FOR INFORMATION   **PUBLIC**   **OPEN SESSION**

TO: Academic Board

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DATE: September 17, 2013

AGENDA ITEM: 11

ITEM IDENTIFICATION: Academic Board Terms of Reference Revisions

JURISDICTIONAL INFORMATION:

Under Section 2(14)(e) of the *University of Toronto Act, 1971*, the Governing Council has established Boards and Committees and assigned responsibilities among those bodies through their terms of reference.   The Governing Council has periodically approved changes in Board and Committee terms of reference to respond to changing circumstances and expectations of governance.

GOVERNANCE PATH:

1. Agenda Committee [for information] (September 24, 2013)
2. Academic Board [for information] (October 3, 2013)
3. Executive Committee [for recommendation] (October 23, 2013)
4. Governing Council [for approval] (October 30, 2013)

PREVIOUS ACTION TAKEN:

In October 2011, the Governing Council approved revisions to the Academic Board Terms of Reference arising from recommendations of the *Report of the Task Force on Governance* (2010).   The main revisions consisted of a) making explicit in the description of the Board's overall function the final decision-making authority of the Board in purely academic matters and b) clarifying the Board's responsibility for receiving divisional academic plans for information and feedback.   In addition to these changes, procedural options were added to allow for certain routine items to be placed on the "consent" agenda of a Board meeting and for certain reports for information to be published electronically in between meetings, with notification provided to members.

On 27 June, 2013, following its approval of the establishment of the Dalla Lana School of Public Health (DLSPH) as a Faculty, the Governing Council approved that the Dean/Director of the DLSPH serve as an *ex officio* member of the Academic Board and that one seat for an elected teaching staff member of the DLSPH on the Academic Board be added, effective July 1, 2013.

HIGHLIGHTS

The main changes and key clarifications to the Academic Board Terms of Reference are outlined below.   As well, some minor housekeeping and editorial changes have been made.

- Membership – With the addition of one *ex officio* and one elected teaching staff member of the newly established Faculty of the DLSPH to the Academic Board, the total membership will be increased by 2 to 123 voting members.
- Maximum Term for Members – A maximum term of nine consecutive years has been added, consistent with the maximum term permitted for members of the Governing Council.
- Board Responsibilities – Section 5.2.9 of the Terms of Reference states that the Board or the Vice-President and Provost shall determine when a disruption of the academic program has occurred.   For completeness, this item has been added to the list of matters within the Board's responsibility in Section 5.1.
- Capital Projects – Reference to the approval levels outlined in the *Policy on Capital Planning and Capital Projects* have been added in Sections 5.3.1 and 5.3.2.

BUDGETARY/FINANCIAL IMPLICATIONS

N/A

RECOMMENDATION

For information.

Proposed Revisions

ACADEMIC BOARD

Terms of Reference

1. MEMBERSHIP

1.1 Composition

	Ex officio	Elected	Appointed	Total
Teaching Staff				
Group I				
Arts and Science St. George	1	14		
Colleges	7			
UTM[1]	1	3		
UTSC[2]	1	3		
Totals	10	20		30
Group II				
Medicine	1	11		
DLSPH[3]	1	1		
Dentistry	1	1		
Nursing[4]	1	1		
Kines. & Phys.ical Ed. & Health[5]		1	1	
Pharmacy[6]	1	1		
Totals	65	165		220
Group III				
App. Sci.& Eng.ineering[7]	1	3		
OISE/UT[8]	1	3		
Management[9]	1	1		
Music	1	1		
Law	1	1		
Social Work[10]	1	1		

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[1] University of Toronto Mississauga
[2] University of Toronto Scarborough
[3] Dalla Lana School of Public Health
[4] Lawrence S. Bloomberg Faculty of Nursing
[5] Faculty of Kinesiology and Physical Education
[6] Leslie Dan Faculty of Pharmacy
[7] Faculty of Applied Science and Engineering
[8] Ontario Institute for Studies in Education at the University of Toronto
[9] Joseph L. Rotman School of Management

