

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

Thursday, March 8, 2001

MINUTES OF THE GOVERNING COUNCIL meeting held on Thursday, March 8, 2001 at 4:30 p.m. in the Council Chamber, Simcoe Hall.

Present:

Ms Wendy M. Cecil-Cockwell (In the Chair)	Professor Ian R. McDonald
Ms Mary Anne V. Chambers, Vice-Chair	Professor Heather Munroe-Blum
Dr. Robert J. Birgeneau, President	Dr. John P. Nestor
Mr. Muhammad Basil Ahmad	Mr. Elan Ohayon
Professor Mary Beattie	Ms Jacqueline C. Orange
Dr. Robert Bennett	Ms Rose M. Patten
Mr. Brian C. Burchell	Mr. Fayez A. Quereshey
Professor Philip Byer	The Honourable Robert K. Rae
Professor Jack Carr	Mrs. Susan M. Scace
Ms Jennifer Carson	Professor Adel S. Sedra
Professor Brian Corman	Ms Carol Stephenson
Professor W. Raymond Cummins	Ms Wendy Talfourd-Jones
Mr. Brian Davis	Professor Donna Wells
Ms Susan Eng	
Dr. Shari Graham Fell	Mr. Louis R. Charpentier,
Mr. Ljupco Gjorginski	Secretary of the Governing Council
Ms Naana Afua Jumah	
Mr. Josh Koziebrocki	<u>Secretariat:</u>
Professor Brian Langille	Mr. Neil Dobbs
Ms Karen Lewis	Ms Cristina Oke
Mr. Gerald A. Lokash	

Absent:

The Honourable William G. Davis	Dr. Joseph L. Rotman
Mr. Paul V. Godfrey	Professor Kenneth Sevcik
Professor Vivek Goel	Professor Chandrakant P. Shah
Dr. Anne Golden	Mr. Amir Shalaby
The Honourable Henry N. R. Jackman	Mr. John H. Tory
The Honourable David R. Peterson	Mr. Robert S. Weiss
Professor Emmet I. Robbins	

In Attendance:

Professor Michael G. Finlayson, Vice-President, Administration and Human Resources
Professor Derek McCammond, Vice-Provost, Planning and Budget
Professor Ian Orchard, Vice-Provost, Students
Professor Carolyn Tuohy, Deputy Provost

In Attendance: (cont'd)

Ms Susan Addario, Director, Student Services
Ms Susan Bloch-Nevitte, Director, Public Affairs
Dr. Chris Cunningham, Special Assistant to the President
Ms Susan Girard, Assistant Secretary of the Governing Council
Ms Georgina Gray, Acting Director, Office of the President
Dr. Shaheen Hirani, University of Toronto Faculty Association
Professor Rhonda Love, President, University of Toronto Faculty Association
Ms Margaret McKone, Administrative Manager, Office of the Governing Council
Dr. Peter Munsche, Assistant Vice-President, Technology Transfer
Mr. Justin Saunders, University Affairs Commissioner, Students' Administrative Council
Ms José Sigouin, Acting Director, Status of Women Office
Ms Maureen Somerville, Chair, College of Electors
Ms Beverley Stefureak, Assistant Secretary of the Governing Council

The Chairman noted that, pursuant to Section 38 of *By-law Number 2*, the Executive Committee had determined that consideration of items 1, 2 and 3 would take place *in camera*.

1. Senior Appointment

On motion duly moved and seconded,

It was RESOLVED

THAT Dr. Beata FitzPatrick be appointed Director of the Office of the President and Assistant Vice-President, effective May 1, 2001.

2. Appointment to Governing Council

On motion duly moved and seconded,

It was RESOLVED

THAT Professor Philip Byer serve on the Governing Council effective immediately and until his term ends on June 30, 2004.

3. Appointments to Executive Committee

(a) Teaching Staff

On motion duly moved and seconded,

It was RESOLVED

THAT Professor Vivek Goel be appointed to a teaching staff seat on the Executive Committee for the remainder of the 2000-2001 academic year, effective immediately.

(b) Part-time Undergraduate/Graduate Student

On motion duly moved and seconded,

It was RESOLVED

THAT Ms Jennifer Carson be appointed to the part-time undergraduate/graduate student seat on the Executive Committee for the remainder of the 2000-2001 academic year, effective immediately.

THE COUNCIL MOVED INTO OPEN SESSION.

