



UNIVERSITY
OF MANITOBA

**Minutes of the
OPEN Session of the Board of Governors
June 22, 2016**

Present: P. Bovey, Chair
J. Leclerc, Secretary

| | | | | | |
|-----------|-------------|-------------|------------|------------------|---------------|
| E. A-iyeh | J. Anderson | D. Barnard | J. Beddoes | A. Berg (phone) | |
| T. Bock | M. Forsen | D. Hallock | R. Khatkar | J. Lieberman | T. Millington |
| T. Nagra | B. Passey | T. Sargeant | H. Sector | A. Sych-Yereniuk | |
| J. Taylor | R. Vamos | R. Zegalski | | | |

Regrets: S. Connelly M. Robertson R. Sherbo

Assessors Present: T. Kucera B. Stone

Officials Present: N. Andrew S. Foster T. Hay D. Jayas J. Kearsey
J. Keselman G. Pasieka J. Ristock M. Versace

1. ANNOUNCEMENTS

The Chair announced that this is the first meeting for Dr. Jonathan Beddoes, elected by Senate, and for Mr. Jeff Lieberman, elected by the membership of the Alumni Association. She also welcomed Dr. Janice Ristock as a guest of the Board and reminded members that Dr. Ristock will assume the office of Provost and Vice-President (Academic) on July 1, 2016. Lastly, the Chair said that this would be the last meeting for Dr. Joanne Keselman, Provost and Vice-President (Academic), who has worked closely with the Board of Governors over the last 20 years. She thanked her for her service to the University.

FOR ACTION

2. APPROVAL OF THE AGENDA

It was moved by Dr. Taylor and seconded by Mr. Zegalski:
THAT the agenda for the June 22, 2016 meeting be approved as circulated.

CARRIED

3. MINUTES (Open) Session

- 3.1 Approval of the Minutes of the May 24, 2016 Open Session as circulated or amended

It was moved by Mr. Bock and seconded by Mr. Zegalski:

THAT the minutes of the May 24, 2016 Open session be approved as circulated.

CARRIED

3.2 Business Arising - none

4. UNANIMOUS CONSENT AGENDA

The Chair asked whether any member had concern with any of the items on the Unanimous Consent Agenda. No items were identified for removal.

It was moved by Ms. Forsen and seconded by Mr. Sargeant:

THAT the Board of Governors approve eight new offers, four amended offers, and the withdrawal of four offers, as set out in Appendix A of the Report of the Senate Committee on Awards – Part A [dated April 5, 2016].

THAT the Board of Governors approve one amended offer, as set out in Appendix A of the Report of the Senate Committee on Awards – Part A [dated December 7, 2015].
(Addendum II)

THAT the Board of Governors approve one new offer, as set out in Appendix A of the Report of the Senate Committee on Awards – Part A [dated February 23, 2016].
(Addendum)

THAT the Board of Governors approve fifteen new offers, seventeen amended offers, and the withdrawal of one offer, as set out in Appendix A of the Report of the Senate Committee on Awards – Part A [dated May 9, 2016].

THAT the Board of Governors approve one new offer and two amended offers, as set out in Appendix A of the Report of the Senate Committee on Awards – Part B [dated April 5, 2016].

THAT the Board of Governors approve three amended offers, as set out in Appendix A of the Report of the Senate Committee on Awards – Part B [dated May 9, 2016].

THAT the Board of Governors approve a proposal to revise the name of the Department of Medical Microbiology to the “Department of Medical Microbiology and Infectious Diseases,” [subject to Senate approval, June 22, 2016].

The Board received the following for information:

- *Revisions to Academic Schedule, 2016-2017*
- *Annual Report on the Status of Academic Program Reviews: April 1, 2015-April 30, 2016*

CARRIED



5. FROM AUDIT AND RISK MANAGEMENT COMMITTEE

5.1 Annual Financial Report 2016

a) Presentation of the Financial Statements

Mr. Pasioka stated that the Management Discussion and Analysis Report (MDA), on page 118 of the meeting materials, includes explanation of the financial results for the year and provides a detailed explanation of all significant variances in balance sheet accounts as well as revenue and expense categories. He add that the report also includes a detailed explanation of fund transfers. Mr. Pasioka noted that the University ended the year with an Operating Fund net increase to fund balance of \$84,000 after all fund transfers.

