

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

Thursday, February 14, 2002

MINUTES OF THE GOVERNING COUNCIL meeting held on Thursday,
February 14, 2002 at 5:00 p.m. in the Council Chamber,

Present:

Ms Wendy M. Cecil (In the Chair)
Dr. Thomas H. Simpson, Vice-Chair
Professor Robert J. Birgeneau, President
Dr. Robert Bennett
Professor Philip Byer
Professor Brian Corman
Dr. Claude Davis
The Honourable William G. Davis
Professor Sherwin Desser
Dr. Alice Dong
Dr. Inez Elliston
Ms Susan Eng
Dr. Shari Graham Fell
Professor Luigi Girolametto
Professor David Jenkins
Ms Françoise Ko
Professor Brian Langille
Ms Karen Lewis
Mr. Gerald A. Lokash
Professor Ian R. McDonald
Mr. David Melville
Mr. Andrew Morgan
Professor Heather Munroe-Blum

Dr. John P. Nestor
Ms Jacqueline C. Orange
Ms Rose M. Patten
The Honourable David R. Peterson
Mr. Kashif Pirzada
Ms Patricia Ricci
Ms Heather Schramm
Professor Adel S. Sedra
Mr. Amir Shalaby
Ms Carol Stephenson
Ms Wendy Swinton
Professor John Wedge
Mr. Robert S. Weiss
Professor Donna Wells
Ms Geeta Yadav

Mr. Louis R. Charpentier,
Secretary of the Governing Council

Secretariat:

Ms Susan Girard
Mrs. Beverley Stefureak

Absent:

Professor Mary Beattie
Ms Mary Anne V. Chambers
Professor Jack Carr
Professor W. Raymond Cummins
Mr. Brian Davis
Mr. Paul V. Godfrey
Ms Shirley Hoy
The Honourable Henry N. R. Jackman,
Chancellor
The Honourable Robert K. Rae
Dr. Joseph L. Rotman
Mrs. Susan M. Scace
Mr. John H. Tory

In Attendance:

Mr. Chris Ramsaroop, Governing Council Member-Elect
Mr. Felix P. Chee, Vice-President, Business Affairs
Dr. Sheldon Levy, Vice-President, Government and Institutional Relations
Ms. Susan Addario, Director of Student Affairs
Mr. John Bisanti, Chief Capital Projects Officer Elect
Ms. Sue Bloch-Nevitte, Director of Public Affairs
Dr. Beata FitzPatrick, Director of the Office of the President and Assistant Vice-President
Ms. Rivi Frankel, Assistant Vice-President, Alumni and Development
Professor Derek McCammond, Vice-Provost, Planning and Budget
Professor Robert McNutt, Principal, University of Toronto at Mississauga
Professor Ian Orchard, Vice-Provost, Students
Ms Mary McGee, Assistant Provost
Ms. Agata Durkalec, University Affairs Commissioner, Students' Administrative Council
Mr. Alex Kerner, President, Students' Administrative Council
Mr. Elan Ohayon, former member of the Governing Council
Ms Emily Sadowski, President, Association of Part-Time Undergraduate Students
Ms Maureen Somerville, Chair, College of Electors
Mr. Jorge Sousa, President, Graduate Students' Union
Professor Ron Venter, Vice-Provost, Space and Facilities Planning
Ms. Janet Wong, News Services Officer, Department of Public Affairs

IN ACCORDANCE WITH A DETERMINATION BY THE EXECUTIVE COMMITTEE PURSUANT TO SECTION 38 OF BY-LAW NUMBER 2, THE GOVERNING COUNCIL CONSIDERED ITEMS 1 AND 2 *IN CAMERA*.

1. Senior Appointments

(a) Chief Capital Projects Officer

On motion duly moved and seconded,

It was RESOLVED

THAT the position of Chief Capital Projects Officer be created.

On motion duly moved and seconded,

It was RESOLVED

THAT Mr. John Bisanti be appointed to the position of Chief Capital Projects Officer effective April 1, 2002.

(b) Master of Massey College

On motion duly moved and seconded,

It was RESOLVED

THAT Mr. John Fraser be confirmed as Master of Massey College for a seven-year term commencing July 1, 2002.

THE GOVERNING COUNCIL RETURNED TO OPEN SESSION**Chair's Remarks****(a) Deaths of Principal Emeritus Noah Meltz and Dean Emeritus Norman Hughes**

Before continuing with the regular business, the Chairman asked members to pause for a moment to remember the life and contributions of two distinguished members of the University community who had passed away in the previous month.

Principal Emeritus Noah Meltz had died on January 29 in Jerusalem after a long illness. He had been a member of the University community from 1964 until his retirement in 2000. As Head of the Centre for Industrial Relations, he had helped to establish it as one of the leading centers of its kind. He had also been a leader within the School of Graduate Studies, and had served with distinction as Principal of Woodsworth College. In addition, he had been a highly accomplished researcher. A Celebration of the Life of Professor Noah Meltz would be held in the Great Hall of Hart House, at 2:00 pm on Wednesday, February 20, 2002.

