

Attendance: J. Kalra (Chair). See Appendix A for listing of members in attendance.

The chair called the meeting to order at 2:32 p.m., observing that quorum had been attained. A tribute to Dr. George Lee, former Head of Agricultural Economics, who passed away in May, 2014, was presented by William Brown, Professor and Head, Bioresource Policy, Business and Economics Department in the College of Agriculture and Bioresources.

1. Adoption of the agenda

BARNHART/KALYNCHUK: To adopt the agenda as circulated.

CARRIED

2. Opening remarks

Dr. Kalra, chair of Council, provided opening remarks, recalling some of the history of Council in recognition of the 20th year anniversary of Council's establishment as a representative body under the *1995 University of Saskatchewan Act*. The representative Council met for the first time on December 6, 1995 in Convocation Hall, and the first order of business was to elect a chair and a vice-chair. Dr. Kalra presented the names of the Council chairs since 1995 and recognized the current vice-chair and chairs of Council committees, the university secretary and associate secretary, and the elected student councilors from each college in attendance. Recently appointed deans in attendance were introduced and thanks extended to those who attended the presentation "Demystifying Kerr and King – Part 1" prior to the Council meeting on Council's rules of order.

The chair invited the university secretary to announce the most recent election results. Elizabeth Williamson, university secretary, reported that the member at large election resulted in Professor Marcel D'Eon being elected to a one-year term expiring June 30, 2015, and the election of faculty representative for the Western College of Veterinary Medicine resulted in Professor Andy Allen being elected to a three-year term expiring on June 30, 2017.

Dr. Kalra shared the usual procedures for debate and discussion and the protocol for members of the media, indicating that he sought Council's cooperation in following these guidelines and thanking members and guests in anticipation of their adoption of the procedures. The chair emphasized that Council continues to work under three major principles, based upon the exercise by Council of academic freedom, collegial self governance, and academic decisions. In closing his remarks, the chair noted the significant items before Council and indicated his expectation of a respectful, thoughtful and substantive discussion.

3. Minutes of the meeting of September 18, 2014

A correction was noted to the second sentence of the second paragraph of item 4 on page 2 to replace the phrase "acting and future president" with the phrase "acting or future presidents."

DOBSON/SENECAL: That the Council minutes of September 18, 2014 be approved as amended.

CARRIED

4. Business from the minutes

A member referred to item 12 Other Business and noted since the September Council meeting, the decision has been made to move to appeal the Sims decision. He expressed that he found this decision puzzling and disappointing at best, particularly as he attended the judicial review and viewed what he perceived to be a weak case. He posed three questions: Who made the decision to appeal? How does that decision relate to turning the page on the shambles and disgrace we have lived through recently? How much did the litigation cost to date? The president agreed to answer these questions in conjunction with the delivery of his report.

Mr. Greg Fowler, vice-president of finance and resources reported on the question of endowment balances and where the university sits relative to its U15 peers with respect to endowment funds. As reported by Canadian Association of University Business Officers (CAUBO), the university is 12th of the 15 U15 universities and has \$232.0 M in endowment funds (*detailed information attached as Appendix B*).

5. Report of the President

President Gordon Barnhart referred those in attendance to his written report. He recalled that the fall is a busy season in terms of governance and the month of October in particular, with Council, Senate and the Board of Governors all meeting in October, in addition to the celebration of Fall Convocation. As his presidency continues, he indicated that his focus is beginning to shift from the internal workings of the university to the university's external relations, particularly with donors and alumni.

President Barnhart reported on a recent meeting with members of the Treasury Board and the interest of the provincial government in the various savings accounts for specific projects, and the future purpose to which funds will be allocated. Other topics of interest included the College of Medicine and accreditation, and President Barnhart thanked Dean Preston Smith for an excellent presentation to members of the Treasury Board. The Treasury Board is also interested in the potential collaboration and cooperation of the university with the University of Regina and Saskatchewan Polytechnic regarding course credit transfer recognition.

