

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

FEBRUARY 28, 2013

MINUTES OF THE MEETING OF THE GOVERNING COUNCIL held on February 28, 2013
at 4:30 p.m. in the Council Chamber, Simcoe Hall, University of Toronto.

Present:

Ms Judy Goldring (In the Chair, Vice-Chair)
The Honourable Michael H. Wilson
Professor C. David Naylor
Ms Alexis Archbold
Mr. James Bateman
Mr. P. C. Choo
Mr. Jeff Collins
Mr. Andrew Girgis
Professor Avrum Gotlieb
Professor William Gough
Professor Hugh Gunz
Professor Ellen Hodnett
Ms Shirley Hoy
Professor Edward Iacobucci
Ms Claire Kennedy
Ms Paulette L. Kennedy
Mr. Mark Krembil
Mr. Nykolaj Kuryluk
Professor Michael Marrus
Professor Cheryl Misak
Dr. Gary P. Mooney
Ms N. Jane Pepino
Ms Mainawati Rambali
Ms Melinda Rogers
Professor Andrea Sass-Kortsak
Professor Elizabeth M. Smyth
Miss Maureen J. Somerville
Professor Janice Gross Stein
Mr. W. John Switzer
Mr. Andrew Szende
Professor Steven J. Thorpe
Ms Rita Tsang
Professor Franco J. Vaccarino
Mr. Chirag Variawa
Dr. Sarita Verma
Ms B. Elizabeth Vosburgh
Mr. W. David Wilson

Secretariat:

Mr. Louis R. Charpentier
Ms Sheree Drummond
Mr. Anwar Kazimi
Ms Mae-Yu Tan
Mr. David Walders

Absent:

Professor Robert Baker
Ms Celina Rayonne Caesar-Chavannes
Mr. Brent S. Belzberg
Professor Elizabeth Cowper
Mr. Michael A. Donnelly
Mr. Aidan Fishman
Mr. Steve (Suresh) Gupta
Ms Zabeen Hirji
Mr. Mark Krembil
Mr. Richard B. Nunn
Ms Arlen Orellana
Mr. Howard Shearer
Mr. W. Keith Thomas
Ms Nana Zhou

In Attendance:

Professor Angela Hildyard, Vice-President, Human Resources and Equity
Professor Scott Mabury, Vice-President, University Operations
Mr. David Palmer, Vice-President, Advancement
Professor Deep Saini, Vice-President and Principal, University of Toronto Mississauga (UTM)
Ms Judith Wolfson, Vice-President, University Relations

Mr. Larry Alford, Chief Librarian
Professor Ira Jacobs, Dean, Faculty of Kinesiology and Physical Education
Professor Ulrich Krull, Vice-Principal, Special Initiatives, UTM
Professor Don McLean, Dean, Faculty of Music
Professor Amy Mullin, Dean and Vice-Principal, UTM

Ms Nora Gillespie, Legal Counsel, Office of the Vice-President, Human Resources & Equity and
Office of the Vice-President and Provost
Mr. Michael Kurts, Assistant Vice-President, Strategic Communications and Marketing
Professor Cheryl Regehr, Vice-Provost, Academic Programs
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
Professor Jay Pratt, Acting Vice-Provost, Faculty and Academic Life

Professor Suzanne Conklin Akbari, Department of English, Faculty of Arts & Science
Ms Diane Dyer, College of Electors
Mr. Jason Dumelie, Division 3 and 4 Commissioner, Graduate Students' Union
Dr. Anthony Gray, Director, Strategic Initiatives & Research
Dr. Jane Harrison, Director, Academic Policy and Programs
Ms Shannon Howes, Coordinator, Student Policy Initiatives, Office of the Vice-Provost, Students
Mr. Munib Sajjad, Vice-President, University Affairs, University of Toronto Students' Union
Ms Archana Sridhar, Assistant Provost
Ms Erin Oldynski, External Commissioner, Graduate Students' Union

1. Chair's Remarks

The Chair, Ms Judy Goldring, welcomed and thanked members and guests for attending the meeting. She noted that the Chair of the Governing Council, Mr. Richard Nunn was unable to attend today's meeting due to a longstanding business commitment out of town.