Dean Emeritus Norman Hughes had died in Toronto on February 4. He had led the Ontario College of Pharmacy from 1952 to 1953, and had been instrumental in moving the pharmacy program to the University, where it had become the Faculty of Pharmacy in 1953. Professor Hughes had been the first Dean of the Faculty, and had served in that position until 1973, overseeing the implementation of the master's and doctoral programs. The current Faculty of Pharmacy Building had been named for him and, more recently, the F. Norman Hughes Chair in Pharmacoeconomics had been established in the Faculty.

Members observed a moment's silence in memory of Principal Emeritus Noah Meltz and Dean Emeritus Norman Hughes, remembering their contributions and commitment to this University.

(b) Senior Appointments

The Chairman informed members of the resolutions approved by the Governing Council during its *in camera* session.

The Chairman was pleased to announce the appointment of John Bisanti to the newly created position of Chief Capital Projects Officer, effective April 1, 2002. He would be responsible for the development and implementation of the real estate and capital expansion programs of the University. In this capacity, he would work closely with the Vice-Provost, Space and Facilities Planning, who was the senior academic administrator responsible for overseeing all academic space and facilities planning on the three campuses.

Mr. Chee, Vice-President, Business Affairs introduced Mr. Bisanti, who was welcomed and spoke briefly to the Governing Council.

The Governing Council had also confirmed the re-appointment of Mr. John Fraser as Master of Massey College for a seven-year term commencing July 1, 2002.

Chair's Remarks (cont'd)**(c) Speaking Requests**

The Chairman reported that the Executive Committee had considered a request from the Graduate Students' Association of OISE/UT to address this Council meeting on the issue of graduate student funding. Since this issue was currently an item being addressed in conciliation with the Graduate Assistants in CUPE Local 3907, it had been the consensus of the Executive Committee that it would be inappropriate to grant the request at this meeting.

The Chairman had granted a speaking request from the President of the Students' Administrative Council. She asked for Council's permission to vary the agenda so the President could speak before Agenda Item 2. Members had no objections.

As well, both GSU and SAC had requested that a representative speak to Item 5(a), the *Code of Student Conduct*. Members had no objections to the Chairman's proposal that Mr. Sousa and Ms. Durkalec be permitted to speak at the appropriate time. Finally, a request had been received at the beginning of the meeting from Ms. Emily Sadowski to speak and that had been granted.

(d) Other Announcements

The Chairman welcomed Professor John Wedge to his first meeting as a member of the Governing Council. Professor Wedge had been elected on October 29 as a teaching staff member from the Faculty of Medicine.

She also drew attention to the posters that were displayed in the hall outside the Council Chambers, describing the work of the Governing Council, and expressed thanks on behalf of Council to the five present and former members of the Governing Council who had agreed to serve as poster persons for this initiative: Roger Beck, Brian Burchell, Mary Anne Chambers, Naana Jumah, and Judith Wilson.

(e) Address by Non-members

Mr. Kerner and Ms. Sadowski chose to combine their speaking privileges and address the Governing Council together. They informed Governing Council that student demonstrations for accessible education on Wednesday, February 6 had gone well. The message had been that tuition fees should be frozen and hopefully be reduced. Mr. Kerner indicated that the level of tuition fees was a primary issue for students and that it must be taken seriously. Student leaders perceived a lack of openness in processes for setting tuition fees. Students should be consulted on this issue but, in their view, student opinion had been ignored. The student leaders recalled the administrative comment on the day of action that tuition was not an issue. However, they believed that, in fact, indicators showed that this was considered a serious issue in the minds of 82% of the population of this Province. In closing, both Ms. Sadowski and Mr. Kerner urged the Governing Council to demand from Government full funding for post-secondary education in the Province of Ontario.

2. Minutes of the Previous Meeting held on December 20, 2001

- The Chairman noted that an amendment had been drawn to the Secretary's attention prior to the meeting, and that she would read it into the record. The first resolution reported in item 3 on page 4 of the report of the meeting of December 20, 2001 would be revised to read:

2. Minutes of the Previous Meeting held on December 20, 2001 (cont'd)

On motion duly moved and seconded,

It was RESOLVED

THAT seventeen recommendations contained in Report Number 42 of the Committee for Honorary Degrees be approved.

The Minutes of the previous meeting held on December 20, 2001 were approved as amended.

3. Business Arising from the Minutes of the Previous Meeting

There was no business arising from the Minutes of the previous meeting.

4. Report of the President**(a) Federal Cabinet Shuffle**

The President spoke briefly about the changes in the Federal Cabinet, noting that generally these seemed positive for the University. He had been in attendance when the Hon. John Manley, Deputy Prime Minister, had received the *Time Magazine* Canadian-of-the-Year Award and recalled that Mr. Manley's comments had been consistent with "excellence in education" and the direction that this administration had been advocating. The Hon. Bill Graham who had taken over from Mr. Manley as Minister of Foreign Affairs was a former colleague in the Faculty of Law and the University. He, together with two other Toronto area MPs, the Hon. Maurizio Bevilacqua as Secretary of State, Science, Research and Development and the Hon. John McCallum, Secretary of State, International Financial Institutions, could be anticipated as important advocates for the University.

