

**MEMORIAL UNIVERSITY OF NEWFOUNDLAND**

**BOARD OF REGENTS**

The regular meeting of the Board of Regents was held on Thursday, February 5, 2009, in the Board Room of the University, Room A-2029, at 3:00 p.m.

**PRESENT:**

Mr. Robert Simmonds, Chair  
Dr. Eddy Campbell, Acting President  
Dr. Christopher Loomis, Vice-President (Academic), *Pro Tempore*  
Mrs. Sheila Ashton  
Mr. Gilbert Bennett  
Ms. Julie Browne  
Ms. Pat Coish-Snow (via teleconference)  
Ms. Mary Cormier  
Mr. Brian Dalton  
Mr. Adam Daniels  
Ms. Michelle Daye  
Mr. Rex Gibbons  
Mr. Martin Gould  
Ms. Noreen Greene-Fraize  
Ms. Jennifer Guy  
Mr. Jim Igloliorte  
Mr. Jim Keating  
Mr. Ken Marshall  
Mr. Darek Moreau  
Ms. Kathleen Roul  
Ms. Debbie Singleton  
Ms. Donna Stone  
Ms. Eleanor Swanson  
Ms. Tina Pardy, Secretary

**APOLOGIES:** General Rick Hillier, Chancellor, Mr. Jerry Byrne, Dr. Vinod Patel, Mr. Tony Roche, Ms. Melissa Squarey.

**PRESENT BY INVITATION:**

Mr. Kent Decker, Vice-President (Administration and Finance), Dr. Ray Gosine, Vice-President (Research) *Pro Tempore*, Mr. Glenn Collins, Advisor to the Board, Ms. Karen Hollett, General Counsel.

**5522. MEETING CALLED TO ORDER**

The meeting was called to order at 3:00 p.m. by Mr. Simmonds, Chair.

**5523. APPROVAL OF THE AGENDA**

The agenda for the meeting was approved, as amended.

Ms. Donna Stone declared a conflict of interest with Agenda Item 6.d. "Revision to Statement of Investment Policy and Objectives for Trust and Endowment Funds". It was also noted that Ms. Stone did not have access to the information prior to or during today's meeting.

**5524. MINUTES**

The Minutes of the regular meeting of the Board of Regents held on December 11, 2008, were approved by the Board with noted amendments.

**5525. CHAIR'S REPORT**

1. Consent Agenda

The Chair reminded members of the Board of Regents that at a meeting held on December 11, 2008, it was agreed to implement a consent agenda process for this meeting of the Board. Mr. Simmonds explained that the implementation of a consent agenda is intended to streamline the way routine matters are presented to the Board of Regents without altering the approval process. Members of the Board still have the opportunity to review all items of Board business but should have more time to focus on important and strategic matters.

The consent agenda is intended to include routine items such as appointments to permanent positions below the rank of Dean/Director, conversion of contractual positions to permanent, appointments to the Boards of Separately Incorporated Entities, etc. These items are then passed under a single motion, with no discussion, presuming there are no objections. More substantive matters which include but are not limited to updates on the University's financial position, compensation guidelines, appointments at or above the rank of Dean, will be included on the discussion agenda. Determination of items to be placed on the consent agenda is made, in the first instance, by the Office of the President in conjunction with the Office of the Board of Regents. Upon the request of any two Regents, an item can be moved from the consent agenda to the discussion agenda.

Mr. Simmonds also noted that as the format of the Board agenda is refined, any comments and suggestions that members of the Board of Regents may have are welcomed and should be forwarded to the Secretary.

2. Selection of Vice-Chair

Mr. Simmonds noted the vacancy in the position of Vice-Chair. In this regard, he requested that this item be deferred until the next meeting of the Board in order to give new members an opportunity to become acquainted with Board processes.

**Chair's Report (cont'd)**

3. Committee Membership

The Chair requested that Board members review the listing of Board committees and indicate to the Secretary the Committees they would be willing to serve on or continue serving on.

4. 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

The Chair reminded members of the Board that at a special meeting held on January 29, 2009, the Board of Regents received 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 at which time, the following resolution was passed:

“That the Board of Regents forward the report of the ad hoc Committee to Senate for its review and comment. It was further resolved that the Board will consider the report and comments from Senate at a meeting of the Board scheduled for February 5, 2009 at which time the Board will decide on the disposition of the report.

