

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 108 OF
THE UNIVERSITY AFFAIRS BOARD

June 4, 2002

To the Governing Council,
University of Toronto

Your Board reports that it met on Tuesday, June 4, 2002 at 5:00 p.m. in the Council Chamber, Simcoe Hall, with the following members present:

Dr. John P. Nestor (In the Chair)
Dr. Shari Graham Fell, Vice-Chair
Dr. Sheldon Levy, Interim Vice-Provost,
Students
Mr. John Bisanti, Chief Capital Projects
Officer
Mr. Muhammad Basil Ahmad
Dr. Robert M. Bennett
Ms. Aisling Burke
Mr. Jacob Glick
Ms. Margaret Hancock
Professor Bruce Kidd
Mr. Vivek Krishnamurthy
Ms. Karen Lewis
Mr. Paul McCann
Professor Ian R. McDonald
Mr. Kashif S. Pirzada

Ms. Parissa Safai
Ms. Wendy Swinton

Non-voting Members:

Ms. Susan Addario, Director of Student
Affairs
Mr. Louis R. Charpentier, Secretary of the
Governing Council
Professor Ron Venter, Vice-Provost, Space
and Facilities Planning

Office of the Governing Council:

Ms. Margaret McKone
Mrs. Beverley Stefureak, Secretary

Regrets:

Professor Marion Bogo
Ms. Gail Paech
Dr. John Wedge
Ms. Geeta Yadav

In Attendance:

Mr. Elan Ohayon, Member-elect, the Governing Council, and Vice-President, External,
Graduate Students' Union
Mr. Tad W. G. Brown, Finance and Development Counsel
Professor Brian Corman, Chair, Elections Committee
Mr. Jim Delaney, Assistant Director, Student Affairs
Ms. Cristina Oke, Chief Returning Officer and Assistant Secretary, Governing Council
Ms. Emily Sadowski, President, Association of Part-time Undergraduate Students

ITEM 4 IS RECOMMENDED TO THE GOVERNING COUNCIL FOR APPROVAL.

ALL OTHER ITEMS ARE REPORTED FOR INFORMATION.

The Chair noted that agenda item 5 – Capital Project: University College Residence, Project Planning Report – Revised – had been withdrawn by the administration. Mr. Bisanti would brief the Board on the status of this project in his assessor's report later in the meeting.

1. Report Number 107 – April 30, 2002

The Chair noted that one correction to the Report had been reported: Mr. Vivek Krishnamurthy had been in attendance at the previous meeting. Report Number 107 (April 30, 2002), as amended, was approved.

2. Business Arising from the Report of the Previous Meeting

There was no business arising from the previous meeting.

3. Code of Conduct for Trademark Licensees: Annual Report, 2001-02

The Chair noted that the Board was responsible for monitoring the *University of Toronto Trademark Licensing Policy* through receipt of the annual Trademark Licensing Report. In the fall, Dr. Dellandrea would be providing the Board with a presentation on the implementation of the *Policy* since its approval two years previously.

Mr. Brown drew members' attention to a correction to the annual report; the web-site providing the names, addresses, email and web-sites of all licensed suppliers was <www.trademarks.utoronto.ca>.

A member commended the amount of work done by the University administration on this issue since the Board's endorsement of the *University of Toronto Trademark Licensing Policy*, in 2000.

In response to a member's query, Mr. Brown confirmed that the University of Toronto was playing a leadership role within the Canadian marketplace with respect to the operation and monitoring of its licensing program. Among the University's many accomplishments in the area were: (a) the organization of a meeting of Ontario universities to discuss trademark issues, and (b) the presentation of two papers to North American attendees at the Association of Collegiate Licensing Administrators' (ACLA) annual conference. The University continued to share information and resources with other Canadian institutions and to create alliances to advance the issues of code enforcement and verification.

4. Terms of Reference - Revisions

University Affairs Board

The Chair drew attention to the covering memoranda from Mr. Louis Charpentier and Professor Brian Corman for this item. Mr. Charpentier was invited to speak to the proposed revisions of the University Affairs Board terms of reference.

Mr. Charpentier indicated that one of the objectives for the Governing Council in the current governance year had been to review and, where appropriate, approve updates to the Terms of Reference of all its committees and boards. The intent and highlights of the proposed

4. Terms of Reference - Revisions

University Affairs Board (cont'd)

revisions were outlined in his memorandum of May 27, which he reviewed for the information of the Board.