Mr. Pasioka highlighted the following key points in the Financial Statements:

- Overall total fund balances grew by \$85.9 million during the year which consists of the following:
 - \$9.1 million increase in the General Funds (Note 21), primarily as a result of a decrease in the pension liability from \$31.1 million to \$20.6 million
 - \$107.3 million increase in the Restricted funds which includes increase to the Capital Fund of \$58.5 million, increase in the Research Fund of \$22.5 million, increase in the Staff Benefits Fund of \$2.1 million and an increase in the Trust Fund of \$24.2 million. Note that the increase in Capital Fund balances is based on revenue minus interest and amortization and is not reflective of current year capital asset expenditures.
 - \$16.3 million increase in the Endowment Fund.
 - This above items total \$132.7 million which was then offset by \$46.8 million in unrealized losses as reported on the Statement of Remeasurement Gains and Losses.
- Triple B Stadium Inc. repaid \$5.4 million in the current year which was full repayment of the \$1.4 million loan that was provided last year as well as \$4.0 million of the outstanding loan receivable. The loan receivable grew by \$4.6 million as a result of \$8.6 million in unpaid interest net of the \$4.0 million repayment.
- As at March 31, 2016 the University held cash and cash equivalents of \$273.6 million. As reported in the statement of cash flow \$81 million belongs to the General Funds (including \$43.2 million in Provisions) and \$192.6 million belongs to the Restricted Funds. Restricted Fund cash is comprised of \$85.9 million in Capital, \$94 million in Research and \$12.7 million in Trust.

Referring to page 137 of the meeting materials, Dr. Kucera noted that the University's net revenue from operating activities was just under \$96 million at year end. He asked whether budget cuts were really necessary when net revenues from operating activities in the general fund were \$96 million. Mr. Hay explained that the \$96 million figure is before internal transfers, as discussed in note 18, including \$65 million transferred to capital assets and \$16 million



transferred to scholarships. He explained further that scholarships are awarded out of the trust fund so revenue must be transferred into the trust fund from the operating fund to cover those expenses.

Dr. Barnard added that a small amount of the government grant money is shifted from the operating fund into the capital fund to pay expenses such as library books and debt payments.

Dr. Kucera asked about a discrepancy on page 120 of the package. He noted that the Management Analysis and Discussion report listed \$61.3 million in capital acquisitions however the notes state that \$64.6 million was transferred. Mr. Pasieka stated that he would check into that discrepancy and would report back.

It was moved by Dr. Barnard and seconded by Mr. Bock:

THAT Board of Governors approve the Financial Statements of The University of Manitoba for the year ended March 31, 2016.

CARRIED

b) Public Sector Compensation Disclosure Report

Ms. Bovey stated that this report had been brought to the Audit and Risk Management Committee and approved for recommendation to the Board of Governors. Mr. Hay added that this is a routine annual report that received a clean audit report from the Office of the Auditor General.

It was moved by Mr. Bock and seconded by Dr. Anderson:

That the Board of Governors approve the Public Sector Compensation Disclosure Report of The University of Manitoba for the year ended December 31, 2015.

CARRIED

6. FROM FINANCE, ADMINISTRATION, AND HUMAN RESOURCES COMMITTEE

6.1 Promotion of Senior Academic Administrators outside the Faculty Bargaining Unit

Dr. Keselman explained that there is currently no process in place for the promotion of senior academic administrators as they have most often been at the rank of full professor when appointed to that role. She added that this new policy and procedure provides promotion guidelines for senior academic administrators who have not yet achieved the rank of full professor.

It was moved by Ms. Forsen and seconded by Mr. Zegalski:

THAT the Board of Governors approve the Policy and Procedures on Promotion of Senior Academic Administrators outside the Faculty Bargaining Unit.

