



York University  
Board of Governors

*Notice of Meeting*  
Monday, April 26, 2010  
3:00 pm to 6:00 pm

5<sup>th</sup> Floor, York Research Tower  
Keele Campus

## AGENDA

**TAB**

30 min	<b>I. CLOSED SESSION</b>	
	<b>II. OPEN SESSION (approximately 3:30 pm)</b>	
10 min	<b>1. Chair's Items (P. Cantor)</b>	
	<b>1.1 Executive Committee Report.....</b>	<b>1</b>
	<b>1.1.1 Report of Action Taken on Behalf of the Board .....</b>	<b>2</b>
20 min	<b>2. President's Items (M. Shoukri)</b>	
50 min	<b>2.1 Presentation: Imogen Coe, "Moving Molecules Across Membranes"</b>	
	<b>2.2 Presentation: Connie Meyer/Pam Millet, "Pedagogy Online: Creating Virtual Discourse Communities"</b>	
10 min	<b>3. Academic Resources Committee (I. Coe).....</b>	<b>3</b>
	<b>3.1 Appointments, Tenure and Promotion (For Action) .....</b>	<b>4</b>
10 min	<b>4. Community Affairs Committee (R. Lewis) .....</b>	<b>5</b>

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20 min 5. **Finance and Audit Committee** (*D. Denison*) .....6

5.1 **Undergraduate Residence and Graduate Apartment Rates** (*For action*) .....7

5.2 **Meal Plan Rates – Undergraduate Residences** (*For action*) .....8

5.3 **2010 Endowment Distribution Rate** (*For action*) .....9

20 min 6. **Investment Committee** (*G. Burry*) .....10

7. **Other Business**

8. ***In Camera* Session**

**CONSENT AGENDA**

1. **Minutes of the Board of Governors Meeting of February 22, 2010** .....i

Harriet Lewis  
Secretary



*Board of Governors*

**York University  
Board of Governors**

Minutes of the Open Session of the Meeting of  
**Monday, 22 February 2010**  
**5<sup>th</sup> Floor, York Research Tower, York University**

<i>Present:</i>	<i>Regrets:</i>	<i>Others:</i>
Paul Cantor, Chair Susan Black Gary Brewer, Acting President Guy Burry Imogen Coe David Denison Terrie-Lynne Devonish Julia Foster Billy Gyamfi Rosemary Heneghan Zahir Janmohamed Debbie Jamieson Kuttimol Kurian Sandra Levy Robert Lewis Mark Lievonen Kevin McKeague Ken Ng Anna Porter Timothy Price Emmett Soldati David Tsubouchi  Harriet Lewis, Secretary	Ozench Ibrahim Deborah Hutton Patrick LeSage Roy McMurtry Randall Oliphant Penelope Reed-Doob Samuel Schwartz Mamdouh Shoukri	Cynthia Archer Marie-Thérèse Chaput Glen Craney David Dewitt Bob Gagne Celia Haig-Brown Meghan Gallant Sharon Hooper Laurie Lawson Rhonda Lenton Paul Marcus I. Maxwell Rodrigues Patrick Monahan Alice Pitt Trudy Pound-Curtis Bud Purves Barbara Rhader Stan Shapson Michael Siu Jennifer Sloan Phil Steinersen Walter Tholen Rob Tiffin John Tsostos Jacqueline Volkhammer Chris Wong Berton Woodward Sylvia Zingrone  <i>Cheryl Underhill, Assistant Secretary</i> <i>Elaine MacRae, Board Coordinator</i>

## II. OPEN SESSION

### 1. Chair's Items

Governors and guests were welcomed to the meeting.

#### *1.1 Introduction: Jennifer Sloan, Vice-President University Relations*

Ms Jennifer Sloan was introduced as the recently appointed Vice-President University Relations, She then outlined the overarching goals of her portfolio: enhancing strategic communications capability and community engagement.

#### *1.2 Executive Committee Report*

The report circulated with the agenda was *received*.

