

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 134 OF THE ACADEMIC BOARD

April 7, 2005

To the Governing Council
 University of Toronto

Your Board reports that it held a meeting on Thursday, April 7, 2005 at 4:10 p.m. in the Council Chamber, Simcoe Hall. In this report, items 4, 5, and 6 are recommended to the Governing Council for approval, items 7, 8 and 9 are recommended to the Executive Committee for confirmation, and the remaining items are reported for information.

Present:

Professor W. Raymond
 Cummins, Chair
 Professor Brian Corman, Vice-
 Chair
 The Honourable Frank
 Iacobucci, Interim President
 Professor Vivek Goel, Vice-
 President and Provost
 Professor Ronald Venter, Vice-
 Provost, Space and Facilities
 Planning
 Professor S. Zaky, Vice-Provost,
 Planning and Budget
 Professor Rona Abramovitch
 Professor Derek Allen
 Ms Holly Andrews-Taylor
 Professor Gage Averill
 Professor James Barber
 Professor Mary Beattie
 Professor Clare Beghtol
 Professor Terry Blake
 Professor Donald Brean
 Professor Ragnar Buchweitz
 Mr. Blake Chapman
 Professor Mary L. Chipman
 Ms Maple Chong
 Professor David Clandfield
 Professor David Cook
 Professor Frank Cunningham
 Professor Ronald Daniels
 Professor Luc F. De Nil

Absent:

Mr. Syed W. Ahmed
 Professor Stewart Aitchison
 Professor Sidney Aster
 Professor George Baird
 Dr. Mary Barrie

Professor Raisa B. Deber
 Professor Donald N. Dewees
 Professor Miriam Diamond
 Dr. Inez. Elliston
 Dr. Shari Graham Fell
 Professor Faith E. Fich
 Mr. Sean Forbes
 Professor John J. Furedy
 Professor Jane Gaskell
 Ms Bonnie Goldberg
 Professor Avrum Gotlieb
 Professor Hugh Gunz
 Professor Wayne Hindmarsh
 Ms Bonnie Horne
 Professor Bruce Kidd
 Dr. Joel A. Kirsh
 Professor Ronald H. Kluger
 Ms Lesley Ann Lavack
 Professor James Lepock
 Professor Robert Lewis
 Professor Lori Loeb
 Mr. William R.J. Lumsden
 Mr. Joseph Mapa
 Professor Diane Massam
 Ms Susan C. McDonald
 Ms Vera Melnyk
 Ms Carole Moore
 Professor Mariel O'Neill-Karch
 Professor Paul Perron
 Professor Susan Pfeiffer
 Mr. Andrew Pinto

Professor Cheryl Regehr
 Professor Robert Reisz
 Ms Marvi H. Ricker
 Professor Jay Rosenfield
 Professor Pekka Sinervo
 Professor Brian Cantwell Smith
 Professor J. J. Berry Smith
 Miss Maureen J. Somerville
 Professor Dennis Thiessen
 Ms Oriel Varga
 Professor Judy Watt-Watson
 Dr. Cindy Woodland

Non-voting Assessors:

Professor D. Farrar, Deputy
 Provost and Vice-Provost,
 Students
 Professor A. Hildyard, Vice-
 President, Human Resources and
 Equity
 Professor Edith Hillan, Vice-
 Provost, Academic

Secretariat:

Mr. Andrew Drummond
 Ms Cristina Oke, Secretary

In Attendance:

Ms. Sheree Drummond, Assistant
 Provost
 Dr. Beata FitzPatrick, Assistant
 Vice-President and Director,
 Office of the President
 Mr. John Harris, Director, Budget
 Planning and Management

Absent: (cont'd)

Ms Janice Bayani
 Mr. Mark S. Bonham
 Ms Lisa E. Boyes
 Professor Rorke Bryan
 Professor Philip H. Byer
 Mr. Bruce G. Cameron
 Mr. Shaun Chen
 Professor Sujit Choudhry
 Professor George Elliott Clarke
 Professor James Donaldson
 Professor Diane Doran
 Professor Robin Elliott
 Professor Guy Faulkner
 Professor Steven T. Fong
 Mr. John Fraser
 Professor Eric Freeman
 Professor Anthony A. Haasz
 Ms Leigh Honeywell
 Professor Michael Hutcheon
 Mr. Senai Iman