It was duly moved and seconded,

THAT the University Affairs Board recommend to the Governing Council approval of the revised Terms of Reference of the University Affairs Board, to be effective July 1, 2002.

The Chair noted that he had received and granted speaking requests from Mr. Elan Ohayon and Ms Emily Sadowski on proposed revisions to the Terms of Reference for the University Affairs Board and the Elections Committee. He invited Mr. Ohayon and Ms. Sadowski to speak.

Mr. Ohayon drew members' attention to a tabled memorandum from the Graduate Students' Union (GSU) expressing concern with the language defining membership of special committees. He believed that the practice of appointing only members of the Board rather than external members including the representatives of recognized student governments would reduce the legitimacy of special committees and contravene *By-Law Number 2*. He recalled that two years ago the University Affairs Board had struck a special committee of only University Affairs Board members to review the *Code of Student Conduct*. In his view, the criticism from student governments of this committee's recommendations had been because it had no membership drawn from recognized student groups. He urged members to include recognized student government leaders in governance committees to ensure appropriate consultation at the very early stages of policy formation.

With respect to the proposed revisions to the Terms of Reference for the Elections Committee, Mr. Ohayon believed the provision to hold meetings in closed session to be in contravention of past practice. He thought deliberations of the Elections Committee should be undertaken in open session which, in his view, was the only way to ensure appropriate consultation at the very early stages of policy formation.

Ms. Sadowski echoed the points raised by Mr. Ohayon. She believed the Elections Committee had benefited from interventions by recognized campus groups during the past year. Holding meetings in open session, except when there was consideration of personnel matters, would ensure broad consultation and help identify potential mistakes at an early opportunity.

The Chair asked members to focus at this time on the University Affairs Board terms of reference. In response to a query with respect to section 3.2 which indicated that a special committee could have delegated authority to make final decisions, Mr. Charpentier noted that a special committee could be empowered to act on behalf of the Governing Council only when a majority of its members were members of Governing Council. Such authority would be delegated by Governing Council in advance and only in those situations where it was appropriate. Such delegation would not occur in instances of major policy change, but was more likely to occur where operational detail was under consideration.

4. Terms of Reference - Revisions

University Affairs Board (cont'd)

A member noted that the Vice-Provost, Students had been providing the Board with the annual report on the *Policy on Student Financial Support* for information. He requested that this annual report be added formally to the list of those to be received by the Board. The Chair and Mr. Charpentier clarified that this report was received annually by the Committee on Academic Policy and Programs which, reporting to the Academic Board, had primary responsibility for this kind of academically-related policy matter. The matter was not within the mandate of the University Affairs Board and could not be appropriately added.

A member noted his support for the inclusion of student government representatives in governance processes and proposed that Section 3.2. Special Committees be amended to permit what would in his view broaden participation in special committees.

It was duly moved and seconded,

THAT Section 3.2 of the revised Terms of Reference of the University Affairs Board be amended to remove "(which would normally be drawn from the membership of the Board)" from the third sentence of the first paragraph.

Invited to comment, Mr. Charpentier noted that while the motion was in order the wording, as originally stated had been drawn from the *Report of the Chairman's Advisory Committee on Governance* and had been approved by the Governing Council. Section 3.2 had been added to the terms of reference to give transparency to current practice and approved policy. Mr. Charpentier pointed out that the bracketed phrase, with the inclusion of the word "normally", suggested to the Board the flexibility to adjust membership of special committees where desirable.

A member spoke against the proposed amendment. Members of the Governing Council were elected or appointed to their posts from various constituencies, both internal and external to the University. In fulfilling their responsibilities, it was incumbent upon members to adhere to a strict conduct of examining issues from the standpoint of "what is in the best interests of the University as a whole?" This was very much the ethos of governance and he disagreed strongly with the concept that politically or socially defined groups had a role within governance. He noted that when a special committee of the Board was struck, its membership should comprise members of the parent board or the Governing Council since those were the bodies to which the committee was answerable. However, it should also seek to hear from as many constituencies as possible though broadly defined consultative processes.

