

MEMORIAL UNIVERSITY OF NEWFOUNDLAND

BOARD OF REGENTS

The regular meeting of the Board of Regents was held on Tuesday, May 22, 2007, in the Board Room of the University (Room A-2029) at 2:00 p.m.

PRESENT:

Mr. Gil Dalton, Chair
Ms. Mary Broderick, Vice-Chair
Dr. John Crosbie, Chancellor
Dr. Axel Meisen, President and Vice-Chancellor
Dr. Eddy Campbell, Vice-President (Academic)
Ms. Gaylene Buckle
Ms. Ruth Canning
Ms. Pat Coish-Snow
Mr. Brian Dalton
Mr. Anas El-Aneed
Mr. Jim Igloliorte
Ms. Jeannette Lundrigan
Mr. Jim Keating
Mr. Earl Ludlow
Mr. Douglas Moores
Ms. Meghan Mitchell
Dr. Vinod Patel
Mr. Tony Roche
Ms. Rosellen Sullivan
Ms. Eleanor Swanson
Ms. Sherina Wall
Ms. Eleanor Bennett, Secretary

APOLOGIES: Mr. Steven Cranford, Ms. Deanne Fleet, Dr. Wynanne Downer, Mr. Martin Gould, Ms. Judy White, and Mr. Stephen Winsor.

PRESENT BY INVITATION: Mr. Kent Decker, Vice-President (Administration and Finance) and Dr. Chris Loomis, Vice-President (Research).

1. MEETING CALLED TO ORDER

The meeting was called to order at 2:00 p.m. by Mr. Dalton, Chair of the Board.

2. APPROVAL OF THE AGENDA

The agenda for the meeting was approved, as amended.

3. MINUTES

The Minutes of the regular meeting of the Board of Regents held on March 22, 2007, a copy of which was circulated, were approved by the Board.

4. REPORT OF THE MAY 8, 2007 EXECUTIVE COMMITTEE MEETING RE KELLY/DAVIES REPORT

Mr. Dalton provided a report of the Executive Committee meeting held on May 8, 2007. He stated that the purpose of the meeting was to give consideration to a study commissioned by government on the future role of Sir Wilfred Grenfell College (the Kelly/Davies Report). This report was released by Government on April 26, 2007, along with an associated press release.

A lengthy discussion ensued after which the Board agreed that Option 1(a) of the Kelly/Davies Report, wherein one Board of Regents would oversee the operation of two separate universities, one located in St. John's and one in Corner Brook, was particularly troublesome and is likely not workable. The Board agreed with asking the University administration to conduct an analysis of the pros and cons of the options and to perform a review in time for the July 19th Board meeting.

After a lengthy discussion, the following resolution was passed:

Upon consensus by the Board of Regents that proposed Option 1(a) of the Kelly/Davies Report is unworkable.

BE IT RESOLVED THAT the Board of Regents directs the University Administration to develop, by July 12, 2007, detailed analysis of the pros and cons of the following options for internal consideration at the July 19, 2007 Board of Regents meeting:

- One University with campuses in St. John's and Corner Brook based on principles in Option 1 (b) of the Kelly/Davies Review with the possibility of two Senates, if necessary.
- Two independent universities, one in St. John's and one in Corner Brook, within one provincial university system.

BE IT FURTHER RESOLVED THAT the Board of Regents communicate in writing to Government the aforementioned plan of action.

Mr. Crosbie, Ms. Coish-Snow and Mr. Roche left the meeting at 4:30 p.m.

5. PRESIDENTIAL SEARCH COMMITTEE

Mr. Dalton tabled a draft budget prepared by Mr. Decker, and the names of the members of the Presidential Search Committee for ratification of the Board.

After a brief discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves a budget for the Presidential Search Committee.

Further, that the Board of Regents approves the following names of the members of the Presidential Search Committee:

The Chair of the Board, who shall chair the Committee:

- Mr. Gil Dalton

Four other Board members, to be chosen by the Chair:

- Ms. Mary Broderick
- Mr. Brian Dalton
- Mr. Jim Igloliorte
- Mr. Earl Ludlow

Five members of the faculty, chosen by the Senate, with at least one member from each of the St. John's Campus, Sir Wilfred Grenfell College and the Marine Institute:

- Dr. Robert Adamec, Department of Psychology
- Dr. Wayne Andrews, Faculty of Medicine
- Mr. Cyr Couturier, School of Fisheries, Marine Institute
- Ms. Barbara Hunt, Visual Arts, Sir Wilfred Grenfell College
- Professor Shane O'Dea, Department of English Language and Literature

