

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 485 OF
THE EXECUTIVE COMMITTEE

Monday, December 5, 2016

To the Governing Council,
University of Toronto.

Your Committee reports that it held a meeting on Monday, December 5, 2016, at 12:00 p.m. in the Boardroom, Simcoe Hall, with the following members present:

Ms. Shirley Hoy, Chair Ms. Jane Pepino, Vice-Chair Professor Meric S. Gertler, President Mr. David Bowden Mr. P.C. Choo Ms. Janet L. Ecker Mr. Aidan Fishman Mr. Gary D. Goldberg Ms. Claire M.C. Kennedy* Professor Elizabeth Smyth Professor Janice Gross Stein Prof. Salvatore Spadafora Professor Janice Gross Stein	Regrets: Ms. Susan Froom Professor Salvatore Spadafora Mr. Brian D. Lawson Mr. John Paul Morgan Professor Paul Kingston Non-Voting Member: Ms. Sheree Drummond, Secretary of the Governing Council Secretariat: Ms Cindy Ferencz-Hammond Mr. Anwar Kazimi
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*by telephone

Professor Cheryl Regehr, Vice-President and Provost and Member of the Governing Council
Professor Scott Mabury, Vice-President, University Operations
Mr. Andrew Szende, Chair, University Affairs Board and Member of the Governing Council
Professor Andrea Sass-Kortsak, Chair, Academic Board and Member of the Governing Council
Professor Hugh Gunz, Chair, UTM Campus Council and Member of the Governing Council
Mr. Jeff Collins, Member of the Governing Council and Chair of the Elections Committee (for item 4a)
Ms Nadina Jamison, Executive Director, Stakeholder Relations & Strategic Initiatives, Office of the President
Ms Bryn MacPherson, Assistant Vice-President and Chief of Protocol, Office of the President

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances (for item 14a)
Ms Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances (for item 14a)

Pursuant to section 28 (e) and 38 of By-Law Number 2, consideration of items 13-16 took place in camera.

The meeting was held in Closed Session.

1. Chair's Remarks

The Chair welcomed everyone to the meeting.

2. Report of the President

The Chair invited the President to make his report to the Executive Committee.

China Trip

The President began his report with an overview of his recent trip to China. He advised members that he had met with the leadership of Shanghai Jiao Tong University (SJTU), Tsinghua University, and the University of Peking, and had also met with prospective students and their parents from four high schools in Shanghai participating in UTSC's *Greenpath* program. In addition, the President reported that he had met with senior officials from Canada's embassy in Beijing and consulate in Shanghai. He also had hosted two very well attended receptions for our alumni in Shanghai and Beijing. The Shanghai reception featured Professor Patrick Gunning (Chemical & Physical Sciences, UTM) as the featured speaker, while governor Mark Rowswell, a well-known figure in China, was the featured speaker at the Beijing event. The President delivered two major keynote addresses. The first, at SJTU's Global Cities Forum, was entitled "Innovation, creativity and urban regions: policy considerations for successful cities". The second was delivered at the 2016 Beijing Forum, and addressed the theme of "International collaboration: a role for universities and urban regions in fostering global prosperity." The President remarked that he was also honoured to have been invited to serve as the Honorary Chairman of the Academic Committee of SJTU's new China Institute for Urban Governance, a joint initiative with the City of Shanghai.

Federal Government

The President continued his report with an update on interactions with the Federal government. He noted that the Hon. Kirsty Duncan, Minister of Science, and the Hon. Chrystia Freeland, Minister of International Trade, had recently visited the Factor-Inwentash Faculty of Social Work to announce 203 new and renewed Canada Research Chairs across the country, including 25 new CRCs awarded to the University of Toronto. The President drew members' attention to the fact that 16 of the 25 new Chairs were women, welcoming this increased