The Chair noted that five speaking requests had been received.

- A request from Ms Erin Oldynski, External Commissioner, Graduate Students' Union (GSU), to speak to the Access Copyright agreement had been granted. Ms Oldynski would be invited to speak following the presentation on Open UToronto.
- A second request from Ms Oldynski, to speak to 'UofT Boycott, Divestment and Sanctions of Israeli companies that violate human rights' had been declined. Instead Ms Oldynski had been invited to submit her comments in writing to the President's Office to the attention of the President and the Chief Financial Officer for consideration as to referral to the Responsible Investment Committee as per the *Policy on Social and Political Issues with Respect to University Divestment*.

- Requests from Mr. Jason Dumelie, Division 3 and 4 Commissioner of the GSU and from Mr. Munib Sajjad, Vice-President, University Affairs of the University of Toronto Students' Union, to speak to the Ancillary Fee Review had been granted. Mr. Dumelie and Mr. Sajjad would be invited to speak under item 13.
- A request from Professor Suzanne Conklin Akbari, University College, to speak on the matter of the University's Back Campus had been granted. Professor Akbar would be invited to speak under item 13.

2. Report of the President

The President welcomed the 'Student Composer Collective' from the Faculty of Music. Following an introduction by Michael Albano (Resident Stage Director, Opera Training Programme), Ms Parisa Sabet spoke briefly to her experience as a composer and introduced an excerpt from *Antigone* that she had composed that was performed by Natalya Matyusheva (*Antigone*) and Adanya Dunn (*Ismene*) accompanied by Sandra Horst (Director of Musical Studies). Dean Burry introduced a short video presentation of the *Aria from Rob Ford, the Opera*, performed by Andrew Haji. Also in attendance were Jason Carron, Massimo Guido, August Murphy-King, Jordon O'Connor, Catherine Tait, Erik Thor and Don McLean (Dean, Faculty of Music).

The President and the Chair thanked Mr. Albano and the members of the Student Composer Collective for their stirring performances.

Returning to his report, the President drew governors' attention to the Awards and Honours list¹ that was provided in the meeting materials. He highlighted² that U of T faculty and students won or shared the honours in six of eight Natural Science and Engineering Research Council (NSERC) award categories. He offered his congratulations to the recipients:

- Stephen Cook, Computer Science & Mathematics – Gerhard Herzberg Canada Gold Medal for Science;
- Gregory Scholes, Chemistry – NSERC John C. Polanyi Award;
- J. Paul Santerre, Dentistry & Biomaterials and Biomedical Engineering – Synergy Awards for Innovation;
- Aneil Agrawal, Ecology and Evolutionary Biology; Warren Chan, Biomaterials and Biomedical Engineering, and Yu Sun, Mechanical and Industrial Engineering - E.W.R. Steacie Memorial Fellowships;
- Melanie Mastronadi, Chemistry – NSERC Gilles Brassard Doctoral Prize for Interdisciplinary Research;
- Graham Carey, Electrical and Computer Engineering and Christina Natalie Nona, Pharmacology and Toxicology - NSERC André Hamer Postgraduate Prizes.

He noted that these unprecedented results were consistent with results achieved in the recent elections to the Royal Society. Nearly a quarter of the Fellows elected from U15 institutions between 2005 and 2012 were elected from the University of Toronto. The University of Toronto's leadership was even more pronounced when the same comparison was made for Ontario universities with approximately 45% of all Ontario-based Fellows originating from the University's three campuses.

¹ <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=9464>

² <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=9573>

The President brought governors' attention to some remarkable accomplishments of the University's student athletes: the Varsity Blues Men's swimming team won the Canadian Interuniversity Sports (CIS) national championship; the Varsity Blues Women's swimming team won the CIS bronze medal. The President also informed governors that the Varsity Blues Women's hockey team would be playing for a national championship on the March 15 – 17 weekend. The team was coached by two-time Olympic champion Vicky Sunohara and would be playing the defending champions the Calgary Dinos coached by Women's hockey icon Hayley Wickenheiser.

The President closed by reading into the record the list of honorary degree graduands for 2013.

John Irving Bell

For excellence in the academy and his achievements in advancing biomedical science and translational research to improve the health of individuals and populations.