(b) Research and Innovation

The Hon. Allan Rock, newly named as Minister of Industry and responsible for NSERC and SSHRC, had called the President to communicate his goals and indicate his willingness to work with the University.

In late January, the University had hosted a very successful visit to campus by Mr. Kevin Lynch, Deputy Minister of Finance and former Deputy Minister of Industry. In a meeting with Principals and Deans, Mr. Lynch had reaffirmed the government's commitment to the payment of overhead on research. The President recalled that in a recent issue of *Macleans*, Mr. Lynch was listed as a "power player" in a list of the 50 most influential Canadians

The President and Vice-President Heather Munroe-Blum had been at the announcement of Canada's Innovation Strategy by the Hon. Allan Rock at the Canadian Chamber of Commerce. Professor Roger Martin, Dean of the Joseph L. Rotman School of Business, had been at the Minister's table and had been singled out as an innovations leader

Minister Rock's presentation "Achieving Excellence" had reaffirmed the goal of moving Canada to 5th place (from 14th) and ensuring support for the indirect costs of university research, a critical factor in ensuring long-term success for a research university. The President noted that this funding was important revenue for the University of Toronto.

4. Report of the President**(b) Research and Innovation (cont'd)**

Among the other specifics announced by Minister Rock had been a proposal to create a scholarship program similar to the Rhodes Scholarship, to bring the brightest and best students in the world to Canada. Also identified as a target by the Minister had been the increase by 5% annually to 2010 in the number of graduate students, at both the Master's and doctoral levels.

(c) Canada Foundation for Innovation

President Birgeneau reported that, out of the \$588 million awarded across Canada in the most recent Canada Foundation for Innovation (CFI) competition for major infrastructure, the University of Toronto, including its affiliated teaching hospitals, had been the recipient of \$60 million. Although there had been a number of excellent projects funded, there also had been one major disappointment in that the application from the Department of Psychology on the St. George campus for \$14.5 million had not been successful. The University had been confident that it had a strong proposal for this very important project. He and Professor Munroe-Blum would be meeting with Dr. David Strangway to understand how a similar disappointment could be avoided in the future.

(d) Science Magazine Article

The President noted that a copy of an article, "New Money Widens Gap Among Universities" in *Science* had been distributed to members at the beginning of the meeting. The article reported on an interview he had had in January in connection with the innovation strategy and support for research around federal government initiatives such as the Canada Foundations for Innovation (CFI), the Canada Research Chairs and the Canadian Institutes for Health Research (CIHR). As well in the article, arguments had been put forward by Professor Jim Turk of the Canadian Association of University Teachers (CAUT) and others against competitive funding of research universities.

(e) Provincial Government Relations and Issues

The President recalled that on February 6, the National Students' Day of Action, students had been successful in drawing attention to under-funding for post-secondary students in Ontario. A key issue for the University of Toronto was lack of increased operating funding to cover inflation. Without it, the \$229 million for new students would be quickly eroded by inflation. Current projections were that demand in the system would have increased by 90,000 by 2010 as opposed to the 58,000 on which the Government and the universities had based their planning. First choice applications to the University of Toronto had risen dramatically. Without support for inflation, capital funding support, and full average funding for all additional students, the University would be unlikely to be able to accommodate more than a small portion of the additional demand.

(f) Needs-based Financial Aid for Undergraduate Students

The President reported that plans for enhancing needs-based financial aid for undergraduate students was moving forward. Significant progress had been achieved in reaching agreement on some important principles at a meeting with the Presidents and Provosts of Guelph, McMaster, Queen's, Waterloo and Western. The concept had evoked interest in the national media and the President had had several interviews in the

4. Report of the President

(f) Needs-based Financial Aid for Undergraduate Students (cont'd)

media and, with the Vice-President, Government and Institutional Relations, had met with the Editorial Board of the *Toronto Star*.

(g) Settlement with Teaching Assistants (CUPE 3902)

President Birgeneau was delighted to report that a four-year agreement had been reached with the teaching assistants (CUPE 3902), giving an average annual increase of 2% and some improved benefits. He congratulated Professor Hildyard on the success of these negotiations.

(h) Search for Vice-President and Provost

President Birgeneau reported that the search for a Provost had attracted attention across Canada and that the consultants working with him and the Advisory Committee had assured him that they would have several excellent candidates, internal and external, to present to the Advisory Committee.

(i) Honorary Degree Recipients

The President reported that the following individuals had accepted the University's offer of an honorary degree: Dr. Robert Blackburn, Mr. Marcel Desautels, Dr. Claire Fagin, Dr. Anne Golden, Dr. Jack Goody, Mr. Allan Gotlieb, Dr. David Hubel, Dr. Lawrence Klein, Mr. Robert McRae, Mr. Lorne Michaels, Mr. Christopher Plummer, Mr. Eugene Polistuk, Dr. Mary Seeman, Dr. Phillip Seeman, and Dr. Shirley Tilghman. He had received some wonderful letters of acceptance and shared with the members excerpts from some of the letters illustrating how very much this honour from the University of Toronto meant to the recipients.