diversity. The President commented on his recent visit to Ottawa, where he had met with the Hon. Amarjeet Sohi, Minister of Infrastructure & Communities, the Clerk of the Privy Council, the Deputy Minister of Finance and other senior officials. During these discussions, the President had reported on the University's progress in implementing the investments made under the Strategic Investment Fund (SIF), highlighting the success of the project in leveraging \$84M of federal investment to upgrade nearly 50% of the University's research laboratories. During the visit, the President was advised that the activities of the proposed new federal infrastructure bank would be limited to federal agencies, and would not extend to university capital and infrastructure funding. However, he noted that the government had expressed interest in the innovative financing models the University was currently developing for residence projects on the St George and Scarborough campuses. He also said that there was considerable interest with regard to recruitment opportunities for Canadian universities in light of the results of the U.S. election. The President noted that the government had introduced recent changes to Express Entry that will make Canada more attractive for international students by facilitating a pathway to permanent residency status.

Provincial Government

The President reported that discussions would soon begin on the next round of Strategic Mandate Agreements (SMAs), that changes to the funding formula would soon be finalized, and that there was some indication that differentiation and performance-based funding would be more clearly incorporated into the revised formula. He said that the tuition fee framework was also up for renewal.

Other Matters

On the University's efforts to support the United Way Campaign, the President said that he was pleased to report that there had been more than a 50% increase in both participation and fundraising from the previous year.

The President provided an update on the establishment of the Committee on the Environment, Climate Change, and Sustainability. He said that there had been an enthusiastic response to the call for nominations which, was issued in October, and that he planned to update governors on the Committee's Chair and full membership shortly.

The President concluded his remarks by reminding members that the University's Truth & Reconciliation Commission Steering Committee would be presenting its final report to the Provost and to him early in the New Year.

At the request of the President, the Provost provided a brief update on the forum that had been held on November 19, 2016 to discuss Bill C-16 and the gender provisions of the Ontario Human Rights Code. She said that the forum, moderated by Professor Mayo Moran, had been well attended by many students as well as media and community members. In general, she said the University continued to be absolutely committed to upholding freedom of expression as well as

ensuring that the University continued to be a safe space for all of its members.

Referring to the President's report on the United Way Campaign, a member asked whether it would be possible for members of the Governing Council who donated to the Campaign to identify themselves as members of the University Community in order to have their contribution attributed to the University's United Way Campaign. The President expressed his support in principle for the idea, but noted that it might be difficult to do so in the University's employer based model.

A member noted his concern about online threats and asked what the University could do to encourage non-University police services to take these threats more seriously. The Provost explained that the University's Campus Police worked very closely with Toronto Police Services and Peel Regional Police on such matters. She also explained that the University works with threat assessment experts, who performed safety risk and threat assessments as needed.

3. Items for Endorsement and Forwarding to the Governing Council

- a. *Policy on Sexual Violence and Sexual Harassment* (for recommendation)*
(Arising from Report Number 197 of the University Affairs Board (November 28, 2016))**

The Chair outlined the governance approval path for the proposed *Policy on Sexual Violence and Sexual Harassment* noting that the recommendation came from the University Affairs Board (UAB) and that the proposed *Policy* had also been presented for information both to the Academic Board and to the Business Board. The Governing Council would consider the item at its meeting on December 15th. The Chair invited the Provost to briefly introduce the item.

The Provost remarked that she was very pleased to bring forward the final version of the proposed *Policy*. She noted that the proposed *Policy* met all of the requirements of Bill 132 and was on track to meet the legislative requirement for it to be in place by January 1, 2017.

The Provost said that a great deal of thoughtful feedback had been received throughout the extensive consultation process leading to the development of the document. Based on feedback a number of revisions had been made to the draft *Policy*:

- The term *sexual harassment* was added to the title of the *Policy* to reflect its scope;
- Some definitions (i.e. "gender based harassment") were clarified;
- Jurisdictional issues were clarified, including the commitment to due process and procedural fairness;
- Details about the investigation process were added and expectations about confidentiality and its limits were described in more detail; and,
- Additional detail was added regarding supports available for all parties.