At a meeting held on February 4, 2009, Senate received the report of the ad hoc Committee and approved the following motions unanimously:

1. Moved that the Chair of the Board of Regents be admitted to the meeting.
2. Moved that Senate accept 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 (the Report) and endorse the recommendations therein.
3. Section 56(n) and (o) of the Memorial University Act states that Senate has the power “to consider all matters that are brought before it and to take action within the powers conferred upon the senate by this Act” and “to make recommendations to the board that may be considered appropriate for promoting the interests of the university and for carrying out the objects and provisions of this Act”.

Moved that Senate recommend to the Board of Regents that it accept the recommendations contained in the report.

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 (cont'd)

4. Moved that Senate recommend to the Board of Regents that it forward the Report to the Minister of Education and engage the Minister in a discussion of the changes recommended in the report.

Following extensive discussion, the following resolution was passed:

**RESOLVED:**

That the Board of Regents accept with thanks 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. Be it further resolved that the Board of Regents follow through on its memorandum of February 4, 2009 to the Minister of Education and seek to engage the Government of Newfoundland and Labrador in a discussion of the recommendations in the report.

5. General Counsel to attend meetings of the Board of Regents by Invitation

The Board received and reviewed background information pertaining to General Counsel attending meetings of the Board of Regents by invitation. Following a brief discussion, the following resolution was passed:

**RESOLVED:**

That the Board of Regents approve the recommendation that the General Counsel attend the regular meetings of the Board of Regents as in invitee for the provision of legal advice.

**5526. ACTING PRESIDENT'S REPORT**

1. Update on Activities Relating to the University's Strategic Plan

The Board received and reviewed background information pertaining to activities relating to the University's Strategic Plan. A report on the activities of the President during the period December 12, 2008 to January 27, 2009 was provided.

**CONSENT AGENDA**

Noting that the items were dealt with in detail in meetings of the appropriate committees, it was moved by Mr. Gibbons, seconded by Ms. Coish-Snow and carried that the consent agenda, comprising the resolutions listed in 5527 through 5536 below be approved as follows:

**5527. FINANCE COMMITTEE MEETING**

At a meeting held on February 5, 2009, the Finance Committee passed the following resolutions with respect to the items requiring specific approval of the Board:

Item 3091 - Establish an Honorarium for Faculty/Staff Awards

The Board received background information pertaining to the establishment of an honorarium for faculty/staff awards and agreed that an honorarium of \$500 be established for faculty/staff awards that recognize outstanding contributions within faculties and schools of the University. It was noted that the awards will continue to be covered from existing resources.

Item 3092 - Establishment of Permanent Positions within the University Position Complement

The Board received background information and agreed to the establishment of permanent positions within the University position complement in the Faculty of Medicine as follows:

MED-226 - Educational Specialist

MED-227 - Rural Clinical Coordinator

Item 3093 - Conversion of Contractual Positions to Permanent within the University Position Complement

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

Faculty of Medicine

MED-228 - Intermediate Clerk Stenographer

MED-229 - Secretary

MED-230 - Academic Program Administrator

Faculty of Engineering and Applied Science

EAS-048 - Secretary

Item 3093 - Conversion of Contractual Positions to Permanent within the University  
Position Complement (cont'd)

Distance Education and Learning Technologies

DLT-062 - Manager of Classroom Technology

Item 3094 - Revision to the Statement of Investment Policy and Objectives for Trust  
and Endowment Funds

The Board received background information pertaining to the Statement of Investment Policy and Objectives for Trust and Endowment Funds. The Statement which was approved by the Board in July 2007 establishes the investment principles and guidelines that were appropriate to meet Memorial University's investment needs and set out the structure for the management of the assets and the procedures for monitoring investment performance. The approach has been to include all funds into one pool for investment purposes. However, the Investment Committee has determined that the investment objectives for the components of this one pool differ and it would be appropriate to separate into two pools - one with investment objectives appropriate for endowed funds (long-term view) and the other with investment objectives appropriate for non-endowed funds (short to mid-term view).

The Board agreed to approve the proposed revision to the Statement of Investment Policy and Objectives for Trust and endowment Funds.

Item 3095 - Refund of Tuition for Members of the Canadian Armed Forces -  
Reserve Force called to Duty on Short Notice

The Board received background information pertaining to the refund of tuition for members of the Canadian Armed Forces - Reserve Force called to duty on short notice. The University has been approached by the Canadian Forces Liaison Council requesting that University policy provide for a refund of tuition for Reservists that are called to duty on short notice during a University semester. It was noted that the Province is changing the Student Loan Act to eliminate fees, interest charges and the requirement to pay principal and interest by members of the reserve force in respect of their student loans when called to duty on short notice.

