

UNIVERSITY OF TORONTO
 THE GOVERNING COUNCIL
REPORT NUMBER 467 OF
THE EXECUTIVE COMMITTEE
Wednesday, October 22, 2014

To the Governing Council,
 University of Toronto.

Your Committee reports that it held a meeting on Wednesday October 22, 2014 at 5:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

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| <p>Ms Judy Goldring, Chair Ms Shirley Hoy, Vice-Chair Mr. Harvey Botting Mr. Andrew Girgis Ms Alexandra Harris Professor Edward Iacobucci Dr. Gary Mooney</p> <p>Regrets: Professor Meric Gertler, President Ms Claire M.C. Kennedy Professor Janice Stein</p> | <p>Ms N. Jane Pepino Ms Catherine Riddell Professor Salvatore Spadafora Mr. Keith Thomas</p> <p>Non-Voting Member: Mr. Louis R. Charpentier, Secretary of the Governing Council</p> <p>Secretariat: Ms. Sheree Drummond Mr. Lee Hamilton (Recording Secretary)</p> |
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In Attendance:

Mr. Ben Coleman, Governing Council member (student)
 Professor William Gough, Chair, UTM Campus Council and Member of the Governing Council
 Professor Andrea Sass-Kortsak, Chair, Academic Board and Member of the Governing Council
 Mr. Andrew Szende, University Affairs Board and Member of the Governing Council
 Mr. John Switzer, Chair, Business Board and Member of the Governing Council
 Professor Cheryl Regehr, Vice-President and Provost and Member of the Governing Council
 Professor Scott Mabury, Vice-President, University Operations
 Dr. Tony Gray, Director, Strategic Initiatives & Research
 Ms Nora Gillespie, Legal Counsel, Office of the Vice-President & Provost and
 Office of the Vice-President, Human Resources & Equity
 Ms Nadina Jamison, Executive Director, Stakeholder Relations & Strategic Initiatives
 Ms Bryn MacPherson, Assistant Vice-President and Chief of Protocol
 Mr. Steve Moate, Senior Council, Office of the President

Pursuant to section 28 (e) and 38 of By-Law Number 2, consideration of items 14 to 20 took place in camera.

The meeting was held in closed session.

1. Chair's Remarks

The Chair welcomed members, Board and Council Chairs and Vice-Presidents to the first regular meeting of the Executive Committee for 2014-15.

Following the Orientation Session the Chair reminded members that the Committee meets in closed session. This means that the meeting is not open to the public. Governors who are not members of the Executive may attend for the closed session but they may not participate in the debate unless invited to do so by the Chair.

The Chair noted that the Committee would also move *in camera* pursuant to section 28 (e) and (f). This required that only members of the Committee, Board and Council Chairs, senior administrators (as appropriate), and staff from the Secretariat, may remain in the room. The Chair also reminded the Committee that confidential matters should not be discussed with anyone other than members of the Committee.

2. Report of the President

The Chair invited Acting President Professor Cheryl Regehr, Vice-President, Academic and Provost, to deliver the Report of the President in Professor Gertler's absence.

Professor Regehr conveyed President Gertler's regrets at being unable to attend because he was out of the country on University business. As Acting President, Professor Regehr began by outlining the University's provincial advocacy priorities, with a focus on improving government support for international graduate students. Professor Regehr noted that the Government of Ontario had recently signaled that it would be examining best practices in other jurisdictions in Canada to inform its own policy development in this regard, and that movement in this area would help Ontario to continue to attract the best talent globally. Professor Regehr also highlighted the Government's ongoing commitment to its policy of strategic differentiation within the province's post-secondary education sector.

Turning to advocacy at the federal level, Professor Regehr commented that universities were still awaiting further details of the rules and guidelines that would govern the Canada First Research Excellence Fund (CFREF) announced in the federal government's 2014 Budget (a ten-year \$1.5 Billion funding commitment to support the global research leadership of Canada post-secondary education institutions).

Professor Regehr highlighted recent news of U of T's improved standing in the 2014 National Taiwan University (NTU) Rankings of world universities, having risen to 4th place overall, from 8th place overall in 2013. Professor Regehr took note of President Gertler's

statements in media coverage of this development, and advised the Executive Committee that the President would provide a more detailed report on international rankings at the next Governing Council meeting.

