

UNIVERSITY OF TORONTO
 THE GOVERNING COUNCIL
REPORT NUMBER 469 OF
THE EXECUTIVE COMMITTEE
Monday, February 9, 2015

To the Governing Council,
 University of Toronto.

Your Committee reports that it held a meeting on Monday, February 9, 2015 at 5:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

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

In Attendance:

Professor Andrea Sass-Kortsak, Chair, Academic Board and Member of the Governing Council
 Mr. Andrew Szende, Chair, University Affairs Board and Member of the Governing Council
 Mr. John Switzer, Chair, Business Board, Chair of UTM Campus Council, 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
 Professor Jill Matus, Vice-Provost, Students and First-Entry Divisions
 Mr. Steve Moate, Senior Counsel, Office of the President
 Ms Nora Gillespie, Senior Counsel, Office of the Vice-President and Provost

Ms. Nadina Jamison, Executive Director, Stakeholder Relations, Office of the President
Mr. Tony Gray, Director, Strategic Initiatives and Research, Office of the President
Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances (present for item 12)

Pursuant to section 28 (e) and 38 of By-Law Number 2, consideration of items 12 to 16 took place in camera.

The meeting was held in closed session.

1. Chair's Remarks

The Chair welcomed members and expressed her appreciation for their having nominated her to serve a third term as Chair; she also congratulated Vice-Chair Shirley Hoy on her acclamation by governors to continue in that role. She said that, in preparation for the 2015-2016 governance year, the Chief Returning Officer and Deputy Returning Officers had been overseeing the elections and appointments process, and that the election period for seats on the Governing Council and the UTM and UTSC Campus Councils and their standing committees had begun. She noted that the election period would close on Friday, February 21st at 5:00 p.m.

2. Report of the President

The Chair invited the President to make his report to members.

President Gertler began his remarks by noting that, although 2015 had only just begun, much had already transpired. He expressed his great pleasure at the recent awarding of the prestigious Wolf Prize in Mathematics to Professor James Arthur of the University of Toronto's Department of Mathematics, in recognition of Professor Arthur's monumental work on the trace formula and his fundamental contributions to the theory of automorphic representations of reductive groups. Often regarded as analogous to a Nobel Prize for Mathematics, as the Nobel does not include a prize for Mathematics, the President observed that Professor Arthur's Wolf Prize marked only the second time a Canadian had been recognized with the honour, and the first time that it had been awarded for work conducted in Canada.

The President updated members on his recent working visit to India, noting that it had proven to be a highly successful exercise in the strengthening and deepening of the University of Toronto's strategic ties with the sub-continent. He apprised members of his meetings with national government leaders, as well as his meetings with leaders of research institutes in social science and development research, local government, and also with University of Toronto alumni. He advised members that he would be organizing a public debrief session for those who wished to learn more.

President Gertler updated members on government relations developments at the federal level, reviewing for members the details of the Government of Canada's *Canada First Research Excellence Fund* (CFREF), the timing of the submissions and awards processes, and the University's ongoing preparations for its submissions to the program. He remarked on his recent visit to Ottawa to meet with federal officials, noted that the Government of Canada was preparing to commence its new budget cycle, and reminded members of the fiscal challenges facing the federal government as it sought to meet its deficit elimination target. The President restated and affirmed the University's federal advocacy priorities in the areas of increased funding for the federal granting councils (NSERC, SSHRC, CIHR)¹ commensurate with GDP growth and ongoing federal funding of the Canada Foundation for Innovation (CFI) in support of research infrastructure at Canadian universities.

President Gertler updated members on the University's advocacy efforts at the provincial level, including his recent meeting with Finance Minister Charles Sousa to discuss, among other priorities, the provincial government's pre-budget preparations. The President remarked on his ongoing collaboration with other U6 university presidents in communicating the challenges facing Ontario universities during a time of fiscal austerity, as well as the particular challenges faced by the University of Toronto given, for example, its high level of international faculty recruitment in the context of a highly competitive global field. He reminded members that one of the University's provincial advocacy priorities continued to be in the area of provincial funding for international graduate students.