#### *1.3 Presentation: Graduate Students Association*

Meghan Gallant and Phil Steinersen appeared on behalf of the Graduate Students Association (GSA) to convey to the Board the GSA's views on proposed changes to the University's financial support of graduate students. They are concerned that a shift from across-the-board funding for graduate students to a model of more targeted funding, and a decision to stop publicizing the minimum amount of funding guaranteed to all students would result in a reduction of graduate students' financial stability and reduced graduate applications to the University due to students' uncertainty about funding at the time of their offer of admission.

Dean Peers briefed the Board on the revisions to the graduate student funding framework. It was confirmed that:

- funding for all current graduate students is being maintained
- funding levels for graduate students going forward is not dropping
- funding is not being re-allocated to select programs

The two guiding principles for the review exercise were: maintenance of the level of funding for graduate students; and enhancement of each graduate program's flexibility to attract and support high quality students. The new model aims to enable graduate programs to channel increased funding to students through scholarships and research opportunities. This is consistent with the practice at most universities in Canada, and will be tested at York over the next 12-24 months.

Mr Cantor said that while graduate funding is not a matter under the purview of the Board, it clearly is an important university issue and the Board appreciated being informed.

#### *1.4 Naming of the Busway to York University*

The documentation circulated by the Executive Committee with the agenda was *noted*. It was duly *agreed* that,

**The Board of Governors approve the use of the University's name in the City's proposed naming of the TTC Busway as the "York University Busway."**

### 2. President's Items

#### *2.1 Presentation: Professor John Tsostos*

Professor Tsostos gave a presentation on his research in the field of active vision for robotics which was received with interest and appreciation.

### **3. Academic Resources Report**

In the absence of the Committee Chair, Mr Lievonen referred the Board to the written report circulated with the agenda. Vice-President Shapson shared preliminary news of the outstanding results of recent research funding competitions since January 2010, which will see faculty members receiving grants worth \$11 million.

#### *3.1 Provostial White Paper*

On behalf of the Vice-President Academic & Provost, the Associate Vice-President Academic, Rhonda Lenton, reported on the exercise to develop the Provostial White paper and the overarching academic directions for the University for the decade ahead. A copy of the presentation slides are filed with the Minutes.

#### *3.2 Appointments, Tenure and Promotion*

Documentation circulated with the agenda was *noted* by Mr Lievonen. Moving forward, the appointments process at the University will aim for diversity in the candidate pool and, consistent with common practice at universities globally, search committees will seek candidates with terminal degrees earned at a wide range of institutions. It was duly *agreed* to **approve the President's February 2010 report on Appointments, Tenure and Promotion.**

### **4. Land & Property Committee Report**

Documentation circulated with the agenda was *noted* by Mrs Foster.

#### *4.1 York University Secondary Plan.*

Bud Purves, President of the York University Development Corporation (YUDC), reported on the updated York University Secondary Plan recently approved by the City of Toronto. A copy of the presentation slides are filed with the Minutes. The YUDC and the University worked closely with the City to resolve planning issues and incorporate the expansion of the subway through the University lands. The updated Secondary Plan protects the academic core of the Keele campus and integrates the University and the immediate external community. The Board ***concurred with the City of Toronto Council's approval of the updated York University Secondary Plan*** and congratulated Mr Purves and university colleagues on the process.

### **5. Governance and Human Resources**

The written report circulated with the agenda was noted by Mr Janmohamed. Efforts to identify new nominees to the Board are continuing.