(j) Alumni and Donor Relations

President Birgeneau reported that the official naming of the Leslie L. Dan Faculty of Pharmacy Building had taken place in January. The Building had been named in recognition of Mr. Dan's philanthropic history with the University of Toronto and his lead gift that had made construction of the new pharmacy building possible.

The President informed members of the newly established J. Armand Bombardier Foundation Chair in Aerospace Flight. A major gift for a Chair and for the flight simulator had been recently celebrated at the Institute for Aerospace Studies.

(k) 175th Anniversary Celebrations

President Birgeneau announced with pleasure that Chancellor Emerita Rose Wolfe had agreed to be honorary Chair of the 175th Anniversary Year. Kick-off for the Anniversary would be on March 15, 2002 with a Charter Day celebration and launch of *The University of Toronto: A History* by Martin L. Friedland. The new Lieutenant Governor, James K. Bartleman, would be present at the celebration and members of the Governing Council would be invited. President Birgeneau said that up-to-date information on the 175th anniversary could be found at www.uoft175.utoronto.ca.

5. Special Committee to Review the *Code of Student Conduct*: Report

Dr. Nestor said that the University Affairs Board had responsibility for policy on non-academic discipline. In fulfilling that responsibility, just over a year ago the Board had appointed a special committee of the Board to review the *Code of Student Conduct*. The Special Committee's final report and recommendations, including proposals for revisions to the *Code*, had been considered by the University Affairs Board on January 22, 2002. The Co-Chair of the Special Committee, Mr. Muhammad Basil Ahmad, had presented the report and summarized the major changes proposed to the *Code*. Professor Ian Orchard had presented the administrative response to those of the recommendations in the Report that did not address revisions to the *Code* and had undertaken to make sure that these recommendations were acted on. He also had informed the Board that the Report and recommendations had been reviewed by the Principals and Deans and that the administration had been fully supportive of both the Report and its recommendations. Dr. Nestor indicated, as noted in the Report, that the revised *Code*, if approved, would be effective 1 July 2002.

Dr. Nestor indicated that there had been discussion at the Board about recommendation 21 which gave the Provost authority to record suspensions on academic transcripts and about risks to a student being charged under more than one University policy for the same alleged offence. Professor Orchard and other members of the Board had provided assurance that the Special Committee had discussed these questions thoroughly and believed that the recommendations for revision took into careful account both the rights of members of the University community and students charged under the *Code*. Members of the Board had overwhelmingly supported the Report and its recommendations.

The Chair recognized Ms. Durkalec who indicated that her remarks would address the legitimacy of the *Code* and the process under which this review had taken place. She said that the Students' Administrative Council (SAC) could not support the changes given that in their view: the *Code of Student Conduct* should be repealed or replaced with a code of rights that applied to everyone within the University community; student organizations had objected to the absence of student leaders in the membership of the Special Committee; and, three main concerns submitted by SAC had not been addressed in the revisions. In addition, SAC had grave concerns about recommendation 21 which, in her view, allowed for application of an academic sanction for a non-academic offence. She urged members of the Governing Council to reject the recommendations for revision.

Mr. Sousa spoke to concerns he had raised at the University Affairs Board meeting. The Graduate Students' Union also had major concerns with recording a non-academic sanction on an academic record, as well as with the flexibility and discretion given to the Provost in application of this sanction. He acknowledged that the review had been comprehensive but asked members of the Governing Council to refer the matter back for further public consultations.

Dr. Nestor and Ms. Addario responded to questions. Protection against misuse or inappropriate use of the *Code* related to protests and freedom of speech had been preserved in an unchanged Section 7. The Special Committee had discussed the question of legal representation for students at length. Procedures in the *Code* had been designed to be administrative in nature with the expectation that students could most appropriately represent themselves. Hearings under this *Code* numbered one or two a year and they usually had been dealt with informally. In the rare instance where the case was very serious and informal

5. Special Committee to Review the Code of Student Conduct: Report (cont'd)

resolution had not seemed feasible, referrals to Downtown Legal Services had been made or assistance had been offered.

It was duly moved and seconded,

THAT the Report of the Special Committee to Review the *Code of Student Conduct* be received, and

THAT the recommendations contained therein, and the revised *Code of Student Conduct* attached to the Report as Appendix 2 be approved.

A member spoke to what he saw as the serious concerns among students with respect to misuse and abuse of the *Code* to quell student dissent and what had been in his view a lack of public discussion.

It was duly moved and seconded,

THAT the Report of the Special Committee to Review the *Code of Student Conduct* be referred back.

A member queried whether, because the notation on a transcript had academic implications, the Academic Board should consider this recommendation. Mr. Charpentier confirmed that the University Affairs Board had sole responsibility for recommending to the Governing Council on this policy.