2. Items for Endorsement and Forwarding to the Governing Council

a) Report of the University Ombudsperson for the Period July 1, 2013 to June 30, 2014 and Administrative Response

The Chair noted that the Ombudsperson Report and Administrative Response were presented annually to the Governing Council for information and comment. Professor Regehr confirmed that preparation of the Administrative Response was a collaboration between the Provost's Office and the President's Office.

On a motion duly moved, seconded and carried,

THAT the Report of the University Ombudsperson for the period July 1, 2013 to June 30, 2014 and Administrative Response be endorsed and placed on the agenda of the Governing Council meeting of October 30, 2014.

b) Capital Project: Faculty of Applied Science and Engineering and Faculty of Medicine Translational Biology and Engineering Laboratories in the MaRS Centre Phase 2 Tower: Report of the Project Planning Committee, Project Scope, and Sources of Funding

The Chair reminded committee members that the total project cost and the sources of funding for the project would be considered during the *in camera* portion of the meeting, and invited Professor Andrea Sass-Kortsak, Chair of the Academic Board, to introduce the item and provide a report of the discussion that occurred at the meeting of the Academic Board on October 2, 2014.

Professor Andrea Sass-Kortsak summarized details of the capital project to fit out leased-space on the 16th floor at the MaRS Centre Phase 2 tower to accommodate the research needs of the proposed Translational Biology and Engineering Laboratories (TBEL). As outlined in the proposal, the TBEL was supported by the Institute of Biomaterials and Biomedical Engineering (IBBME), the Faculty of Applied and Engineering, and the Faculty of Medicine

Professor Mabury noted that the Provincial government's acquisition of Alexandria Real Estate Equities, Inc.'s stake in the MaRS Centre Phase 2 Tower had brought clarity on the matter of the property's ownership. The University would be signing the lease agreement for the proposed space with the Provincial government.

3. Items for Endorsement and Forwarding to the Governing Council (continued)

d) Capital Project: Faculty of Applied Science and Engineering and Faculty of Medicine Translational Biology and Engineering Laboratories in the MaRS Centre Phase 2 Tower: Report of the Project Planning Committee, Project Scope, and Sources of Funding (continued)

On the matter of Containment Level 3 laboratories in the MaRS Centre Phase 2, Professor Mabury said that Public Health Ontario had located these facilities to the building. The laboratories had been built with appropriate barriers as required by Federal and Provincial guidelines. The University had considerable expertise in dealing with Containment Level 2 and 3 facilities, and this building had been designed and built for the particular activities of these facilities.

On a motion duly moved, seconded and carried,

- a) THAT the Project Planning Committee Report for the Faculty of Applied Science and Engineering and Faculty of Medicine Translational Biology and Engineering Laboratories in the MaRS Centre Phase 2 Tower, dated August 6, 2014, be approved in principle; and
- b) THAT the project scope to accommodate the Translational Biology and Engineering Laboratories in the MaRS Centre Phase 2 Tower, totalling 2,220 net assignable square metres (nasm) (3,675 gross square metres (gsm)), to be funded by the Capital Campaign, the Faculty of Applied Science and Engineering and the Faculty of Medicine, be approved in principle.

c) Establishment of the position of Vice-President, Communications

The Chair invited the Secretary to introduce the issue. The Secretary provided a summary and noted that the establishment of this position was an outcome of the President's comprehensive communications review process, and that a call for nominations has been issued for the membership of the search committee. A committee member inquired regarding timelines, and Ms Bryn MacPherson, Assistant Vice-President and Chief of Protocol, President's Office, clarified that the objective was to have the new Vice-President, Communications, in place early in 2015. The incumbent would be provided with recommendations regarding organizational restructuring to be implemented by him/her. A committee member inquired regarding financial implications of the pending re-organization, and Professor Scott Mabury, Vice-President, University Operations, confirmed that no significant net increase was expected to arise from the re-organization.

3. Items for Endorsement and Forwarding to the Governing Council (continued)

c) Establishment of the position of Vice-President, Communications (continued)

On motion duly moved, seconded and carried,

THAT the following recommendation be endorsed and forwarded to the Governing Council:

THAT the position of the Vice-President, Communications be established effective immediately.

4. Briefing on the Student Societies Summit Report and the Administrative Response

The Chair reminded members that, at the September meeting of the Governing Council, the Provost had advised that an administrative response to the Report of the Student Societies Summit would be brought forward to the Governing Council this Fall.