4. Chairman's Remarks

(a) Senior Appointment: Director of President's Office and Assistant Vice-President

The Chairman announced that Dr. Beata FitzPatrick had been appointed Director of the Office of the President and Assistant Vice-President. Dr. FitzPatrick's responsibilities would include facilitating the coordination of activity among the vice-presidential portfolios and ensuring smooth and timely co-ordination with university governance.

(b) Appointment to Governing Council

The Chairman welcomed Professor Philip Byer to the Governing Council.

(c) Appointments to the Executive Committee

The Chairman announced that Ms Jennifer Carson would serve in the Part-time Undergraduate/Graduate student seat on the Executive Committee, while Professor Vivek Goel would serve in one of the teaching staff seats on the Committee. These appointments were necessary to replace Ms Nancy Watson, who was unable to complete her term, and Professor Ronald Venter, who had been appointed Vice-Provost, Space and Facilities Planning.

(d) Board and Committee Assignments

The Chairman thanked Professor Ray Cummins and Mr. Elan Ohayon for agreeing to serve on the Business Board for the remainder of this year, and Professor Philip Byer for agreeing to serve on the Planning and Budget Committee for the remainder of the year. She noted that all appointments had been approved by the Executive Committee on February 26, and again were necessary to replace Professor Venter and Ms Watson. The Chairman informed members that the student seat on the University Affairs Board remained vacant, and that members of the Governing Council representing student constituencies who were not currently serving on the University Affairs Board would be asked if they would be willing to serve for the remainder of the year.

(e) Other Announcements

The Chairman congratulated the Honourable Bob Rae who had been appointed an Officer of the Order of Canada.

(f) Welcome

The Chairman welcomed Ms Maureen Somerville, the Chair of the College of Electors, who was in attendance.

(g) Other Business

The Chairman announced two items that would be considered under Other Business: a report on a Judicial Review Decision and notices of motion proposed by a member of the Governing Council.

5. Minutes of the Previous Meeting held on February 8, 2001

The minutes of the previous meeting held on February 8, 2001 were approved.

6. Business Arising from the Previous Meeting

(a) Report on the Distribution of Honorary Degrees Awarded

The Chairman drew the attention of members to the report on the Distribution of Honorary Degrees Awarded which was included in the agenda package for the meeting.

A member observed that the report indicated that men had been three times more likely than women to receive an honorary degree.

Noting the need to continue to focus on enhancing the pool of potential recipients, the Chairman encouraged all members and guests to submit nominations for honorary degrees.

(b) Items for Information

The Chairman recalled that there had been a request to discuss at the Governing Council reports received by various boards and committees. The Executive Committee had considered this request at its February 26, 2001 meeting.

She drew attention to page 7 of the Report Number 332 of the Executive Committee meeting which contained an account of the Committee's discussion, and noted that Reports received by various Boards and Committees would not be added routinely to the agenda of Governing Council as "For Information" items and for discussion. However, members could raise questions under the appropriate agenda item, or follow the normal rules of order to request that an item be placed on the agenda.

(c) Notice of Motion

The Chairman commented that the Notice of Motion regarding the restoration of funding to the Status of Women Office had not been placed on the agenda, but that the President would be speaking to this matter in his report.

7. Report of the President

The President reported on the following matters.

(a) Ontario Government and Municipal Relations

The President informed members that there was unprecedented agreement among the seventeen universities of Ontario with respect to a funding formula. He remained optimistic that full funding would be received for actual enrolment rather than for the agreed enrolment corridor mid-point. Further work was required to guarantee full average funding for expansion.

The President indicated that all members of the Council of Ontario Universities (COU) were working to convince Members of the Provincial Parliament and Deputy Ministers of the need for additional funding.

7. Report of the President (cont'd)**(b) Federal Government Relations**

The President recalled the recently announced increase of \$750 million in the budget of the Canadian Foundation for Innovation (CFI). He reported that the Association of Universities and Colleges of Canada (AUCC) was meeting in Ottawa in March, and that the predominant focus of the meeting would be efforts to secure the full cost of research funding, including university overhead costs.

The President described his recent meeting with Mr. Stockwell Day, Leader of the Official Opposition, at which he explained the issues facing higher education in Canada and outlined the University of Toronto's goals.

(c) Campus and Community Relations**(i) Faculty of Law**

The President read the statement that had been issued to describe the establishment of the fact finding committee that would seek to determine and report on the facts concerning the allegations of misrepresentation of marks by a small group of students of the Faculty of Law.

(ii) Grievance: Dr. Nancy Olivieri

The President reported that the Grievance Review Panel had begun meeting on February 26, 2001. He expressed his hope that this difficult situation would be resolved as soon as possible.