Three students, chosen by the Chair after consultation with the President of Memorial University of Newfoundland Students' Union, Marine Institute Students' Union, Grenfell College Students' Union and the Graduate Students' Union:

- Ms. Nicole Kieley (GSU)
- Ms. Meghan Mitchell (MUNSU)
- Mr. Daniel Smith (GCSU)

An academic administrator, chosen by them from among themselves:

- Dr. Reeta Tremblay, Dean of Arts

A non-academic administrator, chosen by them from among themselves:

- Ms. Lisa Hollett, Director of Human Resources

Two members of the public-at-large, chosen by the Chair:

- Mr. Rick Gill (Voisey's Bay)
- Mr. Ruud Zoon (Husky Energy)

The Secretary of the Board to be the Secretary of the Committee:

- Ms. Eleanor Bennett

The Board received and reviewed a summary of the request for proposals for a search consultant to assist the committee.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the firm of Provence Consulting Limited as the preferred consulting firm to assist the President Search Committee.

6. RESIGNATION OF MR. EL-ANEED

The Board received the resignation of Mr. El-Aneed, the Graduate Students' Union representative on the Board, effective May 22, 2007. The Chair, on behalf of the Board, thanked Mr. El-Aneed for his contribution to the work of the Board during his term.

7. OFFICIAL NOTIFICATION OF APPOINTMENT - MS. WALL AND MS. MITCHELL

The Board received official notification from Government for the re-appointment of Ms. Mitchell for a further term of two years, effective immediately. Ms. Mitchell is the MUNSU representative on the Board. The Board also received official notification for the appointment of Ms. Wall as one of the MUN Alumni Association representatives on the Board, for the term effective immediately to the 31 August 31, 2008.

8. REGISTRATION AND APPLICATION SUMMARY REPORTS

The Board received and reviewed a registration progress report for the spring 2007 semester and the implications of final registration data on the 2007-2008 Budget.

The Board was advised that registration for the spring semester 2007, commenced on April 2, 2007, and as of May 8 2007, shows an overall enrolment decrease of 0.1% over the spring semester 2006. Accompanying data provided further comparative information on enrolment by campus, and subject area. The decreased enrolments have resulted in lower tuition revenues.

This report was received for information only and did not require a resolution of the Board. The Board will receive a further update at its July 19, 2007 meeting.

9. RESPECTFUL WORKPLACE POLICY

The Board received and reviewed background information pertaining to a Respectful Workplace Policy. The Board was advised that the success of Memorial is highly dependent on ensuring a workplace in which employees are motivated to achieve their personal best. Many factors affect this outcome, but a key factor is ensuring a respectful workplace.

The purpose of the new Policy is to reinforce the importance the University places on maintaining a respectful workplace. The Policy outlines the University's expectations, guidelines and processes which are intended to support and sustain strong cultural values related to respect in the workplace.

The Policy addresses a gap that has been identified in the University's existing policies. Currently, the University has a policy and procedures governing sexual harassment entitled "University-Wide Procedures for Sexual Harassment Complaints". There are also provisions in the collective agreements regarding workplace practices. However, there is no policy governing harassment issues. The Policy requires the University administration to take steps to ensure that employees are aware of their role and responsibilities under this Policy and provides avenues of recourse for employees who feel that they have been harassed.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the Respectful Workplace Policy and its implementation.

10. UPDATE ON HUMAN RIGHTS CODE CHANGES AND MANDATORY RETIREMENT

The Board received and reviewed background information pertaining to the Human Rights Code and Mandatory Retirement. The Board was reminded that at its meeting of February 1, 2007, it approved the discontinuation of Mandatory Retirement effective the date of the changes to the Human Rights Code (May 27, 2007), and directed the University Administration to take the necessary actions to provide an orderly implementation.

The Board was provided with a detailed summary of the current situation with respect to communication actions, financial implications, pensions, benefits, and the significance of the August 31st date.

This item was presented for information only and did not require a resolution of the Board.

11. APPOINTMENT TO PEPSI CENTRE BOARD

The Board received and reviewed background information pertaining to an appointment to the Board of Directors of the Western Sports and Entertainment Inc. (The Pepsi Centre)

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the appointment of Ms. Anne Richardson to the Board of Directors of the Western Sports and Entertainment Inc. (The Pepsi Centre) for a two-year term expiring on April 20, 2009.