Professor Roger L. Martin
 Professor Mark McGowan
 Professor John R. Miron
 Mr. Raza M. Mirza
 Professor Cheryl Misak
 Professor David Mock Professor
 David Naylor
 Mr. Kedar Patil
 Ms Salma Rawof
 Professor James A. Reilly
 Professor Richard Reznick
 Professor John Scherk
 Professor Gareth Seaward
 Professor Anthony N. Sinclair
 Professor Lisa Steele
 Ms Arjuna Thaskaran
 Mr. Leo Trottier
 Professor Tas Venetsanopoulos
 Professor Rinaldo Wayne
 Walcott
 Professor Melissa S. Williams

In Attendance (cont'd):

Professor Ulli Krall, Vice-Principal,
 Research, University of Toronto
 at Mississauga
 Ms. Helen Lasthiotakis, Director,
 Policy and Planning, Office of
 the Vice-President and Provost
 Professor George Luste, President,
 University of Toronto Faculty
 Association
 Ms. Rosie Parnass, Quality of Work
 Life Advisor and Special
 Assistant to the Vice-President,
 Human Resources
 Mr. Howard Tam, Vice-President,
 University Affairs, Students'
 Administrative Council

1. Report of the Previous Meeting

The Chair noted that some corrections to the attendance list had been brought to the attention of the Secretary. Report Number 133 of the meeting held on February 21, 2005, as corrected, was approved.

2. Business Arising Out of the Report

The Chair reminded members that, at the previous meeting, questions had been raised about the increase in overhead rates charged to research grants. The President had undertaken to have the administration provide additional information.

President Iacobucci reported that Professor Challis had again discussed the increase with the Research Advisory Board.¹ Professor Challis had also discussed the increase with the Principals and Deans, and had received helpful feedback from that group. He would also be speaking with Principals, Deans, Academic Directors and Chairs (PDAD&C). The administration had recognized the need for improved communication with the University community and its research partners concerning research overhead. It was necessary to create a culture within the University where research overhead was calculated in addition to grants, to ensure that all costs were covered appropriately.

A member provided information that her staff had compiled on research overhead rates at other Canadian universities, which indicated that some research overhead rates were substantially lower at some other institutions.

Another member thanked the President for his comments, and expressed her hope for an ongoing dialogue between the Office of the Vice-President, Research and Associate Provost and faculty at

¹ Secretary's Note: Professor Challis was out of the country at an academic conference and had sent his regrets for the meeting.

large. She remained concerned with the aggressive rate of implementation of the increased research overhead rate, and the impact of the increases on research at the University. She re-

2. **Business Arising Out of the Report** (cont'd)

emphasized the need for faculty members to understand better the need for research overhead to be charged to research funding.

Another member suggested that the administration refer to universities, not only in the United States and Canada, but also beyond North America. A member asked that graduate students as well as faculty be consulted prior to further changes in rates. Another member noted that increased research overhead rates might result in opportunity costs as research partners chose to sponsor research at other institutions with lower overhead rates..

Professor Goel reminded the Board that the current *Policy on Research Contracts and the Recovery of Indirect Costs of Research*² gave the Vice-President, Research and Associate Provost the authority to adjust overhead rates from time to time. The increases had been reported to governance as required by the Policy. Professor Goel informed the Board that the University was reviewing the research overhead rates currently charged by other Universities and was developing a strategy on overhead rates in coordination with affiliated hospitals. As noted by the President, Professor Challis would be working with the University's research partners to explain the need for increased research overhead rates.

3. **Report Number 118 of the Agenda Committee (March 30, 2005)**

The report was received for information. There were no questions.

4. **Policy on Retirement Age Affecting Faculty Members and Librarians**

The Chair reminded members that the Academic Board was responsible for policies concerning the nature of academic employment. He reported that, on April 4, the Business Board had ratified the *Agreement between the Governing Council of the University of Toronto and the University of Toronto Faculty Association on Retirement Matters*, (the *Agreement*) subject to Governing Council approval of the proposal to rescind the Policy on Retirement Age affecting members of the teaching staff and professional librarians. He noted that the Governing Council would consider the recommendation of the Academic Board on the Policy on Retirement Age at a special meeting on April 13, 2005. The Chair invited Professor Hildyard to present the details of the *Agreement*.

Agreement between the Governing Council of the University of Toronto and the University of Toronto Faculty Association on Retirement Matters

Professor Hildyard provided the context for the proposed change in the policy on retirement age by highlighting the key points of the *Agreement*.

- The **overarching objectives** of the agreement were to balance the University's needs to continue to engage in long-term Academic Planning with the desire of individual faculty members and librarians to select an employment relationship, post age 55, that best suited their personal and professional needs, and to develop a set of proposals that were cost-neutral.