CARRIED



6.2 Respectful Work & Learning Environment Policy, Sexual Assault Policy, and Related Procedure

6.3 Violent or Threatening Behaviour Policy & Procedure

7. **FROM SENATE**

7.1 Student Discipline Bylaw and Procedure

Ms. Forsen reported that the Finance, Administration, and Human Resources Committee had been very impressed with the extensive work in developing this suite of behavioural policies. She asked Ms. Versace to speak to the three policies; (6.2) Respectful Work & Learning Environment Policy, Sexual Assault Policy, and Related Procedure, (6.3) Violent or Threatening Behaviour Policy & Procedure, and (7.1) Student Discipline Bylaw and Procedure.

The Chair invited Ms. Maria Versace to give a presentation on the policies. Ms. Versace explained that the reason for the policy revisions was to streamline the sexual assault protocols and processes and to clarify behavioural expectations in the changing environment. She noted that the following policies have been revised:

- Respectful Work and Learning Environment Policy (RWLE)
- Violent or Threatening Behaviour Policy
- Inappropriate or Disruptive Student Behaviour Policy
- Student Discipline Bylaw and Procedure

Ms. Versace added that the policies required revision in order to comply with the Human Rights Code and the Workplace Safety and Health regulations and to ensure consistency in addressing student misconduct and concerning behaviour. She said that a Working Group began to work in earnest one year ago. She then listed the members of that group: Jeff Leclerc, University Secretary; Susan Gottheil, Vice-Provost (Students); Jay Doering, former Vice-Provost (Graduate Education) and Dean, Faculty of Graduate Studies; Greg Juliano, Associate Vice-President (Human Resources); Naomi Andrew, General Counsel and Director, Fair Practices and Legal Affairs; Alan Scott, Chief Risk Officer; Jackie Gruber, Human rights and Conflict Management Officer; Brandy Usick, Director of Student Advocacy and Accessibility; Maria Versace, Legal Counsel; and Marcia Yoshida, Student Appeals Officer.

Ms. Versace noted the following revisions to the Respectful Work and Learning Environment Policy:

- Office names and positions have been updated to reflect the current administrative structure of the University.
- Protected characteristics were updated to reflect current legislation;
- Confidentiality and protection of identity now align with the requirement of the Workplace Safety and Health Regulation;
- Preliminary assessment of formal complaints will be completed by the Human Rights and Conflict Management Officer;



- A Human Rights Advisory Committee will be established to hear appeals of Preliminary Assessment decisions and to make recommendations regarding policy change;
- The University will have the ability to appoint an internal investigator to conduct an investigation, if appropriate. This does not preclude the use of external investigators if circumstances warrant.
- The procedure outlines content to be included in an investigation report.

In addition to the revised policies, Ms. Versace stated that there will now be a stand-alone Sexual Assault Policy which will provide clear definitions of sexual assault and consent. She added that the related procedure recognizes that the individual who experiences sexual assault is the final decision-maker in their own interests. She stated that the procedure document outlines whom one should consult when a sexual assault is disclosed. She added that the consultation is intended to ensure support and triage rather than for investigation and discipline. Ms. Versace said that the procedure identifies clear reporting protocols to provide guidance to those receiving a disclosure of sexual assault to help ensure a consistent response. Ms. Versace added that reporting would be to the Student Threat Assessment Triage Intervention Support (STATIS), to the Human Rights and Conflict Management Office (HRCMO) and/or to the University of Manitoba Security Services (UMSS).

Ms. Versace explained that the policy enshrines the responsibility of the University to maintain a website to support those affected by sexual assault and those receiving a disclosure of sexual assault, as well as to educate the broader community.

Ms. Versace said that the Violent or Threatening Behaviour Policy had also been revised to comply with workplace safety and health regulations. She reviewed the comprehensive consultation process undertaken by the working group.

Regarding the revisions to the Student Discipline Bylaw, Ms. Versace stated that the current bylaw provides little direction on how to conduct an investigation. She noted that those procedures are outlined and the appeal procedures are reorganized with the use of headings to make them easier to read and understand.

Ms. Versace noted that there were 17 presentations in total to various groups, including employee groups, support offices, and students. She added that the revised policies reflect the feedback received from the consultation process.

Ms. Versace informed the Board of a discrepancy in the language on page 276 of the meeting materials regarding confidentiality provisions. She noted that article 2.64 should read as follows:
“The University will not disclose the name of a Complaining or the circumstances related to a finding of Breach except where disclosure is...”