A member who had also been a member of the Special Committee spoke against the motion to refer back, noting that the Committee had worked extensively over the period of a year to do a thorough review of the issues surrounding the current *Code*, to receive the fullest possible input from the University, to address each and all of the issues referred to the Committee by all groups and to bring forward what he thought was a very responsible and well-thought out report. He saw no justification for the motion and could not see how anything further could be gained by the action proposed therein.

Dr. Nestor said that, in his view, the process had been thorough, democratic and appropriate. Under its mandate the University Affairs Board had struck the Committee from among its members with equal representation by students and others. Mr. Muhammad Basil Ahmad, a student member of the University Affairs Board, had co-chaired the Committee and had spoken strongly in support of the Report at the University Affairs Board. The Committee had received extensive input, orally and in writing. Issues and comments expressed today had been raised at many levels, including at the University Affairs Board. In the view of the Special Committee and, judging by the overwhelming support at its meeting, the University Affairs Board had been assured that the Committee had seriously considered all the issues presented by the community and brought forward recommendations that best addressed those issues. To his recollection, no new or different issues had been raised today. Finally, with respect to membership of the Committee, it was Governing Council policy that special committees of a Board comprised members of the Board. Every opportunity had been offered and taken to receive input from the student organizations and where extensive or qualitative submissions had not been made that had been the choice of the student organization.

5. Special Committee to Review the Code of Student Conduct: Report (cont'd)

The mover spoke in favour of the motion to refer back, citing what he thought were risks that the *Code* might be inappropriately used to control student protest and his conviction that the process was tainted because membership on the Committee had not included the student government leaders.

The vote on the question was taken.

THE MOTION TO REFER BACK WAS DEFEATED.

The vote on the main question was taken.

THE MOTION WAS APPROVED.

[Secretary's Note: See also discussion of this item under Agenda Item 22.]

Acting within the authority conferred by Section 47 of By-law Number 2, the Chairman requested a recess to restore order. The meeting was reconvened at the Croft Chapter House ten minutes later.

6. Capital Plan, Update December 2001

Professor Carr reported that the administration had drafted an updated capital plan in a new format. The plan provided a great deal of information about the priority assigned to individual projects, the total cost and the status on securing funding for that project.

On motion duly moved and seconded,

It was RESOLVED

THAT the report entitled "December 2001 - Capital Plan for Buildings and Projects in Excess of \$2 million", a copy of which is attached to Report Number 110 of the Academic Board as "Appendix B", be approved in principle.

7. University Infrastructure Investment Fund: Allocation to Purchase 155 College Street et al

Professor Carr introduced the item to recommend an allocation from the UIIF to fund the purchase of a group of properties around 155 College Street. This had been a late addition to the agenda of the Academic Board. Members had commented on the likelihood that further funding would be needed for renovating the building subsequent to the University taking possession. Comments also had been made on the architectural merit of the building, but no opposition to the motion had been expressed at the Academic Board.

On motion duly moved and seconded,

It was RESOLVED

THAT an allocation of \$17 million from the University Infrastructure Investment Fund be approved to purchase properties from the Toronto District School Board, including 155 College Street, 255 McCaul Street, 263 McCaul Street, 240 McCaul

7. University Infrastructure Investment Fund: Allocation to Purchase 155 College Street et al (cont'd)

Street, two vacant lots adjacent to 240 McCaul Street, namely 63 Henry Street and 65 Henry Street.

8. Capital Project: Faculty of Arts and Science - Economics Building - Project Planning Report

Professor Carr said that the Department of Economics currently occupied space at 150 St. George Street and in the Bissell Building. This proposal would see the current additions to 150 St. George Street demolished and replaced with a new addition to and renovation of the original Victorian House. The project would include a classroom for which an allocation from the UIIF was proposed. The remainder of the cost would be covered through external funding raised by the Department.

On motion duly moved and seconded,

It was RESOLVED

THAT the Project Planning Report for the Department of Economics, a copy of which is attached to Report Number 110 of the Academic Board as Appendix "D", be approved in principle; and,

THAT the project scope of 1880 net assignable square metres (nasm) of new space and 450 nasm renovated space be approved at an estimated total project cost of \$14,300,000 (May 2004), with funding as follows:

- (i) external funding raised by the Department of Economics; and,
- (ii) a contribution from the University Investment Infrastructure Fund for the classroom, estimated at \$980,000, to be assigned once the full funding has been realized.

9. Capital Project: University of Toronto at Mississauga - Expansion of the Kaneff Centre - Project Planning Report

Professor Carr briefly explained the proposal to construct a two-storey addition to the Kaneff Centre for faculty, staff and graduate student office space. The cost would be covered by future donations with the shortfall financed by the Capital Renewal Fund, to be repaid by the University of Toronto at Mississauga.