(iii) University of Toronto Schools (UTS)

The President announced that Ms Linda Newnham had resigned as Principal of UTS effective March 9, 2001, and that Mr. Robin Brooke-Smith had been appointed as the new Principal, effective May 1, 2001.

(iv) Equity Offices

The President commended the work of the current Equity Officers, and informed members that he and Professor Tuohy would be looking into the role of the Equity Offices, and resources available to them, especially in light of the unique situations at the Mississauga and Scarborough campuses.

(v) Meetings with Student Groups

The President reported on his meetings with the Graduate Students' Union (GSU) and the Students' Administrative Council (SAC). He noted that the overarching concern raised by GSU was the cost of housing in Toronto.

(d) Senior Administration**(i) Vice-Presidential Searches**

The President provided an update on the searches for the Vice-President (Business Affairs) and the Vice-President (Human Resources). He indicated that there were a number of strong internal candidates for the latter position.

7. Report of the President (cont'd)**(d) Senior Administration** (cont'd)**(ii) Appointment of Deans**

The President informed members of the appointments of Professor Anastasio Venetsanopoulos, Dean of the Faculty of Applied Science and Engineering, and Professor Dyanne Affonso, Dean of the Faculty of Nursing, both effective July 1, 2001.

(iii) Searches for Academic Administrators

The President reminded members that searches were also currently underway for the Dean of the Faculty of Forestry, the Dean of the Faculty of Dentistry, the Director of the School of Continuing Studies, and the Chief Librarian.

(iv) President's Office: Appointments and Reorganization

The President summarized the staff changes in his Office. Professor Carolyn Tuohy had relocated to the President's Office and would be spending 50% of her time working on academic policy development. Dr. Beata FitzPatrick would become Director of the Office effective May 1, 2001. Ms Georgina Gray had been appointed Director of University Events and Presidential Liaison, Advancement. Dr. Chris Cunningham would continue as Special Assistant to the President. In addition, Ms Brenda Ichikawa would be Associate Director of University Events and Assistant to the Chancellor; Ms Melanie Waring-Chapman would continue to support Ms Ichikawa.

(e) Alumni Outreach

The President described his recent visit to Waterloo, Ontario for a successful alumni event.

(f) University of Toronto Faculty Association

The President stated that negotiations between the University and the University of Toronto Faculty Association were continuing.

(g) Order of Canada

The President offered congratulations to the three members of the University of Toronto community who had been inducted into the Order of Canada: Father James McConica, President of the Pontifical Institute of Mediaeval Studies (PIMS); the Honourable Bob Rae, member of the Governing Council; and Professor Emeritus Ezra Schabas, Faculty of Music.

(h) Research Grants

The President announced a \$300,000 gift provided by the Canadian National Foundation for AIDS Research (CANFAR) to the Faculty of Medicine, and the \$8.5 million grant from the Canadian Institute for Health Research (CIHR) to the University of Toronto and affiliated teaching hospitals.

(i) Gifts

The President informed members that two major gifts had been received: \$3 million from 7/24 Solutions Inc. and its Chairman, Mr. Greg Wolfond, to the Faculty of Arts and Science

(Computer Science) for wireless information technology, and \$3 million from Shopper's Drug Mart to create the Binder Pharmacy Laboratory.

7. **Report of the President** (cont'd)

(j) Upcoming Events

The President noted that meetings with Deputy Ministers in Ottawa had been scheduled. He would be speaking at the March 21 event Celebrating Progress and Challenges in Ethno-Racial Diversity.

(k) Honorary Degree Acceptances

The President was pleased to report that the following persons had accepted an offer to receive an honorary degree from the University of Toronto: Walter Curlook; Alvan Feinstein; James Fleck; Donald A.S. Fraser; Martin Friedland; Nannerl O. Keohane; J. Spencer Lanthier; Doris Lau; Doris McCarthy; Lillian McGregor; The Honourable Ralston (Rex) Nettleford; Christopher Newton; Martha C. Piper; Jack Rabinovitch; Edward S. "Ted" Rogers; Endel Tulving; Sir David V. Willcocks.

(l) Address by a Non-Member: Professor Rhonda Love, President, University of Toronto Faculty Association

Professor Love addressed two items raised in the President's Report. With respect to the Olivieri grievance, Professor Love expressed the regret of the University of Toronto Faculty Association (UTFA) at the unwillingness of the Hospital for Sick Children to provide records that had been requested by the Grievance Review Panel.