The following motions were moved by Ms. Forsen and seconded by Mr. Sargeant:

THAT the Board of Governors approve [effective September 1, 2016]:

- **The revision to the Respectful Work and Learning Environment Policy;**
- **The new Sexual Assault Policy; and**
- **The RWLE and Sexual Assault Procedure.**

THAT the Board of Governors approve the revision to the Violent or Threatening Behaviour Policy and Procedure, effective September 1, 2016.

THAT the Board of Governors approve revisions to the *Student Discipline Bylaw* and associated *Student Academic Misconduct*, *Student Non-Academic Misconduct*, and *Student Discipline Appeal* procedures, as recommended by Senate, effective September 1, 2016.

Dr. Kucera offered his compliments and those of UMFA on the thoroughness of and responsiveness to the consultation process. He stated that the University of Manitoba Faculty Association (UMFA) remains concerned about the way confidentiality is dealt with in these policies. He added that UMFA also had some concern about procedural fairness and natural justice and expressed his hope that there will continue to be discussions and improvements.

Mr. Stone noted that there is no discussion of due process in the documents and he asked where that would come into play. Ms. Andrew responded, explaining that the investigation protocol laid out in the document represents due process for those involved, as it provides opportunities to reply and respond. She stressed that that is the key tenet of natural justice and it is in place. Mr. Stone then asked about due process for the accused in these reports. Ms. Versace referred to article 2.6 of the Sexual Assault Policy, explaining that the language there was crafted intentionally to include a respondent and any others affected in addition to the victim. She added that the role of STATIS is to assist all involved, including the accused, by providing advice, direction, and support.

Mr. Millington asked why there is not a policy for all institutions rather than each institution having its own policy. Dr. Barnard explained that there are no uniform policies because policies need to fit together. He noted that the University's Sexual Assault must work in conjunction with other policies, including the RWLE Policy. He added that there could be value in having institutions share common policies in general, but it would be difficult because they would have to fit in with various existing policies at each University. Ms. Versace stated that every university has its own practices and procedures, so not every policy will apply in the same way across all institutions. Ms. Bovey remarked that the principles of all policies across the country are virtually the same but are tailored to each institution. Mr. Leclerc noted that each university has its own legislation that governs the respective institutions.

Mr. Berg stated that he supports the motions and made the following observations:

1. Regarding the definition of reasonable accommodation on page 232 he suggested that there should be some emphasis on the fact that it is the needs of an individual or group

that must be accommodated in these cases, and not the wants of that individual or group.

2. On page 237, article 2.20 makes reference to academic freedom and Mr. Berg suggested that there may be times that academic freedom comes in conflict with Charter rights, including Equality rights.
3. On page 261, Mr. Berg noted that discrimination and differential treatment are prohibited and cautioned against a literal application. He explained that some cases of differential treatment are not wrong; only those where treatment is unfair, unreasonable, or unjustifiable.

Ms. Versace referenced section 2.8 on page 263 of the meeting materials, which reads as follows:

Acts or omissions which would otherwise be Discrimination under this Procedure are permitted where:

- (a) There is a bona fide and reasonable cause for the Discrimination.
- (b) The acts or omissions are intended and likely to:
 - (i) Make Reasonable Accommodation for the special needs of an individual or group; or
 - (ii) Ameliorate the conditions of disadvantaged individuals or groups, including those disadvantaged by a Protected Characteristic.
- (c) The acts or omissions are in the context of a research project that has received all required research ethics approvals.

Ms. Forsen pointed out that the review process is only three years for this suite of policies instead of the usual ten years. She said she appreciated the acknowledgement that these policies need to be reviewed regularly. Ms. Bovey agreed, and commented that a three year review requirement will allow some time for implementation and fine tuning of the policies.

MOTIONS CARRIED

7.2 Responsibilities of Academic Staff with Regard to Students, Revised Policy and Procedure

Mr. Leclerc reported that this item had been passed by Senate earlier in the day.