In response to the Chair's invitation to provide an overview of the Administrative Response, Professor Regehr provided a summary of events leading up to the creation of the Student Societies Summit and the resulting Report and Administrative Response. She reminded members that on June 17, 2013 the Executive Committee had resolved as follows:

“That the proposed Student Commons Agreement, as outlined in the Memorandum dated May 1, 2013 from the Vice-President and Provost, and the Project Planning Committee Report for the Student Commons at 230 College Street, dated April 16, 2013, be brought back to the Executive Committee for consideration for inclusion on a Governing Council meeting agenda within a reasonable time during which issues among the Students' Administrative Council (SAC/UTSU) and various divisional student societies, which may impinge on aspects of the Student Commons Agreement, may be further discussed and satisfactorily resolved or constructively dealt with by the societies and the Administration.” ([Report 446](#))

Professor Regehr indicated that, in August 2013, former Provost Cheryl Misak had announced the establishment of a task force called the *Undergraduate Student Societies Summit*, comprising four faculty members who were experts in areas of democratic theory and practice, to assist in the resolution of these issues. UTSU and all the divisional/collegiate societies represented by UTSU had been invited to send delegates to the Summit meetings, while other student clubs and organizations had been invited to make written submissions. The Summit had concluded in March 2014 and the Report of the Student Societies Summit had been submitted to the Provost's Office on April 14, 2014 and discussed at a meeting of Governing Council on May 22, 2014.

4. Briefing on the Student Societies Summit Report and the Administrative Response (continued)

The Provost provided an overview of the different categories of student organization and explained that, at the University of Toronto, students had a vast array of co-curricular and extracurricular opportunities. The first category comprised those student groups whose organization was informal and in whom membership was voluntary. This category of student groups recognized by the University were subject to the *Policy on Recognition of Campus Groups* which established the principles by which these voluntary groups were recognized and to which they must adhere.

A second category, comprised “Student Societies” which were student groups for which membership was mandatory based on registration in a division or program. Residences may also have student societies and there were a few tri-campus student societies, such as The Varsity. These societies were subject to the *Policy for Compulsory Non-Academic Incidental Fees*. Within this category of student societies, a few had special status derived from the authority in the *University of Toronto Act* (as referred to in the *1947 Act* and continued in the *1971 Act*) to recognize a representative committee of students, to act as the voice of students in dealing with what was then the Board. These representative student committees are the Students’ Administrative Council / University of Toronto Students’ Union (SAC/UTSU), the Scarborough Campus Students’ Union (SCSU), the Graduate Students’ Union (GSU), and the Association of Part-Time Undergraduate Students (APUS).

Professor Regehr also explained that a consistent principle underlying the recognition and operation of student groups and student societies was their autonomy, and emphasized that the University affirmed the rights of student societies to operate independently and without interference from the University in their day-to-day operations.

Under the *Policy for Compulsory Non-Academic Incidental Fees*, student societies were supported by substantial fees deducted on a compulsory basis and the *Policy* therefore required that student societies operate in an “open, accessible and democratic manner”. The Student Societies Summit Report had highlighted students’ concern regarding the definition of “open, accessible and democratic”. The Provost had articulated key principles of democratic functioning within the Administrative Response to assist in further consultation. They included: representativeness, autonomy and democracy; and openness and accessibility.

4. Briefing on the Student Societies Summit Report and the Administrative Response (continued)

The Provost provided the Committee with more detail on each of these elements:

- Representativeness – The student organization ‘represents’ the interests and aspirations (the voice) of its members to the University’s governance and administrative structures; the student organization also ‘represents’ the student constituency more generally in being responsive to the interests of that constituency.
- Autonomy – In order to represent students effectively, the student organization enjoys a degree of autonomy, otherwise it would not be in a position to identify, attend to, and represent the concerns of its student members.
- Democratic – A democratic organization is one which is open to the full participation of its members, whose leadership is elected freely and fairly, which reflects the views of its members conscientiously, and which is transparent and accountable to the membership for its conduct.
- Openness – Openness is critical to democracy because it makes available information that affects choices. Without openness, choices run the risk of not accurately reflecting the preferences of the members. Moreover, openness carries with it the connotation of allowing voices (both individual and those expressed by coherent groups sharing common interests) to be heard.
- Accessibility – Accessibility refers to the quality of being open or available to members of the organization. It therefore entails processes, electoral and otherwise, that encourage the widest possible participation including the participation of persons with disabilities.