President Gertler drew members' attention to Premier Kathleen Wynne's recent visit to the University of Toronto Mississauga, during which the Premier had toured the facilities and conversed with U of T students. He noted the positive tenor of students' conversations with the Premier, and also the concerns they expressed to her regarding the state of the province's labour market and their job prospects upon graduation.

Turning to municipal relations, the President remarked on the positive climate and noted that the Cities of Toronto, Mississauga and Brampton each had new mayors who were also University of Toronto alumni. He commented that Mayor John Tory seemed appreciative of the role that the University of Toronto played in the region and of its contributions to the success of the City.

The President provided members with an update on the work of the Presidential Advisory Committee on Divestment from Fossil Fuels, stating that it had met twice and was engaged in a consultative process that would include, in the near future, meeting with the student group that had initiated the original divestment petition. He advised members that the Advisory Committee's final recommendations could be expected in fall 2015, and that Mr. Tony Gray was serving as the Committee's Secretary and would be happy to receive any questions as the Committee continues its work.

¹ Natural Sciences and Engineering Research Council (NSERC); Social Sciences and Humanities Research Council (SSHRC); and the Canadian Institutes of Health Research (CIHR).

A member inquired about the University's response to plans by another Ontario university to establish a campus in close proximity to University of Toronto Mississauga; the President advised that the University was monitoring developments.

The President invited Vice-President and Provost Cheryl Regehr to update members on institutional responses to the issue of sexual violence. Professor Regehr remarked on ongoing media attention to the issue, noting that media inquiries provided occasion to explain the University's existing policy framework in this area, which included preventative education, emergency responses to violence, counseling services for victims, risk assessment procedures, and responses to sexual violence.

The Provost apprised members of the ongoing work of the Advisory Committee on Preventing and Responding to Sexual Violence, co-chaired by Professor Angela Hildyard, Vice-President, Human Resources and Equity, and Professor Jill Matus, Vice-Provost, Students and First-Entry Divisions. She reminded members that the work of the Advisory Committee was supported by several sub-committees focusing on various dimensions of the issue, including services to victims, development of community relationships and practices, and review of internal practices. She also reminded members of ongoing work of the Council of Ontario Universities (COU) advisory group, of which she was a member, as was Ms Andrea Carter, Director of High Risk and AODA (*Accessibility for Ontarians with Disabilities Act*) with the Office of the Vice-President, Human Resources and Equity, and Professor Mayo Moran, Provost of Trinity College, and of discussions between the advisory group and the provincial government.

Professor Regehr commended Premier Wynne for her keen support for effective institutional responses to the issue of sexual violence, but cautioned against an emphasis on stand-alone policies in this area, noting that gaps and policy conflicts can sometimes emerge.

The Provost also took note of recent media attention to the issue of social media aggression. She cautioned members that, while social media aggression could sometimes be related to the issue of sexual violence, the two issues should not be conflated with one another. She informed members that she had appointed Professor Faye Mishna, Dean of the Factor-Inwentash Faculty of Social Work, as provostial advisor to examine and provide guidance on policy responses to social media aggression, distinct from the ongoing work around the issue of sexual violence.

In response to a question from a member about institutional policies governing the occurrence of intimate relationships between faculty and students and policy developments in this area at a major university in the United States, the Provost noted that there were University guidelines and protocols on close personal relations and sexual harassment.

3. Items for Endorsement and Forwarding to the Governing Council

a. Capital Project: Report of the Project Planning Committee for the Robarts Library Renewal and Expansion - Robarts Library Commons: Project Scope and Sources of Funding (Arising from Report Number 195 of the Academic Board (January 29, 2015))

The Chair invited Professor Andrea Sass-Kortsak, Chair of the Academic Board, to address the item

Professor Sass-Kortsak advised members that The Robarts Library Commons was proposed to be a five-storey 5,614 gross square meters (gsm) building located at the intersection of Huron Street and Harbord Street. The Commons would connect to levels 2-5 of the existing Robarts Library spanning over the service and loading bay for the Library. Approximately 1200 new study spaces would be arranged in a variety of formal and informal ways throughout the Commons on floors 2-5 with the ground level space providing lobby and future café/vending space.