Robert J. Birgeneau

For his excellence in the academy and outstanding contributions to higher education.

William A. (Bill) Buxton

For his pioneering research and development in the field of human computer interaction and excellence in device design.

Paul Cadario

For his outstanding service to the University.

Wendy Freedman

For her excellence in the academy and for pioneering contributions to the field of astronomy.

Clara Hughes

For her outstanding service to the nation as well as her remarkable accomplishments in global athletics.

Frederic (Eric) Jackman

For his outstanding service to the University and to the broader community.

Paul R. Krugman

For his outstanding service to the public good and excellence in the academy.

Jane Dammen McAuliffe

For her excellence in the academy and extraordinary contributions to interfaith understanding.

John F. (Jack) Petch

For his outstanding service to the University.

Sam Pitroda

For his outstanding accomplishments in innovation, communication and social inclusiveness in India, and the broader global community.

William T. Reeves

For excellence in the innovative application of computer science and digital technology to the realm of arts and entertainment.

Stuart Alan Rice

For his outstanding scholarship in Chemistry and his influential teaching and mentorship.

Donald Sadoway

For his pioneering research and his outstanding contributions to higher education and sustainable energy.

Susan Scace

For her outstanding service to the University and to the community.

3. Presentation on Open UToronto

The Chair noted that in items of strategic importance are being regularly brought to the Governing Council for discussion. Today Professor Cheryl Misak, Vice-President and Provost and Larry Alford, Chief Librarian had been invited to give a presentation on Open UToronto.

Their presentation³ addressed the following areas:

- A website called Open UToronto - <http://www.ocw.utoronto.ca/> - was a repository for open resources and projects at the University.
- The University's engagement in research on effective design of on-line course components.
- New methodologies provided by open courseware for teaching regular courses, such as lecture capture.
- Select implementation of inverted classrooms.
- Leadership of U of T in Massive Open Online Courses (MOOCs).
- Availability of a vast array of U of T teaching, learning and research resources through the Open Education Resources (OER) website.
- Open access of publications through T-Space.

A member asked for clarification of the term "open access". Mr. Alford replied that the term had come to mean full access to the output of scholarly research (i.e., not behind a paywall). Mr. Alford indicated that he thought that "open publishing" was a better term.

Another member remarked that there appeared to be two poles on this matter, digi-libertarianism on the one end and an extreme sensitivity to copyright on the other. He asked for clarification on where the University was on this spectrum and on the copyright licence matter in particular. Professor Misak replied that the University felt that it was in its best interest to take a middle ground position on this matter, hence the decision to renew the Access Copyright licence at a vastly reduced rate and for a short period of time. In the meantime the University would observe the ongoing changes on the legal landscape and would assess whether it would renew the licence.

The Chair invited Ms Erin Oldynski to address the Council. Ms Oldynski indicated to governors that it was the view of the Graduate Students' Union that the University should notify Access Copyright that it did not wish to renew its agreement. She stated that in the view of the GSU the costs had been downloaded to students. She also noted that there had been a number of developments since the licence agreement had been signed. She concluded by stating that the Access Copyright licence offered little additional value to Canadian institutions and asked governors to vote against a renewal of the licence.

Professor Misak agreed that new developments on the legal landscape were relevant to the University's stance on the Access Copyright matter but noted that they were complex and that some students in

³ <http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=9576>

disciplines that assign a larger volume of readings through course-packs were paying less than prior to the licence.

4. Capital Project: Report of the Project Planning Committee for the Faculty of Law Expansion

The Chair invited Professor Ellen Hodnett, Chair of the Academic Board, to introduce the item and to make the motion.

Professor Hodnett advised governors that at the Academic Board meeting, a member asked some detailed questions, including why the projected occupancy cost might be 50% higher than that of existing buildings. Professor Mabury had explained that the current Faculty of Law heritage buildings lacked air conditioning and proper ventilation. For this reason, while the new space would be very efficient, it would be more energy intensive than the Flavelle House and Falconer Hall.