Professor Regehr reminded the Committee that the Report had identified broad, interrelated themes:

- Enhancing the democratic operation of student societies – The Report stressed the importance of such enhancements, while preserving the autonomy of student societies and strengthening their accountability to their members. It suggested the creation of a student society appeals board to provide principled and consistent adjudication of appeals and disputes regarding democratic operation. Other enhancements to democratic operation, including elections reform, had also been identified in the Report.
- A policy for the recognition, restructuring and evolution of student societies – A significant problem indicated by the Report is the current absence of a policy that specifically addresses the recognition, restructuring and evolution of student societies. It found that the current *Policy* did not provide sufficient clarity regarding the relationship between the University and the societies it recognizes to represent its students, nor did it offer the Provost sufficient guidance in the implementation of the University’s Policy. It also raised a question regarding the future scope of representation for broadly based student societies in its reference to a St. George campus first-entry undergraduate grouping – that is, had the time now come for St. George and UTM undergraduate students to be recognized distinctly so as to provide them with an effective voice?

4. Briefing on the Student Societies Summit Report and the Administrative Response
(continued)

The Provost stressed that more work would need to be done and that further consultation would need to occur, but also emphasized that she and her colleagues were mindful of the necessity to act expeditiously. In that context, she recommended that:

- New processes (supported by a new policy) be articulated with regard to student societies and principles of open, accessible and democratic operation.
- These processes would confirm the principles of autonomy as well as those of open, accessible and democratic operation.
- The best approach to such cases or disputes would be for societies themselves to have the internal structures and skills to resolve complaints made by their members. However, failing such resolution, there might be a need for the University to work in collaboration with students to investigate complaints that cannot be resolved at the society level. This could be in the form of an “Appeals Board” that had representation from both students and the University. Such an Appeals Board could be structured in a way that preserved the autonomy of student societies but would make them more accountable to their own members and would objectively inspire confidence in their operations. Such a structure would assure students (and the Provost) that organizations whose membership was mandatory and whose operations were financed by compulsory fees were living up to their responsibilities. The Provost would still need to hold ultimate discretion about whether fees should be withheld in cases where open, accessible and democratic operation was not occurring. However, the Provost noted, the present situation – where fee withholding was ‘the only tool in the box’ – was not sufficiently nuanced to respond to the complexities of many cases.

The Provost informed the Committee that, in the coming months, her office would engage in initial work on a draft policy and procedures that could address this theme of enhanced tools and standards with respect to open, accessible and democratic operation of student societies. She also indicated that, as typically would be the case with policy development, there would be extensive consultation with various groups and individuals to ensure a good understanding of issues, principles, and solutions. Her office would make a special point of consulting with GSU, APUS, and SCSU, since they had not participated in the Summit. Her office would consider the feedback and specific suggestions of students as reflected in the Report, but would also be open to suggestions and new information should stakeholders wish to make such submissions.

Professor Regehr also stated her intent with respect to a longer-term approach to conduct further analysis and to hear more from students and Governors about their views on such questions as: what would be the best way of ensuring that the broad-based student representative committee voice that underlies the recognition of UTSU (SAC), GSU, APUS and SCSU remains responsive to a University with three increasingly distinctive campuses? What were the community’s thoughts about the unique interests of St. George and UTM undergraduates? She noted that she had received submissions periodically from the ‘St. George Roundtable’ that could be relevant and that others would also doubtlessly have views.

4. Briefing on the Student Societies Summit Report and the Administrative Response
(continued)

The Provost closed her overview by reiterating that much work remained to be done, but that it was owed to the students and to the University as a whole to undertake it. She expressed her confidence that, working together, the wonderful contributions that vibrant, open, accessible and democratic student societies make to the University community would be enhanced.

Committee members' discussion raised the following:

- the extent of consultations to date. Professor Regehr confirmed that the Executive Committee's discussion of the Administrative Response was the first exposure of the document, and that consultations would begin when the policy development stage had been initiated.
- the membership and role of the St. George Roundtable. The Provost explained that it was a consortium of student societies on the St. George campus and that the members got together to address issues that were specific to the St. George campus. It was not, however, established as an officially recognized group.
- how the proposal by UTSU's leadership regarding the representation of disadvantaged groups on the UTSU Executive and the removal of distinct divisional society representatives might be worked out through the proposed process. A member clarified that UTSU had not yet voted on this proposal but that the matter would be considered at the upcoming Annual General Meeting on October 29th. Professor Regehr noted that other student representative groups presently on UTSU had written to express concerns about the proposal.
- a number of student groups appeared to be focussed on specific recommendations contained in the Student Societies Summit Report, suggesting a need to be very clear that the Administration would be initiating a process to consult on and develop policy proposals. Professor Regehr re-confirmed her intent that policy development with respect to the two broad themes identified in her Administrative Response, would include further consultation.