The recruitment of Aboriginal students to the university continues to be an important matter of interest to the Treasury Board. The president took the opportunity to correct an error in the morning's edition of the *Star Phoenix*, which published that the 2,121 self identified Aboriginal students enrolled at the university in 2014 is a decline from the 2,363 self declared Aboriginal students enrolled in 2013. The president stated that the opposite is true, and the attendance of self declared Aboriginal students is increasing. The 2013 figure reported includes students registered across all terms, whereas the 2,121 figure reported is based on enrolment figures in the 2014 fall term. A comparison of Aboriginal students registered in the fall term 2013 to the fall term 2014 shows a 10.2% increase in Aboriginal students registered. In October, the Board of Governors approved the creation of 90 new childcare spaces in a new facility. As 35% of the students requiring childcare are Aboriginal students, the increase in childcare seats is a positive development in the recruitment of those Aboriginal students for whom inadequate childcare is an obstacle to postsecondary education.

The president reported on recent stops in his provincial tour and a pending visit to China to visit with donors and potential donors. He congratulated university officials who assisted in mitigating the recent transit service disruption. He also recognized Ms. Susan Milburn's service as chair of the Board of Governors. Ms. Milburn has stepped down as chair after eight years of service. Mr. Greg

Smith will serve as new chair of the Board of Governors and Mr. Lee Ahenakew will serve as vice-chair.

The president responded to the earlier questions regarding the decision to appeal the Sims arbitration decision and indicated that the decision to appeal was a decision he made based on legal advice and the advice and counsel of members of the president's executive committee and the university's Human Resources Division. The grievance filed by the university's faculty association resulted in an arbitration decision delivered by arbitrator Andrew Sims in favour of the USFA, and then an appeal of that finding resulted in a lower court decision in favour of the USFA. President Barnhart indicated the university has appealed the lower court decision to the Saskatchewan Court of Appeal and is seeking a court decision for clarity on whether the collective agreement or the *University of Saskatchewan Act* takes precedence in matters of tenure. The decision to appeal is not related to the question of the president having veto authority over decisions on tenure.

In response several points were made by Council members against the decision to appeal related to concerns that the recently ratified collective agreement was in contradiction to the decision to appeal the Sims decision, and further that the decision to appeal was very damaging to the morale of faculty members and the new atmosphere on campus. President Barnhart maintained that the decision was not in contradiction with the most recent agreement with the USFA and focused on a specific question in terms of the powers of the *University Act* versus the agreement. Regarding the cost of proceeding to a court decision, the president committed to responding to the question after he was able to gather the necessary information.

A member referred to the upcoming visit of the president to China in late November and reports that thousands of university students are being brutalized in Hong Kong and suggested it would be useful for the president to refer to the letter from the Canadian Association of University Teachers (CAUT) regarding academic freedom and the role of Confucius institutes in Canadian universities. The president noted that the visit will focus on meeting with donors and individuals from universities and is not associated with the protests of the Umbrella Revolution occurring in Hong Kong, and that comments would not be made to hosts regarding the host country's policies. A member expressed his continuing concern regarding the university's relationship with China and requested assurance that the international activities committee of Council was considering the university's relationship with oppressive regimes. The chair assured the Council member that his concerns had been brought to the attention of the international activities committee.

6. Report of the Provost

The president conveyed the regrets of Dr. Barber, interim provost and vice-president academic, and invited questions on the provost's report. A member made note of the comment on institutional ranking instruments in the provost's report and observed that an important distinction among ranking instruments relative to the university's performance is the number of faculty members of the institution. He noted in particular that based on the definition the university uses, the number of faculty members may be over reported. As this number is used in the denominator for many of the performance measures it may be causing our university to be ranked lower. The faculty member asked for an explanation regarding the extent to which this is happening. The vice-provost, teaching and learning indicated that she would convey these points to Dr. Barber and made note of a project under Dr. Barber's leadership to consider various metrics reported and how the university might better position itself relative to institutional ranking systems.

A member questioned the statement in the provost's report that the university is in the bottom of the U15 list of universities with respect to tuition and student fees, referring to the Statistics Canada data on tuition released in August. According to this data, the University of Saskatchewan

and the University of Regina are second highest in terms of tuition fees. He noted that the university's tuition increases after 1995 were remarkable and that tuition revenue, as a subsidy from students, now represents 31% of the university's overall budget, compared to 11% in the past. He referred to what he termed as the crisis of tuition and attributed the increase as necessary to support the university's research intensity and increase in its administrative complement. The president committed to taking the member's concerns to Dr. Barber.