Professor Love outlined the position of UTFA that there was no basis in policy or in the Memorandum of Agreement for the establishment of the fact finding committee that was reviewing events in the Faculty of Law, and stated that UTFA had filed a request with the Chairman of the Grievance Review Panel for the suspension of the work of the fact finding committee. Invited to reply, Professor Sedra indicated that there was no agreed upon statement of facts at the present time, and that the committee's role was to ascertain what had happened, without making any judgement. The President added that the committee was necessary because of the variety of information that was being disseminated.

A member expressed his concern that the process would set a precedent that would challenge academic freedom in the classroom.

A member noted that concerns about the curriculum, use of the Law School Admission Test (LSAT), and diversity within the Faculty of Law had been raised at past meetings of the Academic Board, but had not been addressed to his satisfaction.

7. **Report of the President** (cont'd)

(m) **Motion to add to the Agenda**

A member commented that she was heartened by the President's intention to review the resources available to all Equity Offices.

It was duly moved and seconded,

To add to the agenda the following motion:

THAT the Governing Council review the funding of all equity offices.

The vote was taken on the motion.

The motion carried with the necessary two-thirds majority.

The Chairman ruled that the motion would be considered under the agenda item 'Other Business'.

(n) **Funding**

A member asked the President to provide a brief document to members that summarized the current available funding and the future funding requirements of higher education within the Province.

A member asked what the University would do if funding for research infrastructure was not forthcoming from the federal government. The President replied that lack of such funding would present a major budgetary challenge to the University.

8. **School of Graduate Studies: Master of Science in Occupational Therapy – Establishment; Faculty of Medicine: Bachelor of Science in Occupational Therapy - Discontinuation of Enrolment**

Professor Carr described the new professional master's program in occupational therapy as part of the continuing evolution of this discipline at the University.

A member expressed concern about 'creeping credentialism' and the financial impact on students in requiring a graduate degree rather than an undergraduate degree.

On motion duly moved and seconded,

It was RESOLVED

THAT the proposal for a Master of Science Program in Occupational Therapy (M.Sc.O.T.), as described in Appendix "A" to Report Number 104 of the Academic Board, be approved, effective July 1, 2001, and

THAT new enrolment in the Bachelor of Science in Occupational Therapy be suspended, effective July 1, 2001.

9. School of Graduate Studies: Master of Science in Physical Therapy – Establishment; Faculty of Medicine: Bachelor of Science in Physical Therapy - Discontinuation of Enrolment

Professor Carr noted that the new professional master's program in physical therapy was also part of the continuing evolution of this discipline at the University.

On motion duly moved and seconded,

It was RESOLVED

THAT the proposal for a Master of Science Program in Physical Therapy (M.Sc.P.T.), as described in Appendix "B" to Report Number 104 of the Academic Board, be approved effective July 1, 2001, and

THAT new enrolment in the Bachelor of Science in Physical Therapy be suspended, effective July 1, 2001.

10. Enrolment Growth Fund and Academic Priorities Fund: Allocations

Professor Carr described the proposed allocations from the Enrolment Growth Fund to support the Access to Opportunities Program (ATOP) enrolment increase in computer science programs in the Faculty of Arts and Science, both on the St. George and Mississauga campuses. Professor Carr pointed out that an allocation for general operating costs for the Bahen Centre for Information Technology was included, and that a portion of the tuition-fee increase in computer science was to be reinvested in quality enhancements in that program.

On motion duly moved and seconded,

It was RESOLVED

THAT the following allocations from the Enrolment Growth Fund, as described in Appendix "C" to Report Number 104 of the Academic Board, be approved, subject to the divisions' meeting the increased enrolment targets:

- i) To the Faculty of Arts and Science for expenses associated with ATOP expansion in computer science programs; \$2,460,453 in base funding.
- ii) To the University of Toronto at Mississauga for expenses associated with ATOP expansion in computer science programs; \$195,307 in base funding.
- iii) To Facilities and Services for operating costs associated with the Bahen Centre for Information Technology; \$306,000 in base funding.

10. Enrolment Growth Fund and Academic Priorities Fund: Allocations (cont'd)

On motion duly moved and seconded,

It was RESOLVED

THAT the following allocations from the Academic Priorities Fund, as described in Appendix "C" to Report Number 104 of the Academic Board, be approved, subject to the divisions' meeting the increased enrolment targets:

- i) To the Faculty of Arts and Science for expenses associated with ATOP expansion in computer science programs; \$706,927 in base funding.
- ii) To the University of Toronto at Mississauga for expenses associated with ATOP expansion in computer science programs: \$116,921 in base funding.