#### *5.1 Policies: Workplace Violence and Workplace Harassment*

The proposed policies are in response to new provincial legislative requirements pertaining to workplace environments. The policies, together with associated procedures to be implemented, will bring the University forward to compliance with the legislation. It was duly *agreed*,

**That the Board of Governors approve the University Policies on *Workplace Violence and Workplace Harassment.***

#### *5.2 Policy: Statement of Commitment to Accessibility for Persons with Disabilities*

Consistent with the requirements of the *Accessibility for Ontarians With Disabilities Act*, the proposed statement sets out the policy framework for the University to develop more specific procedures and guidelines to be compliant with the new provincial legislation. No additional funding for employers

has been dedicated by the government to date for the costs of implementing the administrative and physical requirements of the legislation. It was duly *agreed*,

**That the Board adopt the Statement of Commitment: Accessibility For Persons with Disabilities.**

### 5.3 *Amendment to the Pension Plan Text*

The proposed amendment establishes parity for the Canadian Union of Public Employees (CUPE) locals with other employee groups at the University on the matter of continuity of the plan when there have been breaks in service. Agreement on the amended text between CUPE and the University was reached under the minutes of settlement in 2009. It was duly *agreed*,

**That the Board of Governors approve the proposed amendment to the text of the York University Pension Plan pertaining to CUPE 3903.**

## 6. **Finance & Audit**

Referring to the written report included with the agenda, Mr Denison highlighted the steadily improving investment performances of the endowment and pension funds. The challenging financial circumstances remain however, and planned budget cuts for the next two fiscal years are expected to proceed. In response to a question about the impact of the tuition deferral option provided to students after the CUPE strike, Vice-President Brewer will provide a full report to the next Finance & Audit Committee meeting.

## 7. **Statement of Investment Policies and Procedures**

Documentation circulated with the agenda was *noted* by Mr Cantor. The revisions to the document are necessitated by measures approved by the Investment Committee to develop the currency management program for the endowment fund. It was duly *agreed*,

**That the Board of Governors approve the revised Statement of Investment Policies and Procedures.**

## 8. **Other Business.**

The follow announcements were made:

- Fisher Fund Wine Auction will be held on 8 April 2010;
- Board Annual Giving Campaign is underway until 30 April 2010, with the Ontario government matching program concluding on 31 March 2010.
- Annual Chair's Cup Golf Tournament will be held on 2 June 2010;

Congratulations were extended to Ms Levy upon her appointment as Chief Human Resources Officer at the Canadian National Institute for the Blind and to the Board of the Toronto Pan American Games.

## 10. **In Camera Session**

An *in camera* session was held. No further decisions were taken.

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PAUL CANTOR  
Chair

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HARRIET LEWIS  
Secretary

**EXECUTIVE COMMITTEE**  
**Report to the Board of Governors**  
at its meeting of April 26, 2010

The Board Executive Committee met on March 3<sup>rd</sup>, March 18<sup>th</sup> and April 12<sup>th</sup> and in addition to the items appearing on the Agenda for action or information, makes the following report.

Special Meeting:

In addition to its regularly scheduled meeting, the Executive Committee met to approve the appointment of the Dean of Osgoode.

A special meeting was also called to enable the Executive Committee to discuss with President Shoukri and his senior management team, approaches to improving the university's reputation. The Chair expressed the view that many elements of the wider community regard York as a troubled institution and this view is reflected in such things as York's application statistics. Mr Cantor said that the University has already addressed, or is actively addressing, the underlying issues. Thus it was timely to be proactive to get the message out, and regain the confidence of our communities. , He said that the academic plans of the institution are being developed and proceeding very positively, but these favourable developments risk being overshadowed by reputational concerns.

President Shoukri confirmed that York's reputational issues are long standing. Its share of first year choice applicants and its grade point distribution has been deteriorating over a period of time. The university is in a period of change, and all of the issues it faces are interrelated. The university is made up of members of many diverse communities and problems in the world are reflected on campus, a fact which presents ongoing challenges. Notwithstanding, there is a great deal of effort which is directed to minimizing conflict on campus with notable success.

President Shoukri, Vice-President and Provost Monahan, and Vice Presidents Sloan and Tiffin reviewed recent incidents and progress towards addressing conflict in a timely and focused way both in the short and longer term. The Committee agreed that the constructive programs had been put in place and commended the administration on these achievements. However the Committee was of the view that a full communications plan must be developed and implemented in order to make these initiatives known. Some ideas involved outreach to our communities, including meetings with students and alumni, to media and to government, as well as other initiatives.