On motion duly moved and seconded,

It was RESOLVED

THAT the Project Planning Report for the Expansion of the Kaneff Building, a copy of which is attached to Report Number 110 of the Academic Board as "Appendix E", be approved in principle;

THAT the project scope of up to 660 nasm, comprising a minimum of 557 nasm of new construction and 40 nasm of renovation to suitably link the expansion on a site extending north from the Kaneff, be approved at an estimated cost of \$3.584 million. This cost includes the immediate campus improvements;

9. Capital Project: University of Toronto at Mississauga - Expansion of the Kaneff Centre - Project Planning Report (cont'd)

THAT the funding for the Expansion of the Kaneff Building in the amount of \$3.584 million be approved and funded from future donations and/or external contributions, and any shortfall financed from the Capital Renewal Fund with all debt service costs [principal and interest] being paid by University of Toronto at Mississauga from its enrolment expansion.

10. University of Toronto at Mississauga - Centre for Applied Bioscience and Biotechnology Vertical Expansion - Funding

Professor Carr introduced the proposal to add an additional floor for laboratory research space to the Centre for Applied Bioscience and Biotechnology. Since the cost of the addition was less than \$2 million, the project had been approved by the Accommodation and Facilities Directorate. The funding would be provided by future donations and any shortfall would be financed from the Capital Renewal Fund with all debt service costs paid by the University of Toronto at Mississauga.

On motion duly moved and seconded,

It was RESOLVED

THAT the funding for the Vertical Expansion of the Centre for Applied Bioscience and Biotechnology in the amount of \$800,000, be approved and funded from future donations and/or external contributions, and any shortfall financed from the Capital Renewal Fund with all debt service costs [principal and interest] being paid by University of Toronto at Mississauga from its enrolment expansion.

11. University Infrastructure Investment Fund: Allocation - Robarts Library, Accessibility Examination Centre

The next three items concerned allocations from the UIIF to support various capital projects all of which had been under \$2 million and therefore approved by Accommodations and Facilities Directorate (AFD). Professor Carr said that this first item was a proposal to allocate funding for the relocation of the Accessibility Examination Centre from the Koffler Centre to the Robarts Library for improved accessibility.

On motion duly moved and seconded,

It was RESOLVED

THAT an allocation of \$225,000 from the University Infrastructure Investment Fund be approved to address the complete cost of the Accessibility Examination Centre within the Robarts Library.

12. University Infrastructure Investment Fund: Allocation - Faculty of Arts and Science, Vertical Expansion of the New Soils Storage Facility

Professor Carr informed the Governing Council that this proposed allocation from the University Infrastructure Investment Fund would partially fund the addition of three floors of

12. University Infrastructure Investment Fund: Allocation - Faculty of Arts and Science, Vertical Expansion of the New Soils Storage Facility (cont'd)

office space on top of the new soils storage facility in the Earth Sciences Complex. The space would be allocated to the Faculty of Arts and Science.

On motion duly moved and seconded,

It was RESOLVED

THAT an allocation of \$718,323 from the University Infrastructure Investment Fund be approved toward the cost of the Vertical Expansion of the New Soils Storage Facility in the Earth Sciences Complex on Russell Street.

13. University Infrastructure Investment Fund: Allocation - 56 Spadina Avenue Renovation

Professor Carr said that this final project proposed an allocation for the renovation of 56 Spadina Road to suitably accommodate the Campus Co-op Daycare. The site on which the Daycare was currently located (Site 12) was needed immediately to prepare for the construction of the Woodsworth residence. Both the Daycare and the Department of Student Affairs had been consulted about the move and both had supported the new location.

On motion duly moved and seconded,

It was RESOLVED

THAT an allocation of \$575,000 from the University Infrastructure Investment Fund be approved, to address the cost of the 56 Spadina Avenue renovation to suitably accommodate Campus Co-op Daycare. This allocation includes the \$75,000 required to demolish the Campus Co-op Daycare facilities and to clear site 12.

14. Canada Research Chairs Fund: Allocation

Professor Carr reviewed the proposed for an allocation from the Canada Research Chairs fund. The funding would support a total of 18 chairholders, 8 of whom were based in hospital and research institutes.

On motion duly moved and seconded,

It was RESOLVED

THAT an allocation of \$1.8 million from the Canada Research Chairs (CRC) Fund be approved to cover the salaries, benefits, research allowances and cluster support for ten Chairholders approved in the December 2000, March 2001 and June 2001 CRC competitions; and,

THAT an allocation of \$1.247 million (\$1.3 million less \$53,000 indirect cost of 6% of salaries and benefits) be approved for the Faculty of Medicine in support of eight Chairholders based in Hospital and Research Institutes that were approved in the March 2001 CRC competition.

15. Academic Priorities Fund: Allocation - Computing and Network Services

Professor Carr said that the next four items involved proposals for allocations from the Academic Priorities Fund. These had been recommended in support of divisional *Raising Our Sights*' plans. The first proposal was in support of the plan submitted by the Computing and Network Services which had included such items as support for web pages for individuals and an intrusion detections system.

On motion duly moved and seconded,

It was RESOLVED

THAT a base allocation of \$687,575 be approved from the Academic Priorities Fund to Computing and Network Services in support of its *Raising our Sights* Plan.