11. Canada Research Chairs (C.R.C.) Fund: Allocations

Professor Carr outlined the resources available in the Canada Research Chairs Fund.

A member noted that in the first round of appointments to the Canada Research Chairs, only one quarter were women. The member asked what concrete measures would be taken to ensure implementation of the existing Employment Equity policies in future appointments. The President replied that the first appointments to the Chairs were largely internal and therefore reflected the current gender balance in the faculty. The administration had repeatedly stressed the importance of ensuring that new appointments appropriately reflect the gender balance and other elements of society, and it continued to work to ensure increased diversity among the faculty.

On motion duly moved and seconded,

It was RESOLVED

THAT \$3.4 million be allocated from the Canada Research Chairs Fund to cover the salaries and benefits, research allowance and cluster support for the first 17 chairholders approved in the September 2000 C.R.C. competition, as described in Appendix "D" to Report Number 104 of the Academic Board.

12. Medical and Related Sciences (MARS) Discovery District: Proposed Contribution

Professor Carr informed members that the Academic Board had been very supportive of the proposal, as recorded in its Report Number 104. The intention of the Medical and Related Sciences (MARS) Discovery District was to create a state-of-the-art, large-scale centre where researchers could commercially develop their discoveries in a broad range of medical-related disciplines.

Ms Patten said that the proposal had been on the Business Board agenda twice. In January, the Board had received very compelling presentations not only from Professor Munroe-Blum, but also from President-Emeritus John Evans and Governing Council member Joseph Rotman, who were supporters of the MARS Discovery District. On February 19, the Board

had reviewed the project again and had voted to concur with the recommendation of the Academic Board.

12. Medical and Related Sciences (MARS) Discovery District: Proposed Contribution
(cont'd)

Among the matters that arose in discussion were the following.

(a) Commercialization of research. While not opposed to the MARS project, a member expressed concern that the project would further the commercialization of research, providing incentives for faculty to concentrate on research that would enrich them rather than research that would advance knowledge and serve humanity. In addition, the outcome of research that served commercial purposes was generally kept secret for competitive purposes rather than published for the advancement of knowledge. The member suggested that MARS should facilitate publication as well as commercialization, and that the University should concentrate on attracting faculty who were good teachers as well as good researchers. While the member hoped that the MARS project would go forward, he hoped that his concerns would be taken into account.

Professor Munroe-Blum responded that the University believed very strongly in the combination of teaching and research, and in the dissemination of the products of research. The University sought to provide a research environment and a level of service to facilitate research, and it worked very hard to develop a policy environment that would encourage both publication and commercialization. The MARS project would assist a great deal in the dissemination of the products of research through commercialization and through other processes. Comments from leading candidates for current positions in the medical and related sciences had demonstrated that the availability of an excellent research environment, including a facility such as MARS, would be of great help in recruiting outstanding researchers and teachers to the University in a very competitive market.

(b) Budget process. A member noted that the proposal to allocate \$5-million to the MARS project had come forward separately from the usual budget planning process. While recognizing the need to be opportunistic, the member asked about the impact of the proposed allocation on the University's ability to support similar desirable initiatives in the future. Professor Munroe-Blum agreed that the proposal was indeed a response to an opportunity that had arisen rather suddenly. The proposal was an unusual one: to invest not in a real-estate or business deal but rather in a vision that was very complementary to the University's academic mission – the establishment of an innovation cluster. The proposal had come forward outside of the usual budget planning cycle because of MARS' need to move quickly to submit an offer on the site and because of the large scale of the opportunity. The proposal did not conflict with other opportunities. In response to a question, the member who raised the question about the budget planning process said that he had no concern about the Governing Council process that had been followed.

12. Medical and Related Sciences (MARS) Discovery District: Proposed Contribution
(cont'd)

(c) Alternative of a University-owned development. A member asked if there were advantages to the proposed arrangement - a partnership with outside institutions and private donors - in comparison with the University's using its resources to develop a similar facility of its own. Professor Munroe-Blum replied that the administration took the view that the University should not itself seek to develop an innovation cluster. Developing such a cluster adjacent to the University but not on one of its campuses allowed the University to enjoy the benefits of the availability of a facility for the commercialization of the products of research, while continuing its own teaching and research operations completely within the context of its own policies.

(d) Board representation. A member expressed concern about the level of representation on the MARS Board. Professor Munroe-Blum said that the University's representation on the Board was currently two seats out of ten, and it would not be subject to dilution. If the Board were to be expanded, the University would continue to enjoy the right to appoint 20% of its membership.