² <http://www.utoronto.ca/govcncl/pap/policies/recont.pdf>

4. Policy on Retirement Age Affecting Faculty Members and Librarians (cont'd)

- The University's long term planning needs included the objectives of
 - attracting and retaining senior scholars;
 - enhancing the diversity of its faculty and librarians; and
 - ensuring that outstanding young academics continued to be appointed.
- The University had taken a **holistic approach** and considered a variety of retirement matters including:
 - Pension;
 - Benefits;
 - Early retirement;
 - Phased retirement;
 - Post-age 65 employment; and
 - Post-retirement relationships with the University.
- The **legislative framework** had been considered in the development of the *Agreement*
 - The provincial government was planning to introduce legislation to eliminate mandatory retirement in 2005, but such legislation would likely be 'bare bones' and not address all the issues around the employment relationship, pension and benefits.
 - The *Income Tax Act* required pension benefits to start on December 1 of the year in which an individual reached the age of 69, even if the individual continued to be employed.

Elements of *Agreement*

- **Elements to support academic planning**
 - One year irrevocable notice of intention to retire would be required.
 - The phased retirement program would set irrevocable retirement date at end of three-year period.
 - The Voluntary Early Academic Retirement Program (VEARP) would be renewed until December 31, 2005, with a retirement date no later than June 30, 2010 .
 - The Requirement for Provostial approval for participation in VEARP continued.
- **Treatment of employment relationship, pension and benefits**
 - *Scope of duties:*
 - There was an expectation that faculty and librarians would continue to carry out the full scope of their normal duties after their normal retirement date.
 - *Treatment of pension between normal retirement date and required pension start date (ages 65 to 69):*
 - Pension benefits would continue to accrue;
 - There would be no actuarial increase in pension earned to normal retirement date;
 - Individuals working between the ages of 65 and 69 would have no ability to start pension and continue working.
 - *Treatment of benefits:*
 - Basic life insurance would continue after normal retirement date up to the required pension start date;
 - Optional life insurance and long-term disability coverage would cease at the normal retirement date;
 - All other benefits would continue past the normal retirement date.

4. Policy on Retirement Age Affecting Faculty Members and Librarians (cont'd)

- **Flexibility for faculty members and librarians**
 - The mandatory retirement date would be eliminated;
 - Unreduced early retirement provision in the Pension Plan would continue for those aged 60 with 10 years of pensionable service;
 - A brief continuation of VEARP would be available;
 - New phased retirement program would be offered;
 - Transition for the “class of 2005” would be available;
 - Retirement counseling would be available.
- **Balancing and controlling costs**
 - VEARP would be closed;
 - Early retirement pension subsidies to those below age 60 would be discontinued;
 - The combination of early retirements (with unreduced pension) and postponed retirements (without actuarial increase) would be essentially cost neutral to the Pension Plan; and
 - Funds that would have been spent on Retiring Allowances under VEARP could be directed to Retiring Allowances under phased retirement program.

Recognition and support of contributions that retired faculty and librarians can make to the life of the University

- The development of Statement of Commitment to retired faculty members and librarians was underway;
- The commitment to establish retiree centers was clear;
- Current practices with respect to teaching, supervision of students and research activities would be continued.

Spectrum of Retirement Options

- **Normal Retirement**
 - Continued to be the June 30th coincident with or following 65th birthday.
 - (It was necessary to have a defined normal retirement date for pension administration.)
- **Postponed Retirement**
 - Individual could choose to retire on any December 31st or June 30th following their normal retirement date, subject to commencement of pension on required pension start date even if continuing in University employment
- **Early Retirement**
 - Permanent unreduced early retirement provision in Pension Plan continued;
 - Any individual who was 60 years old and had 10 years of pensionable service would be eligible;
 - No approval was required, as *Pension Benefits Act* requires such provisions to be an entitlement;
 - There would be no reduction on pension earned to early retirement date;
 - For individuals between the ages of 55 to 59, pension benefit would be reduced 5% per year from normal retirement date (the actuarial reduction).