The Chair then invited Mr. John Switzer, Chair of the Business Board to speak to the item and to second the motion. Mr. Switzer reported that at its January 28, 2013 meeting the Business Board approved the execution of this project, subject to Governing Council approval. At the meeting Professor Mabury had advised that the cost of \$54 million was a scope to budget number. Mr. Switzer noted that the original cost of the project had been \$80 million. He said that there had been no questions raised by members at the Business Board meeting.

No questions were raised by governors.

On motion, duly moved, seconded, and carried,

It Was Resolved,

- a) THAT the Project Planning Report for the Faculty of Law Expansion, dated December 11, 2012, be approved in principle; and
- b) THAT the project scope to accommodate the Faculty of Law in 8,180 nasm of existing facilities, renovated space and newly constructed space, as identified in the Project Planning Report be approved in principle at a total project cost of \$54 million to be funded as follows:

| | |
|---|-----------------|
| Capital Campaign pledges to date (Note 1) | \$33.1 M |
| Capital Campaign: remaining fundraising target (Note 1) | \$2.9 M |
| Long-term borrowing | \$3.5 M |
| Provostial Central Funds | \$6.0 M |
| Provincial Graduate Expansion Funds | \$4.5 M |
| Faculty of Law Operating Funds | <u>\$4.0 M</u> |
| Total | \$54.0 M |

Note 1: short term bridge financing to be arranged centrally

5. Capital Project: Report of the Project Planning Committee for the Jackman Institute of Child Study Expansion

The Chair invited Professor Ellen Hodnett to introduce the item and to make the motion.

Professor Hodnett advised governors that this proposal for expansion would provide for improved physical facilities of the Laboratory School and increased research space at the Dr. Eric Jackman Institute for Child Study. She reported that no questions were raised by members at the Academic Board meeting.

The Chair then invited Mr. John Switzer to speak to the item and to second the motion. Mr. Switzer advised governors that at its January 28, 2013 meeting the Business Board had approved the execution of this project, subject to Governing Council approval. He said that in response to a question about whether there had been consultation with the community, Ms Gail Milgrom had reported that there would be a presentation to representatives of the Annex community. She had also noted that what was being proposed for the site was consistent with the growth and development of the neighbourhood.

No questions were raised by governors.

On motion, duly moved, seconded, and carried,

It Was Resolved,

- a) THAT the Project Planning Report for the Dr. Eric Jackman Institute of Child Study (ICS) Expansion, dated December 17, 2012, be approved; and
- b) THAT the project scope to accommodate an expanded Jackman ICS totaling 3,180 nasm including 1,225 nasm new construction and additional renovated space, at 45 Walmer Road and on the combined sites of 56 and 58 Spadina Road at a total project cost of \$16 million, to be funded as follows, be approved in principle:

| | |
|---|-----------------|
| Capital Campaign funds received to date | \$4.7 M |
| Capital Campaign: pledged to date (Note 1) | \$5.2 M |
| ICS Laboratory School Operating Funds (over 8 years, Note 1) | \$1.5 M |
| Provostial Central Funds | \$2.0 M |
| OISE Operating Funds | <u>\$2.6 M</u> |
| Total | \$16.0 M |

Note 1: short term bridge financing to be arranged with OISE

6. University of Toronto Mississauga: Proposal for the Establishment of the Institute of Management and Innovation (IMI) as an Extra-Departmental Unit B

The Chair invited Professor Ellen Hodnett to introduce the item and to make the motion.

Professor Hodnett reported that at the Academic Board meeting, Professor Amy Mullin, Vice-Principal, Academic, and Dean, UTM, commented that, in describing the IMI's mission in focusing on the role of innovation and management in the development of the sciences, it was intended that social science disciplines and innovation in social policy also be included in the unit's broad mandate.

A member commented that the academic mission of the new EDU:B sounded similar to the academic mission of the Joseph L. Rotman School of Management and asked for clarification. Professor Misak replied that the Joseph L. Rotman School of Management was a St. George campus entity with a unified doctoral program, whereas masters level programs need not be unified and therefore they could be based on one campus.

On motion, duly moved, seconded, and carried,

It Was Resolved,

THAT the proposal to establish the Institute for Management and Innovation as an Extra-Departmental Unit:B at the University of Toronto Mississauga be approved, effective July 1, 2013.