Dr. Levy echoed those comments. Members elected and appointed to governing bodies were required to have broad perspectives with respect to governance, whereas representative campus groups had more narrowly defined foci.

A member indicated support for the spirit of the proposed amendment but believed that it could more appropriately be achieved by enumerating explicit requirements for representative membership on special committees. Another member cautioned that, if there were to be

4. Terms of Reference - Revisions

University Affairs Board (cont'd)

delegation of authority to a special committee, it was important that the membership comprise only duly elected and/or appointed members of the Governing Council or a Board.

The vote on the motion to amend was taken.
The motion to amend failed.

It was duly moved and seconded,

THAT Section 3.2 of the revised Terms of Reference of the University Affairs Board be amended to change the bracketed statement in the third sentence of the first paragraph to read as follows: “(which would normally be drawn from, **but not necessarily restricted to**, the membership of the Board)”

Several members indicated their belief that the proposed addition was redundant to the current wording. A member, speaking in support of the amendment, believed that the added wording stated explicitly what was implicitly intended and explicit language was preferable.

The vote on the second motion to amend was taken.
The motion to amend was carried.

A member expressed concern with the statement in Section 3.2 explaining the possibility that power to act on behalf of Governing Council could be delegated to special committees. He believed that Special Committees should serve consultative roles only and should report their findings back to the parent body.

It was duly moved and seconded,

THAT the University Affairs Board Terms of Reference, Section 3.2 Special Committees, be amended to remove the final sentences of the first paragraph, beginning, “A Special Committee may be given power to act ...”:

Invited to comment, Mr. Charpentier clarified that the proposed deletion of language was moot. The wording had been included for clarity. Regardless of what appeared in these terms of reference, the Governing Council could delegate authority to a special committee directly, or through one of its Boards, to act on its behalf. In other words, the proposed amendment would have no effect on the Board's authority.

A member indicated support for the proposed amendment. He believed that the Board's role was more clearly defined without the disputed sentence. The authority of the Council to delegate authority to special committees would remain, despite the fact that it was not stated within the Terms of Reference.

The vote on the third motion to amend was taken.
The motion to amend was carried.

The vote on the main motion, incorporating the approved amendments, was taken.

4. Terms of Reference – Revisions

University Affairs Board (cont'd)

The motion was carried.

(Secretary's Note: The revised terms of reference of the University Affairs Board, as amended by the Board, are attached hereto as Appendix "A".)

Elections Committee

Professor Corman, Chair of the Elections Committee, explained that the Terms of Reference of the Elections Committee had been revised to reflect current practice and to clarify the particular function of the Committee. Some changes had been made to comply with a consistent format across all Terms of Reference, while others had been made to codify what had been normal practice consistent with the current Terms. A new section had been added which outlined Committee procedures and included a process for receiving input from the University community on the *Election Guidelines* and electoral process for the year.

It was duly moved and seconded,

THAT the University Affairs Board recommend to the Governing Council approval of the revised Terms of Reference of the Elections Committee, to be effective July 1, 2002.

A member asked why references to the appeal process had been removed from the Areas of Responsibility of the Committee. At the invitation of the Chair, the Chief Returning Officer explained that the appeals process was defined in the *Election Guidelines*, and the language in the Terms of Reference had been revised to reflect that fact.

A member asked whether meetings of the Elections Committee had been held in open session during the past year. Professor Corman replied that the meetings had been open. He reminded members of the Board that the Elections Committee met in the fall to develop a recommendation concerning the *Election Guidelines* for the year which was brought to the Board for consideration. This process remained unchanged. In some years, the Elections Committee did not meet again. Any additional meetings of the Elections Committee were called in response to an issue involved in the election, usually concerning nomination procedures, appeals or violations of the *Guidelines*. These meetings were held in closed session to deal with matters particular to an individual.

It was duly moved and seconded,

That Section 5 of the revised Terms of Reference of the Elections Committee be amended to remove, "closed session, except when approving recommendations on policy matters to be considered by the University Affairs Board" and to add, ". . . open session but may, pursuant to clause 33 of *By-Law Number 2*, meet in closed session or *in camera* when: (1) matters may be disclosed at the meeting of such a nature, having regard to the circumstances, that the desirability of avoiding open discussion thereof outweighs the desirability of adhering to the principle that meetings be open to the public; or (2) intimate financial or personal matters of any person may be disclosed at the meeting or part thereof."