In closing, the Chair reminded members that they were being asked to place the Administrative Response on the Governing Council's agenda for information and discussion. No proposals requiring governance consideration for approval were being brought forward at this time.

On a motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

THAT the Administrative Reponse to the Student Societies Summit Report be placed on the agenda of the next Governing Council meeting.

5. Briefing on the Student Commons (230 College Street) Capital Project

The Chair reminded the Committee that, at the September meeting of the Governing Council, in response to a question from a member, the Provost had advised that she would be raising the Student Commons Agreement and associated Capital Project with the Executive Committee to bring them up to date. Accordingly, her intent was to provide an information session to ensure that both new and returning Governors were aware of the history of the proposed capital project and the terms of the proposed operating agreement and its key provisions. The Chair noted that letters had been received from some Student Societies on this issue for distribution to the Executive Committee and to Governing Council, and invited Professor Regehr to brief the Committee.

Professor Regehr recalled that the Student Commons Management Agreement and the associated Capital Project had commenced its journey through the governance process in the Spring of 2013 and had been considered at the Planning and Budget Committee ([May 15, 2013](#)), University Affairs Board ([May 28, 2013](#)), the Academic Board ([June 3, 2013](#)) and Executive Committee ([June 17, 2013](#)). At both the Planning and Budget Committee and the University Affairs Board, and Academic Board, the motion to recommend approval of the Management Agreement had passed after much discussion amongst members. The Provost also reminded members that, around the time the Management Agreement was being considered in governance, three student societies had held referenda requesting diversion of fees collected by the University on behalf of SAC/UTSU. The referenda results from the Engineering Society (EngSoc), the Trinity College Meeting had indicated overwhelming support for fee diversion.

The Provost explained that, as stated above, at the June 17, 2013, meeting of the Executive Committee in recognition of the issues that had arisen, a motion was approved that the Agreement be “brought back to the Executive Committee for consideration for inclusion on a Governing Council meeting agenda within a reasonable time during which issues among the Students’ Administrative Council (SAC / UTSU) and various divisional student societies, which may impinge on aspects of the Student Commons Agreement, may be further discussed and satisfactorily resolved or constructively dealt with by the societies and the Administration.” This had led to the creation of the Student Societies Summit. While there had been hope that the Summit would lead to the resolution of issues among the societies, this had not been the case. Indeed, the relationship among the societies, according to students, had recently become more fractious. For example, this discontent was articulated in the letters received from the Engineering, Innis and Trinity representatives that had been distributed to the Committee.

Referring back to the Administrative Response to the Report of the Student Societies Summit, Professor Regehr reiterated that the enshrinement in policy of principles related to democratic functioning was, in her view, a good start to resolving the issues. She stated that the Student Commons Management Agreement was not being brought to this meeting for inclusion on a Governing Council meeting agenda for approval at the present time; the discussion was an information session to provide context for Governors since some were receiving questions about it.

The Provost reminded the Committee that the Student Commons site was located at 230 College Street, at the corner of Huron and College Streets, and currently the home of the John H. Daniels Faculty of Architecture, Landscape and Design. The goals of the Student Commons were to:

- Enhance student experience.
- Foster interaction among diverse groups of students.
- Afford opportunities to meet and interact in relaxed setting.
- Act as a student-operated community facility that is convenient, accessible and functional.

The Provost explained that the proposed Management Agreement was between the Students' Administrative Council (SAC) and the Governing Council of the University of Toronto. Students' Administrative Council (SAC) is the legal name of the University of Toronto Students' Unions (UTSU). In this context, SAC/UTSU acted as "agent" of the full-time undergraduate students on the St. George campus, who are the primary donors; it also would have a role in managing and operating the Student Commons. The Management Agreement covered funding, operation and management of the Student Commons at 230 College Street. The Project was for high-quality modern and accessible spaces for student-led activities and the Project Planning Report set out the plans for the space. The Commons would be student-managed and operated through SAC/UTSU. The approach was consistent with the levy question posed to the undergraduate student body when they had approved their contribution to the funding of the Student Commons, and could not be changed under the current proposed agreement.

Professor Regehr noted that the University owned the building that would house the Commons; a license would be granted to students to use the building with SAC/UTSU acting as their agent. Sub-licenses would require consent of the University and that consent would not be unreasonably withheld. Restrictions to access would apply to the Green Roof; the University would have access for police, caretaking, fire safety and other such services.