CONSENT AGENDA

The Chair noted that of the items listed on the Consent Agenda, two required approval (items 7 and 8) and the others were for information only.

On motion, duly moved, seconded, and carried,

It was Resolved

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

7. Revision to the Constitution of the College of Electors

It was Resolved

THAT the proposed revised Constitution of the College of Electors be approved, replacing the Constitution amended on December 13, 2012, effective immediately.

8. Minutes of the Previous Meeting of December 13, 2012

9. Business Arising from the Minutes of the Previous Meeting

10. Reports for Information

- (a) Report of the Review of Collaborative Programs, 2011-12
- (b) Report Number 183 of the Academic Board (February 7, 2013)
- (c) Report Number 201 of the Business Board (December 17, 2012)
- (d) Report Number 202 of the Business Board (January 28, 2013)
- (e) Report Number 173 of the University Affairs Board (February 5, 2013)
- (f) Report Number 451 of the Executive Committee (December 3, 2012)
- (g) Report Number 452 of the Executive Committee (February 15, 2013)

11. Date of Next Meeting – Thursday, April 9, 2013 at 4:30 pm

12. Question Period

A member asked whether it would be possible to adjust the timeline for the Honorary Degree process so that those involved in submitting a nomination could get an earlier notification of whether or not their nominee had been successful. The President indicated that every effort would be made to streamline this process to the degree that it is possible.

13. Other Business

(a) Administrative Review of Category 5 and 6 Ancillary Fees

The Chair invited Professor Scott Mabury to provide an update on the recent Administrative Review of Category 5 and 6 Ancillary Fees.

Professor Mabury reminded governors that this matter had arisen over a year ago at the Business Board. A concern had been raised about fees that were being charged by the Institute of Biomaterials and Biomedical Engineering (IBBME). Those fees were assessed and ultimately one of them was removed. IBBME was also asked to refund four of the fees as there had not been sufficient communication prior to their implementation. This experience suggested that it was timely to do a review of all the Category 5 and 6 Fees. He reported that the outcome of the review was that the vast majority of fees were found to be compliant though there were a number of instances where administrative clean-up or improved communication was required. He noted that the findings of the report were reported orally to Business Board at its January 28, 2013 meeting and the report itself was subsequently made public⁴. He thanked the student governments for raising this matter.

Professor Misak echoed his thanks to the student governments for sparking this timely and necessary review. She noted that the MTCU was pleased that this exercise had been undertaken.

The Chair invited Mr. Jason Dumelie to address the Council. Mr. Dumelie advised that the GSU had asked for four things: (1.) that students be represented on the review team; (2.) that fees be refunded to last year's and this year's students; (3.) that Ministry policy be followed in the introduction of fees; and, (4.) that the interpretation of 'protocol-exempt' categories be reasonably narrow. In his view, three of the four requests had been disregarded. He concluded by saying that he hoped that there would be a reopening of the review or that there would be some other way that the GSU's outstanding concerns would be addressed.

The Chair invited Mr. Munib Sajjad to address the Council. Mr. Sajjad noted that in addition to representing the University of Toronto Students' Union, he was also speaking on behalf of the University of Toronto Mississauga Students' Union and the Scarborough College Students' Union. He said that members of the Canadian Federation of Students had been raising the issue of ancillary fees with the MTCU. He noted that following the review there were still some disagreement over some fees and that he felt that further discussions with students were needed. He argued that the University's *Policy* and the provincial guidelines needed to be better aligned. He concluded by saying that he was pleased that the administration had agreed to provide a list of the breakdown of these fees and that he looked forward to improved communications on fee related matters.

Professor Mabury responded that he took this issue very seriously and that the University's *Policy* was in strict adherence to the provincial guidelines. He indicated that he had indicated his willingness to meet again with student leaders to review any fee that they felt was still in question.