4. Terms of Reference – Revisions

Elections Committee (cont'd)

A member asked for clarification of the difference between “closed” and “*in camera*” sessions. Mr. Charpentier replied that any member of the Governing Council could attend a meeting held in “closed” session, while only members of the Committee could attend a meeting held “*in camera*”.

A member asked Professor Corman for his opinion on the proposed amendment. Professor Corman replied that, in his view, the amendment would change very little. Meetings of the Committee at which policy issues were considered for approval (that is, a recommendation to the Board) being discussed would be held in open session. Meetings of the Committee in its role as Election Overseers would normally enquire that the meeting be held in closed session. The only problem might arise when the Elections Committee was operating as a working committee exploring a range of issues, when the presence of observers might not be helpful.

Dr. Levy asked whether the quality of information received by the Committee might change if people were aware that what they were contributing might not be confidential to the Committee. Professor Corman replied that there was a potential that discussion might be inhibited in open session.

Mr. Charpentier noted that the Elections Committee was different from all other Committees in that it did not receive proposals from an assessor, but developed proposals itself. This required frank discussion of options at a preliminary stage, which would be in closed session, while final recommendations would be discussed in open session.

The vote was taken on the proposed amendment.
The motion was carried.

The vote was taken on the main motion, as amended.
The motion was carried.

(Secretary’s Note: The revised terms of reference of the Elections Committee, as amended at the University Affairs Board, are attached hereto as Appendix “B”.)

The Chair took the opportunity of Professor Corman’s presence to thank him personally, and on behalf of the University Affairs Board, for his service as Chair of the Elections Committee over the past year. This had not been an easy year for the Elections Committee as it worked its way through recommendations for significant changes in the *Elections Guidelines*, including the implementation of a demerit point system and electronic voting for all student constituencies. The Committee had also addressed the issue of special students within elections and recommended that the Transitional Year and Millie Rotman Shime Academic Bridging programs be designated as programs of post-secondary study under the *University of Toronto Act* for purposes of elections.

The Chair indicated that it was with pleasure that he presented Professor Corman with a token of appreciation for his service.

5. Recognized Campus Groups: Final Report

The Chair referred members to the semi-annual report on campus groups prepared by the Assistant Director, Student Affairs and circulated under cover of a memorandum from Dr. Levy. This was an item for information and there were no questions.

6. Report of the Assessors

Dr. Levy enthusiastically reported that planning was again underway to establish a Multi-faith Centre. He regretted the delay that had been experienced in this project when the first users' committee had been unable to fully complete its report because a suitable site could not be identified. Many members of that first committee, notably the students, were no longer at the University. To continue the work begun in 1999, a new committee had been established and meetings were underway.

The site now identified and considered by all involved to be most appropriate was the Koffler Institute for Pharmacy Management Building. Dr. Levy hoped the new committee would move quickly and present a revised Project Planning Report early in the fall, following which major fund-raising could be undertaken.

Dr. Levy expressed appreciation to Ms. Susan Addario, who had been working tirelessly to lead this initiative, for her high level of commitment and patience. He also thanked Professor Ron Venter for having given this a high priority among the many projects that he is managing.

A member asked if the membership of the Committee had been struck. Professor Venter responded that it had, and that the Committee had already met. Members seemed tremendously supportive of the proposed location and it appeared this project would finally move ahead.

Mr. Bisanti provided an update on the University College Residence project. When the Project Planning Report on the University College Residence Expansion had been approved at the last meeting, the Committee had been informed that the City of Toronto had concerns with regard to the proposed site. In recent weeks the City had indicated a preference for the building to be entirely located on the St. George Street parking site, immediately north of Sir Daniel Wilson Residence. This would require a higher building to accommodate the program. Details of this site were being investigated and a revised Project Planning Report would be prepared. In the event that revisions could be completed sufficiently early in the summer, it would be the intent to have this project approved under summer executive authority to accelerate the design and the construction of the project.

Questions from members evoked discussion about the feasibility of any design for a building on that site that would be large enough to accommodate 300 students and aesthetically acceptable for a building facing on St. George Street. Mr. Bisanti recognized the challenge and the importance of maintaining an appropriate streetscape. He hoped the investigation currently underway would produce a plan that could be brought forward in a revised project planning report.