Professor Regehr indicated that the proposed Management Agreement was for an initial term of 25 years and that three subsequent renewal terms would be possible (ten, ten and five years). Because it would be a long-term agreement – up to 50 years – concerns had been voiced by some governors and others about entering into the agreement when internal disputes among the student societies, and in particular with respect to SAC/UTSU's relations with divisional student societies, were occurring. These disputes were ongoing and appeared to be escalating. The Provost noted that the Agreement provided that if SAC/UTSU were to lose the right to operate and manage the Student Commons this would not affect the occupancy rights of the students themselves. Periodic reviews of the Agreement would occur once every two years commencing one year after occupancy of Commons.

5. Briefing on the Student Commons (230 College Street) Capital Project (continued)

The Management Committee structure – outlined in Section 4.6(b) of the Management Agreement – had raised many concerns with student societies on the St. George campus. Some students were worried that they would not have a representative voice in the management of the Student Commons – a facility financially supported by St. George undergraduate full-time students and not by any other students. The Management Committee was structured as follows:

- SAC/UTSU would appoint a “Management Committee”
- 14 members in total, 13 of whom would be voting members
 - 7 would be named by SAC/UTSU.
 - 3 would be named by campus clubs through SAC/UTSU clubs committee
 - Clubs are created by students who have self-organized based on interest and are recognized by UTSU
 - SAC/UTSU has its own rules around what requirements are in place for recognition
 - Examples of SAC/UTSU clubs include the Aviation Club, The University of Toronto, the Financial News Room, and the ViewFinder Camera Club
 - 3 would be named by designated levy groups through SAC/UTSU organizational development and services committee
 - These are specialized organizations that are supported through a dedicated fee, as part of a student society fee
 - They received endorsement from the membership through referenda which is approved at UAB
 - Levy groups include, for example, Ontario Public Interest Research Group (OPIRG), Bikechain and Downtown Legal Services;
- 1 Facility Manager, who would be an *ex officio* member and would be hired by SAC/UTSU

The Agreement was silent on the participation of student societies at St. George such as the Engineering Society or College Societies in the management committee or other management functions. This would be a matter of SAC/UTSU discretion. Professor Regehr noted again that many students had expressed concerns with this structure and that the letters from divisional student societies had echoed the concerns she had heard from students.

5. Briefing on the Student Commons (230 College Street) Capital Project (continued)

The Provost explained that under the Agreement, SAC/UTSU would lose the right to operate and manage the Student Commons if SAC/UTSU:

- ceased operation, becomes bankrupt, insolvent, etc
- ceased to be the representative of the full-time undergraduate students at the St. George campus as determined by SAC/UTSU's members and as recognized by University, in which case SAC/UTSU would vacate the building, and the University would temporarily assume management and consult with students regarding new arrangements.
- breached material obligations under agreement, in which case SAC/UTSU would vacate the building except SAC/UTSU office space, and the University would assume temporary control similar to the above and the parties would negotiate a new management structure

Professor Regehr stressed the Administration's respect for autonomy but also emphasized that the Agreement provided that in exercising its role as the manager/operator of the Student Commons, SAC/UTSU's activities must comply with University policies, procedures, and regulations, and with applicable laws and regulations.

Professor Regehr explained that a levy had been collected from full-time undergraduate St. George students since September 2008, and that it would continue for 25 years after the space was occupied even if SAC/UTSU was no longer the representative student committee. Collected funds were held by the University in trust in an interest bearing account. The University would contribute up to \$10 million via provision of the building and the license, and the granting of exclusive use of the building to the students. If donations were received, the contributions of both students and University could be reduced. SAC/UTSU would pay the University an annual \$200,000 license fee funded via capital cost levy. Operating costs would be assessed by the University in the same manner as for other buildings and would include building services, maintenance, police, and utilities. The costs would be paid by students via the operating cost levy which could be increased as determined by SAC/UTSU to take into account inflation. Such increases would not exceed 10% per annum. Professor Regehr noted that the Commons was to have a balanced budget and that if, three years after opening, the Commons were to run a deficit for two consecutive years, the Management Committee would have to develop a plan to eliminate the deficit. The plan would be subject to University approval. Under the Agreement, SAC/UTSU would be required to provide the University with a long term budget plan, unaudited financial statements, and access to records.