At the invitation of the Chair, Ms Kennedy, Chair of the Business Board said that comments by Business Board members had focused on the possible challenges with implementing the new *Policy*, noting, however, that members were pleased with the "action plan" set out by the

Provost. Ms Kennedy noted that all members had recognized the *Policy's* importance and had expressed full support. Professor Sass-Kortsak said that Academic Board members had appreciated receiving an update from the Provost on the key revisions to the draft *Policy* and that discussion at the Academic Board had included a clarification by the Provost on the need for possible safeguards with respect to academic freedom in light of Bill 132's definition of sexual violence. Professor Regehr had explained that it was the University's position that there was no conflict with the key principle of academic freedom. Mr. Andrew Szende, Chair of the University Affairs Board (UAB) reported that at UAB meeting the Provost had given a detailed presentation of the *Policy*, including the disclosure and reporting processes contained in it is, as well as an overview of to whom the *Policy* would apply. She had also explained the extensive consultation process that had been undertaken, and described various changes that had been made to the draft *Policy* in response to the feedback received. In reply to questions about consultation, Professor Regehr had remarked that the *Policy* had struck an appropriate balance between the needs of various stakeholders, and that the provisions concerning due process and procedural fairness contained in the *Policy*, had been drafted to withstand judicial review. Mr. Szende noted that the proposal had received unanimous support from the University Affairs Board.

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 on Sexual Violence and Sexual Harassment*, dated November 1, 2016, be approved, effective January 1, 2017.

- b. *Policy and Procedures Governing Promotion in the Teaching Stream (for recommendation)****
(*Arising from Report Number 206 of the Academic Board (November 24, 2016)*)

At the invitation of the Chair, Professor Sass-Kortsak reported that at the Board meeting Professor Regehr had given an overview of the *Policy*, which outlined criteria for promotion to the ranks of Professor, Teaching Stream, and Associate Professor, Teaching Stream. During the Board's discussion, a member had asked how a Promotions Committee might assess a candidate's efforts with respect to innovation and experimentation in teaching and it was explained that promotions and tenure committees were experienced in evaluating candidates whose experimentation resulted in outcomes that did not support the original hypotheses, whether in research or teaching, and who continued to explore new approaches. The Provost had also affirmed the University's commitment to innovation in teaching, and had pointed to existing funds available to faculty members for such purpose. Further discussion at the Board was about the importance of clarity with respect to the teaching excellence criteria that would be used for promotion in both the tenure stream and the teaching stream. Professor Regehr had assured the

Board that, as with the tenure stream, the promotions process for the teaching stream would be rigorous, and that it would evolve over time.

Professor Sass-Kortsak said that the proposed *Policy* received unanimous support from the Academic Board.

In response to a member's question about how this proposed *Policy* compared to similar policies at other post-secondary institutions, the Provost responded that the University of Toronto was a leader in developing a faculty category of teaching stream and that it was frequently contacted for advice by institutions looking to develop their own policies.

In response to member's question about specific criteria included in the *Policy*, the Provost explained that the proposed *Policy* reflected the criteria that the parties had agreed to in the Special Joint Advisory Committee (SJAC) process, i.e., "excellent teaching, educational leadership and/or achievement, and ongoing pedagogical/professional development, sustained over many years."

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 new *Policy and Procedures Governing Promotions in the Teaching Stream* be approved, effective December 16, 2016.

4. Items for Approval by the Executive Committee

- a. ***Election Guidelines 2017**** (for approval)
(Arising from Report Number 77 of the Elections Committee (October 31, 2016, 2016))

Mr. Jeff Collins, Chair of the Elections Committee presented the item. He highlighted the changes, which the Committee had determined should be brought forward to the Executive Committee for approval: a revision to the definition of "administrative staff" to provide greater clarity to perspective eligible candidates; a requirement that candidates remain members of the estate and constituency from which they had sought election from the nomination period through the end of their term; revision to eligibility for students in the Professional Experience Year (PEY) Program to permit them to run for full-time student positions for the year following their internship; and, a requirement that in order to ensure that all eligible voters and candidates be able to access campaign materials on a fair and equal basis, all campaign material be available in either English and/or French.

