

MEMORIAL UNIVERSITY OF NEWFOUNDLAND

BOARD OF REGENTS

The regular meeting of the Board of Regents was held on Thursday, December 10, 2009, at 2:00 p.m., in the Board Room of the University, Room A-2029.

PRESENT:

Mr. Robert E. Simmonds, Chair
Dr. Christopher W. Loomis, President and Vice-Chancellor, *Pro Tempore*
Dr. Reeta Tremblay, Vice-President (Academic), *Pro Tempore*
Ms. Sheila Ashton
Mr. Jerry Byrne
Ms. Pat Coish-Snow
Ms. Mary Cormier
Mr. Brian Dalton
Mr. Adam Daniels
Ms. Michelle Daye
Mr. Rex Gibbons
Ms. Noreen Greene-Fraize
Ms. Jennifer Guy
Mr. Ken Marshall
Mr. Bill Matthews
Dr. Vinod Patel
Mr. Tony Roche
Ms. Kathleen Roul
Ms. Eleanor Swanson
Mr. Auburn Warren
Ms. Tina Pardy, Secretary

APOLOGIES: Chancellor Rick Hillier, Mr. Gilbert Bennett, Mr. Martin Gould, Mr. Jim Keating, Ms. Donna Stone.

PRESENT BY INVITATION:

Mr. Kent Decker, Vice-President (Administration and Finance), Mr. Glenn Collins, Advisor to the Board, Ms. Karen Hollett, General Counsel.

5617. MEETING CALLED TO ORDER

The meeting was called to order at 2:00 p.m. by Mr. Simmonds, Chair.

The Chair welcomed Dr. Gary Kachanoski, President and Vice-Chancellor Designate to the meeting as an observer.

5618. APPROVAL OF THE AGENDA

The agenda for the meeting was approved, as amended.

5619. PRESENTATION BY ROYAL NEWFOUNDLAND CONSTABULARY CHIEF SUPERINTENDENT JOSEPH BROWNE AND DEPUTY CHIEF ROBERT JOHNSTON

Mr. Simmonds welcomed to the meeting, Chief Superintendent Joseph Browne and Deputy Chief Robert Johnston who provided a presentation on the history and current activities of the Royal Newfoundland Constabulary with particular emphasis on the many ways in which the Constabulary and Memorial University are connected.

After a question and answer period, Mr. Simmonds, on behalf of the Board, thanked Chief Browne and Deputy Chief Johnston for their very informative presentation and they left the meeting.

5620. MINUTES

Dr. Kachanoski left the meeting during discussion of this item.

The Minutes of the regular meeting of the Board of Regents held on October 22, 2009 and the special meeting of the Board of Regents held on November 17, 2009 were approved by the Board. It was noted that at the special meeting held on November 17, 2009, a provision of the Bylaws may not have been met (ie. Clause 33 states "Notice of special meeting shall be given to all Members, at least two days in advance"). Therefore, the Board confirmed the actions taken at the meeting held on November 17, 2009.

Dr. Kachanoski returned to the meeting at this point.

5621. CHAIR'S REPORT

1. Resignation

The Chair noted for the information of the Board the resignations of Ms. Debbie Singleton (Lieutenant Governor in Council appointment). The Chair, on behalf of the Board, thanked Ms. Singleton for her contributions to the work of the Board during her term.

2. Vacancies on Committees of the Board of Regents

Mr. Simmonds reminded members of the Board that there remains one vacancy on each of the Policy Oversight Committee and the Campus Planning and Development Committee. He requested members of the Board to consider serving on either of these Committees.

3. Renewal of Board Appointments

The Chair advised that he had received notice from the Office of the Minister of Education that the reappointments to the Board of Regents have been approved for an additional three years as follows:

For a term of office commencing October 27, 2009:

Pat Coish-Snow
Vinod Patel
Tony Roche
Brian Dalton
Jim Keating
Martin Gould

For a term of office commencing December 6, 2009:

Mary Cormier
Michelle Daye
Kathleen Roul
Sheila Ashton

Safety Moment

It was suggested that the members of the Board of Regents should be polled prior to the meetings of the Board to determine whether they would like to report on an item concerning the importance of safety for their organization.