1. MEMBERSHIP (cont'd)

1.1 Composition (cont'd)

	Ex officio	Elected	Appointed	Total
Forestry	1	1		
Information	1	1		
~~Architecture, Landscape, and Design~~AL&D[11]	1	1		
Totals	9	13		22
Group IV				
Graduate Studies	1	2		3
Sub-total Divisional Teaching Staff	26~~5~~	51~~0~~		77~~5~~
Governing Council Teaching Staff		6		6
Vice-President and Provost	1			1
Director, School of Continuing Studies	1			1
Director, TYP[12]	1			1
Librarians	1	2		3
Master, Massey College	1			1
Sub-total	30	58		88
Students				
Governing Council		4		
Non-Governing Council			12	16
Administrative Staff				
Governing Council		1		
Non-Governing Council			3	4
Alumni				
Governing Council		2		
Non-Governing Council			1	3
Lieutenant-Governor-In-Council			3	3[13]

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[10] Factor-Inwentash Faculty of Social Work
[11] John H. Daniels Faculty of Architecture, Landscape, and Design
[12] Transitional Year Program

Appointees

Presidential Assessors			<u>3</u>	<u>3</u>
TOTALS	3~~0~~1	66~~5~~	<u>22</u>	119~~7~~

In addition to the *ex officio* members listed above, the Chair and Vice-Chair of the Governing Council, the President, and the Chancellor are *ex officio* voting members of the Academic Board. The Secretary of the Governing Council is an *ex officio* non-voting member of the Board.

The President may appoint annually University Officers as non-voting assessor members of the Board in addition to the four voting assessors.

1.2 Term

Terms begin on July 1 and continue to June 30.

The Governing Council members of the Academic Board are appointed annually by the Governing Council and may be re-appointed subject to their continued membership on the Governing Council. Teaching staff and librarians are normally elected for three-year terms and are eligible to be re-elected. The non-Governing Council student members are appointed annually by the Board and may be re-appointed. The non-Governing Council administrative staff and alumni members are appointed by the Board for one- to three-year terms, and may be re-appointed. <u>A member may serve a maximum of nine consecutive years on the Board.</u>

1.3 Chair and Vice-Chair

The Governing Council shall appoint the Chair and Vice-Chair of the Board from among the members of the Council on the Board.

2. QUORUM

One-third of the voting members (normally 41).

3. COMMITTEES

3.1 Standing Committees

> The Standing Committees of the Board are:
>   Agenda Committee
>   Academic Appeals Committee

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[13] When a sufficient number of Lieutenant-Governor-In-Council appointees is not available to serve on the Academic Board, alumni members of Governing Council or other alumni may be appointed to those positions.

Committee on Academic Policy and Programs
Planning and Budget Committee

3.2 Special Committees

From time to time the Board may find it useful to establish Special Committees to consider particular issues. Special Committees are normally formed on the recommendation of the Agenda Committee, when, in the view of the Board, one or more of the following conditions exist:

    a)   an issue cannot be accommodated easily within Standing Committee schedules - either intense scrutiny is required in a relatively short time or thorough examination of complex issues is necessary over a relatively long period of time;

    b)   an issue does not fall readily under an existing Standing Committee - either because it is not clearly within any Standing Committee's terms of reference or because aspects of the issue cut across several bodies;

    c)   there is a need for the participation of experts not represented on the relevant committee.

A recommendation from the Agenda Committee to establish a Special Committee shall include terms of reference, an outline of membership, the anticipated reporting date and the date of disestablishment.

3.3 Striking Committee

The Striking Committee, established by the Agenda Committee, shall recommend annually and as vacancies occur to the Academic Board the non-Governing Council membership of the Board (except teaching staff and librarians, who are elected) and its Committees and various other appointments.[14]

4. FUNCTION

The Academic Board is responsible for consideration of policy in the academic area and for monitoring matters within its area of responsibility. In general, the Board is concerned with matters affecting the teaching, learning, and research functions of the University, the establishment of University objectives and priorities, the development of long-term and short-term plans and the effective use of resources in the course of these pursuits.

Except in purely academic matters (those specified in clauses 2(14)(g), (h), and (n)[15] of the *Act*), the Board does not have final decision-making authority. In most instances,

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[14] Appointment of two members of the Academic Board to the Provost's Advisory Committee on the Library recommended to the Board; on the recommendation of the President, the appointment of the Council of Ontario Universities' Academic Colleague and Alternate recommended to the Board.