A non-member referred to the recent directive in her college to spend college surplus funds and requested an explanation of this directive, which is reported as coming from the provincial government. In response, the president outlined the inventory of account funds presented to the Treasury Board resulting in the request by the Treasury Board to report to the Board on the purpose of these funds by December. The College of Medicine and the WCVM hold the largest amount of funds in reserve. The intent is to begin to apply these funds against the specific purposes for which they have been held. The dean of the Edwards School of Business spoke on the matter of reserves, resulting in the school's review of these college funds. The review concluded that almost all of the reserve funds are donor monies, which are segregated and held for a specific purpose. As a result the ESB has spent much time removing these fund balances from the government's purview due to their restricted nature.

A visitor to Council commented on the absence in the provost's report of mention of the recent resignation of Ms. Pauline Melis, assistant provost, Institutional Planning and Assessment and that he wished to acknowledge and thank Ms. Melis for her extraordinary service and contributions to the university.

7. Student Societies

7.1 Report from the USSU

Desiree Steele, vice-president, academic affairs of the University of Saskatchewan Students' Union presented the report to Council. She commented on the busy fall, referring to the month-long transit disruption and offered thanks to Jeff Dumba, associate vice-president, Financial Services Division and Patti McDougall, vice-provost teaching and learning for arranging for alternate bus service for students. Recently, the USSU executive visited the province's regional colleges. Ms. Steele attested to the immense value of these campuses for providing education at the local level and access to improved distance and distributed education.

A priority of the USSU is supporting a university-wide strategy for mental health. Mental Health Awareness week is November 3 – 7, 2014. The USSU is working with the vice-provost, teaching and learning, the coordinator of Student Health, and the chair of the planning and priorities committee on a specific mental health strategy. This initiative includes a working group to gather information on mental health, reinforce the importance of responding effectively to those who suffer from mental illness, and promote an environment, which supports well being so that health does not disintegrate into mental illness.

As part of being a research-intensive university, the USSU continues to be engaged with the university initiative led by the vice-president research to ensure undergraduate students have access to research as part of their undergraduate studies. Work continues to ensure that consultation with students on tuition is realized in a meaningful manner. Ms. Steele indicated that students have a unique perspective in terms of academic program quality, expansion and changes relative to tuition. The transition to TABBS is an opportunity to reshape the process

and discuss priorities with students. The USSU is working with the senior administration to facilitate discussions with students regarding tuition within the colleges.

7.2 Report from the GSA

Izabela Vlahu, president of the Graduate Students' Association (GSA), presented the report to Council. Ms. Vlahu congratulated the USFA on hosting the recent academic freedom event. Approximately 80 graduate students participated in conversations about academic freedom at the GSA Commons.

The GSA is working with the USSU to facilitate the participation of students at the General Academic Assembly. Ms. Vlahu thanked university administration for responding to the transit disruption. She noted that a number of graduate students made use of the alternate bus service and that many graduate students responded by offering to give a ride to fellow students, which was positive.

Ms. Vlahu announced the resignation of Mr. Mohammad Rafati, vice-president of finance, who resigned in order to devote more time to his studies. A replacement for Mr. Rafati will be sought through the regular processes.

8. Motions from Council members

8.1 Report from the governance committee

Professor Richard Gray presented the report on behalf of Dr. Louise Racine, committee chair. The governance committee reviewed the motions submitted to the committee by the coordinating committee to determine whether, in its opinion, the motions as presented were within Council's powers and authority as written in the *University of Saskatchewan Act 1995*. The committee was informed in its deliberations by the legal opinion obtained from the university lawyer and comments of proponents of the motions, who were invited to speak to the motions at the committee meeting. The committee's determination is that the motions as worded exceed Council's jurisdiction, and therefore are not acceptable in their current form. The committee does, however, recognize the need to ask for additional financial information.