5622. PRESIDENT PRO TEMPORE REPORT

1. President's Summary of Activities in Support of the Strategic Plan

A report on the external activities of the President during the period October 23 to November 30, 2009 with emphasis to activities relating to the University's Strategic Plan was provided.

2. Registration Progress Report for the Winter 2010 Semester and the Implications of Final Registration Data on the 2009-2010 Budget

The Board received and reviewed background information pertaining to the registration progress report for the Winter 2010 semester and the implications of final registration data on the 2009-2010 budget.

Dr. Loomis was pleased to advise members of the Board that after three years of decreasing undergraduate enrolment at the University, data available for November 27, 2009, the lifting of reserves period for Winter semester showed that enrolments are up from last year. An examination of new and continuing enrolment of Newfoundland,

Registration Progress Report for the Winter 2010 Semester and the Implications of Final Registration Data on the 2009-2010 Budget (cont'd)

Canadian and International students reveals several trends over the last three years. From Winter 2008-2009 to Winter 2009-2010 there is an increase in enrolments for new Newfoundland and Labrador, National and International Students, as well as an increase in continuing NL and International students. There is a slight decrease in continuing national enrolments from 2008-2009. Additionally, there is an increase in new and total students for St. John's and a decrease in both categories for Sir Wilfred Grenfell College. Dr. Loomis noted that graduate students began registering on December 4, 2009. He also advised members of the Board that tuition revenues are projected to be slightly above budget for the current year.

3. Report on H1N1 Preparedness

Dr. Loomis provided members of the Board of Regents with a H1N1 planning update. In doing so, he noted the strategic decisions which successfully positioned the University and mitigated the impact of H1N1. He also noted the accomplishments of the University in this regard along with the outcomes of the decisions taken.

4. University Rankings by *Macleans* magazine and the *Globe and Mail* Newspaper

The Board received background information with regard to the *Macleans* magazine which contained the 2009 rankings for Canadian Universities. The Board was advised that each year, *Macleans* magazine and the *Globe and Mail* produce rankings of Canadian universities. *Macleans* produces a ranking based on publicly available information supplemented by data provided by participating institutions and also reports on student opinions as reported by two national surveys. The *Globe and Mail* produces a student opinion survey and an on-line tool for students to develop their own rankings, which is called the *University Navigator*. Dr. Loomis noted that Memorial placed fifth in the *Macleans* ranking exercise and did reasonably well in the *Globe and Mail* student survey. An analysis of these ranking exercises and their methodological short-comings was included in the background information.

Dr. Loomis remarked that despite the limitations of these exercises, the rankings provide information to prospective students and there is a considerable demand for this type of information. In the absence of a better system, students continue to utilize whatever means are available to help inform their choice of post-secondary institution. This is a major reason why Memorial continues to participate in these rankings.

5. Update on Autonomy

Dr. Loomis provided an update on the status of the report of the ad hoc Committee of the Board of Regents to Recommend Amendments to the Memorial University Act to Secure Autonomy for Memorial University of Newfoundland.

CONSENT AGENDA

Noting that the items were dealt with in detail in meetings of the appropriate committees, it was moved by Mr. Dalton, seconded by Ms. Pat Coish-Snow and carried that the consent agenda, comprising the resolutions listed in 5623 through 5629 below be approved as follows:

5623. FINANCE COMMITTEE MEETING

At a meeting held on December 10, 2009, the Finance Committee passed the following resolutions with respect to the items requiring specific approval of the Board:

Item 3143 - Conversion of Contractual Positions to Permanent within the University Position Complement

The Board received background information and agreed to the conversion of the following contractual positions to permanent within the University position complement and as outlined in the Board submission:

School of Graduate Studies

GRS-017 - Intermediate Clerk Stenographer

Faculty of Medicine

MED-241 - Administrative Staff Specialist II

Department of Technical Services

THS-113 - Technologist I - BL 5

THS-114 - Technologist II - BL 5

Item 3144 - Establishment of Permanent Positions within the University Position Complement

The Board received background information and agreed to the establishment of the following permanent positions within the University position complement and as outlined in the Board submission:

Technical Services

THS-111 - Welding Shop Supervisor

THS-112 - Quality Assurance Project Manager

Faculty of Medicine

MED-238 - Secretary

MED-239 - Teaching Consultant

Item 3145 - Conversion of Existing Associate Vice-President (Research) [AVPR] position into two AVPR positions

The Board received background information and agreed to convert the existing AVPR position into two AVPR positions as follows: AVPR (Collaboration and Partnerships) and AVPR (Research Capacity).