A member echoed the Provost's thanks to the student governments for bringing forward this issue and thanked the administration for undertaking the review. He asked whether there were any fees that were

⁴ On the Business Board website - See Appendix C

<http://www.governingcouncil.utoronto.ca/AssetFactory.aspx?did=9497>

and on the Planning & Budget website

<http://www.planningandbudget.utoronto.ca/Assets/Academic+Operations+Digital+Assets/Planning+!26+Budget/ancillaryreview.pdf>

found to be outside the guidelines and also whether there had been any resulting claw-backs from the Ministry. Professor Misak responded that only one fee had been problematic in terms of not meeting the guidelines and in that case it had been refunded. She noted that if the Ministry found that the University was in violation of Ministry guidelines, it could withhold funds; however, this had not occurred as the University had appropriately addressed the one problematic fee. The University had been in close contact with the Ministry throughout the process.

There were no further questions on this matter.

(b.) Other

The Chair invited Professor Professor Suzanne Conklin Akbari to address the Council. Professor Akbari began by noting that concerns had been raised about the Back Campus project. These included: the transparency of the process that led to the approval of the project; the impact of restricted access to the Back Campus, both for members of the University and for the wider community; the potential sustainability and environmental impact; and the permanent destruction of an irreplaceable heritage landscape. She noted that the Back Campus was one of five areas designated by the City of Toronto as “University Open Space”. Professor Akbari drew governors’ attention to a petition to halt the project and stated that as of 3:00 p.m. on February 28, 2013 it had received 2,984 signatures. She urged governor to revisit the Council’s earlier decision.

The Chair invited the President to comment. President Naylor pointed out this project was about addressing students’ pressing needs while capitalizing on the opportunity presented by the Pan-Am Games. He pointed to the backlog of teams unable to play various intramural sports owing to lack of field time. The President noted that the field could not be maintained effectively for heavy use with the current drainage and a natural grass surface. He added, with regard to the transparency of the process, that the matter had been clearly in the public realm prior to it entering governance; the only elements that had not been openly discussed were those related to the tendering process and financial details. He closed by observing that the University was a very long-term institution; in 15 or so years, when the synthetic turf wore out, the subsidized installation of much improved drainage would afford an opportunity to revisit the merits of a natural grass surface.

He invited two students to share their perspectives with the Council.

Ms Andrea Titus, a 4th year Victoria College student, informed governors that in her experience the current Back Campus field offered dangerously uneven footing, and she had personally sustained a number of injuries while using it. She noted that her experience was far from unique. She felt the state of the field was an impediment to students getting more involved in sports on the St. George Campus. She added that many teams were not able to play as there was not adequate field capacity.

Mr. Rob Lakin, a 2nd year PhD candidate in Exercise Science, informed governors that the current Back Campus could not meet the demand for its use and that he believed that this had a very negative impact on the balance between competitive sports and intramural programs emphasizing wide participation. He highlighted that some teams simply gave up and did not even join the waiting lists for field time. Mr. Lakin indicated that he was in favour of an artificial turf field as it would allow more students to play intramural sports.

A member commented that it seemed to be a matter between artificial turf versus natural grass and he asked whether a hybrid approach had been considered. Professor Mabury replied that the turf that was being used at this time was what was required by Pan Am.

The Chair thanked the speakers for their remarks.

14. Closing Remarks

IN CAMERA SESSION

In accordance with section 38 of *By-Law Number 2*, the Executive Committee determined that consideration of item 15 would take place *in camera*.

15. Toronto School of Theology (TST) 2013 Review Committee Membership

On motion, duly moved, seconded, and carried,

It was Resolved

- 1) THAT the University of Toronto representatives to the joint 2013 Review Committee for the University of Toronto - Toronto School of Theology Memorandum of Agreement (Review Committee) include:
 - Professor Cheryl Regehr, Vice-Provost, Academic Programs, Office of the Vice-President and Provost
 - Professor Brian Corman, Vice-Provost, Graduate Education, and Dean, School of Graduate Studies
 - Professor Sandy Welsh, Vice-Dean, Graduate, Faculty of Arts and Science; and
- 2) THAT the Review Committee be charged to:
 - review the experience under the current Memorandum of Agreement (MOA);
 - report on compliance by the respective parties;
 - assess the degree to which the terms of the MOA remain appropriate;
 - consider changes to the MOA; and
 - make recommendations.
- 3) THAT the Review Committee submit a final report to the University of Toronto and the Toronto School of Theology by June, 2013.

Meeting adjourned at 5:41 p.m.

Secretary

Chair

March 27, 2013