(e) Connection with the pharmaceutical industry. A member noted that the Chair of the MARS corporation had been at one time the chief executive officer of a pharmaceutical company, and asked if there was a possible conflict of interest. Professor Munroe-Blum replied that the members of the MARS Board were individuals of deep integrity and that their life-time relationships with various organizations had not been scrutinized. The University's own research activities were, and would remain, protected by the University's research policies, none of which would change in any way as the result of participation of members of the University in the MARS Discovery District.

(f) Use of the proposed site. A member noted that the proposed site was now used for a public-sector building, perhaps accommodating (among other things) University of Toronto laboratories. The member was concerned that the site would move from public to private ownership and that there might be a loss of space to accommodate University laboratories. He was concerned more generally about the movement from emphasis on publicly funded, curiosity-driven research to research driven by the profit motive, and he did not think that the University's funds should be used to provide a site for such activities.

Professor Munroe-Blum replied that the land was currently owned by the University Health Network and had been put up for sale by that organization, which planned to use the proceeds of the sale for the development of other facilities. If the MARS corporation succeeded in its bid for the site, it would continue to be owned by a not-for-profit corporation. If MARS was not successful it was likely that the purchaser would be a developer who would use the site for such purposes as a hotel or a condominium apartment building. Professor Munroe-Blum was not aware that the University itself rented any space on the site.

It was moved

To adjourn debate on the motion.

The motion was defeated.

12. Medical and Related Sciences (MARS) Discovery District: Proposed Contribution
(cont'd)

(g) Cost of the proposal. A member, while supporting the initiative, was concerned about any perception that the University was able to make this \$5-million contribution because it was very wealthy. The University's operating budget was highly constrained; the University's units were tightly stretched in carrying out their missions. While the contribution would be in the long-term best interest of the University, making the contribution would cause pain. The President agreed that the University of Toronto was not a wealthy institution, but indicated that this was a worthwhile long-term investment that would pay for itself many times over in the future.

(h) Paying for the contribution. In response to a member's questions, Professor Sedra said that the University would borrow the \$5-million amount of the contribution. The forthcoming operating budget, to be presented to the Planning and Budget Committee in the next weeks, would include an item amounting initially to about \$400,000 in base funding to cover debt service on the loan - paying interest and repaying the principle. The source of this amount would be income earned by the University from its share of the current stream of licensing royalties earned by the University's faculty and from the University's portion of the profits from the sale of shares in start-up companies developing University of Toronto intellectual property. Because that stream of income was not predictable, it was uncertain how long it would take to pay off the \$5-million loan; Professor Sedra anticipated that it would be at least four years. The projection of this revenue did not depend on any income to be earned from companies that would be tenants in the MARS Discovery District; it would be well over a decade before the MARS project was likely to provide any financial benefit.

In the course of discussion, a number of members expressed their support for the proposal. It would in no way detract from the curiosity-driven research being carried out on campus but would, on the contrary, provide further research opportunities. The proposal provided a unique opportunity to have a not-for-profit incubator very close to the campus that would provide opportunities to the University's faculty, its graduates and its graduate students. The opportunity to develop the products of research at the MARS facility would represent a very substantial advantage over the current situation where researchers often had to cede a large proportion of the ownership of their start-up companies in order to gain financing from venture-capital firms. The proposal would not only benefit the University but would also advance the Canada's competitive position in a key knowledge industry.

Invited by the Chair to address Council on the proposal, Professor Love said that the Faculty Association Council had not had the opportunity to examine the proposal thoroughly. The Association would, however, be monitoring with great interest the adherence to University research policies in the unique MARS environment, especially given the University's problems in seeking adherence to those policies in the affiliated teaching hospitals.

12. Medical and Related Sciences (MARS) Discovery District: Proposed Contribution
(cont'd)

On motion duly moved and seconded,

It was RESOLVED

Subject to final agreement between the University and the MARS Discovery District being essentially consistent with the terms and conditions set out on the second page of Professor Robert J. Birgeneau's letter of December 4, 2000 to Dr. John R. Evans, a copy of which is included in Appendix "E" to Report Number 104 of the Academic Board,

THAT the University contribute \$5 million to the Medical and Related Sciences (MARS) Discovery District, a not-for-profit organization, to be used to acquire strategically located lands at or close to the intersection of University Avenue and College Street for development into multiple use, multi-technology facilities complementary to the academic mission of the University, borrowing the funds to do so, and

THAT, effective the date of the financing of the gift, the University's net revenues from (a) royalties and (b) the sale of equity in "spin-off" companies be applied against the borrowing charges and the repayment of the debt.