Item 3146 - Approval of Bank Signing Officers for Sir Wilfred Grenfell College

The Board received background information and agreed that any two of the Principal, Vice-Principal, Associate Vice-Principal (Research), Director of Administration and Finance, Staff Accountant or Bookstore Manager be authorized as Bank Signing Officers for the two imprest accounts held by Sir Wilfred Grenfell College, at the Royal Bank of Canada as outlined in the Board submission.

5624. APPOINTMENTS COMMITTEE

1. Academic Appointments Report

The Board received the Reports of Action of the Appointments Committee dated December 10, 2009 which was forwarded to the Board for approval.

RESOLVED:

That the Board of Regents approve the following appointment:

Professor Ellen Oliver as Acting Director of the School of Social Work for the period December 1, 2009 to November 30, 2010 or until a permanent Director is appointed.

5625. CAMPUS PLANNING AND DEVELOPMENT COMMITTEE

1. Update on Progress of Capital Projects

The Board received and reviewed a summary report of the following capital projects currently underway or being planned:

St. John's Campus

- New Residences
- Residence Renovations
- Newfoundland & Labrador Centre for Interdisciplinary Research in Human Genetics and Faculty of Medicine Building Extension, HSC
- Process Engineering Laboratory Renovations

Update on Progress of Capital Projects (cont'd)

Marine Institute

- Holyrood Marine Base

Sir Wilfred Grenfell College

- Academic Building
- New Residence

The Board was advised that projects are on time and on budget.

2. Selection of consultant to provide detailed Engineering Design Services for the supply of Cold Ocean Water and Associated Equipment to the Ocean Sciences Centre

The Board received background information and agreed to the selection of Hatch Mott MacDonald to conduct detailed engineering design services for the feasibility of a cold water supply to the Ocean Sciences Centre utilizing directional or multi-directional drilling methodologies and as outlined in the Board submission.

5626. LABOUR RELATIONS MATTERS

Dr. Loomis provided a verbal report of the Labour Relations Committee meeting held on December 10, 2009 at which time an update on the MUNFA, LUMUN and TAUMUN negotiations was provided.

5627. SEPARATELY INCORPORATED ENTITIES COMMITTEE

1. Appointments to the C-Core Board of Directors

The Board received background information pertaining to the appointments to the C-Core Board of Directors noting that the President of the University has approved the following appointments:

- Mr. Tom Bursey and Mr. Glen Burke for terms of three years commencing October 20, 2009
- Mr. Mark MacLeod as Vice-Chair for the duration of his term (expiring May 2012).

2. Appointments to the Campus Childcare Inc. Board of Directors

The Board received background information and agreed to the appointment of the following individuals for the specified term effective December 10, 2009:

- Ms. Lisa Hollett, Chair, Board of Directors, for a further three year term
- Ms. Debbie Collis for a further three year term
- Dr. Melanie Noseworthy for a two year term

3. Appointment to the MUN(UK) Ltd. Board of Directors

The Board received background information and agreed to the appointment of Professor John Vinney to the MUN (UK) Board of Directors effective December 10, 2009 for a period of three years.

4. Appointments and Reappointment of Edutech Board Members

The Board received background information and agreed to the appointments and reappointments to the Eductech Board of Directors for the terms specified as follows:

Ms. Deborah Collis, Director of Financial and Administrative Services, *ex-officio*

Ms. Lisa Hollett, Director of Human Resources, *ex-officio*

Mr. Graham Mowbray, Director of Computing and Communications, *ex-officio*

Ms. Sheila Singleton, Deputy Registrar, *ex-officio*

Mr. Peter Collins, Newfoundland Power, representing the business community, for a one year term expiring December 31, 2010

Mr. Ron Taylor, Newfoundland and Labrador Association of Technical Industries representing the business community for a two year term expiring December 31, 2011

Dr. Gary Gorman, Faculty of Business Administration, representing Memorial University of Newfoundland for a one year term expiring December 31, 2010