5. Briefing on the Student Commons (230 College Street) Capital Project (continued)

With respect to space, the Provost confirmed that the configuration of the Commons building and the kinds of space to be developed would be determined by SAC/UTSU subject to project planning constraints. The allocation of space would also be determined by SAC/UTSU. She indicated that space that was managed by the University for student organizations across the St. George campus was allocated in a number of ways which were independent of the Student Commons Agreement, where space would be allocated by SAC/UTSU:

- The Office of Student Life had 33 rooms allocated as student activity space, 22 of which were shared spaces, bringing the office space allocation to 55 recognized student groups. Student Life recognized over 800 campus groups.
- Hart House allocated a variety of spaces for its 17 Hart House Clubs and Committees.
- Each College and Faculty allocated space for their Student Societies and Student groups.

SAC/UTSU had its own dedicated building and SAC/UTSU levy groups were in dedicated spaces across the campus, including the North Borden Building, 215 Huron, and 21 Sussex.

In the discussion that followed the Provost's overview, Committee members acknowledged the great value of the Commons Capital Project and the importance of moving ahead. They noted, too, that the planning process for the Commons and the negotiations related to the Management Agreement had transpired over a number of years. However, they raised a number of serious concerns regarding aspects of the Agreement. They included:

- the composition of the Management Committee. Some members viewed the proposed arrangement as antithetical to the University's commitment to representative organizations that give voice to students and expressed concerns that SAC/UTSU did not appear to be operating in a representative manner. Some members offered suggestions regarding an interim management structure that would be in alignment with the articulated democratic principles and that might allow the project to proceed until the various issues related to student societies were resolved. Some members suggested that an "environmental scan" be conducted to determine how other institutions have structured similar agreements, and identify what best practices can be derived from their experiences.
- the level of rigor required for adequate financial oversight. Members considered, for example, that much financial damage could occur in three years and that the controls should be strengthened given the amount of money involved and the responsibility for both current and future students. Members also acknowledged that, while leadership turnover in student organizations was normal and expected, there was a need for continuity to ensure stable management.

5. Briefing on the Student Commons (230 College Street) Capital Project (continued)

- given the time that had elapsed and the changes that had occurred since the project was initiated, some members asked if it would be possible and appropriate to re-open negotiations. In view of perceptions being articulated by some students regarding SAC/UTSU's ability to represent all students on the St. George campus in an open, democratic and accessible manner, some members questioned what body or bodies would be party to new negotiations. It was confirmed that the proposed Agreement was subject to approval by Governing Council, and until such time as the Governing Council had approved it, the Agreement could not come into effect. [The Secretary notes, for the purpose of this Report, that proposals submitted to the Governing Council for consideration are normally open to acceptance, rejection, or a referral back, depending on Governing Council's wishes at the time.]
- Some members expressed disappointment that more progress had not been made toward a resolution of the issues identified over a year ago. The Committee recognized that the Provost had been committed, appropriately and necessarily, to continuing a process initiated by her predecessor (that is, the Student Societies Summit) and the next steps arising from that process would occur in the coming months. Given the importance of the Student Commons Capital Project and associated Student Commons Management Agreement, however, members emphasized the desirability of identifying and assessing whether it would be possible to enter into any interim arrangements that would enable the project to proceed notwithstanding the problems identified in the Student Societies Report and which were ongoing.

At the Chair's request and with members' agreement, the Committee moved *in camera* to consult with legal counsel.

Members acknowledged that, in view of their ongoing and serious concerns with respect to the proposed Management Agreement and the absence of clear information about options to be considered, it would be premature to place this matter on the agenda of the Governing Council, even for an information session.

In that light, it was also agreed that the Provost would present, at the December meeting of the Committee, options that could be pursued to address the concerns, along the implications of pursuing the various options. The objective would be to define options that would facilitate proceeding with the Commons Capital Project and the associated Student Commons Management Agreement. As needed, options requiring legal analysis and advice would be considered by the Committee *in camera*.

5. Briefing on the Student Commons (230 College Street) Capital Project (continued)

On a motion duly moved, seconded, and carried,

Your Committee approved

THAT this item not be placed on the agenda of the Governing Council meeting of October 30, 2014, but be deferred to a future meeting.

CONSENT AGENDA

On a motion duly moved, seconded, and carried

YOUR COMMITTEE APPROVED

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

6. Report of the Previous Meeting of the Executive Committee

Report number 466 (June 16, 2014) was approved.