In the course of discussion of this item, a member observed that Professor Love had been invited to speak twice at the meeting in her capacity as the President of the Faculty Association. He hoped that similar privileges would be accorded to the heads of the University's representative student governments.

13. Reports for Information

The Governing Council received the items reported for information in the following Reports:

Report Number 104 of the Academic Board (February 15, 2001)
Report Number 332 of the Executive Committee (February 26, 2001).

14. Date of the Next Meeting

The Chairman reminded members of the next meeting of the Council scheduled for Thursday, April 26, 2001.

15. Question Period**Tuition Fee Schedule**

A member requested that members be notified of the dates when the tuition fees schedule for 2001-2002 would be before the Business Board and the Governing Council. He noted that tuition fees had been reduced by between 5% and 10% in three Canadian provinces; it would be very helpful to have information about how that had been accomplished and about arrangements with the universities in those provinces. The member also noted that tuition fees were not charged by universities in most countries within the Organization for Economic Co-operation and Development. It would be very helpful to have information about how those countries were able to achieve such a satisfactory situation and to have recommendations about how the Governing Council could encourage governments in Canada to emulate those countries.

16. Other Business**(a) Elections, 2001**

The Secretary reported that during the recent nomination process for the part-time undergraduate student constituency, the nomination of an individual had been invalidated by the Chief Returning Officer for a technical reason: the student had not been registered in the constituency throughout the nomination period as required by the Election Guidelines. The student had completed his registration on the last day of the nomination period and had requested a judicial review of the invalidation of his nomination.

The Secretary had received earlier in the day a hand-written decision from the court instructing that the nomination be accepted; as yet the University had not received the full written reasons for the decision. The Secretary proposed that the Governing Council await the written judgement before proceeding further. The ruling might represent a precedent affecting the ability of the Governing Council to manage its affairs within the terms of the *University of Toronto Act*, and the Council might wish to consider the advisability of an appeal for the purpose of protecting the University's autonomy. It might also be inappropriate to proceed with the election, including the individual as a candidate, because that would disadvantage other students in a similar situation who had understood that they could not be candidates. A member expressed concern that in the absence of the judicial decision, the outcome of the election process would have been the barring of two students from candidacy and the acclamation of two others. The member had distributed a document containing notices of motion and information about both cases, the first of which had been dealt with by the judicial review process and the second of which should be dealt with by the Governing Council.

On the suggestion of a member, it was AGREED to recess the meeting for five minutes to enable members to read the documentation.

The Chairman noted that a motion was required to extend the length of the meeting.

It was duly moved and seconded,

THAT the time of adjournment be extended to 7:10 p.m.

The motion was carried with the necessary two-thirds majority.

16. Other Business (cont'd)**(a) Elections, 2001** (cont'd)

The Chairman reported that the University's legal counsel had advised that the Governing Council await the written reasons emerging from the judicial review before determining how to proceed with the election and before deciding whether an appeal of the review decision itself was appropriate. When the written decision became available, the Chair would call a special meeting of the Governing Council as soon as possible to determine how to proceed. In response to a member's question, the Chairman said that the Governing Council itself should, in these highly unusual circumstances, deal with this matter rather than referring it to the Elections Committee. The Secretary said that the election of part-time undergraduate student members of the Council would not proceed until the matter was resolved. The Elections Committee would make decisions on new dates for voting and other procedures, as required. The election of members in the other student constituencies would proceed as scheduled.

It was duly moved and seconded

THAT the following motion be added to the agenda of the Governing Council:

THAT the election process for the part-time undergraduate student constituency be suspended until the Governing Council has received the written reasons for the judicial review decision and has given direction to the Chair on the manner in which it would like to proceed. It is understood that a special meeting of the Governing Council will be scheduled to consider the advice of the University's counsel.

The motion to add to the agenda was carried with the necessary two-thirds majority.

A member commented that the Governing Council had agreed to vote on adding a member to the Executive Committee in the absence of further context. In his opinion, in the present case, the judicial decision was clear - that the candidate be permitted to run in the pending election. There appeared to be no reason to await further information to proceed with the election.

The question was put on the motion, and it was RESOLVED

THAT the election process for the part-time undergraduate student constituency be suspended until the Governing Council has received the written reasons for the judicial review decision and has given direction to the Chair on the manner in which it would like to proceed. It is understood that a special meeting of the Governing Council will be scheduled to consider the advice of the University's counsel.