Mr. Keith White, College of the North Atlantic, representing the College of the North Atlantic, for a three year term expiring December 31, 2012

Mr. Jim Tuff, Department of Education , representing the Department of Education for a three year term expiring December 31, 2012

5628. SENATE MATTERS

The Board received a report of items of business considered by Senate at its regular meetings held on October 13, 2009, November 10, 2009 and the special meetings held on November 17, 2009. 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 Act:

Senate Matters (cont'd)

1. October 13, 2009 Meeting

- Item 19 Report of the Senate Committee on Undergraduate Studies
(No. 19.1 - 19.3)
- Item 20 Report of the Academic Council of the School of Graduate Studies
(No. 20.1)
- Item 21 Report of the Senate Committee on Undergraduate Studies
(No. 21.1 - 22.2)
- Item 22 Report of the Academic Council of the School of Graduate Studies
(No. 22.1)

2. November 10, 2009 Meeting

- Item 32 Report of the Senate Committee on Undergraduate Studies
(No. 32.1 - 32.3)
- Item 33 Report of the Academic Council of the School of Graduate Studies
(No. 33.1 - 33.4)
- Item 37 Report of the Academic Council of the School of Graduate Studies
(No. 37.1)

3. Entrance Scholarships for Aboriginal Students

The Board received background information and agreed with a recommendation from Senate that the University, in partnership with Aboriginal community organizations (including, but not limited to, Innu, Inuit, Métis, and Mi'Kmaq), if possible will seek to identify means to designate scholarships, bursaries and awards for Aboriginal residents of Newfoundland and Labrador.

4. Amendments to the School of Pharmacy Academic Council Constitution and By-Laws

The Board received background information and agreed with a recommendation from Senate to amend the School of Pharmacy Academic Council Constitution and By-Laws as outlined in the Board submission.

5629. CORRESPONDENCE

1. Letter dated 19 October 2009 from Major-General W. Semianiw, National Defence

The Board received correspondence from Major-General W. Semianiw, National Defence, expressing gratitude to Memorial University for having accepted to develop and conduct entrepreneurship training for Canadian Forces personnel to better prepare them to transition to civilian life.

REGULAR AGENDA

5630. FINANCE COMMITTEE

Item 3147 - Appointment of the Official Banker for Memorial University of Newfoundland

The Board received and reviewed background information pertaining to the appointment of the official banker for Memorial University of Newfoundland.

After a discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the appointment of the Royal Bank as the official banker for Memorial University of Newfoundland for a five year period effective January 1, 2010.

Item 3148 - Update on the University's 2009-10 Financial Position

The Board received and reviewed background information pertaining to the University's 2009-10 financial position. The Board was reminded that at its meeting held on May 25, 2009, it approved the budget estimates for the fiscal year 2009-10 which projected a balanced budget.

A review of actual revenue and expenditures has been completed. At this time, total expenditures for 2009-10 are projected to be over budget by \$3,685,871. This projected deficit will be covered by the surplus carryover.

The Board was advised that tuition calculations for the Fall 2009-10 semester report a \$736,479 increase over 2008-09. Actual tuition for the Spring 2009-10 semester was \$96,964 above 2008-09. Using past year enrolment patterns it has been projected that total tuition revenue will be \$1,458,598 above budget by the end of this fiscal year. Of this surplus amount, the University has committed to spend an additional \$830,625 on services to International Students, based on the International Undergraduate Tuition Attribution Model. The Tuition Revenue Surplus balance will be distributed based on the normal allocation rates. The Tuition Revenue surplus has been included in the projected year end results. Other Revenue sources are projected to be on budget.

Item 3148 - Update on the University's 2009-10 Financial Position (cont'd)

Regents will receive a further update in the February 2010 meeting.

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

Item 3149 - Collection of Memorial University of Newfoundland Students' Union Residence Society Fees

The Board received and reviewed background information pertaining to the collection of Memorial University of Newfoundland Students' Union Residence Society fees of \$30 in each fall and winter semester on the condition that a mutually acceptable agreement be finalized between Memorial University and the Memorial University of Newfoundland Students' Union.

Following a detailed review and lengthy consideration, the Board of Regents agreed to table the recommendation until such a time that the agreement between Memorial University and the Memorial University of Newfoundland Students' Union has been finalized.

