, and carried,

It was Resolved

THAT the consent agenda be adopted and that the items be approved.

5. [Business Board: Revision to Terms of Reference](#)

On motion duly moved, seconded, and carried,

It was Resolved

THAT section 1.1 of the Terms of Reference of the Business Board be amended to provide that there will be three voting administrative assessors selected by the President appointed *ex officio*.

6. [Minutes of the Previous Meeting of December 15, 2011](#)

The minutes of the December 15, 2011 meeting were approved.

7. Business Arising from the Minutes of the Previous Meeting

There was no business arising from the previous meeting.

8. Reports for Information

The Council received for information the following reports:

- (a) Report Number 177 of the Academic Board (January 26, 2012)
- (b) Report Number 193 of the Business Board (December 12, 2011)
- (c) [Report Number 194 of the Business Board \(January 30, 2012\)](#)
- (d) Report Number 167 of the University Affairs Board (January 24, 2012)
- (e) Report Number 443 of the Executive Committee (December 15, 2011)
- (f) [Report Number 444 of the Executive Committee \(February 6, 2012\)](#)

9. Date of Next Meeting

The Chair reminded members that the next meeting was scheduled for Wednesday, April 11, 2012 at 4:30 p.m.

10. Access Copyright Agreement

Background

The Provost explained that Access Copyright charged a fee on behalf of authors for the photocopying of articles and parts of books. The fee in the previous License had been \$3.38 per full-time equivalent (FTE) student plus a per-page copyright royalty for course-packs. Access Copyright had not renewed the licenses for any university when they expired in 2010, but had instead applied to the Copyright Board for a fee of \$45.00 per student which would cover all digital copying as well. The new fee might have been retroactive to 2010.

The University of Toronto and the University of Western Ontario had reached an agreement with Access Copyright for a new License and a fee of \$27.50 per FTE student and the expansion of the License into digital rights. This fee also covered the course pack changes as well and was not retroactive. If the legal landscape changed, the University could decline to renew the agreement when it expired at the end of 2013. If another group negotiated a better agreement with Access Copyright, the University would receive the benefit of the rate in the better agreement.

Speakers

At the invitation of the Chair, Mr. Daniel Vandervoort, External Commissioner, Graduate Students' Union (GSU) addressed the Council. He expressed the GSU's concerns over the process by which the agreement was reached, as student leaders were not part of the negotiations and were contacted only after the agreement had been finalized. In his view, the core academic mission of the University was exempt from ancillary fees, and the agreement should have been discussed at the Academic Board. He urged the Council to recommend the cancellation of the agreement.

At the invitation of the Chair, Professor Luc Tremblay, Vice-President, University and External Affairs, University of Toronto Faculty Association (UTFA), addressed the Council. He raised two potential sources of conflict which might arise if the University of Toronto maintained its relationship with Access Copyright. The first possible conflict was with peer institutions that were citing and actively supporting the concept of Fair Dealing. The second possible conflict was with the public and students who covered the majority of the University's operating costs. Access Copyright material included royalties obtained through publicly supported and funded scholarship activities. On behalf of UTFA, Professor Tremblay asked the Governing Council to instruct the Business Board to reconsider the matter.

10. Access Copyright Agreement (cont'd)

At the invitation of the Chair, Ms Clara Ho, Vice- President, University Affairs, University of Toronto Students' Union (UTSU) addressed the Council. She stated that Fair Dealing existed in legislation and that site licensing fees were currently paid by the University. The Access Copyright fee should not be mandated as an ancillary fee as it would be a double fee for students. She urged the administration to review and reconsider the agreement.

Discussion

The Provost explained that the Access Copyright agreement had been presented to Business Board for information because it was an increase in an existing fee, not the introduction of a new fee, and was specifically identified in the relevant Governing Council policies as being a matter for information. Existing policy had been followed. If the University had not reached an agreement with Access Copyright, and had decided to operate outside the Tariff regime, the University would have been at risk of fines in the event of breaches. The License contains an indemnity which protects the University. At the invitation of the Provost, Mr. Larry Alford, Chief Librarian, explained that the University Library provided access to large amounts of copyright material. Without an agreement with Access Copyright to facilitate access, there was evidence from other universities operating outside of the Tariff that some faculty might have to wait up to six weeks for permission to use material. Any changes in the copyright law that expanded the scope of fair dealing would over-ride the clauses in the Access Copyright License so that the University could benefit from favourable fair dealing interpretations.

The President noted that there were two key issues to address. First, it was not known when the Supreme Court would rule on the appeal of the Copyright Board's decision in the elementary and secondary school tariff litigation, upheld by the Federal Court of Appeal, that copies made by or at the initiative of a teacher could not be considered fair dealing. Secondly, with respect to Bill C-11, jurisprudence under the *Copyright Modernization Act* might or might not define 'fair dealing' in the way that universities hoped. The President indicated that Canadian Universities were taking various positions with respect to the matter and that the legal landscape was in flux.

A member asked how the University would deal with the survey and reporting requirements of the Agreement. The Provost replied that one of the reasons for entering into the agreement was that the survey requirements that could be imposed by the Copyright Board for those that did not enter into an agreement could be onerous. The agreement allowed for the University of Toronto to help shape the survey to its own circumstances. The President noted that the interests of creators, including those who wrote textbooks, had not been raised and discussed in the debate so far, but that they were also relevant to determining what was fair in the context of a new License. A member expressed his surprise at the possibility that professors who wrote textbooks would receive royalties, since publication was an expectation of academics. He referred to the Massachusetts Institute of Technology (MIT) model of making all course material available on the web, and encouraged the University to be a leader in the introduction of such a model in Canada.

11. Report of the Implementation Task Force on Governance

The Chair referred members to the report of the activities of the Working Group on Tri-Campus Matters that was included in Item 10 (a) of Report Number 444 of the Executive Committee.²

12. Question Period

There were no questions for members of the administration.

² <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=8224>

13. Other Business

A member thanked the Chair for providing the opportunity at the meeting for the Council to have a thorough discussion on several key issues. He also congratulated the Chair on his recent acclamation as Chair of the Governing Council for 2012 – 2013.

The meeting adjourned at 7:30 p.m.

Secretary

Chair

March 29, 2012