Ongoing Matters:

The Committee will continue to monitor progress in respect to the foregoing and other key initiatives established by President Shoukri, but is of the view that many efforts to clarify the university's direction, renew its leadership and move it forward are beginning to show positive results.

*Paul Cantor*  
*Chair*

# Memo

To: Board of Governors

From: Paul Cantor, Chair

Date: April 26, 2010

Subject: **Action taken by the Board Executive Committee on behalf of the Board**

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The Executive Committee has dealt with several items of business since the last meeting of the Board of Governors. Pursuant to the authority accorded to it under Article VI, 4 of the General Bylaws, the Executive Committee approved the following:

## 1. Decanal Appointments [Article 4(c)]

- Dr. Lorne Sossin as Dean of Osgoode Hall Law School for a five-year term to commence July 1, 2010. An abridged version of Dr. Sossin's curriculum vitae is attached as Appendix A.
- Dr. Janusz Kozinski as Dean of the Faculty of Science and Engineering for a five-year term to commence July 1, 2010. An abridged version of Dr. Kozinski's curriculum vitae is attached as Appendix B.

## 2. Concurrence with Settlements [Article 4(b)]

Vice-President Brewer reported to the Executive Committee on April 9, 2010 that an agreement had been reached and ratified with:

- Osgoode Hall Faculty Association (OHFA)
- OPSEU Local 578 Unit 2

The settlements are within the respective financial mandates established by the Board. The Executive Committee having been delegated by the Board to oversee labour relations matters, the committee, **agreed to the terms of the agreements reached with Osgoode Hall Faculty Association (OHFA) and OPSEU Local 578 Unit 2.**



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Toronto, Ontario M5S 2C5  
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E-mail: [lorne.sossin@utoronto.ca](mailto:lorne.sossin@utoronto.ca)

## **ACADEMIC POSITIONS**

- DEAN AND PROFESSOR (JULY, 2010- )  
Osgoode Hall Law School, York University
- PROFESSOR (2007-2010)  
ASSOCIATE PROFESSOR (2002-2007)  
ASSISTANT PROFESSOR (2002)  
Faculty of Law, University of Toronto
- ASSISTANT PROFESSOR  
Osgoode Hall Law School (1999-2001)  
Department of Political Science, York University (1997- 2001)
- ADJUNCT PROFESSOR  
University of Toronto, Faculty of Law (1996-98, 2000-2001), Osgoode Hall Law School  
(1997-1999), University of Toronto, Department of Political Science (1996-99)
- ASSISTANT PROFESSOR  
Department of Political Science, University of Toronto (1995-96)
- ASSOCIATE IN LAW  
Columbia University, School of Law (1993-95)

## **ACADEMIC ADMINISTRATIVE POSITIONS**

- ACADEMIC DIRECTOR, Centre for the Legal Profession, Faculty of Law, University of  
Toronto (2008-2010) ([www.clp.utoronto.ca](http://www.clp.utoronto.ca))
- ACTING DEAN, Faculty of Law, University of Toronto (2005)
- ASSOCIATE DEAN, Faculty of Law, University of Toronto (2004-2007)

## **COURSES TAUGHT (LAW)**

Administrative Law; Advanced Public Law; Canadian Federalism; Civil Procedure; Constitutional  
Law; Social Justice, Human Rights & Jewish Law; Law and the Policy Process; Legal Process;  
Legal Process, Professionalism & Ethics; Public Law, Social Regulation and Poverty; Public Law in  
Comparative Perspective

## **COURSES TAUGHT (POLITICAL SCIENCE)**

Canadian Constitutional Law; Canadian Public Administration; Canadian Political Economy; Comparative Political Economy; Democratic Administration; Judicial Administration; Public Law