8.2 Report from the planning and priorities committee

Professor Lisa Kalynchuk, committee chair, presented the report. The planning and priorities committee considered the two motions in terms of the financial implications and the value of the financial information requested in the motions. The committee also invited proponents of the motions to speak to the motions. The conclusion of the committee was that the type of audit requested would not solve the general lack of understanding about financial information, which appeared to be the genesis of the motions. She indicated the problem seemed to be a general lack of understanding about financial information as the basis for financial decisions. In response, the committee has noted that Council would benefit from additional financial information, but concluded that the audit requested would not address the questions brought up in the motions. The planning and priorities committee has requested to meet with the provost and vice-president academic to learn how PCIP makes decisions on the allocation of funds from the academic priorities fund. Discussion of the eight institutional priorities is also planned, and Council committee chairs have been invited to join the committee in this discussion, after which the committee will report back to Council to begin a dialogue at Council on the institutional priorities.

8.3 Report from the coordinating committee

Professor Bob Tyler, vice-chair of Council, presented the committee's report. Professor Tyler conveyed the view of the coordinating committee that the individual motions submitted are outside of Council's authority, but that the committee's finding does not diminish the worthy intent of the motions as they have brought to the fore the desire for greater transparency and more information on the basis upon which budgetary decisions are made. Members of the coordinating committee believed that it was in the best interests of all members to focus on moving forward rather than reviewing financial matters retrospectively. The committee encourages Council to be diligent in the future on questioning any budgetary decision, which will have academic consequences.

The chair invited questions and comments. Prior to discussion he noted that he did not participate in discussions of the planning and priorities committee and the governance committee due to a perceived conflict of interest.

A member voiced his appreciation of the work of the committees and his acceptance of their determinations in terms of jurisdictional realities and the responsibility of the Board of Governors for financial matters. He noted, however, that two problems continue to be manifest. The optical problem remains of the sequence of reports noting that the university was in a financial crisis and now is in a relative position of prosperity. He suggested that an alteration of this optic going forward would help to restore trust. In addition, the alignment of resources with priorities and investment in entities can be damaging to areas of excellence not named as institutional priorities. He suggested that it would be worthwhile for Council and senior administration to revisit the optical difficulty of the university's financial health and those criteria that determine the distribution of resources.

Professor Bill Bartley, as the seconder of one of the motions, read a response, summarized below. He indicated that he also spoke on behalf of Professor James Brooke, the mover of the motion, who passed away the week prior. He expressed his gratitude to the chairs and members of the committees for their time and attention, and expressed his regret that the committees could not support the inclusion of either motion on the agenda. He explained the motions came about as a result of the TransformUS process, whereby the mandated and historical purpose of the university, as articulated in the *University of Saskatchewan Act, 1995*, "to provide post-secondary instruction and research in the humanities, sciences, social sciences and other areas of human intellectual, cultural, social and physical development" was believed to be under attack. The belief was that the massive restructuring of the university due to program prioritization would do irreparable damage to already weakened departments in the core disciplines constitutive of a university. Professor Bartley referred specifically to the Languages, Literatures and Cultural Studies, Philosophy, Mathematics, Religion and Culture, interdisciplinary units such as Classical, Medieval and Renaissance Studies, Women's and Gender Studies, and the Fine Arts as precarious.

Under the *Act*, Council's business is to be "responsible for overseeing and directing the university's academic affairs." The *Act* further empowers Council "to do anything necessary, incidental or conducive to exercising its power, to promote the best interests of the university or to meeting the purposes of this act." Professor Bartley indicated the motions call for a comprehensive audit of budget allocations and projections over a ten-year period to clear up the confusion over the projected deficit and provide Council with information essential to determining precisely how funds have been allocated. With this information Council can judge how well funds have been spent in the short and the long term, with a view to striking a

balance between prioritization and the mandated responsibility to maintain the core disciplines of the university.

Professor Bartley made note of the importance of not underestimating the distrust felt by faculty for the administration, a distrust that has led faculty to believe that the university's decline over the last 10 years has come about because of a long-term, systematic policy of depletion in favor of priorities marginal to the university's educational mission. If Council is confined to review budgetary plans, which are prospective and is not empowered to review the past, then Council is unable to take its bearings from past practice. The information the Board will make available is not yet known and therefore the concern relates to Council's access to budgetary information, expressly the unconsolidated financial statements. Professor Bartley suggested that reconstituting the former budget committee of Council might assist Council.