[15] Clause 2(14)(g) refers to conducting examinations and appointing examiners, (h) refers to matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic

recommendations of the Board are confirmed by the Executive Committee on behalf of Council. Matters having significant impact on the University as a whole, those having serious steering effects on the development of a particular division or those having a major impact on the relationships amongst divisions and relationships between the University and the community at large, will normally require the approval of the Governing Council.

5. AREAS OF RESPONSIBILITY

A list of areas for which the Academic Board is responsible is provided in Section 5.1. An explanation of those matters which are brought forward directly to the Board for its consideration is contained in Section 5.2, followed by a list of matters brought to the Board through its Standing Committees in Section 5.3.

As outlined in the *Report of the Chairman's Advisory Committee on Governance* (Appendix E, page 26, May 10, 1988), "except in purely academic matters (those specified in sections 2.14 (g), (h), and (n) of the *University of Toronto Act, 1971*), the Board does not have final decision-making authority. In most instances, recommendations of the Board are confirmed by the Executive Committee …" on behalf of the Governing Council. Matters having significant impact on the University as a whole will normally require the approval of the Governing Council.

5.1 The following areas are within the Board's responsibility. Matters within these areas may be considered by the Board itself and/or one of its Standing Committees:

> Academic appeals
> Academic appointments and individual appointments
> Academic discipline
> Academic priorities for fundraising
> Academic programs
> Academic regulations
> Academic services
> Admissions
> Awards
> Budget guidelines and budget plans
> Capital plans, projects and space
> Constitutions of divisional councils
> Continuing studies
> Curriculum
> Disruption of academic programs
> Divisional academic plans and guidelines for such plans
> Earned and posthumously awarded degrees, diplomas, and certificates

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achievement, and (n) refers to the determination and regulation of standards for the admission of students to the University, the contents and curricula of all programs and courses of study and the requirements for graduation.

> Endowed and limited term chairs, professorships, distinguished
>   scholars, and program initiatives
> Enrolment
> Establishment, termination or restructuring of academic units
> Examinations and grading practices
> Name changes of academic units
> Planning
> Research
> Submissions to and agreements with external bodies
> Teaching guidelines
> University objectives / mission statement

5.2 Matters Proceeding Directly to the Academic Board:

5.2.1 Academic Appointments Policy and Appointment of Individuals

a) Policies on Academic Appointments

Policies on the nature of academic employment are assigned to the Academic Board. These encompass policies on the appointment, promotion, tenure, suspension and removal of teaching staff, as well as policies on the conduct of academic work, such as the policies on research leave and on academic freedom and responsibilities. In the case of extensive revision to a policy or revisions of major import, or the establishment or repeal of a key policy, the matter may be referred to a Special Committee. Minor amendments to policies may be referred directly to the Academic Board for consideration and confirmation by the Executive Committee.

b) Individual Appointments

The Academic Board considers a number of academic appointments.[16]

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[16] The Agenda Committee shall approve on behalf of the Academic Board, pursuant to the *Policy on Appointment of Academic Administrators*, the appointment of academic administrators (to be confirmed by a committee consisting of the Chair of the Governing Council, the President, and the Chair of the Academic Board).

The Academic Board shall approve a) the appointment of the University Librarian and the Director of the School of Continuing Studies, pursuant to the *Policy on Appointments and Remuneration* (to be confirmed by a committee consisting of the Chair of Governing Council, the President, and the Chair of the Academic Board), and b) the appointment of University Professors pursuant to the *Policy and Procedures on Academic Appointments*.

The Academic Board shall receive the following reports for information: a) a report from the President on the removal of any academic administrator from office, pursuant to the *Policy on Appointment of Academic Administrators*, and b) a report from the Vice-President and Provost on the waiving of some or all of the procedures for academic appointments, pursuant to the *Policy and Procedures on Academic Appointments*.

5.2.2 Constitutions of Divisional Councils

New or amended divisional constitutions are forwarded by divisional councils to the Academic Board for consideration and confirmation by the Executive Committee. By-laws which may contain such matters as procedural rules and committee memberships and terms of reference are approved by the divisional councils.