7. Business Arising from the Report of the Previous Meeting

8. Minutes of the Governing Council Meeting - September 11, 2014

9. Business Arising from the Minutes of the Governing Council

10. Reports for Information

- a) Report Number 193 of the Academic Board (October 2, 2014)
- b) Report Number 213 of the Business Board (September 22, 2014)
- c) Report Number 183 of the University Affairs Board (September 30, 2014)
- d) Report Number 7 of the University of Toronto Mississauga Campus Council (October 8, 2014)
- e) Report Number 7 of the University of Toronto Scarborough Campus Council (October 15, 2014)

11. Governing Council and Executive Committee Meeting Dates, 2015-16

12. Date of Next Meeting – December 1, 2014 from 5:00 p.m. to 7:00 p.m.

13. Other Business

a) Next Governing Council Meeting (October 30, 2014)

The Committee discussed the speaking requests that had been received prior to the deadline and provided advice to the Chair.

END OF CONSENT AGENDA

The committee moved *In Camera*

14. **Item for Endorsement and forwarding to the Governing Council**

- a) Capital Project: Faculty of Applied Science and Engineering, and Faculty of Medicine, Translational Biology and Engineering Laboratories in the MaRS Centre Phase 2 Tower: Report of the Project Planning Committee, Total Project Cost and Sources of Funding

On a motion duly moved, seconded, and carried

YOUR COMMITTEE APPROVED

THAT the recommendation, by Professor Scott Mabury, Vice-President, University Operations, in the memorandum dated October 9, 2014 for October 22, 2014, regarding the Translational Biology and Engineering Labs be approved.

15. **Review of the Office of the University Ombudsperson, 2014**

On a motion duly moved, seconded, and carried

YOUR COMMITTEE APPROVED

THAT a Committee be established:

- (a) to review the status and progress of the Office of the Ombudsperson in the light of the recommendations of the *Report of the Committee to Review the Office of the University Ombudsperson, 2012-2013*, approved by the Governing Council on April 9, 2013, in particular: the effectiveness of the operations of the Office of the University Ombudsperson; the awareness of the Office by members of the University community across the three campuses; and, the communication of its services;
- (b) to make recommendations concerning the appointment of an Ombudsperson.

THAT the membership of the Committee to review the Office of the University Ombudsperson be:

Alexis Archbold (Administrative staff governor)
Harvey Botting (Alumni governor)
Ben Coleman (Student governor)
Jeff Collins (Lieutenant-Governor-in-Council governor), Chair
Andrea Sass-Kortsak (Teaching Staff governor)

Angela Hildyard (Administrative Advisor)
Sheree Drummond (Secretary)

16. **President's *Ad Hoc* Advisory Committee on Divestment from Fossil Fuels – Membership** (for approval)

On a motion duly moved, seconded, and carried

YOUR COMMITTEE APPROVED

THAT the membership of the *President's Ad Hoc Committee on Divestment from Fossil Fuels*, be approved as follows:

Peter Burns
Susan Christoffersen
Graham Coulter
Andrew Green
Bryan Karney
Matt Hoffman
Arthur Hosios
Mohan Matthen
Carl Mitchell
Rita O'Brien
Barbara Sherwood Lollar

17. **Senior Appointment**

On a motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

THAT Professor Sioban Nelson be appointed as Vice-Provost, Faculty & Academic Life from January 1, 2015 to June 30, 2018. Together with Academic Programs, this portfolio will be known as 'Vice-Provost, Academic'.

18. **External Appointment**

a) University of Toronto Press Board

On a motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

THAT the following individuals be appointed/re-appointed members and directors of the University of Toronto Press Board of Directors, effective immediately, for terms to continue until the 2015 Annual General Meeting, or until their successors are appointed:

Mr. Larry Alford
Ms Kelly Dixon
Ms Mary Anne Elliott
Mr. Brent Houlden
Mr. Stephen Knight
Ms Elizabeth Lea
Professor Scott Mabury
Ms Anne MacDonald
Mr. Ken McCarter
Professor Louis Pauly (replacing Mr. Frank Anderson)
Ms Catherine Pearce
Professor Rob Vipond
Mr. John Yates

THAT Mr. Brent Houlden be re-appointed as Chairman of the University of Toronto Press Board of Directors, effective immediately, for a term to continue until the 2015 Annual General Meeting, or until his successor is appointed.

19. **Committee Members with the President**

Members of the Executive Committee, with the Board Chairs, met privately with the President.

20. **Committee Members Alone**

Members of the Executive Committee, with the Board Chairs, met privately.

The Committee returned to closed session.

The meeting adjourned at 6:45 p.m.

Secretary
October 23, 2014

Chair