A Council member recognized the spirit and intent of the motions but noted that there has still been no proper explanation of how the university went from a situation of a massive projected deficit to a situation where the deficit has largely disappeared, and therefore Council needs to look back to receive an adequate explanation as to how or why this situation occurred.

Professor Kathleen Solose, as the mover of one of the motions, read a prepared statement. She thanked the committees for their consideration. She described the motion as simple in that since Council is responsible for academic programs, that a clear view of the university's financial matters is necessary in order to make sound academic decisions. She noted that detailed budgetary statements have not been available in the University Archives since 2000. Detailed budgets and financial statements should be readily available to Council, the General Academic Assembly and to the general public, whose money the university is spending.

The request is to see the budget figures at a unit level, not as a consolidated budget, which provides very little useful information. In the past a Council budget committee readily examined these statements. In order to properly fulfill its academic mandate, Council needs to see what has been and is being spent on items that are both fundamental to the university's primary role of teaching and research, and what is being spent in areas that do not serve this primary role.

Professor Solose hypothesized that for a deficit of \$44.5 M to be projected, some very intentional over-projections must have been made as the rationale for cutting programs and services. She described the shrinkage of the projected \$44.5 M deficit to a \$3.0 M deficit is suspect and expressed that if Council had access over the past 14 years to actual figures, Council would have been able to make sound judgments on the long-term commitment of accepting targeted capital funding or developing expensive new facilities. Professor Solose indicated she would like to ask Council members to consider making a motion to request of the Board that detailed, not consolidated, financial statements, such as were completed prior to the year 2000, be made available in the University Archives so that Council is provided with sufficient budgetary information to allow Council to exercise its academic authority.

A member challenged the legal opinion limiting Council's authority on the premise that Council is simply asking for financial information in order to make better decisions and is not dictating any decisions of the Board. He emphasized that it is very important that Council pursue this distinction and refuse to have its authority curtailed. A member inquired of the process to request that the budget for the current year and one to two years previously be prepared in the format in which financial information was presented prior to the year 2000. Professor Kalynchuk indicated that Council could either make a motion asking for this information or could make this request of one of the Council committees.

9. Planning and priorities committee

Dr. Lisa Kalynchuk, chair of the planning and priorities committee, presented the committee items.

9.1 Item for information: Templates for the disestablishment or merger of departments

Professor Kalynchuk noted the two templates provided to Council are intended to provide guidance on the type of information the planning and priorities committee requires in considering the disestablishment or merger of departments. The submission of the templates to Council fulfills a commitment made by the committee in the spring. If a college or school were to either disestablish or merge, the process and information required would be handled on an individual basis.

A Council member requested additional consideration of the effect of the disestablishment or merger of a department on the students registered in programs housed in the department(s). Professor Kalynchuk agreed with the importance of ensuring student needs are considered and affirmed the templates would be reviewed to strengthen the reference to student needs and consultation regarding the programs associated with the department(s) affected.

10. Nominations committee

Professor Ed Krol, chair of the nominations committee, presented the reports to Council.

10.1 Request for decision: Nominations of the GAA members to the Search Committee for the President

Professor Krol reported that the *Search and Review Procedures for Senior Administrators* cite the membership of the presidential search committee as including, "Four members of the GAA, selected by Council." In September, the nominations committee invited all members of the GAA and of Council to consider submitting an expression of interest in serving on the search committee; 20 submissions were received. The nominations committee then held two meetings to consider nominees to the search committee. Prior to considering any names, the committee first held a discussion to develop criteria to guide its selection of nominees, which criteria is included in the committee's report. The committee believes it has applied the criteria diligently in its consideration. All four nominees were chosen from those that submitted expressions of interest.

Professor Krol noted that as required, the chair would also call for nominations from the floor. If there are nominations, the willingness of nominees to serve will be confirmed, and the university secretary will conduct an election held electronically within two weeks according to Council's bylaws, with the four members receiving the most votes named to the search committee.

