

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

OCTOBER 30, 2012

MINUTES OF THE MEETING OF THE GOVERNING COUNCIL held on October 30, 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)
Ms. Alexis Archbold
Mr. James Bateman
Ms. Celina Rayonne Caesar-Chavannes
Mr. P. C. Choo
Mr. Jeff Collins
Professor Elizabeth Cowper
Mr. Aidan Fishman
Mr. Andrew Girgis
Professor Avrum Gotlieb
Professor William Gough
Professor Hugh Gunz
Professor Ellen Hodnett
Professor Edward Iacobucci
Ms. Claire Kennedy
Ms. Paulette L. Kennedy
Professor Michael Marrus
Professor Cheryl Misak
Dr. Gary P. Mooney
Professor C. David Naylor
Ms N. Jane Pepino
Ms. Mainawati Rambali
Professor Andrea Sass-Kortsak
Professor Elizabeth M. Smyth
Miss Maureen J. Somerville
Mr. W. John Switzer
Mr. Andrew Szende
Mr. W. Keith Thomas
Professor Steven J. Thorpe
Ms Rita Tsang
Professor Franco J. Vaccarino
Mr. Chirag Variawa
Dr. Sarita Verma
Ms B. Elizabeth Vosburgh
The Honourable Michael H. Wilson
Ms. Nana Zhou

Secretariat:

Mr. Louis R. Charpentier
Mr. Neil H. Dobbs
Ms. Sheree Drummond
Mr. Anwar Kazimi
Ms. Mae-Yu Tan
Ms Cristina Oke

Absent:

Professor Robert Baker
Mr. Brent S. Belzberg
Mr. Michael A. Donnelly
Mr. Steve (Suresh) Gupta
Ms. Zabeen Hirji
Ms. Shirley Hoy
Mr. Nykolaj Kuryluk
Mr. Mark Krembil
Ms. Arlen Orellana
Ms Melinda Rogers
Mr. Howard Shearer
Professor Janice Gross Stein
Mr. W. David Wilson

In Attendance:

Mr. Jim Delaney, Director, Office of the Vice-Provost, Students
Mr. Garvin De Four, Assistant Ombudsperson
Ms. Joan Foley, Ombudsperson
Ms. Nora Gillespie, Legal Counsel, Office of the Vice-President, Human Resources & Equity and Office of the Vice-President and Provost
Dr. Anthony Gray, Director, Strategic Initiatives & Research
Dr. Jane Harrison, Director, Academic Policy and Programs
Professor Angela Hildyard, Vice-President, Human Resources and Equity
Professor Edith Hillan, Vice-Provost, Faculty and Academic Life
Mr. Michael Kurts, Assistant Vice-President, Strategic Communications and Marketing
Professor Scott Mabury, Vice-President, University Operations
Professor Jill Matus, Vice-Provost, Students
Ms. Bryn MacPherson, Executive Director, Office of the President
Mr. Steve Moate, Senior Legal Counsel, Office of the President
Mr. David Palmer, Vice-President, Advancement
Professor Cheryl Regehr, Vice-Provost, Academic Programs
Professor Deep Saini, Vice-President and Principal, University of Toronto Mississauga
Dr. Harriet Sonne De Torrens, Librarian, University of Toronto Mississauga
Ms. Archana Sridhar, Assistant Provost
Professor Scott Prudham, University of Toronto Faculty Association

1. Chair's Remarks

The Chair welcomed and thanked members and guests for attending the meeting.

The Chair announced that the Lieutenant Governor had issued the order that Mr. Mark Krembil be appointed to the University of Toronto Governing Council effective October 17 to the end of June and then for three years, effective July 1, 2013.

The Chair noted that three speaking requests had been received.

- Mr. Jason Dumelie, Graduate Students' Union Academics and Funding Commissioner (Divisions 3, 4), had asked to speak about the graduate students' response to the Ontario Government's discussion paper on innovation. After consideration by the Executive Committee this request was declined as it was felt that governors would have the opportunity to hear from and ask questions of student government representatives during the joint presentation that would be given at the meeting.
- Professor Scott Prudham, President, University of Toronto Faculty Association had asked to speak to the UTM and UTSC governance matter. He would be invited to speak under Item 10, Other Business.
- Dr. Harriet Sonne de Torrens, UTM Visual Resource Librarian, had asked to speak in her capacity as Chair, Librarians Committee, University of Toronto Faculty Association about UTM and UTSC governance and the need to acknowledge librarians in the governance structure. She would be invited to speak under Item 10, Other Business.