5.2.3 Divisional Seals

Authority to approve the acquisition and design of divisional seals is delegated to the Vice-President and Provost and the Chair of the Academic Board. [A record of such seals and the purposes for which they are used shall be kept in the Office of the Governing Council.]

5.2.4 Degrees, Diplomas and Certificates

Approval of the award of earned degrees, diplomas and certificates, including conjoint degrees, and the award of posthumous degrees, diplomas and certificates is delegated by the Governing Council to any two of the Vice-President and Provost, the Chair and the Vice-Chair of the Academic Board on the recommendation of the respective division.

The Academic Board receives annual reports on the number of degrees, diplomas and certificates awarded (by means of electronic publication - see Section 6.3, Additional Reports for Information.)

[Policy matters affecting earned and posthumously awarded degrees, diplomas and certificates, including their design, are considered by the Committee on Academic Policy and Programs and forwarded to the Academic Board for consideration.]

5.2.5 Convocations

The Academic Board has responsibility for policy matters with respect to convocation ceremonies.

a) Ceremonial Procedures

Authority concerning decisions on procedures is delegated to a committee of the Chancellor, the President, the Chair of the Academic Board and the Secretary of the Governing Council.

Reports for information on the following matters shall be considered by the Board by means of electronic publication: a) academic appointments with tenure - to be reported pursuant to the *Policy on Appointments and Remuneration*; b) appointments of professors emeriti – to be reported pursuant to the *Policy on Appointment of Professor Emeritus*; and c) individuals who are promoted - to be reported pursuant to the *Policy and Procedures Governing Promotions*.

b) Academic Regalia

Authority for the approval of academic hoods, academic robes, robes of office and other regalia is delegated to the Chancellor, Chair and the Vice-Chair of the Academic Board.

5.2.6 Academic Discipline

a) Policy and Procedures

Policy and procedures with respect to academic discipline are as described in the *Code of Behaviour on Academic Matters*, as amended. Proposed amendments to the *Code* will be submitted either directly to the Academic Board or will be considered first by a Special Committee. With the University Affairs Board, the Academic Board recommends amendments to the terms of reference of the Discipline Appeals Board[17].

An annual University-wide report on academic discipline cases is forwarded to the Academic Board for information.

b) Individual Cases

Individual cases are disposed of in accordance with the *Code of Behaviour on Academic Matters*. Reports on the disposition of cases, without names, are received by the Academic Board for information.

c) Appointments

The Academic Board appoints the following:
  i   the University discipline counsel and the assistant discipline counsel, on the recommendation of the Vice-President and Provost
  ii   the Secretary of the University Tribunal, on the recommendation of the Vice-President and Provost
  iii the Senior Chair, Associate Chairs and co-chairs of the University Tribunal, and the Senior Chair and Chairs of the Academic Appeals Committee, on the recommendation of the Nominating Committee for the University Tribunal and Academic Appeals Committee.[18]
  iv   six members of the Discipline Appeals Board, on the recommendation of the Striking Committee. [The University Affairs Board appoints the other 6 members.]

5.2.7 Name Changes of Academic Units

Name changes in academic divisions (excluding namings[19]) are approved by the Academic Board (to be considered as a consent agenda item - see Section 6.2 Consent Agenda) and confirmed by the Executive Committee. [Changes in name that are part of a

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[17] The Discipline Appeals Board is the body that hears appeals arising from the *Code of Behaviour on Academic Matters* and the *Code of Student Conduct*.

[18] The Nominating Committee for the University Tribunal and Academic Appeals Committee is established annually by the Agenda Committee.

[19] Academic units named under the *Policy on Naming* will be reported to the Academic Board for information.

proposal for establishing, restructuring and/or merging units are recommended to the Academic Board by the Planning and Budget Committee.

5.2.8 Agreements with Certain Affiliated or Federated Institutions

New or substantially amended agreements with affiliated or federated institutions such as the Toronto School of Theology are recommended by the Academic Board to the Governing Council. Extension of the term of the agreements or minor amendments are approved by the Academic Board and confirmed by the Executive Committee.