The Board agreed to approve the following Addendum to the Terms of Reference of the Tuition Refund Appeals Committee effective April 1, 2009:

“Refund of tuition will be approved for members of the Reserve Force that are called to duty on short notice during a University Semester. The “Reserve Force” is defined in the National Defence Act (Canada). Reservists will be required to provide documentation to verify their status of Reservist and to support their call to duty.”

Item 3096 - Update on Fixed Asset Review

The Board received an update on the Fixed Asset Review. It was noted that during the Auditor General's review of Memorial University in 2005, it was recommended the University should conduct a verification of its fixed assets as this had never been done. Over the past two years the Department of Financial and Administrative Services has been conducting this review. The result of the review was presented to the Audit and Risk Management Committee on December 4<sup>th</sup>, 2008, a copy of which was included in the in the background material.

It was also noted that beginning with fiscal 2009/10, the Department of Enterprise Risk Management will conduct fixed asset verification reviews on a sample basis as part of their internal audit function each year. The Department of Financial and Administrative Services will offer training sessions to unit employees in the procedures to be followed when purchasing fixed assets and when disposing of them.

**5528. APPOINTMENTS COMMITTEE MEETING**

The Board received the Report of Action of the Appointments Committee dated February 5, 2009 which was forwarded to the Board for approval.

**5529. CAMPUS PLANNING AND DEVELOPMENT COMMITTEE**

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

St. John's Campus

- Energy Performance Contract
- New Residences
- Residence Renovations
- Alumni House Extension
- Mount Scio Road Renovations
- Newfoundland & Labrador Centre for Interdisciplinary Research in Human Genetics
- Faculty of Medicine Building Extension, HSC

Marine Institute

- Holyrood Marine Base

Sir Wilfred Grenfell College

- New Residence

The Board was advised that projects are on time and on budget and was also advised that there were no safety related incidents reported by contractors since the last meeting.

**5530. LABOUR RELATIONS MATTERS**

1. Update on Collective Bargaining Process for NAPE Locals 7801, 7803, 7804 and 7405: and Ratification of Tentative Agreement with NAPE Local 7850 representing Support Staff of the Marine Institute (MI)

An update on the collective bargaining process for NAPE locals 7801, 7803, 7804 and 7405 was provided. At a meeting held on December 11, 2008, the Board of Regents delegated authority to the Labour Relations Committee to ratify the Collective Agreements with NAPE. On January 18, 2009, the Labour Relations Committee of the Board of Regents conducted an email poll and ratified four tentative agreements for NAPE Locals 7801, 7803, 7804 and 7405.

The Board also received an update pertaining to negotiations with NAPE Local 7850 representing Marine Institute (MI) Support Staff. It was agreed that approval be granted for ratification of the tentative Collective Agreement between the University and NAPE Local 7850 on behalf of Marine Institute (MI) Support Staff.

2. Ratification of Tentative Collective Agreement between Memorial University of Newfoundland and the Lecturers' Union of Memorial University of Newfoundland (LUMUN), Bargaining Agent for Per Course Instructors

The Board received background information pertaining to the ratification of the tentative Collective Agreement between Memorial University of Newfoundland and the Lecturers' Union of Memorial University of Newfoundland (LUMUN), bargaining agent for per course instructors. The Board was reminded that at a meeting held on September 8, 2008, the Board delegated authority to approve a financial offer to LUMUN to the Labour Relations Committee. On December 7, 2008, the University's bargaining team achieved a tentative first agreement with LUMUN. Subsequently, on January 26, 2009, LUMUN advised that the tentative agreement had been ratified by its members.

It was agreed that the first Collective Agreement between Memorial University and LUMUN, establishing terms and conditions of employment for per course instructors for the period September 1, 2008 to August 31, 2012 be ratified.

**5531. SEPARATELY INCORPORATED ENTITIES COMMITTEE**

1. Memorial University Recreation Complex (MURC) - New and Revised Policies for the Works

The Board received background information with respect to new and revised policies for The Works. It was noted that the Memorial University Recreation Complex (MURC) is required to provide the Separately Incorporated Entities Committee with notification of changes to existing policies or copies of newly adopted policies for the Works. A copy of the revised policies and seven new policies were included with the Board submission.

