

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 353 OF
THE EXECUTIVE COMMITTEE

Friday, October 18, 2002

To the Governing Council,
University of Toronto.

Your Committee reports that it held a meeting on Friday, October 18, 2002 at 12:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

Dr. Thomas Simpson (In the Chair)
Professor Robert J. Birgeneau, President
Mr. Brian Davis
Ms Susan Eng
Dr. Shari Graham Fell
Professor David Jenkins
Professor Brian Langille
Professor Ian McDonald
Mr. David Melville

Mr. Sean Mullin
Dr. Joseph Rotman

Non-Voting Member:

Mr. Louis R. Charpentier

Secretariat:

Ms Cristina Oke

Regrets:

Dr. Robert Bennett
Ms Rose Patten
Mrs. Susan M. Scace

In Attendance:

Professor W. Raymond Cummins, Chair, Academic Board
Dr. John Nestor, Chair, University Affairs Board
Professor Shirley Neuman, Member, Governing Council and Vice-President and Provost
Mr. Felix Chee, Vice-President, Business Affairs
Dr. Beata FitzPatrick, Assistant Vice-President and Director, Office of the President

Vary the Agenda

On motion duly moved and seconded, the agenda was varied to allow the President to give part of his report *in camera* as agenda item 2

On motion duly moved and seconded,

IT WAS RESOLVED

THAT, pursuant to sections 28 (e) and (f) of By-Law Number 2, consideration of agenda items 1 and 2 take place *in camera*, with the Board Chairs, Professor Neuman, Mr. Chee, and Dr. FitzPatrick, admitted to the meeting to facilitate the work of the Committee.

1. External Appointments

a) Wellesley Central Health Corporation

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Professor Cam Mustard and Professor Vivek Goel be recommended for nomination as the University of Toronto members of the Wellesley Central Health Corporation for a one-year term, their appointments to continue until the 2003 Annual General Meeting.

b) Innovations Foundation Board of Directors

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the following thirteen individuals be nominated for membership on the Innovation's Foundation's Board of Directors and that Mr. Gary Goldberg continue as Chair:

Dr. George Adams
President, Innovations Foundation

Professor Mihnea Moldoveanu
Rotman School of Management

Dr. Jeremy P. Carver
Founder, GLYCODESIGN Inc.

Dr. Peter Munsche
Assistant Vice-President, Technology Transfer

Mr. Felix Chee
Vice-President, Business Affairs

Professor Richard Owens
Executive Director, Centre for Innovation Law and Policy

Mr. David Crane
Columnist, Toronto Star

Mr. Brendan R. Cunneen
Vice-President, Business Development
Bank of Canada

Dr. Jane Pagel
Vice-President, Corporate & Government Affairs
Jacques Whitford Environment Limited

Professor Peter Lewis
Vice-Dean, Research, Faculty of Medicine

Dr. Henri Rothschild
President, Canada-Israel Industrial R&D Foundation

Ms Mary Macdonald
President, Macdonald & Associates Ltd.

Professor Pekka Sinervo
Vice-Dean, Graduate Education and Research, Faculty of Arts and Science

1. External Appointments (cont'd)

(c) Appointment to the McLaughlin Committee

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Mr. William K. Lindsay be reappointed as a member of the McLaughlin Committee for a three-year term from October 25, 2002 to October 25, 2005.

(d) Banting Research Foundation

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT Mr. John Burnes and Mr. Brian Hill be reappointed as Trustees of the Banting Research Foundation for three-year terms, from October 18, 2002 until the Foundation's annual meeting in 2005.

THAT University Professor Michael Bliss be appointed as Trustee of the Banting Research Foundation for a three-year term, from October 18, 2002 until the Foundation's annual meeting in 2005.

2. Report of the President

The President reported on several items *in camera*.

THE COMMITTEE MOVED INTO CLOSED SESSION.

(a) Presentation to the Governing Council on October 31

The President informed members that he would continue to speak on the theme of the public research university at the October 31 meeting of the Governing Council, and would provide more substantive answers to the questions that had been raised at the previous meeting.

(b) U.S. Science Budget

The President reported that he had been invited by the Secretary of Energy of the United States to participate in a group which would reprioritize the science budget in that country.

3. Report of the Previous Meeting

Report Number 352 of the Executive Committee meeting held on September 11, 2002 was approved. A member asked for additional information about the video taping of Council meetings. The Chair indicated that the matter would be discussed under Other Business.