5.2.9 Disruptions in Academic Programs

The Academic Board or the Vice-President and Provost shall declare when a disruption of the academic program has occurred.[20] [The Vice-President and Provost shall report to the Committee on Academic Policy and Programs on the implementation of the procedures and changes to the status of the academic programs.]

5.2.10 Report from the Council of Ontario Universities Academic Colleague

The Academic Board will receive for information an annual report from the University of Toronto's Council of Ontario Universities Academic Colleague.

5.2.11 Sessional Dates

[Authority is delegated to the divisions.]

5.2.12 Research

The Academic Board will receive for information an annual report from the Vice-President, Research.

5.2.13 Fundraising

The Academic Board will receive for information, under *The Provost's Guidelines on Donations*, a quarterly report on donations (to be considered as a consent agenda item).

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[20] *University Grading Practices Policy* and the *Graduate Grading Practices Policy*

5.3 Matters Coming from the Academic Board's Committees:

5.3.1 Matters Requiring Governing Council Approval:

New or repealed policies or extensive changes to existing ones
Planning frameworks including enrolment frameworks
University mission statement
Capital projects, capital plans, and campus master plans[21]
Annual operating budget and long-range budget guidelines
Priorities for fundraising
Template agreements with external bodies
Establishment, disestablishment or restructuring of academic units
Submissions to external bodies that do not conform to policy

5.3.2 Matters Requiring Executive Committee Confirmation:

Academic program proposals, as follows:
- (i) undergraduate programs leading to new degrees;
- (ii) new graduate programs and degrees;
- (iii) the termination of existing degrees and graduate programs;
- (iv) the addition and termination of joint degrees and programs with external institutions;
- (v) the renaming of degrees; and
- (vi) programs that establish significant new academic directions for a Faculty or are anticipated to have a substantial impact on relationships amongst divisions or with the public.

Agreements with external bodies that do not conform to the template
Capital projects over $3 million and up to $10 million
Chair proposals that do not conform to policy
Guidelines for divisional academic plans
New diploma or certificate programs with resource implications
Name changes of academic units

5.3.3 Matters Requiring Academic Board Approval:

University-wide admissions policies
University-wide policies on student awards
University-wide grading practices and examinations policy

5.3.4 Matters for Information:

Reports of the Academic Appeals Committee (without names)

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[21] The level of approval required for individual plans and projects are outlined in the *Policy on Capital Planning and Capital Projects.*

Reports of the Agenda Committee

6. PROCEDURES

6.1 Meetings

The Academic Board will meet in open session. Appointments and other matters of a personal nature will be dealt with *in camera*, usually at the end of the meeting. Because of its size, the Board will use the procedures set out for the meetings of Governing Council.

6.2 Consent agenda

The Agenda Committee may determine that an item should be placed on a "consent" portion of the agenda. Those items are not given individual consideration by the Board, unless a member so requests. Rather, members with questions for clarification, or requests for further information, contact the assessor or other contact person shown on the item in advance of the meeting. Members with concerns who would like an item to be discussed by the Board should notify the Secretary at least 24 hours in advance of the meeting. Upon the request of any member, the matter will be considered by the Board in the usual manner.

Where a consent item requires a resolution of the Board, and where no member has requested consideration of the item in the usual manner, the motion will be placed before the Board and seconded, and it will normally immediately proceed to a vote without introduction or discussion.

Where a consent item is for information only, and where no member has requested consideration of the item in the usual manner, the item will normally be taken as received by the Board without introduction or discussion.

6.3 Additional Reports for Information

To keep members abreast of developments in a timely manner, certain reports for information required by these terms of reference and others as decided by the Agenda Committee from time to time will be considered by the members of the Board following their electronic publication. Members will be notified once the reports are made available. Members who have questions about a report will be invited to contact the sponsor of the item. Members with concerns about the report who would like it to be discussed by the Board should notify the Secretary at least fourteen days in advance of the next meeting to enable consideration by the agenda planning group. The report will be considered by the Board at that meeting in the usual manner.

Revisions approved October 27, 2011 by the Governing Council
Revisions approved June 23, 2011 by the Governing Council
Revisions approved May 19, 2011 by the Governing Council
Revisions approved June 24, 2010 by the Governing Council
Revisions approved February 9, 2006 by the Governing Council