She apprised members that, on the matter of the impact of the construction on some of the trees on the lawn of Robarts Library, the Academic Board had been informed that the goal of the architects selected for the project would be, where possible, to preserve, replant, or replace any effected trees. The total project cost would include the cost of replacing any trees that are lost during the construction of the Robarts Commons.

She reported that Mr. Larry Alford had said that this project would provide much-needed study-space and that this project was a product of the successful fund-raising efforts of the Division of University Advancement.

On motion duly moved, seconded, and carried

YOUR COMMITTEE APPROVED

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

THAT the Report of the Project Planning Committee for the Robarts Library Renewal and Expansion: Robarts Library Commons, dated December 10, 2014, revised January 5, 2015 be approved in principle; and

THAT the total project scope of approximately 5,614 gross square meters (gsm) or 2,958 net assignable square meters (nasm) to be funded by Capital Campaign, Provost's Central Funds and University of Toronto Libraries operating and capital funds, be approved in principle.

b. Tentative Agreement Between the University Administration and University of Toronto Faculty Association (UTFA) on Article 5 of the Memorandum of

Agreement (October 10, 2014) and the tentative Agreement Between UTFA and the University Administration on the Memorandum of Agreement [Articles 2 and 6] (October 10, 2014) (Arising from Report Number 195 of the Academic Board (January 29, 2015) and Report Number 215 of the Business Board (January 26, 2015))

The chair invited President Gertler to address the item.

The President informed members that the item was the result of efforts begun nearly two years previously, intended to modernize the existing Memorandum of Agreement (MoA). He expressed the view that the resultant tentative agreement between the University and the University of Toronto Faculty Association achieved a balance between the right of collective representation and the ability of the administration to reward and recognize the individual performance of faculty members. He then invited the Provost to make her remarks.

Professor Regehr provided members with an overview of the MoA of 1977, including the requirement for mutual agreement in order to change Article 2 of the MoA. She thanked members for the advice she had received during negotiation of the tentative agreement, and advised members that all components of the item needed to be considered as a whole. The Provost also expressed appreciation for the advice of former Supreme Court Justice Frank Iacobucci, who had acted as Facilitator during the process, and who had also played a key role in the formulation of the original 1977 agreement.

The Provost noted that the University of Toronto was a leader in having a teaching stream in its faculty, as many institutions did not have a group of faculty primarily focused on teaching. Those institutions that did have a teaching stream varied in terms of the titles they used. Whereas some had professional ranks for teaching-stream faculty, others had a lecturer stream; there were also some institutions that had tutors and senior tutor ranks. She explained that under the tentative agreement, current full-time teaching-stream faculty members would have the choice of opting in to the proposed changes to the *Policy and Procedures on Academic Appointments*, and that new faculty appointees would be hired under the new Policy provisions. She noted that the provincial government had expressed interest in the teaching stream model.

The Chair invited Professor Sass-Kortsak to provide members with a summary of the discussion of the item at Academic Board.

Professor Sass-Kortsak apprised members that, following a detailed introduction by the Provost, members of the Academic Board had posed questions about the proposed changes. Professor Sass-Kortsak summarized that the Provost had provided members of Academic Board with additional background and clarification. This had included, in response to a query on whether there would be a research component for those in the teaching-stream faculty, the clarification that there had been no change to the promotion performance standards which specify pedagogical research and discipline-based scholarship. On the matter of whether a current faculty hire who chose to move into the proposed new system would retain an equivalent rank, Professor Sass-Kortsak informed members that Professor Regehr had replied that the University

administration was working on the details that would result from the changes, particularly with regard to the Full Professor, Teaching Stream designation; the Provost had assured members that Senior Lecturers under the current Policy who choose to move into the new system would move into the rank of Associate Professor, Teaching Stream. Professor Sass-Kortsak informed members that an Academic Board member had commended the work of the Special Joint Advisory Committee.

In the discussion that followed, a member inquired if the new teaching-stream positions were in addition to existing positions. The Provost replied that the tentative agreement did not address an increase in faculty complement, and confirmed that the changes were to existing teaching stream positions. In response to a query on financial ramifications of the Policy, the Provost stated that the Policy did not affect compensation, and therefore would not alter existing financial arrangements.