4. Business Arising from the Reports of the Previous Meetings

A member requested an update on the process proposed for the accessibility and career choice study for the Faculty of Law. Professor Neuman replied that she had approached the Law Society of Upper Canada and asked if they would assist in the study by providing data for students in the graduating classes of 1995 through 2012 on the firms at which the students had articulated and on the current employer of the students. The Law Society of Upper Canada had also been asked if they would provide data on the number of articling positions available in different sectors of the law, and the number of jobs available in different sectors of the law. Prior to the Executive Committee meeting, Professor Neuman had received confirmation from the Law Society of Upper Canada that they were willing to provide the data that had been requested. Professor Neuman also reported that she would be meeting with representatives of the Faculty of Law.

A member asked how interested members of the Governing Council could become involved in the early stages of the development of the methodology for the study.

A member noted that the number and quality of applications to the Faculty of Law had increased this year, and that the number of First Nations and visible minority students had increased, and retention had not declined. The member noted that a highly technical study was needed to determine the facts related to career choice and suggested that the Provost continue with her proposed approach to the matter, focusing on a factual and de-politicized study conducted with a high degree of scientific rigour.

A member replied that the motion approved by the Governing Council on May 2, 2002¹ indicated the will of members to be actively involved in this process. Since members of the Governing Council were encouraged to raise concerns before matters reached the entry level Committee or Board, she was seeking clarification of the appropriate way to become involved with this issue.

The Chair reminded members again that the Vice-President and Provost was responsible for the development of a methodological approach, and, as part of doing so, to ensure appropriate consultation. He encouraged members to contact the Provost's Office directly for information should they have any questions.

A member indicated that a number of people had expressed concern to her about not being contacted with respect to this issue. She asked whether the Provost would be willing to meet with members of the Governing Council to discuss the study. Professor Neuman noted that only one group – Legal Aid Ontario – had expressed interest but had not responded to follow-up from her office. She said she would be pleased to meet with interested members of the Council to discuss this study.

A member suggested that some communities might have views on the Faculty of Law which were not being taken into account.

¹ It was RESOLVED

THAT there be no further substantial increase in tuition fees for the JD Program in the Faculty of Law until the Governing Council is satisfied that there has been no reduction in accessibility due to the 2002-03 tuition increase and no career distortion due to previous substantial increases based upon a comprehensive Accessibility and Career Choice Review to be conducted through the Provost's Office.

5. Minutes of the Governing Council Meeting held on September 19, 2002

Members received for information copies of the minutes of the Governing Council meeting held on September 19, 2002.

6. Business Arising from the Governing Council Meeting

The Chair indicated that there was no business arising, but that a matter would be discussed under 'Other Business' that had been raised at the meeting.

7. Items for Endorsement and Forwarding to the Governing Council

(a) University College Residence Expansion

(Arising from Report Number 114 of the Academic Board (October 7, 2002), Report Number 120 of the Business Board (September 30, 2002) and Report Number 109 of the University Affairs Board (September 24, 2002))

Professor Cummins noted that this item had a history concerning its cost estimate. Since it was a capital project, it came forward from the Academic Board for approval in principle and because it was a residence project, the University Affairs Board and the Business Board were required to concur. The University Affairs Board looked at student life issues and fees and the Business Board reviewed the business plan. After approval in principle by the Governing Council, Business Board usually dealt with the project at a second meeting when the recommendation to execute the project was approved. In this case, Business Board had dealt with the two issues, concurrence and execution, at the same time, with the result a firmer cost estimate for the building had been known.

Professor Cummins informed members that the Planning and Budget Committee and the University Affairs Board had met first and had been given a cost estimate of \$21.5 million but had been informed that a slightly higher cost was being considered. At the end of September, the Business Board had considered the cost for execution of the project at \$22 million. When Academic Board had met, the lower cost from the Planning and Budget Committee had been recommended but the cost estimate was amended on the recommendation of the Provost. There was a change also in the amount of the financing.

With respect to debate at the Board, members had asked about fees which were not part of the Board's jurisdiction. There had been no other questions.

Dr. John Nestor indicated the concurrence of the University Affairs Board. He noted that when the University Affairs Board had considered this motion, members had been made aware that there was a strong likelihood of the total cost increasing somewhat within the two weeks following the Board's meeting. The change would be due to more accurate costing and would be accompanied by an increase in the number of beds. The Board further understood that the change would have no implications for those parts of this project which fell within its responsibility.