12. APPOINTMENT TO PIPPY PARK COMMISSION

The Board received and reviewed background information pertaining to the appointment to the Board of the Pippy Park Commission. The Board was advised that the Pippy Park Commission Act requires that the membership of the Commission shall include one member to be appointed by the Board of Regents of the University.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the appointment of Mr. Keith Hiscock as the University's representative on the Pippy Park Commission for a three-year term commencing May 22, 2007.

13. APPOINTMENTS TO CCFI

The Board received and reviewed background information pertaining to re-appointments to the Board of Directors of the Canadian Centre for Fisheries Innovation (CCFI).

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves an extension of the terms of appointment of the following members of the Board of Directors of the Canadian Centre for Fisheries Innovation (CCFI) for the period ending December 31, 2007:

- Mr. Ray Andrews
- Mr. Will Apold
- Mr. Dave Bonnell
- Mr. Ross Butler
- Mr. Gerard Chidley
- Ms. Siobhan Coady
- Mr. Jean-Guy d'Entremont
- Ms. Helen Evans
- Mr. Gabe Gregory
- Mr. Frank Hennessey
- Mr. Gudmunder Hognasson
- Mr. Karl Kenny
- Dr. Robert Lucas
- Mr. Sandy Roche

14. EMPLOYEE OPINION SURVEY

The Board was reminded that at its meeting of March 22, 2007, it was informed that a comprehensive employee opinion survey was conducted from February 26 to March 16, 2007. The survey was to provide information on the working environment, the effectiveness of policies and the appropriateness of procedures. The Board was to receive a further update following the release of the results of the survey.

15. AMENDMENTS TO CODE OF STUDENT CONDUCT

The Board received and reviewed background information pertaining to amendments to the Code of Student Conduct.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the amendments to the Code of Student Conduct.

16. RESTRUCTURING MARKETING AND COMMUNICATIONS

The Board received and reviewed background information pertaining to a restructuring of the communications section of the Division of Marketing and Communications (M&C).

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the organizational restructuring plan for the Division of Marketing and Communications.

17. CAPITAL CAMPAIGN UPDATE

The Board received and reviewed background information pertaining to the Capital Campaign. The Board was advised that KCI (formerly Ketchum Canada Inc.) had been contracted to provide strategic campaign counsel and direction for Memorial University's Capital Campaign from April 1, 2007 to September 30, 2008.

This item was for information only and did not require a resolution of the Board.

18. FINANCE COMMITTEE MEETING

The Minutes of the Finance Committee of the Board of Regents were presented by Mr. Decker and Ms. Broderick, in the absence of Ms. Coish-Snow, Chair of the Committee, and approved the Board.

On the recommendation of the Finance Committee, the following resolutions were passed with respect to the items requiring specific approval of the Board:

Item A - Budget Estimates 2007-08

The Board received and reviewed background information pertaining to the Budget Estimates for 2007-08.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the budget estimates for the fiscal year 2007/08 as presented.

Item B - Financing of Energy Performance Contract

The Board received and reviewed background information pertaining to the financing of the Energy Performance Contract.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the Energy Performance Contract be secured from The Royal Bank, utilizing a Bankers Acceptance (BA) loan combined with a Forward Interest Rate Swap (interest rate locked in now for effective October 2008), under the following terms:

All inclusive interest rate to be determined at the time of signing (4.81% provided in the RFP submission for comparative purposes), BA loan term of 1 year, Swap amortization of 14 years, loan amortization of 14 years, with prepayment options available each year.

Item C - MUNSU Fee Increase

The Board received and reviewed background information pertaining to an increase in the MUNSU Fees.

The Board was advised that on September 15, 2004, MUNSU passed a resolution to increase fees at the beginning of the term commencing the month of January, 2005, and that the fee be adjusted annually on the 1st day of July to reflect increases in the Consumer Price Index (CPI) for St. John's, NL as determined by Statistics Canada.

The current Memorial University of Newfoundland Students' Union membership fee for full-time students is \$35 and \$15 for part-time students.

There has been no request by MUNSU to increase fees as per the CPI rate adjustment for July 2005 or 2006. MUNSU is now requesting that the amount of the increase for 2007-2008 incorporate the CPI increase for the last three years based on CPI rates of 2.5, 1.7 and 1.1 for 2005, 2006 and 2007 respectively.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves an increase in the MUNSU membership fee from \$35.00 to \$36.89 for full-time students, and from \$15.00 to \$15.81 for part-time students, effective July 1, 2007.