A member inquired if there would be an examination of tenure, in general, in the future, and the Provost replied that there had been no discussion of doing so.

On motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

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

THAT the tentative *Agreement Between the University of Toronto Faculty Association (UTFA) and the University Administration on Article 5 of the Memorandum of Agreement* be approved, effective immediately; and

THAT the tentative *Agreement Between UTFA and the University Administration on the Memorandum of Agreement [Articles 2 and 6] (October 10, 2014)* be approved in principle, effective immediately.

- c. **Tentative agreement in principle regarding changes to the teaching stream faculty appointment category (Arising from Report Number 195 of the Academic Board (January 29, 2015))**

On motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

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

THAT the tentative agreement on the faculty appointment category of teaching stream , between the University of Toronto Faculty Association and the University

Administration, as outlined in Faculty Appointment Category: Teaching Stream, dated December 2, 2014, be approved in principle.

- d. **Proposed changes to Sections II and III of *Policy and Procedures on Academic Appointments (PPAA)* regarding the tenure stream faculty appointment category** (*Arising from Report Number 195 of the Academic Board (January 29, 2015)*)

On motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

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

THAT the proposed changes to Sections II and III of the *Policy and Procedures on Academic Appointments* as contained in the *University Administration Proposal*, dated April 12, 2014, and as tentatively agreed to by the University of Toronto Faculty Association (UTFA) and the University Administration be approved, effective immediately.

- e. ***Policy and Procedures for Faculty and Librarians on Academic Restructuring*** (*Arising from Report Number 195 of the Academic Board (January 29, 2015)*)

On motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

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

THAT the proposed *Policy and Procedures for Faculty and Librarians on Academic Restructuring* be approved, effective immediately.

4) Items for Confirmation by the Executive Committee

a. Constitutional Amendments: Faculty of Kinesiology and Physical Education (*Arising from Report Number 195 of the Academic Board (January 29, 2015)*)

The Chair invited Professor Andrea Sass-Kortsak to introduce the item and update members on the discussion that occurred at the meeting of the Academic Board on January 29, 2015.

Professor Sass-Kortsak apprised members that the item entailed minor changes to the Constitution of the Faculty of Kinesiology and Physical Education effecting the senior administrative level at KPE. She noted that the item have elicited no questions from the members of the Academic Board

On motion duly moved, seconded and carried

YOUR COMMITTEE CONFIRMED

THAT the amended Constitution of the Faculty of Kinesiology and Physical Education, which was approved by the Council of the Faculty of Kinesiology and Physical Education on November 3, 2014, be approved.

b. Guidelines on Divisional Academic Planning (*Arising from Report Number 195 of the Academic Board (January 29, 2015)*)

At the Chair's invitation, Professor Sass-Kortsak informed members that, following a detailed introduction by the Provost, there had been no questions from the members of the Board for this item.

On motion duly moved, seconded and carried

YOUR COMMITTEE CONFIRMED

THAT the *Guidelines on Divisional Academic Planning* be approved, effective immediately.

CONSENT AGENDA

On motion duly moved, seconded, and carried

YOUR COMMITTEE APPROVED

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

- 5) Report of the Previous Executive Committee Meeting – December 1, 2014**
- 6) Business Arising from the Report of the Previous Executive Meeting**
- 7) Report of the Governing Council Meeting – December 11, 2014**
- 8) Business Arising from the Report of the Governing Council Meeting**
- 9) Reports for Information**

Members received the following items for information:

- a) Report Number 195 of the Academic Board (January 29, 2015)
 - b) [Report Number 216 of the Business Board \(January 26, 2015\)](#)
 - c) Report Number 185 of the University Affairs Board (February 3, 2015)
 - d) [Report Number 17 of the Pension Committee \(October 9, 2014\)](#)
 - e) [Report Number 72 of the Elections Committee \(November 12, 2014\)](#)
 - f) [Report Number 8 of the University of Toronto Scarborough Campus Council \(December 3, 2014\)](#)
 - g) [Report Number 8 of the University of Toronto Mississauga Campus Council \(December 8, 2014\)](#)
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END OF CONSENT AGENDA

- 10) Date of Next Meeting – Monday, March 24, 2015 at 5:00 p.m.**
- 11) Other Business**
 - a) February 26, 2015 Governing Council meeting

The Committee moved *In Camera*.