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

**5532. SENATE MATTERS**

The Board received a report of items of business considered by Senate at its regular meetings held on December 16, 2008 and January 13, 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:

1. December 16, 2008 Meeting

- Item 48 Report of the Senate Committee on Undergraduate Studies  
(No. 48.1 - 48.4 )
- Item 49 Report of the Academic Council of the School of Graduate Studies  
(No. 49.1)
- Item 50 Report of the Academic Council of the School of Graduate Studies  
(No. 50.1)
- Item 51 Change of Name - Postgraduate Medical Education

On a recommendation from Senate, it was agreed to change the name of the Office of Postgraduate Medical Studies, in the Faculty of Medicine to the "Office of Postgraduate Medical Education".

2. January 13, 2009

- Item 61 Report of the Senate Committee on Undergraduate Studies  
(No. 61.1 - 61.14)
- Item 62 Report of the Academic Council of the School of Graduate Studies  
(No. 62.1 - 62.4)
- Item 63 Report of the Senate Committee on Undergraduate Studies  
(No. 63.1 - 63.4)
- Item 64 Report of the Academic Council of the School of Graduate Studies  
(No.64.1 - 64.2)

**5533. OTHER BUSINESS**

1. Update on Legal Matters

The Board received an update on legal matters currently involving the University. Board members were reminded of a binder pertaining to legal matters involving the University which is available in the Office of the General Counsel for their review at any time.

2. Appointments to the GEO Centre Board

The Board received background information with regard to an appointment to the GEO Centre Board and agreed to appoint Ms. Ruth Canning for a period of three years effective February 5, 2009.

3. Appointment to the Newfoundland Quarterly Board of Directors

The Board received background information pertaining to appointments to the Board of Directors of the Newfoundland Quarterly Foundation. The following appointments were approved:

Ms. Julie Rideout as Treasurer for a two year term expiring on February 5, 2011

Dr. Verna Skanes be reappointed for a one year term expiring on February 5, 2010

4. Appointment to the Memorial University Recreation Complex (MURC)

The Board received background information pertaining to an appointment to the Board of the Memorial University Recreation Complex (MURC) and agreed that Dr. Mary Bluehardt be reappointed to the MURC Board of Directors for two years, effective February 5, 2009.

5. Adoption of a Procedures Framework

The Board received background information pertaining to the adoption of a Procedures Framework. In December 2008, the senior administration adopted a procedures framework for the University. The proposal, allows for:

- new procedures to be approved by the Board as part of policy approvals.
- sponsors to consult with a Procedures Advisory Group before recommending changes to procedures.
- enhancements to the Content Management System (policy database) for greater access to and management of procedures.

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

**REGULAR AGENDA**

**5534. FINANCE COMMITTEE**

Item 3097 - Update on the University's 2008-09 Financial Position

The Board received background information pertaining to an update on the University's 2008-09 Financial position. On May 26, 2008, the Board of Regents approved the budget estimates for the fiscal year 2008-09 and projected a balanced budget.

The Board of Regents will receive a further update at the March 2009 meeting.

Report on the Sir Wilfred Grenfell College Financial Position

Dr. Loomis provided a verbal report on the Sir Wilfred Grenfell College financial position.

**5535. LABOUR RELATIONS MATTERS**

1. MUNFA Update (Memorial University of Newfoundland Faculty Association)

Dr. Campbell provided a verbal report of the Labour Relations Committee meeting held on February 5, 2009 at which time an update on the MUNFA negotiations was provided.

2. Update on Compensation System for Non-Bargaining Professional Staff

The Board received for information a report on the compensation system for non-bargaining professional staff. The report provided an analysis of the competitive environment and possible changes to the levels of compensation and steps. The report will be brought back to the Board for action at a future date.

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

**5536. REPORT ON CAPITAL CAMPAIGN**

The Board received and reviewed background information pertaining to the Capital Campaign. This included a report of the activities on the capital campaign office to January 30, 2009. Some of the activities have included:

- Campaign Chair has been successfully recruited.
- Identification and researching of prospective donors for the campaign
- Policy and procedure development
- Prospect cultivation and solicitation
- Memorial Family Campaign

**ADJOURNMENT**

The meeting adjourned at 5:30 p.m.

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**CHAIR**

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**SECRETARY**

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**DATE**