2. Report of the President

The President drew governors' attention to the Awards and Honours list that was provided in the meeting materials. He congratulated in particular Dr. Andy Dicks (Department of Chemistry, Faculty of Arts & Science) and Professor Steve Joordens (Department of Psychology, University of Toronto Scarborough) for their receipt of the Ontario Confederation of University Faculty Associations (OCUFA) Teaching Award.

He also congratulated the Varsity Blues Women's Golf Team for their 2012 Ontario University Athletics (OUA) Championship title and the Varsity Blues Men's Baseball Team for capturing their fourth OUA Championship title.¹

The President spoke to the tradition that was emerging regarding the University of Toronto's involvement in the Run for the Cure. He noted that this was the third year that the University hosted the event. 20,000 runners were involved. The event remains the largest single day volunteer fundraising event.

The President concluded his remarks by commenting that the Chancellor had been very busy since September, including hosting the Run for the Cure. He noted that the Chancellor would be formally installed on November 12, 2012 and he encouraged governors to join the academic procession.

(a.) Presentation by Student Government Leaders

The Chair indicated that the purpose of the presentation by student government leaders was to provide governors with information on the respective organizations – their governance practices, their mandates, their aspirations and goals, and current activities. He welcomed Mr. Guled Arale (Vice-President External, University of Toronto Scarborough Students' Union), Mr. Asad Jamal (President, Association of Part-Time Students), Ms. Erin Oldynski (External Commissioner, Graduate Students' Union), Mr. Munib Sajjad (Vice-President University Affairs, University of Toronto Students' Union), and Mr. Chris Thompson (President, University of Toronto Mississauga Students' Union).

Their presentation² addressed the following matters:

- **Mandate:** The overall mandate of the student governments is to represent all students, ensuring that their needs are being met, their voices are being heard. All of the governments operate with a democratic framework and their highest decision making body is their members – the students. A shared focus is working towards a system of education that is high-quality, affordable and accessible to all students.
- An overview of each of the governments – membership, unique programs and services and affiliation with the Canadian Federation of Students.
- **Services:** Highlighted some of the services provided – Health & Dental Plan, Course Union Funding.
- **Events:** Highlighted some of the major events – Tri-Campus Orientation, St. George Street closure.
- **Advocacy:** Highlighted some of the major campaigns – UTM U-Pass, UTSC shuttle, student debt. Noted that representatives lobby municipal, provincial and federal levels of government on issues such as increased access to quality social services, including education.

¹ <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=9134>

² <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=9136>

- **Successes:** Highlighted some of the shared victories – bottled water-free campus, expansion of student space, co-curricular transcript.
- **Challenges:** (1.) *Access Copyright:* Concerns with the University’s approach to the Access Copyright agreement, including concerns with the process leading up to the signing of the agreement as well as the implications of the agreement. Requested that the Governing Council move a motion to reject the Access Copyright agreement when it comes up for renewal in 2013. (2.) *Governance:* Concerns that the current proposal regarding the Campus Councils at the University of Toronto Mississauga (UTM) and the University of Toronto Scarborough (UTSC) including issues of adequate stakeholder representation, *ex officio* student union representation and the desire to maintain the spirit of the Erindale College Council and the Scarborough College Council. Noted that the Tri-Campus Governance Coalition had made proposals regarding quorum, electoral guidelines and mechanism for proposing amendments. (3.) *‘3-Cubed Report’ from the Ministry of Training Colleges and Universities (MTCU):* Noted that the student governments, students, faculty, staff and the administration all seemed united against the changes being proposed by the Ministry. Shared belief the proposed changes would have a negative impact on the quality of post-secondary education in the province. Stressed the need to ensure that Ontarians define their own post-secondary system and that the province should strive to be a global leader and not a follower of other jurisdictions.
- **Role of Governors:** Suggested that governors – pass a resolution to refund the Access Copyright fee to students; work alongside University stakeholders to resolve concerns about UTM and UTSC Campus Councils; and challenge the MTCU report and continue to work with University stakeholders to build a better vision for higher education.