Item D - Increase in Survivor Benefits from 55% - 60% for Pre-1997 Survivors

The Board received and reviewed background information pertaining to this matter. The Board was reminded that at its meeting on March 23, 2006, it denied a recommendation of the University Pensions Committee requesting that the Provincial Government amend the Memorial University Pensions Act to increase survivor benefits from 55% to 60% for pre-1997 survivors. The Board referred the matter back to the University Pensions Committee for exploration of other possible options.

The Board's decision was discussed at a meeting of the University Pensions Committee on January 18, 2007. The Committee also discussed

a resolution proposed by the Pensioners' Association recommending that survivor benefits be increased to 60%, retroactive to January 1, 1997, and that the cost be funded by the University. This resolution was not accepted by the Committee. It was decided that representatives from the various employee groups would meet separately to discuss potential solutions to be brought back to the Committee.

The results of the meeting of the employee groups did not get returned to the University Pensions Committee for its consideration.

This item was for information only and did not require a resolution of the Board.

Item E - Establishment of Positions

The Board received and reviewed background information pertaining to the establishment of two positions in the Department of Computing and Communications.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the establishment of the following positions in the Department of Computing and Communications:

CGS-091/092 PC Consultant IV

Item F - Establishment of Position

The Board received and reviewed background information pertaining to the establishment of a position in the Office of Faculty Relations.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the establishment of the following position in the Office of Faculty Relations:

LBR-007 Intermediate Secretary

Mr. Roche rejoined the meeting at 5:25 p.m.

19. CAMPUS PLANNING & DEVELOPMENT MATTERS

The Board received and reviewed background information pertaining to the following Campus Planning and Development matters, which were

presented for information only and did not require a resolution of the Board.

1. Capital Projects Update

The following capital projects are underway or being planned:

St. John's Campus

- Energy Performance Contract
- Master Plan Update and Traffic and Parking Study
- Inco Innovation Centre - Third Floor
- School of Pharmacy - Professional Practice Laboratory Renovations
- Accessibility Projects Plan
- Faculty of Arts Offices Relocation
- University Centre - Gathering Space

Marine Institute

- Holyrood Marine Base
- Foxtrap Training Facility - Building Expansion

Sir Wilfred Grenfell College

- Long-term Care Facility
- Corner Brook Curling Club Facilities
- Master Plan Update

2. Annual Safety Report

The Board received and reviewed the Annual Safety Report for Memorial University of Newfoundland which provided information pertaining to the safety performance of the university for the past fiscal year. Included in the report was detailed statistical information as well as an overview of key university safety operations.

3. Consultant Commissions for Projects Less Than \$500,000 and Consultant Source List

The Board received and reviewed the annual report 2006/07 of the Architectural and Engineering Consultant commissions for projects with a capital value of less than \$500,000 awarded in 2006/07.

This list is prepared annually based on information submitted by consulting firms and the University's past experience with the firms.

4. Annual Report of Leased Space

The Board received and reviewed a summary report of all property lease agreements of Memorial University. These leases cover agreements for external space occupied by the University as well as space Memorial has leased to other organizations.

5. Deferred Maintenance Update

The Board received and reviewed background information pertaining to Deferred Maintenance and was advised that the provincial government approved an allocation of \$4M for University deferred maintenance in the provincial budget for the 2007/08 fiscal year. This is the fifth year of a five year plan that was developed in 2002 and commenced in 2003. The original plan identified \$28M of deferred maintenance programs that were considered urgent.

The Board was advised that projects for the 2007/08 fiscal year are currently being prioritized and a report outlining these projects will be provided for the July meeting. A report, outlining a general overview of the original \$28M plan in comparison to what has been accomplished, will also be provided. A new five year plan will be developed for submission within the university's budget request for fiscal year 2008/09.

20. APPOINTMENTS COMMITTEE MEETING

The Board received and reviewed a report of action taken by the Appointments Committee at a meeting held on May 22, 2007, which was presented by Ms. Broderick, Acting Chair of the Committee, and approved by the Board.

The following resolution was passed with respect to the recommendations of the Committee:

RESOLVED:

That the Board of Regents approves an extension of the appointment of Dr. James Wright as Director of Major Research Partnerships, effective June 1, 2007 to December 31, 2007.

That the Board of Regents approves an extension of the appointment of Dr. Michael Collins as Associate Vice-President (Academic), effective July 1, 2007 to December 31, 2007, or until the search for a successor has been concluded.