A member reiterated that another student who had not sought judicial review also wished to appeal the invalidation of his nomination on different technical grounds. In the member's view, having made the mistake of not hearing the appeal of one student, the Council should not repeat that mistake by failing to hear the case of the second student. The member recalled that he had given notice of two motions to effect such a hearing, but he would be willing to accept some alternative means of ensuring that the case of the second student be heard.

16. Other Business (cont'd)

(a) Elections, 2001 (cont'd)

The member's notice of motions with respect to the second student nomination were as follows:

THAT part-time "special students" have the right to vote and run for election as part-time students in accord with the University of Toronto Act; and

THAT the invalidation of [the nomination of] David Melville is overruled and that he is found eligible to run and vote in the 2001 Governing Council elections.

The Chairman noted that a motion was required to extend the length of the meeting.

It was duly moved and seconded,

THAT the time of adjournment be further extended to 7:20 p.m.

The motion was carried with the necessary two-thirds majority.

The Secretary said that the second case raised an important broader issue concerning the eligibility of "special students" - those enrolled in degree courses but not proceeding towards a University of Toronto degree, diploma or certificate - to participate in governance. With the current emphasis on life-long learning, it may be that a greater number of people would be studying at the University but not proceeding towards University of Toronto degrees or certificates. It would be appropriate to undertake a review of this group of students; the University Registrar had indicated her willingness to participate in an expert advisory group which would give advice on the various enrollment circumstances of students in this category. The group's advice would assist the Governing Council in arriving at some principled basis for the possible participation of these students. It would be inappropriate to deal with one particular case within a broader group without looking at the question of principle in a systematic way.

A member, while agreeing with many of the Secretary's comments, stressed that an individual case had come forward, and that case should be heard as an appeal. It was now clear that the invalidation of his nomination was not a mere technical matter, and the case should be heard rather than forcing that student too to request a judicial review. That should take place before the Governing Council's decision on the election to the part-time student constituency.

It was duly moved and seconded

THAT the following motion be added to the agenda of the Governing Council:

THAT the appeal of Mr. David Melville of the invalidation of his nomination as a candidate for election to the Governing Council in the part-time undergraduate student constituency be heard by the Governing Council prior to the election in that constituency.

The vote was taken on the motion to add to the agenda.

The motion was defeated.

16. Other Business (cont'd)

(a) Elections, 2001 (cont'd)

A member expressed concern that the decision had blocked a student from his wish to be a candidate, leaving him no other course of action within the University. Another member commented that in voting against the motion, he had simply expressed his preference that the matter be dealt with (a) once the written reasons for the judicial review decision were in hand, and (b) in the context of the overall facts with respect to special students.

(b) Budget: Status of Women Office

A member recalled that she had given notice of motion THAT the Status of Women Officer be restored to a 100 per cent appointment. The Executive Committee had declined to place the original motion on the Governing Council agenda, pending a review by the President of the arrangements for all the equity offices and the resources available to them. Earlier in this meeting, the member had requested, and the Governing Council had agreed, to add to its agenda a motion: THAT the Governing Council review the funding of all equity offices.

The member had been advised of certain difficulties with respect to that motion, since the reporting structure of the equity offices varied. The member now wished the Governing Council to add to its agenda a somewhat different motion. The University Affairs Board received reports from all of the equity offices, and, in the most recent reports before the Board, it was evident to the member that the Status of Women Office was one of the most poorly funded. It was one of the few that did not have a full-time officer and coordinator. A 1999 review had found that the Office was seriously underfunded and that it could not fulfill its broad mandate of dealing with women's issues at all three campuses.

It was duly moved and seconded

THAT the following motion be added to the agenda of the Governing Council:

THAT the President evaluate the budget for the Status of Women Office to determine if sufficient resources exist for the Office to meet its stated objectives and, if not, that he increase the funding to 100%, and

THAT the President report back on this matter at the next meeting of the Governing Council.

The vote was taken on the motion.

The motion was carried with the necessary two thirds majority.

16. Other Business (cont'd)

(b) Budget: Status of Women Office (cont'd)

On motion duly made and seconded,

It was RESOLVED

THAT the President evaluate the budget for the Status of Women Office to determine if sufficient resources exist for the Office to meet its stated objectives and, if not, that he increase the funding to 100%, and

THAT the President report back on this matter at the next meeting of the Governing Council.

The meeting adjourned at 7:30 p.m.

Secretary

Chairman

March 19, 2001