The presentation concluded with a request to work together to achieve a vision for high-quality, accessible post-secondary education.

The Chair thanked the student leaders for their presentation and invited governors to pose any questions. A member asked about the Coalition’s support of *ex officio* representation on the proposed Campus Councils. He suggested that it would be more appropriate for interested students to run for positions as student representatives and in this way fully participate as voting members. Another member also commented on the *ex officio* representation suggestion and, pointing to concerns with the past two general elections, asked what was being done to ensure that student government elections were more transparent. Mr. Thompson replied that he believed that the elections were transparent and he noted that the Chief Returning Officers rulings, which are available on-line, are debatable. His view was that the more important issue was that there is a need to take steps to ensure that more students vote. Another member commented that having student government representatives serve as *ex officio* members on the Campus Councils would reduce the diversity. In her view it would be better for interested students to be elected and in this way increase the number of students involved in these important bodies. Mr. Arale clarified that the Coalition was not asking for any of the student seats on these Councils to be changed to *ex officio* seats, but rather that the request was for *ex officio* seats to be added.

The Chair concluded the discussion on this item by noting that it was very helpful for governors to heard directly from students, in addition to those serving on Council, and thanked the student leaders for their presentation.

3. Opportunities for Student Engagement in University Decision-Making Processes: Presentation and Discussion (Professor Jill Matus, Vice-Provost, Students)

The Chair invited Professor Jill Matus to make her presentation³ noting that the exercise that she had undertaken had been about creating transparency.

Professor Matus began by indicating that this project had started as a conversation with the Chair about what kind of opportunities there were for students to become engaged in university decision-making processes both on and beyond the Governing Council and its Boards and Committees. The purpose was to identify (1.) the variety of opportunities for student participation in governance through formal elected or appointed roles, and (2.) the means by which divisions, faculty and departments consult students. She advised that the scan, which involved surveying all graduate and undergraduate faculties, departments and units, was carried out over the course of the last year. To date, this process has identified close to 2,000 formal positions for students on more than 350 councils, boards and committees as well as a vast assortment of consultation mechanisms. To portray the depth she reviewed examples of student representation on: the Governing Council and its Boards and Committees; the committees within the Faculty of Arts & Science (a multi-department faculty); the committees within the Faculty of Nursing (a single department faculty); and the structures in place in Student Life at UTSC for Co-Curricular Decision-Making. Professor Matus also provided examples of a wide variety of committees and boards with formal decision-making roles for students. In addition, she provided examples of the range of consultation methods that were used, including Dean's Forum, Provostial Advisory Groups, student surveys, etc., She highlighted the On-Tap initiative as an example of a project that was driven by student passion and principle in collaboration with the administration, and the UTMail project as an example of extensive consultation with students to identify needs and working closely with student to implement a solution. Professor Matus concluded her presentation by noting that the data collected was a current snapshot, showing the large numbers of opportunities available to students. She advised that the next steps were to try to optimize student participation, determine the most effective ways to communicate opportunities to students, and to use the information collected to assist students and administrators in identifying opportunities for students to become involved in decision-making processes. She closed by thanking Ms. Shannon Howes (Coordinator, Student Policy Initiatives) for her hard work on this project.

In the discussion that followed a member asked whether in the data collection process if there was also an attempt to identify deficiencies and to address them if they existed. Professor Matus replied that she did not feel that it would be appropriate for the administration to pronounce on whether the number of opportunities in a particular division was optimal, though she noted that she did not feel that there were any egregious gaps. She said that work was beginning on identifying how students are elected or appointed, and figuring out how students can find out about these opportunities. Another member asked if it would be possible to include in the presentation some information about the opportunities that are available through the student governments. Professor Matus replied that for the purpose of this exercise the focus was on the opportunities through the university. Another member commented that this information would be a very valuable resource for students and suggested that when the information is made available it would be helpful to clarify the positions that are filled by the same person (i.e., the same student sitting on multiple committees). In response to a question from a member on what plan is in place to make the information available, Professor Matus replied that she is thinking about bringing together a group to work on an interactive website. She noted that she wanted to make this a student-centred project. She closed by thanking the student

³ <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=9135>

governors for their valuable input on this project and indicated that she would follow up with them on their ideas on how best to make this information available to students.