In the discussion that followed, members expressed concern with regard to the proposed restrictions on campaign material in languages other than English and French. Mr. Kazimi,

Chief Returning Officer (CRO) explained that this change was being proposed in order to make campaign materials accessible on a fair basis to all voters. He also noted the potential challenge for the CRO should appeals be submitted on the grounds of the lack of clarity of campaign materials, a situation which the Secretary of the Governing Council noted was not infrequent. Other members spoke in support of the proposed change noting the following points: that it would not be advisable for the CRO and the Elections Committee to be put into a position of ruling on nuances in language; that offering the option of Canada's two official languages was appropriate; and, that past experience had shown that it was not unusual for there to be allegations of misleading campaign materials and as such it was important to ensure that it was possible for the CRO to fairly to adjudicate such difficult matters. It was suggested that an amendment to the proposed *Guidelines* was in order. Members discussed and agreed to change the wording of the proposed paragraph related to campaign material language to state that all written campaign material, in any medium, should be in one or both official languages.

YOUR COMMITTEE APPROVED

THAT the proposed *Election Guidelines 2017* be approved as amended, effective January 1, 2017.

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 Meeting of the Executive Committee

Report number 484, from the meeting of October 19, 2016 was approved.

6. Business Arising from the Report of the Previous meeting

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

7. Minutes of the Governing Council Meeting – October 27, 2016

Members received the Report of the October 27, 2016 Governing Council Meeting for information.

8. Business Arising from the Minutes of the Governing Council Meeting

There was no business arising from the minutes.

9. Reports for information

Members received the following reports for information:

- a.** Report on the Reviews of Academic Programs and Units – Part 1
 - i. Semi-Annual Report: April – September 2016
 - ii. Follow up Reports from Previous Reviews: Faculty of Information and its Programs; University of Toronto Mississauga: Department of English & Drama and its Programs; Faculty of Arts & Science: Human Biology Undergraduate Programs.
- b.** Report Number 206 of the Academic Board (November 24, 2016)
- c.** Report Number 229 of the Business Board (November 17, 2016)
- d.** Report Number 197 of the University Affairs Board (November 28, 2016)
- e.** Report Number 77 of the Elections Committee (October 31, 2016)
- f.** Report Number 25 of the Pension Committee (June 24, 2016)

10. Governing Council and Executive Committee Meeting Dates, 2017-18

The Governing Council and Executive Committee meeting dates for 2017-18 were approved.

END OF CONSENT AGENDA

11. Date of next meeting:

The Chair advised members that the next meeting was scheduled for Monday, February 6, 2017 from 5:00 to 7:00 p.m.

12. Other Business

a. Governing Council Meeting

The Chair advised members that a pre-meeting tour of the newly renovated School of Graduate Studies had been planned for governors.

The Committee Moved *In Camera*.

13. Items for Endorsement and Forwarding to the Governing Council

a. Senior Appointment

On motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

THAT the senior appointment recommendation contained in the memorandum from Professor Meric Gertler, dated December 5, 2016 be endorsed and forwarded to the Governing Council.

b. Report Number 60 of the Committee for Honorary Degrees

On motion duly moved, seconded and carried

YOUR COMMITTEE APPROVED

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

THAT the recommendations contained in Report Number 60 of the Committee for Honorary Degrees be approved; and

THAT the Chancellor and the President be empowered to determine the degree to be conferred on each candidate and the date of the conferral.

IT WAS APPROVED

THAT, pursuant to sections 38 and 40 of *By-Law Number 2*, the Governing Council consider the recommendation *in camera*.

14. Item for Approval

a. Code of Behaviour on Academic Matters: Recommendations for Expulsion

On motion duly moved, seconded and carried

IT WAS RESOLVED

THAT the President's recommendations for expulsions, as outlined in the memoranda and supporting documents from the Secretary of the Governing Council, dated November 28, 2016 be approved.

15. Committee Members with the President

16. Committee Members Alone

The Committee returned to closed session

The meeting adjourned at 1:59 p.m.

Secretary
December 6, 2016

Chair