Item 3150 - Revision of Terms and Conditions of Appointment for 26-Full-time Clinical Faculty Members in the Faculty of Medicine

The Board received and reviewed background information pertaining to the revision of terms and conditions of appointment for 26 full-time clinical faculty members in the Faculty of Medicine. Dr. Loomis noted an amendment to the Board yellow that the number of full-time clinical faculty members in the Faculty of Medicine is 27.

The Board was advised that the terms and conditions of appointment for physicians as full-time, non-bargaining academic staff members in the Faculty of Medicine has required that they each be a partner of the Medical Practice Associates (MPA), a modified partnership consisting of full-time academic staff members with clinical privileges. Memorial University of Newfoundland's Faculty of Medicine has an agreement with the MPA dating back to 1987. It forms a basis for the relationship between the Faculty of Medicine and the collective partners of MPA whereby the MPA makes an annual financial contribution to the Faculty of Medicine on behalf of its partners.

Several years ago, changes in the tax laws allowed physicians to incorporate. A number of full-time faculty physicians did incorporate making them ineligible to remain as partners in the MPA. Efforts to accommodate them in the MPA as "affiliate" members proved unsuccessful and on September 30, 2009, the MPA gave notice to all affiliate physicians that this arrangement would terminate on December 31, 2009. This decision had the potential to invalidate their appointment in the Faculty of Medicine unless the terms and conditions were revised.

Item 3150 - Revision of Terms and Conditions of Appointment for 27-Full-time Clinical Faculty Members in the Faculty of Medicine (cont'd)

A careful review and consultation process has been undertaken, including expert tax and legal advice, with the affected full-time clinical faculty. The revised terms and conditions for each of the 27 affiliates are contained in the Board submission. The most significant change is Item 3 which states “the appointee shall either (a) become a partner of the Medical Practice Associates (MPA)... or (b) not become a partner of MPA but be bound by a separate agreement with Memorial University of Newfoundland’s Faculty of Medicine that parallels the contribution percentage to said Faculty of Medicine, by MPA on behalf of its partners”. The revised terms and conditions apply to clinical faculty members who are incorporated, or for other reasons are unable to be partners of MPA.

Following a discussion, the following resolution was passed:

RESOLVED:

That the Board of Regents approves the revised terms and conditions of appointment for 27 full-time clinical faculty members in the Faculty of Medicine as outlined in the attached “Schedule A”.

5631. CORRESPONDENCE

1. Letter from Hon. Jerome P. Kennedy re: Council of the College of Physicians and Surgeons of Newfoundland and Labrador

The Board received correspondence from the Honorable Jerome Kennedy, Minister of Health and Community Services with regard to the Council of the College of Physicians and Surgeons of Newfoundland and Labrador. It was noted that in accordance with Section 8 of the *Medical Act, 2005*, the Minister shall appoint four persons to the Council, one of whom shall be appointed from a list of not less than three nominees submitted by the Board of Regents of Memorial University of Newfoundland.

Following discussion, Dr. Christopher Loomis, President and Vice-Chancellor, *Pro Tempore*, agreed to consult with his colleagues and recommend to the Board the names of three suitable nominees for eventual forwarding to the Minister of Health and Community Services.

2. Letter from Evan Simpson, President of MUNPA re: Survivor Benefits

The Board received a letter dated November 18, 2009 from Dr. Evan Simpson, President of the Memorial University of Newfoundland Pensioners Association. Dr. Simpson wrote regarding the Provincial Government’s response to a letter dated July 16, 2009 from Dr. H.E.A. Campbell concerning increased survivor benefits for persons who became beneficiaries of the Memorial University Pension Plan.

Letter from Evan Simpson, President of MUNPA re: Survivor Benefits (cont'd)

Following a discussion, Mr. Decker agreed to provide the Chair with further background information regarding the matter.

5632. OTHER BUSINESS

1. Date of the Next Meeting

Members of the Board were reminded that the next meeting of the Board of Regents is scheduled for February 4, 2010.

2. MUN Varsity Hockey Team

The Chair indicated that he and Dr. Loomis have discussed in a preliminary way the possibility of striking a committee to examine the feasibility of reinstating varsity hockey teams at Memorial.

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

CHAIR

SECRETARY

DATE