4. Policy on Retirement Age Affecting Faculty Members and Librarians (cont'd)

- **Transition of Voluntary Early Academic Retirement Program (VEARP)**
 - VEARP would be extended from August 31, 2005 to December 31, 2005, then would be closed;
 - Individual's election of VEARP would have to be approved prior to December 31, 2005, with a retirement date no later than June 30, 2010;
 - Provostial approval requirement would continue.
- **Phased Retirement**
 - A three-year phased retirement period with irrevocable retirement date at end of three-year period would be available to full-time faculty and librarians.
 - This phased retirement could start as early as three years before eligibility for unreduced early retirement pension (age 57) and as late as three years before required pension start date (age 66).
 - The cumulative appointment over three-year period would range between 150% and 200% of full-time appointment (subject to minimum of 25% appointment in any year), with the percentage to be worked out between the individual and the division head.
 - The individual would receive prorated salary reflecting percentage appointment.
 - The individual would be expected to continue activities of teaching, research and service in proportion to normal pre-program duties.
 - As an incentive for selection of this option, a retiring allowance equal to 75% of pre-program salary would be paid in three equal installments over phased retirement period.
 - Individuals would receive full pension accrual (i.e., based on 100% appointment), health care and dental coverage, and Professional Expense Reimbursement.
 - There would be special provisions for life insurance, sick leave and long-term disability.
- **Post Retirement**
 - A Statement of Commitment to Retired Faculty and Librarians would be developed and approved by governance.
 - Individuals would continue their intellectual contributions to the University
 - Applications for research funding and supervision of undergraduate and graduate students would be carried out in accordance with departmental policies.
 - Teaching opportunities could be available.
 - Senior Scholar/Retiree Centres would be established, subject to the provisions of the *Policy on Capital Planning and Capital Projects* with respect to the establishment of project planning committees and the identification of site, space and sources of funding for such centers.
- **Transition of the 'Class of 2005'**
 - Approximately 60 faculty members and librarians had a normal retirement date of June 30, 2005 (the 'class of 2005')
 - Eligibility for phased retirement program would be extended to these individuals, subject to Provostial approval
 - Individuals who were not approved for phased retirement program would retire and start their pension, and could request a one year contract for 20% of their June 30, 2005 salary

4. Policy on Retirement Age Affecting Faculty Members and Librarians (cont'd)

- The number of faculty and librarians who would be eligible by June 30, 2006 for the options described in the *Agreement* was 966, grouped as follows:

	Ages 53 to 54	Ages 55 to 59	Ages 60 to 64
Males	99	290	324
Females	43	129	81
Total	142	419	405

- The assumed retirement age pattern for pension plan analysis based on the experience of other institutions with no mandatory retirement was as follows:

% who retired before age 65:	30%
% who retired at age 65:	49%
% who retired after age 65:	21%

% reaching age 65 who retire after age 65: 30%

Professor Goel thanked Professor Hildyard for her presentation, and commented on the historic nature of the policy being considered by the Board. He acknowledged the effort that had gone into the development of the *Agreement* by members of a joint Working Group composed of representatives of the administration and the University of Toronto Faculty Association (UTFA).

Questions for Clarification

After congratulating Professor Hildyard for her excellent presentation, a member asked for clarification concerning the shifting of salary expense from the pension fund to the University's operating budget for those faculty and librarians who chose the option of phased or postponed retirement. Professor Goel explained that pension funds could only be used to pay pension income, and could not be moved out of the pension fund to pay for employment income. He noted that there would be a balance between costs and savings in each of the operating budget and pension fund. There would be no actuarial increase in pensions to those who chose to postpone their retirement. There would also be savings from those who chose to retire early offset by the cost of unreduced pension from age 60. In totality, the ongoing base budget costs were largely revenue neutral.

A member asked what the interaction would be between the *Agreement* and sabbatical policies. Professor Goel replied that the *Agreement* would not affect the sabbatical policy. Sabbatical leave would continue to be earned as provided for in the Memorandum of Agreement.

A member asked whether employees of research institutes would be covered by the *Agreement*. Professor Goel explained that the *Agreement* applied only to individuals who were employees of the University of Toronto.

External Speaker

At the invitation of the Chair, Professor George Luste, President of UTFA, addressed the Board. He began by announcing that the UTFA Council had unanimously approved the *Agreement* on April 6, 2005. Professor Luste thanked President Iacobucci, Professor Goel and Professor

4. Policy on Retirement Age Affecting Faculty Members and Librarians (cont'd)

Hildyard for supporting the proposal to end mandatory retirement. He acknowledged the historical significance of the proposal, and noted the comprehensive provisions of the *Agreement*.

He drew the attention of members to the transitional arrangements available to those whose normal retirement date was June 30, 2005. Individuals in this group had to apply for phased retirement by April 30, 2005, and Provostial approval was required. Professor Luste suggested that it would be appropriate for central funds to be provided to cover the cost of phased retirement for those in the 'class of 2005'.