16. Academic Priorities Fund: Allocation - University Art Centre

Professor Carr explained that the proposed allocation to the University Art Centre was in support of its plans to provide a course related to the Centre's collection, to link the Centre's activities to research activities of academic units and to develop the Centre as a student laboratory.

On motion duly moved and seconded,

It was RESOLVED

THAT an allocation of \$200,000 be approved from the Academic Priorities Fund to the University Art Centre in support of its plans to link the Centre to teaching and research activities of several academic units.

17. Academic Priorities Fund: Allocation - Student Information Systems

Professor Carr said that the funding requests from the Student Information Systems Department would support hardware upgrades and increased license costs.

On motion duly moved and seconded,

It was RESOLVED

THAT one-time-only allocations of \$348,000 in 2001-02 and \$386,300 in 2002-03 be approved from the Academic Priorities Fund in support of the Repository of Student Information (ROSI), the University's student information system.

18. Academic Priorities Fund: Allocation - Faculty of Physical Education and Health

Professor Carr noted that the final allocation was proposed to support an academic plan for the Faculty of Physical Education and Health. The Faculty's three main priorities for the planning period were building faculty complement, enhancing the educational experience of students and strengthening academic programs.

18. Academic Priorities Fund: Allocation - Faculty of Physical Education and Health (cont'd)

On motion duly moved and seconded,

It was RESOLVED

THAT a base allocation of \$127,675 and a one-time-only allocation of \$100,000 be approved from the Academic Priorities Fund for the Faculty of Physical Education and Health.

19. Policy on Assignment and Usage of Academic Offices

Professor Carr informed the Council that a new policy had been drafted on the assignment and use of academic offices. Office space was at a premium and the policy's intent was to maximize the use of the space. Changes in the allocation of space, new or discontinued, would be reported. It was hoped that improved data on the allocation of office space would result.

On motion duly moved and seconded,

It was RESOLVED

THAT the Policy on Assignment and Usage of Academic Offices, a copy of which is attached to Report Number 110 of the Academic Board as Appendix "O", be approved.

20. Administrative Transitional Fund: Allocation - 175th Anniversary Program

Professor Carr reviewed briefly an allocation in support of the 175th Anniversary celebrations. He noted that the proposal had raised a question at Academic Board about this particular use of \$1 million in times of rising fees and expected budget reductions. Both Professor Sedra and the President had made compelling arguments in support of the allocation, outlining the expected benefits. The motion had received overwhelming support.

In response to a question, the President had indicated that the official launch of the 175th anniversary was scheduled for March 15.

On motion duly moved and seconded,

It was RESOLVED

THAT a special one-time-only allocation of \$1 million from the Administrative Transitional Fund be approved in support of the 175th Anniversary Program. The allocation would be divided into two components: \$500,000 to be allocated in the 2001-02 fiscal year, and the remaining \$500,000 to be allocated in the 2002-03 fiscal year.

21. Reports for Information

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

Report Number 110 of the Academic Board (January 24, 2002)

Report Number 116 of the Business Board (January 21, 2002)

21. Reports for Information (cont'd)

Report Number 104 of the University Affairs board (January 22, 2002)

Report Number 343 of the Executive Committee (February 4, 2002)

Referring to item 4 in Report Number 104 of the University Affairs Board, a member expressed concern that, in his view, the Board had not fully considered input from the Graduate Students' Union, the Association of Part-time Undergraduate Students and the Students' Administrative Council with respect to recent items such as the consideration of the operating plans and budget for the Varsity project. The Chair of the Board noted that there had been significant student input to the process over many years and that student governors on the various governing bodies that had discussed this in the past had been consistently representative of the various student constituencies. The President added that this project had undergone a five-year consultative process with detailed plans and it would now be the students who would decide whether or not the project would be supported by a student levy. Another member added his strong belief that student opinion had been sought and received through a wide variety of opportunities since the inception of this project.

Several members recognized the strong feelings that had manifested in the vocal opposition from student government leaders to both the proposed referendum and the revised *Code*. Clearly process had been followed with respect to how these items had been brought to governance. However, the important lesson to be taken from the message of the student leaders was that there was a need for the administration to continue to include the student voice as a project materialized. These were significant issues which were primarily of importance to students. Agreeing, the President recalled that he and Vice-President Sheldon Levy had met recently with student leaders with the objective of talking through the various issues in which students were keenly interested.

A member, who coincidentally had been a member of the Special Committee to review the *Code*, spoke to student leaders' objections to the revised *Code*. He referred to the full and detailed Report of the Special Committee and recalled that the Committee had worked hard to receive and seriously consider student input. Thoughtful and lengthy input from the Students' Administrative Council (SAC) had been received, reviewed and thoroughly discussed with the representatives of SAC. There had been genuine regret that neither the Graduate Students' Union nor the Association of Part-time Undergraduate Students had provided input, despite several invitations from the Committee and extended deadlines to allow for this input. Where the voice of student government(s) had been unheard, it was because they had chosen not to speak.