The Chair thanks Professor Matus and Ms. Howes for their work on this important project.

4. Report of the University Ombudsperson for the Period of July 1, 2011 to June 30, 2012 and Administrative Response

The Chair welcomed Professor Joan Foley, University Ombudsperson and the Assistant Ombudsperson, Mr. Garvin De Four. He noted that the Ombudsperson is responsible to the Governing Council, through its Chair and that according to Section 5.1 of the Terms of Reference of the Office of the Ombudsperson, the Ombudsperson is required to make a written annual report to the Governing Council. He indicated that members had received a copy of the report as well as a copy of the Administrative Response. He invited Professor Foley to comment on her report.

Professor Foley noted that although she works with administrators, she is not part of the Administration, although she provides assistance and advice she is not an advocate, and although she often needs to investigate she is not a court. She also emphasized that she does not make decisions for the University. She said that it was important that members understand why there is such an office and that they appreciate how it can help the institution as well as the individuals who consult it. She explained that there are three staff members in the office, two part-time, for a complement of 1.9 FCE. She reported that the average caseload over the last three years is about 300, noting that this is a very small percentage of the University's total membership: students, faculty and staff. She said that in about three-quarters of these cases, their role extends only to ensuring that the complainant knows where and how to take up the issue and understands the relevant policies and procedures. As the office is unaware of the outcomes in these cases it is not able to report on them. She noted that when they do intervene, with the consent of the complainant, they quite often conclude that the matter was appropriately handled and that the outcome was fair. The number of cases in which there is a change of outcome acceptable to all parties is therefore small. Nevertheless, she noted that these changes can be very important for the individual concerned. Professor Foley said that the larger significance of their work is that it draws attention to areas where things are not working as well as they might and need to be addressed on a broader front. To this end the report emphasizes the main systemic issues that have engaged their attention recently. She noted that she felt it was important to track the evolution of these issues when they are not fully resolved within the year in which they arose. She concluded by saying that this year's report does not contain any new recommendations, owing in large part to the responsiveness of the administrators to new matters that have arisen.

The President remarked on the value of the Ombudsperson's focus on systemic issues and thanked Professor Foley for her contribution to this culture shift. He affirmed that everyone was focused on making processes fairer.

The Chair thanked Professor Foley and her team for their work on behalf of the University.

CONSENT AGENDA

The Chair noted that of the items listed on the Consent Agenda (5 – 8), one requires approval and the others are for information only. He noted that Report 449 of the Executive Committee was inadvertently omitted from the original agenda but that the Report had been available on-line for some time.

On motion, duly moved, seconded, and carried,

It was Resolved

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

5. Minutes of the Previous Meeting of September 6, 2012

6. Business Arising from the Minutes of the Previous Meeting

7. Reports for Information

- a. Report Number 181 of the Academic Board (October 11, 2012)
- b. Report Number 199 of the Business Board (September 24, 2012)
- c. Report Number 171 of the University Affairs Board (October 3, 2012)
- d. Report Number 448 of the Executive Committee (June 25, 2012)
- e. Report Number 449 of the Executive Committee (September 6, 2012)
- f. Report Number 450 of the Executive Committee (October 19, 2012)
- g. Report Number 8 of the Pension Committee (June 6, 2012)

8. Date of the Next Meeting

The Chair reminded the members that the next meeting of the Governing Council was scheduled for Thursday, December 13, 2012 at 4:30 p.m.