## **ACADMIC COMMITTEES AND SERVICE**

### External

- Social Sciences and Humanities Research Council (SSHRC) Adjudication Committee: Law, Criminology and Socio-Legal Studies (2009-)
- Canadian Association of Law Teachers, National Executive (2003-2006)

### University of Toronto

- Senior Chair, Governing Council Academic Appeals Committee (2006- )
- Alternate Chair, Graduate Academic Appeals Board (2006- )
- Manuscript Review Committee, University of Toronto Press (2007- )
- University of Toronto Academic Board (2006-2008)
- University of Toronto Connaught Foundation, Social Science Review Panel (Member 2003-2004, Chair 2004-2006)

### Faculty of Law, University of Toronto

- Academic Standing Committee (Chair, 2007- )
- Mooting & Advocacy Committee (Chair, 2009- )
- Appointments Committee (2005- )
- Course Assignments Committee (2005 - )
- PTR Committee (2005- )
- Curriculum Committee (2003- )
- Pedagogy Working Group (Chair, 2006-2008)
- Co-Director, Combined JD/MSW Degree Program (2004-2005)
- Accessibility Committee (Chair 2004-2007, Co-Chair, Accessibility and Diversity Committee 2008-2009)
- Capstone Committee (Co-Chair, 2004-2005),

Sossin – curriculum vitae – January 2010

- Ad-Hoc Committee on Appeals Policy (Chair, 2004-2005)
- Information Committee (Chair, 2003-2004, Member 2004 -2007)
- Student Affairs Committee (Member, 2004-2007)
- Asper Centre for Constitutional Rights, Advisory Committee (Member, 2008- )
- Downtown Legal Services Task Force (Chair, 2006-2007)

#### York University

- Academic Planning & Policy Committee (Member 1999-2000, Chair, 2000-2001),
- Senate (Member, 2000-2001)
- Centre for Refugee Studies, Education Coordinator (1999-2001)

#### Osgoode Hall Law School

- Part-Time LL.M. in Administrative Law, Osgoode Hall Law School, York University (Co-Director 2000-2006)
- Academic Standing and Petitions Committee (1999-2001)
- Graduate Studies Committee (1999-2001)
- Osgoode Hall Faculty Association Executive (elected) (1999-2001)
- Osgoode Hall Law Journal Advisory Board Member, 1999-2001

#### Department of Political Science (York)

- Coordinator, Public Policy and Administration Program (1998-2000)
- Coordinator, Diploma in Democratic Administration (1998-2001)
- Promotion & Tenure Committee (1999-2001)

### **LEGAL & CONSULTING PRACTICE**

- VICE CHAIR, Health Profession Appeal & Review Board (OIC Appointment) (2006 - )
- MEMBER, Health Services Appeal & Review Board (OIC Appointment 2009 - )
- OPEN MEETING INVESTIGATOR, City of Toronto (statutory officer with powers to investigate complaints arising out of closed meetings held by City Council) (2007 - )
- INTERIM INTEGRITY COMMISSIONER, City of Toronto (statutory officer with powers to

Sossin – curriculum vitae – January 2010

investigate and advise on all matters arising from Code of Conduct for members of City Council and members of City agencies, boards and commissions) (2008- 2009)

- VISITING SCHOLAR, Borden Ladner Gervais (2005-2007)
- RESEARCH DIRECTOR, Law Society of Upper Canada, Task Force on the Rule of Law and the Independence of the Bar (2005-2006) (coordinated and edited papers published as *Protecting the Public: The Report of the Law Society of Upper Canada's Task Force on the Rule of Law and the Independence of the Bar* (Toronto: Irwin, 2007)
- LEGAL ADVISOR & RESEARCHER FOR VARIOUS PUBLIC AND PRIVATE ENTITIES INCLUDING Department of Justice (Canada), Privy Council Office (Canada), Ministry of Citizenship & Immigration (Canada), Canadian Judicial Council, Ontario Energy Board, Ontario Securities Commission, Chief Forensic Pathologist for Ontario, Law Society of Upper Canada
- ASSOCIATE (PUBLIC LAW & COMMERCIAL LITIGATION)  
Borden & Elliot, now Borden Ladner Gervais, LLP (1995-97)
- LAW CLERK  
Chief Justice Antonio Lamer, Supreme Court of Canada (1992-93)