Comments from other members noted: that concern about unheard or unheeded voices in fact was often a manifestation of frustration with an objective not met rather than input ignored; that student members of Governing Council were effective in bringing the voice of students to governance debate and this voice could not nor should not be replaced by political voices speaking from a constituency interest; that some students felt marginalized; and that student government could be effective in bringing about change in the greater community.

A student member congratulated the Chairman for the conduct of this meeting, recognizing the extraordinary finesse required to work with student groups through some difficult issues. The effort was worth it and, in the view of the member, governance at the University of Toronto had been working flawlessly and was the envy of North America. The member appreciated increased efforts to engage student groups and suggested that this continue and expand.

21. Reports for Information (cont'd)

Ms. Addario was invited to speak to a number of the concerns that had arisen in the debate during consideration of the question of the revised *Code*, as well as in discussions under this item. Addressing the oft-repeated concern of the student leaders that the *Code* would be used by the administration to stifle dissent, Ms. Addario recalled that it had been in effect for approximately ten years. During that time, there had been several occupations of the President's Office as well as other student protests. There had, however, never been a charge laid under the *Code* related to any of these actions. The Committee had considered and rejected the notion that all student disruption and protest was political action that ought to be protected. The University also had a responsibility to guarantee the safety and security of its students, staff, visitors and guests, to protect its property and to prevent misuse of its resources. It was not possible to offer complete predictability in the case of disruptive behaviour. Students who engaged in disruptive activity, even as part of political protest, must accept the risk that at some point they might cross the line between tolerated and unacceptable protest. In any event, she indicated that most complaints were filed by students against students. There had not been more than twenty in a single year and, in a student population that now numbered 55,000, it was obvious that the *Code* had been used judiciously.

Ms. Addario noted that others, including the Chair of the University Affairs Board who was a student member of the committee that had been successful in drafting the first *Code*, would recall the pre-*Code* environment where serious allegations of assault (including sexual assault) and threatening or intimidating behaviour by students against students could be disposed of only through the courts. The *Code* had given the University a method for acting quickly and fairly to maintain a safe environment for students.

Ms. Addario spoke about what was, in her view, the mythology of the potential for double jeopardy. It was possible, though unlikely, that a student might be charged in more than one jurisdiction for the same offence. This was an example of multiple jurisdictions responding to a complaint and did not represent double jeopardy. The Committee had discussed this at length, and sought legal advice to ensure that its views were accurate. [Double jeopardy occurred only when someone was charged twice for the same offence under the same law. Students charged under a University policy could also be charged under an authority external to the University, such as the Criminal Code.] The Committee had also talked at length about legal representation for students and about removing certain sections. In the final analysis, the Committee had brought forward a set of recommendations that fairly represented the view of all who provided input, while recognizing and balancing effectively the needs of both students who might be charged under the *Code* and the many others who relied on this policy to provide a safe and secure environment within the University community.

Finally, a member noted that there had been, from the public gallery and from the meeting floor, several comments suggesting that the University of Toronto existed for the students. While that was in a large part true, he recalled that this was a public University with a tremendously significant research mission. As such, it was an important link in the social and economic fabric of the Province and the country. Members had an obligation in this unicameral system always to also consider the public interest and engage in decision-making that maintained the greater public focus.

22. Date of Next Meeting

The Chairman reminded members that the next regular meeting was scheduled for Friday, April 5, 2002, noting particularly that it would commence at 3:30 p.m. rather than the usual time.

23. Question Period

A member asked Professor Orchard about the Statistics Canada information on funding assistance for graduate students. Professor Orchard indicated that the University of Toronto conducted annual surveys of its students and the data consistently had shown that higher tuition fees had not affected accessibility where there was significant and concurrent institutional financial aid to students.

24. Other Business**Notice of Motion**

Referring to items 7.a and 7.c of the President's Report in the meeting of December 20, 2001, a member noted that post-secondary education was widely recognized as a public good. He further said that, in his view, education was a right and not a privilege. With that in mind, and recalling that the University of Toronto was a public institution, he introduced the following notice of motion:

Be it resolved that the Governing Council implement a tuition fee freeze for the 2002-2003 session and that the Governing Council strike a committee to research, design and forward recommendation for the implementation of a program for the elimination of all tuition fees at the University of Toronto.

A member informed the members of Governing Council of Daffydil, an annual theatrical production written and produced by students in the Faculty of Medicine, playing from Wednesday to Saturday, February 20 to 23, at Hart House Theatre.

A member congratulated and thanked the President for a successful event, the visit to campus of Kevin Lynch, and for his presentation to the Conference Board of Canada which was posted on the Web. The member saw the University currently as a community under stress, with a lack of time for collegial conversation and discussion. Faculty had a significant teaching load and there should be encouragement for building an environment with time for intellectual thought. He hoped the University of Toronto would take the lead in developing an institution where this environment could be nourished.

The meeting adjourned at 7:30 p.m.

Secretary

Chairman