A member sought assurance that the appropriate consultation had been conducted to ensure that the design was suitable to the location. Professor Neuman replied that the project had been planned for a variety of locations, but that the City had proposed the current location and had offered to work with the University to keep the green space.

7. Items for Endorsement and Forwarding to the Governing Council (cont'd)
(a) University College Residence Expansion (cont'd)

The administration had some confidence but no guarantee that the City would provide final approval to the project.

A member noted that there had been extensive consultation with students at University College, and that the students had unanimously approved the proposed project and location.

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

to the Governing Council for consideration the recommendation:

1. THAT the Revised Project Planning Report for the University College Residence Expansion be approved in principle;
2. THAT the project scope totaling approximately 7,400 gross square metres, allowing for the construction of the University College Residence Expansion on site 22, an approved building site, be approved;
3. THAT the project cost of \$22,000,000 be approved, with the funding sources as follows:
 - i) Donation from University College of \$2,500,000
 - ii) University College Residence Ancillary allocation of \$1,485,000
 - iii) University College Food Service allocation of \$800,000
 - iv) University Infrastructure Investment Fund allocation of \$70,000, and
 - v) Financing in the amount of \$17,145,000 to be repaid from residence fee revenues over a 25-year amortization period at 8 % per annum.²

(b) University Infrastructure Investment Fund: Allocation - Faculty of Information Studies

On motion duly moved and seconded,

YOUR COMMITTEE ENDORSED AND FORWARDED

to the Governing Council for consideration the recommendation:

THAT an allocation of \$35,000 be made from the University Infrastructure Investment Fund to address the partial cost of the dividing wall and related access doors to allow for the creation of student study space within the Faculty of Information Studies.

² The Project Cost described in the Project Planning Report (revised) that was considered by the Planning and Budget Committee and by the University Affairs Board was \$21.5 million, including financing in the amount of \$16.645 million. The cost stated in the motion approved by the Academic Board with the concurrence of the Business Board is presented in the motion being endorsed and forwarded to the Governing Council.

7. **Items for Endorsement and Forwarding to the Governing Council** (cont'd)

(b) University Infrastructure Investment Fund: Allocation - Faculty of Information Studies

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT this recommendation be considered by the Governing Council as a consent agenda item.

A member voiced his opposition to the principle of consent agenda items.

8. **Design Review Committee: Recommendation for Reporting to the Governing Council**

At the invitation of the Chair, Mr. Charpentier informed members that the *Policy on Capital Planning and Capital Projects* which had been approved by the Governing Council on June 28, 2001 had created a Design Review Committee to advise the President or delegate on the development of campus built form environments. Under the *Policy*, the Committee was required provide a brief annual report to the Governing Council, summarizing its activities over the course of the year, on a basis to be established by the Executive Committee. He recommended that the annual report of the Design Review Committee be presented to the Planning and Budget Committee of the Academic Board and to the Business Board at meetings in the fall term. This would respect the roles of both the Academic Board and the Business Board in capital projects.

Mr. Charpentier noted that some questions about reporting to governance had been raised, but that an annual report was required by the *Policy*, and that this requirement was a modification of previous practice of presenting a report on the design of a capital project to the Business Board at the time the execution of the capital project was being considered for approval.

A member asked how active the Design Review Committee was. A member of the Design Review Committee replied that the Committee was active and reviewed the external design of every building.

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the Annual Report of the Design Review Committee be received for information by the Planning and Budget Committee and the Business Board in the fall term.

9. Items for Confirmation

On the recommendation of the Academic Board,

YOUR COMMITTEE CONFIRMED

THAT the amended constitution of the Leslie
Dan Faculty of Pharmacy be approved,

and

THAT the name of the Department of Adult
Education, Community Development and Counselling
Psychology³ be changed to the Department of Adult
Education and Counselling Psychology, effective
September 1, 2002.

10. Consolidated Calendar of Business, 2002-03

Members received for information the draft Consolidated Calendar of Business for 2002-03. The Chair noted that a revised draft Consolidated Calendar of Business for 2002-03 was available on the Governing Council web-site [<http://www.utoronto.ca/govcncl/tgc/consolidate.htm>].

11. Reports for Information:

Members received for information the following reports:

Report Number 114 of the Academic Board (October 7, 2002)*

Report Number 120 of the Business Board (September 30, 2002)*

Report Number 109 of the University Affairs Board (September 24, 2002)*

12. Date of the Next Meeting

The Chair reminded members that the next meeting of the Executive Committee was scheduled for Monday December 2 at 5:00 p.m.