21. SEPARATELY INCORPORATED ENTITIES COMMITTEE MEETING

A report of the Separately Incorporated Entities Committee meeting held on May 22, 2007, was presented by Ms. Canning, Chair of the Committee.

1. Establishment of a Separately Incorporated Entity

The Committee received and reviewed background information pertaining to the establishment of a Separately Incorporated Entity which will provide

services for Administrative Computer systems to Memorial and other academic agencies in Atlantic Canada.

On the recommendation of the Separately Incorporated Entities Committee, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the establishment of a Separately Incorporated Entity which will provide Enterprise Resource Management Applications Services to the education marketplace. Authorization to start operations will be granted upon the Board approving a business plan, including the determination of the subsidy from the University's operating budget.

2. Update on Johnson GEO Centre

The Board was advised that further negotiations are proceeding with the Johnson Family Foundation with respect to finalizing a management agreement with the GEO Centre.

3. Update on C-CORE Management Agreement

The Board was advised that officials of C-CORE were in agreement with the latest draft management agreement and a signing ceremony is planned around the date of the July 19th Board meeting.

22. SENATE MATTERS

1. Minutes of April 10, 2007 meeting

The Board received and reviewed the minutes of the regular meeting of Senate held on April 10, 2007. Approval was given to the following items requiring Board approval under Section 56(h) (course of study) and 56(s) (making or altering a rule or regulation) of the *Memorial University Act*:

Item 97 Report of the Senate Committee on Undergraduate Studies (No. 97.1 to No. 97.3)

Item 98 Report of the Academic Council of the School of Graduate Studies
(No. 98.1 to No. 98.2)

2. Status Change for the Women's Studies Minor Program

On the recommendation of Senate the following resolution was passed:

RESOLVED:

That the Board of Regents approves a change in the Status of the academic unit responsible for delivering the Women's Studies multi-disciplinary minor program to the "Department of Women's Studies".

3. Awarding of the Title of Professor Emeritus

On the recommendation of Senate, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the awarding of the title Professor Emeritus to the following retired members of Faculty:

- Margaret Burton
- Sandra Clark
- Robert Crocker
- Niall Gogan
- Richard Hiscott
- Thakor Patel

4. Amendment to Senate By-Laws & Procedures

On the recommendation of Senate, the following resolution was passed:

RESOLVED:

That the Board of Regents approves an amendment to Section II.D. "Selection of Student Members" and II.E. "Term of Office for Student Members" of the Senate By-Laws and Procedures.

5. Approval of Bachelor of Resource Management Degree Program - SWGC

On the recommendation of Senate, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the Bachelor of Resource Management Degree Program at Sir Wilfred Grenfell College.

6. Amendment to Marine Institute Academic Council Constitution & By-Laws

On the recommendation of Senate, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the amendments to the Marine Institute Academic Council Constitution and By-Laws.

23. OTHER BUSINESS

1. Appointment of Darek Moreau

The Board received and reviewed background information pertaining to a recommendation from the Graduate Students' Union for the appointment of Mr. Darek Moreau as their representative on the Board and as a replacement for Mr. Anas El-Aneed, who resigned. Mr. El-Aneed was appointed for the term March 17, 2006 to March 16, 2008.

After discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents accepts the nomination of the Graduate Students' Union for the appointment of Mr. Darek Moreau as their representative on the Board of Regents, for a term effective immediately and ending March 16, 2008, and that the Board recommend his appointment to the Lieutenant Governor in Council in accordance with paragraph 22(2)(d)(ii)(B) of the Memorial University Act.

2. Appointments to the Board of Directors of C-CORE

The Board received and reviewed background information pertaining to the appointments to the Board of Directors of C-CORE.

In accordance with current policy the following individuals have therefore been appointed for three-year terms, effective April 30, 2007:

- Ms. Cathy Duke, Government of Newfoundland and Labrador
- Ms. Stephanie Wilson, Pipeline Industry
- Mr. Ruud Zoon, Oil and Gas Sector

This item was for information only and did not require a resolution of the Board.

3. Alliance for the Control of Tobacco

In a letter dated May 11, 2007, which was sent to the members of the Board, the Alliance for the Control of Tobacco (ACT) requested that a smoking ban at entrances to all buildings on campus be implemented. After discussion of the implication of this matter, Dr. Meisen agreed to respond to ACT to explain the University's policy in this regard.

ADJOURNMENT

The meeting adjourned at 6:10 p.m.