Discussion

President Iacobucci stated his agreement with the characterization of the historic nature of the *Agreement*. In his view, it was a balanced agreement that was in the best interests of the University. The *Agreement* replaced rigidity with flexibility with respect to retirement matters, and allowed personal, professional and institutional planning. The President commended the leadership of UTFA and members of the University's senior administrative team for their work in developing the *Agreement*.

A member spoke in support of the suggestion of Professor Luste that central funding be provided for those whose normal retirement date was June 30, 2005. In his view, the group was small and the cost would be modest. A member replied that the cost of providing such funding for individuals in the Faculty of Arts and Science would be in the order of \$.5 to \$1.0 million annually. Professor Goel added that decisions had already been made concerning the positions held by those whose normal retirement date was June 30, 2005. In some cases, the positions had already been filled and were being covered by bridge funding. In other cases, the positions had been eliminated to accommodate budget reductions. Central funding was being provided for the contracts at 20% of their June 30, 2005 salary that were available to those whose normal retirement date was June 30, 2005 and whose request for phased retirement had not received Provostial approval. Professor Goel explained that it had been anticipated during the negotiating period that implementation of the *Agreement* would require a minimum of eighteen months. If the changes to the *Policy on Retirement Age* were approved by the Governing Council on April 13, 2005, the University intended to implement the *Agreement* by June 30, 2006, a period of only fourteen months. Transitional arrangements for the 'class of 2005' had to be put in place in a matter of weeks. Professor Goel also noted that the *Agreement* had been negotiated as an entire package, and a change to one component of the intricate proposal would not be appropriate. The member withdrew his support of the suggestion of central funding.

A member asked what impact the *Agreement* would have on new positions. Professor Goel replied that, in steady state, there would be minimal impact on new positions. Initially, there might be a delay of a couple of years in positions becoming available. However, it was appropriate to implement the *Agreement* at this time, given projected enrolment growth and expected faculty turnover.

A member referred to research that predicted a need for 11,000 new faculty members in the next few years, and asked how soon the University would have an estimate of the time required to hire that number of new faculty. Professor Goel replied that the impact of the *Agreement* on hiring could not be predicted until the University had its own experience with the implementation of the *Agreement*. The University of Toronto would be the first institution in Ontario to eliminate mandatory retirement. Other institutions that had eliminated mandatory retirement were located in other jurisdictions that had different tax systems, and their experiences would likely be different from that of the University of Toronto.

4. Policy on Retirement Age Affecting Faculty Members and Librarians (cont'd)

Discussion (cont'd)

The member asked if the University would be modeling best practice in the proposed Senior Retirement Centres, including providing training and support for new academics. Professor Goel replied that it was anticipated that retirees would mentor both new academic colleagues and students. The retirees could indicate to their Department Chairs ways in which they could continue to contribute to the academic life of the University.

The member asked whether the standard set by the University of Toronto would be higher than that to which other Ontario universities could aspire. She also asked what the University's commitment to younger faculty would be, and when the University would communicate with the public on such matters. Professor Goel replied that the closure of VEARP on December 31, 2005, with a retirement date up to December 31, 2010, and the phased retirement option which provided a four-year planning window, would facilitate academic planning. In the coming months, members of the Provost's Office would be working with Principals and Deans to develop a forecast of the number of academic positions that would become available over the next few years. The budget model assumptions would be adjusted to include probabilistic estimates of faculty retirements rather than fixed numbers.

A member congratulated the University on the *Agreement*, and expressed her hope that the University would build on this initiative and recognize mature students.

On motion duly moved and seconded

YOUR BOARD RECOMMENDS

1. THAT the policy on retirement age affecting faculty members and librarians, namely 'no faculty member or librarian shall be required to retire before the 30th day of June following or coincident with the faculty member's or librarian's sixty-fifth birthday', as stated in Article 2 (f) of the Memorandum of Agreement between the Governing Council of the University of Toronto and The University of Toronto Faculty Association, be rescinded, effective June 30, 2005.

And

2. THAT the previous policy on retirement age affecting faculty members and librarians, be replaced by the provision that 'there shall be no mandatory retirement date for faculty members and librarians whose 65th birthday occurs on or after July 1, 2005', as stated in Article 2 (f) of the tentative Memorandum of Agreement between the Governing Council of the University of Toronto and The University of Toronto Faculty Association, effective July 1, 2005.

The motion passed unanimously.

The Chair noted that this was the second historic recommendation made by the Board this academic year. (The first had been the *Policy on Clinical Faculty*.)