13. Other Business

(a) Report on Notice of Motion ⁴

³ Department of the Ontario Institute for Studies in Education of the University of Toronto (OISE/UT)

⁴ At the Executive Committee meeting on May 21, 2002,

On motion duly moved and seconded,

YOUR COMMITTEE APPROVED

THAT the following motions be referred to the Vice-President and Provost for a response by the end of September 2002, to be considered during the first governance cycle of 2002-03:

THAT there be established a Faculty of Law Alumni Bursary Fund, designed to be eligible for matching funds from the Province of Ontario, if any, which, once the Faculty exceeds the annual alumni donations projected in the Strategic Plan, will be used to fund tuition fee rebates.

THAT, for next year's tuition fee schedule and budget, any proposed increases in excess of 5% be considered separately.

13. Other Business

(a) Report on Notice of Motion (cont'd)

At the invitation of the Chair, Professor Neuman provided an update on the Notice of Motion that had been referred to the Vice-President and Provost at the May meeting of the Executive Committee. She reported that a Faculty of Law Alumni Bursary Fund had not yet been established, as the parameters of the new Ontario Student Opportunity Trust Fund (OSOTF) had not yet been finalized. She also noted the success of the fund-raising initiatives of the Faculty of Law which had resulted in a ten-fold increase between 1995 and 2001 in the amount of student financial support available.

Professor Neuman indicated that it would not be appropriate, nor would she be willing, to separate out tuition fee increases in excess of 5% within the tuition fee schedule and budget. It would not be possible to prepare a budget without seeking approval of the schedule or the budget as a whole. She reminded members that the Governing Council had decided that tuition and student financial support were distinct matters, and that accessibility must be assured regardless of the amount of tuition.

A member asked what the increase in tuition at the Faculty of Law had been over the period in which the Faculty's student financial support had increased ten-fold. A member responded that tuition had increased by a factor of two in that period.

(b) Videotaping of Governing Council Meetings

The Chair recalled that questions about videotaping of meetings of the Governing Council had been raised at the meeting on September 19, 2002. He reminded members that the Executive Committee, at its meeting of March 25, 2002, had reaffirmed that video cameras would not be permitted in the Council Chamber for future meetings. However, if an overflow crowd was anticipated for a meeting of Governing Council, arrangements would be made for a web-cast of the meeting.

A member asked whether the Executive Committee had the authority to make a decision on not allowing videotaping of a public meeting. The Chair replied that the decision was within the authority of the Executive Committee.

(c) Health and Safety Issues with respect to demolition of Varsity Arena

The Chair informed members that a response from the administration would be provided to the member of the Governing Council who had raised this concern at the September 19 meeting of the Governing Council.

(d) Agenda for Meetings of the Governing Council

The Chair explained his view of the agenda for meetings of the Governing Council. The President's Report was a key element of the agenda, and would be presented in three parts. The first part was a presentation on a featured theme, the second part was a report on current issues which would either be summarized in the Report of the Executive Committee or placed on the table for information at the Council meeting. The third part was Question Period, during which members of the administration were available to respond to questions raised by members.

The introduction of consent agenda items was intended to provide more time for members of the Governing Council to deal with substantive issues.

(e) Performance Measures for Governance

The Chair indicated that he and the Vice-Chair would like to engage members of the Executive Committee in an ongoing discussion of performance measures for governance. A member suggested that one objective could be agreement on a standard of performance that could then be applied to members of the Governing Council. Another member suggested that the question of whether the Boards and Committees were adding value should be addressed. The Chair noted that the intent was not, initially, to look at individuals but to focus on the Governing Council itself.

The Chair requested that members be prepared to discuss this issue at the December meeting of the Executive Committee.

(f) Request for Non-member to Address the Governing Council

A member stated that the Association of Part-Time Undergraduate Students (APUS) would be submitting a request for Ms Murphy Browne to speak to the Governing Council on October 31, 2002 on the topics of elementary and secondary school funding, the Toronto District School Board's budget, and community involvement to protect public education. Ms Browne was a part-time Woodsworth College student, part-time instructor and historian in the African Heritage/Black Cultural Program of the Toronto District School Board, and a facilitator in the African Studies Program of the University of Toronto.

The meeting adjourned at 2:05 p.m.

Secretary

Chair

October 23, 2002