Members expressed concern that what appeared to be a major project with significant impact on the community might be approved under summer executive authority. Dr. Levy responded that the administration was very cognizant of the sensitivity of the site. Everyone

6. Report of the Assessors (cont'd)

involved was very concerned that this be done well. At the same time, he reminded members that there were pressing student housing problems which this project was intended to address.

In response to a question about the status of Woodsworth Residence, Dr. Levy and Professor Venter indicated that the project was proceeding following a lengthy and costly legal battle which the University had won. Unfortunately, the delay meant the residence would not open next September but it was underway, with tenders out and hoping to close in two weeks. The current objective was to have a proposal for execution to the Business Board at its June 20 meeting.

On motion duly moved and seconded, the Board went *in camera* for consideration of the Report of the Striking Committee.

7. Report of the Striking Committee

(a) Appointment of Co-opted Members for 2002-03

On motion duly moved and seconded,

YOUR BOARD APPROVED

THAT the following be appointed as co-opted members of the University Affairs Board for a one-year term, commencing July 1, 2002:

Professional and Administrative Staff

Ms. Maggy Stepanian
Mr. Jason Hunter
Ms. Cheryl Shook

Alumni

Mr. John Badowski

Students

Ms. Françoise Ko
Ms. Parissa Safai
Mr. Janakan Satkunasingham
Ms. Geeta Yadav

The Chair reported that the motion had been carried with two abstentions.

(b) Appointment of Members to the 2002-03 Discipline Appeals Board

On motion duly moved and seconded,

YOUR BOARD APPROVED

THAT the following be appointed to the Discipline Appeals Board for a one-year term, commencing July 1, 2002.

7. Report of the Striking Committee

(b) Appointment of Members to the 2002-03 Discipline Appeals Board (cont'd)

Mr. Muhammad Basil Ahmad, former member of Governing Council (student)
Professor Ethel Auster, former member Governing Council *
Dr. Margo Coleman, former member of the Governing Council*
Ms. Françoise Ko, former member of the Governing Council (student)
Ms. Parissa Safai, former member of the University Affairs Board (student)
Ms. Geeta Yadav, former member of the Governing Council (student)

The Chair reported that the motion had been carried with two abstentions.

On motion duly moved and seconded, the Board moved into open session.

8. Other Business

A member asked if it could be confirmed that there would be a second Ontario Students' Opportunity Trust Fund (OSOTF) initiative and if the University had undertaken any discussion with the government on revamping the Ontario Student Assistance Program (OSAP). Dr. Levy shared his understanding from discussion with government leaders that a second OSOTF program would be announced in the budget.

With respect to OSAP, Dr. Levy indicated that he had met earlier today with representatives of the three student governments. Discussions focused on students and representatives of the administration working together to take recommendations to the provincial government to improve OSAP for students. He was reluctant to share his ideas of how this might be done because this initiative was one that was primarily driven by students and he would not want to presuppose anything. He could say, however, that the provincial government had signalled that recommendations submitted by a joint student/administrative committee would be welcomed. He believed that the University of Toronto community was in a good position to create an improved model for OSAP, given that the payback record of students from this University was good.

A member saw this as an encouraging report but hoped that the joint committee would pay particular attention to the professional faculties. Students in those areas were the hardest hit by deficiencies in OSAP and he hoped that there would be representation on the joint committee from the professional faculties.

In closing the Chair expressed his thanks to the Vice-Chair, Dr. Fell, the Board's assessors and all the members for their diligence and support during the past year. He specially thanked members who were concluding their terms this year – Wendy Cecil, Muhammad Basil Ahmad, Marion Bogo, Aisling Burke, Jacob Glick, Vivek Krishnamurthy, Paul McCann, Ian McDonald, Gail Peach, Kashif Pirzada, and Wendy Swinton and wished them well in future endeavours.

He was particularly appreciative of Dr. Levy and Mr. Bisanti who provided continuity when both voting assessors left in March and he offered personal thanks to them.

8. Other Business (cont'd)

The Chair indicated that the next meeting of the Board was scheduled for September 24. A full schedule of 2002-03 meetings would be distributed to returning members soon.

The meeting adjourned at 7:05 p.m.

Secretary
June 12, 2002

Chair