5. Budget Report, 2005-06

Professor Gotlieb reported that, this year, the Contractual Obligations and Policy Commitments (COPC) list and the Long-Range Budget Guidelines had been presented as a single item with the Budget Report, rather than at a separate meeting as had been done in past years. Members of the Committee had received a detailed presentation from Professor Goel.³ Several members had said that the Budget Report was well-presented and transparent. A member of the Committee had asked why the maximum allowable accumulated deficit of 1.5% was being projected for 2009-10. Professor Goel had explained that additional one-time-only cuts would have been required if the deficit were to be lower than 1.5% at the end of the planning period. A member had asked whether the Budget Report could include the percentage of operating revenues that flowed to academic divisions. Professor Goel had replied that a budget review group under the leadership of Professor Zaky was reviewing the presentation of revenues and expenses in the Budget Report with a view to increasing its clarity.

A member referred to pages 28 and 29 of the Report, noting the small level of increase in student assistance, though overall it was up by \$9 million. He noted his concern that this might be insufficient given the rise in fees for international students. He noted with concern the lack of increase in student services budgets for the St. George campus.

Professor Goel replied that extrapolating the level of service from individual budget lines could be misleading. He referred the member to Table 1A on page 5 of the report, which reported an overall 10% increase in student assistance (from \$96.6 million to \$106.6 million, with continued growth planned). Many student services were funded under different budget lines, in particular, those of individual divisions. Professor Zaky confirmed that more than \$40 million of operating funds had been budgeted for student financial assistance in 2005-06, much of it through the budgets of individual Faculties and Departments.

A member, referring to table 1B on page 7 of the Report, asked why there was a projected loss in residence ancillary support. Professor Zaky replied that an operating subsidy had been provided over an eight-year period to new residences to provide them with support until they became self-sustaining, as required by policy.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDED

THAT the “Budget Report for 2005-06” dated March 8, 2005, including the revisions to the long-range budget assumptions and the Contractual Obligation and Policy Commitments list, a copy of which is attached hereto as Appendix “B, be approved.

6. Capital Project: Faculty of Law: Preliminary Project Planning Report

Professor Gotlieb reported that the Planning and Budget Committee had been advised that approval in principle was being sought for the relocation of the Faculty of Law to relocate in order to allow fundraising efforts to proceed. It had been suggested to the Committee that the site would be more suitable as the location of a student centre rather than for the Faculty. Professor

³ <http://www.utoronto.ca/govcncl/bac/details/pb/2004-05/pbr20050308.pdf>

6. Capital Project: Faculty of Law: Preliminary Project Planning Report (cont'd)

Goel had explained that approval in principle of the proposal did not preclude further discussion of the issue of student activity space, which was under review by Professor David Farrar, Deputy Provost and Vice-Provost, Students. Professor Gotlieb reported that a motion to refer the proposal back had been defeated, and that the motion had passed by a substantial majority.

The Chair invited Mr. Howard Tam, Vice-President, University Affairs, Students' Administrative Council (SAC), to speak to the Board. Mr. Tam referred members to the comments he had made to the Planning and Budget Committee, noting that SAC had had an interest in developing a proposal for a new student centre at the site planned for the Faculty of Law for some time. He noted his dismay that the Project Planning Committee had not consulted with SAC on this issue. In his view, the site was not appropriate for the relocation of the Faculty of Law. It would be more appropriate for a student centre, since three colleges and a major athletic facility were located nearby. Mr. Tam noted that, in an earlier proposal for the redevelopment of the Varsity site, the site had been nominally allocated to student usage. He asked whether a site could be allocated in principle to students to allow them to begin fundraising for a student center. He informed the Board that a recent plebiscite of undergraduate students had resulted in a majority of voters indicating their willingness to direct funds to a student centre, for the first time in recent memory.

A member noted that the Faculty of Law had received funding allocations for renovations over the previous few years, and asked whether that investment had been inappropriate. Professor Goel replied that past investments had been necessary to accommodate the expanding Faculty. However, the current site offered minimal opportunities for growth, given that its height could not be increased, and that it backed onto Philosopher's Walk, on which no development was allowed. It would be easier to construct a purpose-built facility on a new site. Professor Goel reminded members that the proposed relocation of the Faculty of Law could only be done if the Faculty raised the necessary funds externally.

Professor Daniels stated that most of the funds for past renovations had come from benefactors of the Faculty. The library had been renovated, classrooms had been created and twelve offices had been constructed. Any group that was allocated space in the current facilities of the Faculty would benefit from these renovations. As a result of the planning process, the Project Planning Committee had made the proposal before the Board. Dean Daniels noted that there would be significant student activity space in a new Faculty of Law facility.