9. Question Period

The Chair asked the President to speak to the Access Copyright matter. The President began by noting that initially a majority of universities had participated in the Association of Universities and Colleges of Canada (AUCC) challenge to the Access Copyright tariff application. The University of Toronto had been a first mover in exiting the litigation and securing a license with Access Copyright. The desire had been to secure the protections of a license at a reasonable price and to build in protection in case the larger AUCC group eventually obtained a license at a lower price, which occurred. In addition, the University had wanted its license to have a short duration, permitting a potential early exit because of pending legal developments on two fronts: the Copyright Bill that had been before Parliament and the then- pending Supreme Court of Canada decisions. He noted that it was Access Copyright's view that the recent Supreme Court decisions had not dramatically changed the playing field, but that view was not shared by many. He also noted that, as planned, the University had moved forward consistent with these changes in recently publishing new Fair Dealing Guidelines. He expressed his gratitude to the two expert external legal counsel, Mr. Casey Chisick and Mr. Howard Knopf, and the University's internal Senior Legal Counsel, Mr. Steve Moate, who had participated in the development of the Guidelines. He concluded that it was still possible for there to be legal actions against the institutions who had opted out of the interim tariff and had not entered into licenses, and that the matter was complex and would continue to evolve. His view was that the University needed to take a progressive and principled approach on fair dealing, and that in the long run the University would like to be in the position to have the widest possible interpretation of its user rights with the least cost.

10. Other Business

The Chair invited Professor Bill Gough to provide any additional comments or highlights on the update on the UTM and UTSC Campus Councils that was provided in the meeting package. Professor Gough remarked that he was very pleased with the progress and acknowledged the hard work of the Elections Committee and the Executive Committee, as well as the collaborative efforts of Professors Saini and Vaccarino. He said that this work had resulted in the memos that were released earlier and that they were now in listening mode awaiting feedback through submissions and the consultation sessions that were coming.

The Chair invited Dr. Harriet Sonne de Torrens, UTM Visual Resource Librarian and Chair, Librarians Committee, University of Toronto Faculty Association, to make her remarks. Dr. Sonne de Torrens said that she wanted to voice support for the statement that the Tri-Campus Coalition had developed. She said that in her view there were limitations in the unicameral structure and that she believed in a model of shared governance. The focus of her remarks was on the need to recognize academic librarians as a distinct constituency. She noted that the *University of Toronto Act* removed references to librarians and instead categorized them as administrative staff, even though they are members of the University of Toronto Faculty Association. She remarked that many large librarian associations have all agreed that academic librarians are members of the academic community and as such should have a share in shaping policy within their respective institutions. She suggested that librarians should be recognized at all levels of governing bodies and that they should have the same degree of representation as other academics on governing bodies. She pointed out that in some Canadian jurisdictions it has been legislated that librarians have a right to participate in shared governance structure. She closed by urging those who have authority to reverse the current proposal to do so and asked specifically that one librarian be added to the Campus Council, two librarians be added to the Academic Affairs Committee and two librarians be added to the Campus Affairs Committee. She thanked governors for the opportunity to speak.

The Chair invited Professor Scott Prudham, President, University of Toronto Faculty Association (UTFA) to make his remarks to the Council. Professor Prudham indicated that he appreciated the opportunity to share his views and noted that whatever occasional differences arose he believed that there was a common vision, namely the desire to continue to make the University of Toronto an exemplar in research, teaching and professional practice. He said that the UTFA shared the views of the Coalition. He noted that the UTFA Council, composed of faculty and librarians across the three campuses, discussed the proposal and expressed support for the view that all academics be fully engaged and empowered to make decisions (e.g., in academic planning, program closures). He said that the UTFA Council believed the proposed model falls short of what is required and noted that there was inadequate representation of students and support staff. He stated that all this could be tackled in good faith and that a good step would be to recognize librarians as a distinct constituency. He also suggested that more faculty be in elected rather than appointed roles. He closed by remarking that the question of who makes decisions for universities has become a defining debate and that this was an opportunity to take steps in the right direction.

The Chair thanked the external speakers for their comments and noted that there would be opportunity for further discussion of these issues in the upcoming consultation sessions. He encouraged interested parties to attend one of the consultation sessions.

11. Closing Remarks

The Chair thanked everyone for attending the meeting and noted that invited guests should proceed to the reception in celebration of the 40th Anniversary of the Governing Council at the Faculty Club.

The meeting adjourned at 6:12 p.m.

Secretary

Chair

November 22, 2012