Dr. Ristock noted that this policy had last been revised in 1998. She explained that the revision details what must be included in course outlines so expectations of students and teaching staff are clear. She stated that it includes a new list of other policies and things of which the students should be aware.

It was moved by Dr. Barnard and seconded by Dr. Anderson:



THAT the Board of Governors approve revisions to the *Responsibilities of Academic Staff with Regard to Students* policy and procedure [subject to Senate approval, June 22, 2016].

Dr. Kucera commented that course outline requirements are becoming more restrictive and more prescriptive as additional information about various university resources must be included. He added that the course outlines are longer and longer and speculated that the complexity may ultimately be self-defeating because students are unlikely to read them.

Dr. Ristock recalled that there was some discussion at Senate that students might miss key information if documents are too lengthy. She noted that an appendix can be provided which lists all the supports and other relevant policies required. She added that the Centre for Academic Teaching and Learning (CATL) will have a template with the necessary wording for course outlines. Dr. Kucera commented that, overall, academics are concerned about the increasing complexity of these kinds of responsibilities.

Dr. Taylor suggested a minor change to article 2.11 on page 404 of the meeting materials to add the phrase "at the earliest possible time" in part b so that it reads "inform the Academic Administrator of his/her Unit at the earliest possible time;". Dr. Anderson asked if this would need to be referred back to Senate because of this change. Mr. Leclerc stated that the Board of Governors has the final authority on policies so there is no requirement to send this back to Senate.

MOTION CARRIED

7.3 Proposal for a Master of Finance

The Chair asked Dr. Barnard to speak to this. Dr. Barnard stated that this is routine business for the University. He added that this is an area where there is a need for and an interest in this program and there is already expertise in the Asper School of Business.

Dr. Keselman noted that the program is designed to prepare students for the Chartered Financial Analyst (CFA) program. Mr. Zegalski asked whether the limit of 12 students in the program is due to financial constraints. Dr. Keselman explained that the Asper School of Business anticipates that there is sufficient demand for 12 students. She added that this program will be funded in the same way the Master of Business Administration (MBA) is funded, which is close to a cost recovery basis.

It was moved by Dr. Barnard and seconded by Chancellor Sector:

THAT the Board of Governors approve a proposal to establish a Master of Finance.

CARRIED

Mr. Hay stated that he had received clarification related to Dr. Kucera's earlier technical question about the Financial Statements (see item 5.1 a) regarding a discrepancy between the Management Discussion and Analysis (MDA), which states that \$61.3 million was transferred from the Operating Fund to the Capital Fund, and the figure given in Note



23 of \$64.6 million. Mr. Hay stated that the number in Note 23 of the Financial Statements is correct and the number in the analysis will be revised. He thanked Dr. Kucera for catching the error before the document is published.

FOR INFORMATION

8. NEW BUSINESS

8.1 Report from the President

Dr. Barnard stated that he and John Kearsey, Tyler McAfee, and Paul Soubry met with Minister Wishart regarding the previous government's commitment to the University of Manitoba of \$150 million. He added that he had also met with the Minister and his staff along with other college and university presidents in Manitoba. He reported that the meeting went well and he expects further meetings of this type. He added that they discussed finances and conveyed the collaborative energy of the institutions.

Ms. Bovey commented on the announcement in the Winnipeg Free Press regarding the Front and Centre Campaign and offered her congratulations to all involved. She noted that the events at the Max Rady College of Medicine Convocation were very exciting.

FOR DISCUSSION / ADVICE

9. FROM SENATE

9.1 Requests to Extend Suspension of Admissions to Undergraduate (B.H.Ecol., B.Sc. in Textile Sciences, P.B.Dip., in Agrology) and Graduate (Ph.D. in Cancer Control, M.Sc. in Family Social Sciences, M.A. in Icelandic, M.Sc. in Textile Sciences) Programs

Dr. Keselman stated that some of these suspensions of admission are related to the transfer and merging of departments that resulted from the closure of the Faculty of Human Ecology.

MOTION TO MOVE TO CLOSED AND CONFIDENTIAL

It was moved by Mr. Zegalski and seconded by Chancellor Sector:
THAT the meeting move into Closed and Confidential Session.

CARRIED

Chair



University Secretary