A member queried how projects on the long-term capital plan were queued, and asked specifically how it would be possible to prioritize the construction of a student centre. Professor Goel replied that Professor Farrar, Deputy Provost and Vice-Provost, Students, was convening a group to examine student activity space. The University currently provided student space at the St. George campus on a multi-nodal model. Facilities such as Hart House, the International Students' Centre, and Sussex Court were all loci of student activity. The Task Force on Student Activity Space, chaired by Professor Orchard and including many student members, had unanimously endorsed the multi-nodal model in its 1999 Report. Professor Farrar's group would determine the appropriateness of maintaining the multi-nodal model for student activity space, as well as identifying means to address various student needs.

Professor Goel provided additional background information on student space. In 1971, SAC had rejected a campus centre in a report. The SAC referendum to which Mr. Tam referred had had only a 6.6% voter turnout. In 2004, a major survey (in which 8000 students had been contacted) had concluded that only 48% of students wanted more activity, and 58% disagreed with paying additional student fees. Students who lived at home and commuted to campus showed little

6. Capital Project: Faculty of Law: Preliminary Project Planning Report (cont'd)

support for a student centre. Professor Goel noted that the last report of the University to the Council of Ontario Universities (COU) in 2001 had reported that student study space and lounge areas in the University totalled 76% of COU space guidelines: 92% at the St. George campus, 73% at the Mississauga campus, and 59% at the Scarborough campus.

Professor Goel reiterated the administration's support for developing more student activity space, citing Sussex Court, the Sidney Smith Hall expansion, a newly developed Varsity site proposal, and the development of a proposal for a multi-faith centre. The suggestion that the administration had made a commitment to use Site 12 as the location for a student centre was incorrect. All newly developed sites on the St. George campus had to be built to full capacity. There would be additional capacity on Site 12 after the needs of the Faculty of Law had been met.

A member informed the Board that the results of the plebiscite should be taken seriously. Despite the apparently low turnout, a significant percentage of students had voted in favour of the concept. He then said that the multi-nodal concept of student life was likely outmoded, given that the last time it was supported (in 1999), the double cohort had not yet arrived and many newer capital projects designed to increase the capacity of the institution had not yet been constructed.

A member raised a point of order, noting that the item being discussed was the Preliminary Project Planning Report for the Faculty of Law, not student activity space.

A member spoke in support of the proposal. He repeated the point made earlier that the Faculty of Law was considered to be the best in Canada and had undergone considerable expansion during the previous few years.

A member noted that the COU guidelines for space might not be adequate for academic work. She urged the University to review the space guidelines. Professor Goel answered that the COU guidelines were used as a benchmark by the University.

A member said that, in his opinion, learning space and access to faculty members who were happy with their space were the most important elements of a good learning experience. It was his view the relocation of the Faculty of Law would have benefits not only to the Faculty, but also to the whole University.

A member said that, in her view, the administration had not consulted sufficiently with students concerning the proposed location, and were not paying sufficient attention to requests from students for additional activity space. Professor Goel responded that the member's comments were inappropriate. The University had added significant amounts of student activity space in the capital planning process.

A member asked if options closer to the Faculty, such as the Planetarium site, had been considered. Professor Goel responded that other options had been considered but Site 12 was the most appropriate.

A member expressed his concern at approving the proposal in principle, as there were still many unknown details. Professor Goel replied that the final Project Planning Report would return to governance for approval.

6. Capital Project: Faculty of Law: Preliminary Project Planning Report (cont'd)

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDED

1. THAT the preliminary Project Planning Report for the Faculty of Law that requires the relocation of the entire Faculty of Law to site 12, including 315 Bloor Street West, a copy of which is attached hereto as Appendix "C, be accepted in principle.
2. THAT this approval in principle is subject to the Faculty of Law identifying the external funding, and to the University identifying the internal funding for the renewal and reallocation of the spaces released by the Faculty of Law.
3. THAT this approval in principle is subject to approval by the Governing Council of a completed Project Planning Report which will identify the detailed space program of the Faculty of Law, the cost and all sources of funding.

7. Faculty of Nursing: Constitution Amendments

The Chair reminded members that the Academic Board was responsible for approving divisional Constitutions. The revisions to the Constitution of the Faculty of Nursing had been summarized in the documentation distributed to members.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDED FOR EXECUTIVE COMMITTEE
CONFIRMATION:

THAT the constitution of the Faculty of Nursing, as amended by the Faculty of Nursing Council on November 24, 2004, be approved

Documentation is attached hereto as Appendix "D".