KROL/WOTHERSPOON: That Council approve the following nominations to the Search Committee for the President: Richard Julien, Department of Religion and Culture; Pamela Downe, Department of Anthropology and Archaeology; Paul Jones, School of Environment and Sustainability; Claire Card, Department of Large Animal Clinical Sciences.

The chair called three times for nominations from the floor. In response Vicki Williamson, dean of the Library nominated Professor Lisa Kalynchuk. The university secretary noted the

process for nominations from the floor indicating that nominations would only be accepted from Council members, that a seconder was not required for the nomination, and that Council members could nominate themselves. The following nominations were made in response to the second call for nominations: the nomination of Professor Len Findlay by Professor Allison Muri, Professor Keith Willoughby by Dean Daphne Taras, Professor Stephen Urquhart by Professor Kalynchuk, and Professor Fred Phillips by Dean Taras.

The university secretary explained that there would be two votes: A vote to approve amending the motion and then a vote on the motion, if the amendment is approved. If the motion as amended is approved, an election will be held in accordance with Part One, section IV.1.e., Creation and Composition of Council Committees of the Council bylaws. The rationale for the application of this section to nominations to a presidential search committee is that the nominations committee terms of reference explicitly require the committee to nominate individuals to serve on the search and review committees for senior administrators and the presidential search committee is a joint committee and Council is empowered to appoint members to joint committees.

Ms. Williamson indicated specifically that the election would be held within two weeks by electronic voting. The secretariat will confirm with nominees their willingness to stand for election. Nominees will also be asked to provide a brief biography and a photo of themselves. Council members will be asked to vote for four individuals from the slate of nominees, and the four individuals with the greatest number of votes will be declared as elected to the search committee. Professors Krol and Wotherspoon agreed to move and second the amended motion.

KROL/WOTHERSPOON: That the motion be amended to read that Council select four GAA members for the Search Committee for the President by election from among the following nominees:

Richard Julien, Department of Religion and Culture;
Pamela Downe, Department of Anthropology and Archaeology;
Paul Jones, School of Environment and Sustainability;
Claire Card, Department of Large Animal Clinical Sciences;
Stephen Urquhart, Physics and Engineering Physics;
Lisa Kalynchuk, Department of Medicine
Len Findlay, English;
Fred Phillips, Accounting;
Keith Willoughby, Finance and Management Science (Associate Dean, Research and Academic)

CARRIED

The amended motion was stated with the approval of the mover and seconder as follows:

KROL/WOTHERSPOON: That Council select four GAA members for the Search Committee for the President by election from among the following nominees:

Richard Julien, Department of Religion and Culture;
Pamela Downe, Department of Anthropology and Archaeology;
Paul Jones, School of Environment and Sustainability;
Claire Card, Department of Large Animal Clinical Sciences;
Stephen Urquhart, Physics and Engineering Physics;
Lisa Kalynchuk, Department of Medicine

Len Findlay, English;
Fred Phillips, Accounting;
Keith Willoughby, Finance and Management Science (Associate Dean, Research and Academic)

CARRIED

A member inquired of Professor Krol whether Council members when voting should follow the criterion that two of the four GAA members be male and that two of the members be female to which Professor Krol indicated that this decision was a personal matter that remained at the discretion of each individual voting.

10.2 Request for decision: Nomination to the University Review Committee

KROL/WOTHERSPOON: That Council approve the nomination of Darlene Fichter, Library to the University Review Committee for a three-year term ending June 30, 2017.

CARRIED

10.3 Request for decision: Nomination to the Search Committee for Executive Director, School of Public Health

KROL/WOTHERSPOON: That Council approve the nomination of Toddi Steelman to the Search Committee for the Executive Director, School of Public Health.

CARRIED

11. Other business

A visitor and former Senate member on Council noted to the assembly that Senate recently elected Ms. Joy Crawford, former member of Senate to the Board of Governors.

12. Question period

There were no questions.

13. Adjournment

DESBRISAY/HARRISON: That the meeting be adjourned at 4:35 p.m.

CARRIED