12) Code of Behaviour on Academic Matters: Recommendations for Expulsion

On a motion duly moved, seconded, and carried

YOUR COMMITTEE APPROVED

THAT the President's recommendation for expulsion, as outlined in the memo and supporting documentation from the Secretary of the Governing Council, dated January 14, 2015 be confirmed.

13) Items for Endorsement and Forwarding to the Governing Council

a) Capital Project: Robarts Library Renewal and Expansion: Robarts Library Commons Project Scope and Sources of Funding

On a motion duly moved, seconded and carried

YOUR COMMITTEE RECOMMENDED

THAT the recommendation, by Professor Scott Mabury, Vice-President University Operations, in the memo dated January 29, 2015 regarding the Robarts Library Renewal and Expansion be approved.

b) Appointment: Non-Governor Pension Committee Member

On a motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

THAT the recommendation outlined in the memorandum from the Chair of the Governing Council, dated January 21, 2015 be approved and,

THAT, pursuant to section 38 of *By-Law Number 2*, the Governing Council consider this item *in camera*.

14) University of Toronto Act, 1971 - Citizenship Requirement – Update

The Chair advised members that further steps had been taken with regard to this matter. The President indicated that the University was continuing to look into the citizenship requirement. The Chair affirmed that the Committee would continue to receive updates on this matter.

15) Student Commons Agreement – Status Update

The Chair invited the Provost to provide members with an update on the Student Commons.

The Provost advised members that an agreement had been reached earlier in the day with SAC/UTSU, intended to address outstanding concerns articulated by the Executive Committee. A copy of the proposed revised agreement was circulated to members.

The Provost explained that the revised agreement allowed for a Management Committee comprised of thirteen voting members, all but one of whom would be full-time undergraduate students registered at the St. George campus. Regarding divisional representation, the Provost explained that the majority of members (seven) would be representative of the Colleges and professional Faculties, with the remaining six to be nominated appointed directly by the Students' Administrative Council (SAC). An Appointments Committee comprised of those individuals elected to the SAC board of directors from the Colleges and Faculties listed in Article 1 of the revised agreement would manage the appointments process; and in the event the Appointments Committee was unable to agree, SAC would be empowered to appoint members. Under the tentative agreement, SAC would be responsible for the hiring of the Facility Manager.

In the discussion that followed, members reviewed various aspects of the proposed agreement. Questions and concerns raised by members revolved around the following areas: the structure and composition of the Management Committee and members' terms, the Management Committee's oversight of the Facility Manager, the qualifications and selection of the Facility Manager, and the rigour of the financial oversight of the Student Commons.

Members affirmed their satisfaction that identified concerns had been addressed. The President stated that, while the proposed agreement entailed a measure of risk for the University, it simultaneously required the University have faith that its students could effectively run the Student Commons, which other universities had done with regard to their students and with respect to similar projects.

On a motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

THAT the Revised Agreement for the Student Commons at 230 College Street, dated February 2015, and the Capital Project: Report of the Project Planning Committee for the Student Commons at 230 College Street (*Arising from Report Number 186 of the Academic Board (June 3, 2013) and Report Number 176 of the University Affairs Board (May 28, 2013)*) be endorsed and forwarded for approval by the Governing Council at its meeting February 26, 2015.

The Chair thanked members and the President, and expressed particular commendation to Mr. Steve Moate, Senior Counsel, Office of the President, and Ms Nora Gillespie, Senior Counsel, Office of the Vice-President and Provost and Office of the Vice-President, Human Resources & Equity, for their work on the matter.

16) Committee Members with the President

a) Senior Appointment

On motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

THAT the President's recommendation as contained in the memorandum dated February 9, 2015 be endorsed and forwarded to the Governing Council for approval:

17) Committee Members Alone

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

The Committee returned to closed session.

The meeting adjourned at 7:35 p.m.

Secretary
February 11, 2015

Chair