8. University of Toronto at Scarborough: Divisional Designation Change

The Chair reminded members that the Academic Board approved changes in names of academic units. Professor Goel explained that in January 2003, the Academic Board had approved the change in designation of five divisions at the University of Toronto at Scarborough (UTSC) to departments. At that time, the division of Management had been exploring the possibility of becoming a Faculty. The divisional designation of Management was now being changed to conform to the other academic units at UTSC.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDED FOR EXECUTIVE COMMITTEE
CONFIRMATION:

THAT the name of the *Division of Management* be changed to the *Department of Management*, effective immediately.

Documentation is attached hereto as Appendix "E".

9. Faculty of Medicine: Departmental Name Change

Professor Goel explained that the proposed name change was the outcome of the strategic planning process within the Department of Occupational Therapy.

On a motion duly moved and seconded,

YOUR BOARD RECOMMENDED FOR EXECUTIVE COMMITTEE
CONFIRMATION:

THAT the name of the *Department of Occupational Therapy* be changed to the
Department of Occupational Science and Occupational Therapy, effective July 1, 2005.

Documentation is attached hereto as Appendix "F".

10. Report from the Vice-President and Provost

Professor Goel reported that the University had hosted a number of controversial events recently, He commended the University community for expressing their views while respecting the freedom of speech of those with opposing views. He expressed his thanks to Mr. Jim Delaney, Assistant Director, Student Affairs, and Mr. Sam d'Angelo, Operations Manager, Police Services, St. George Campus, for their efforts in ensuring successful, safe events could take place. The Chair concurred with Professor Goel in thanking staff.

11. Appointments and Status Changes

Members received for information a number of appointments and status changes.

12. University Professors Selection Committee: Membership

Members received for information the membership of the University Professors Selection Committee.

13. Reports for Information

Members received for information the following reports:

(a) Report Number 114 of the Committee on Academic Policy and Programs (March 9, 2005)

No questions were raised on this report.

(b) Draft Report Number 102 of the Planning and Budget Committee (March 8, 2005)

No questions were raised on this report.

(c) Provost's Annual Report on Academic Discipline, 2003-04

No questions were raised on this report.

13. Reports for Information (cont'd.)**(d) Employment Equity Report, 2004**

A member noted that the principle of equity seemed to run counter to the merit-based criteria which a university that aspired to scholarly excellence must uphold in evaluating its faculty and students. He noted that, as currently employed, terms like “equity” and “diversity” were hard to define, but that a central tenet of these “diversification” policies is the representational principle, namely that the proportions of so-called designated groups among the students and faculty need to be approximately the same as the proportions of those designated groups in the Canadian community. He cited, as an earlier example of the application of the representational principle, the *Numerus Clausus* law in Hungary in the 1920s, which mandated discrimination against Jewish students in the name of maintaining appropriate “diversity”. He expressed his hope that, in twenty years, the ‘equity movement’ would be seen as motivated by good intentions, but that was mistaken in terms of the principles of academic integrity and genuine excellence.

Professor Goel explained that the University’s approach was not based on quotas. Instead, the goal was to match the diversity of the potentially available pool of candidates rather than the diversity of society. The emphasis was on ensuring that the hiring pool included all qualified candidates.

Another member noted her disappointment to see very little movement in achieving equity in the professoriate, especially among aboriginal Canadians and the disabled. She noted that retention was a concern in some groups. She urged the administration to gain additional insight into the reasons for departure through exit interviews.

Another member noted her concern that, in some categories, representation of designated groups had dropped, while others had risen too slowly. She attributed the University’s poor performance to the chilly climate on campus, and urged the administration to listen to individual experiences and not simply rely on the numerical assessment. Professor Hildyard replied that the concerns that had been raised would be considered. A new survey would be conducted in the fall, which was intended to provide new data. In previous surveys, respondents did not always self-identify as belonging to a designated group.

14. Date of Next Meeting

The Chair reminded members that the next meeting of the Board was scheduled for Thursday, May 5, 2005 at 4:10 p.m.

15. Other Business**(a) Co-Opted Membership on Boards and Committees**

The Chair reminded members that nominations had opened for co-opted membership on the Boards and Committees of Governing Council, and asked all members to consider whether they or colleagues might wish to serve or continue to serve in the collegial system of governance in place at the University of Toronto.

(b) Committee Selection Forms

The Chair informed all members that Committee selection forms would be available in mid-April.