## **EDUCATION**

- J.S.D. Columbia University, School of Law, 1999
- LL.M. Columbia University, School of Law, 1995
- Ph.D. University of Toronto, Political Science, 1993
- LL.B. Osgoode Hall Law School, York University, 1992
- M.A. University of Exeter (England), 1986
- B.A. McGill University, 1985

## **PROFESSIONAL QUALIFICATIONS**

- Call to the Bar of Ontario (1996)

## **EXTERNAL BOARDS & COMMITTEES**

- Chief Justice of Ontario Advisory Committee on Professionalism (2009 - )
- Ontario Civil Justice Needs Assessment, Steering Committee (2009- )
- Premier's Advisory Committee on Administrative Justice Reform (2008-2009)

Sossin – curriculum vitae – January 2010

- National Judicial Institute, Board Member (2007- )
- *Legal Ethics*, Editorial Board Member (2008- )
- Pro Bono Law Ontario, Board Member (2006 -2009), Vice-Chair (2007–2009)
- Law Foundation of Ontario, Trustee (2004 - )  
Class Proceedings Committee, Member (2007 - )
- Law Society of Upper Canada, Tribunals Composition Task Force, Member (2005-2006)
- Canadian Organization for Development through Education (CODE) Foundation, Board Member (2005 - )
- Canadian Institute for the Administration of Justice, Administrative Tribunals Committee, Executive Member (2003 - )
- Ontario Justice Education Network, Board Member (2004-2009)
- Ontario Government, Democratic Renewal Advisory Board, Member (2004-2005)
- Income Security Advocacy Centre, Board Member (2003-2006)
  - Treasurer (2004-2006)
  - Member, Human Resources subcommittee (2003-2006)
- Regulatory Boards and Administrative Law Litigation Editorial Board Member (2000- )
- Ontario Bar Association – Administrative Law Section, Executive Member (1999-2008)

## **SELECTED VISITING FELLOWSHIPS, AWARDS & HONOURS**

- 2009 Ontario Confederation of Universities Faculty Associations (OCUFA) Excellence in Teaching Award
- 2008 Rand Memorial Lecturer, University of New Brunswick
- 2008 Parsons Visitor, University of Sydney, Australia
- 2007 Visiting Professor, University of Haifa, Israel
- 2005, 2004 Hail & Farewell Address, Convocation, University of Toronto, Faculty of Law
- 2004, 2003 Alan Mewett Teaching Award, University of Toronto, Faculty of Law
- 2003 J.E. Hodgetts Award, Institute of Public Administration in Canada for English language article published in *Journal Canadian Public Administration*

## **SELECTED ACADEMIC GRANTS**

- SSHRC Standard Research Grant (2009-2011) \$46,000.00 “Aboriginal Self-Government and the Reinvention of Canadian Administrative Law”
- CIHR Grant (2008-2009) \$15,000.00 “The Impact of Adjudicative Boards in the Health System”

Sossin – curriculum vitae – January 2010

- SSHRC Standard Research Grant (2004-2007) \$63,000.00 “Discretionary Justice, Public Trust and Social Welfare”
- SSHRC Standard Research Grant (2000-2003) \$56,000.00 (“Law of Public Administration in an Era of Restructuring”)
- Summer Research Assistant Fellowship “International Human Rights and Administrative Discretion” (2007) “Soft Law, Policy Guidelines and Discretionary Authority” (2002) \$7,500.00
- U. of T. Connaught New Faculty Matching Grant for “The Law of Legislative Action in Canada” (2002-2004)- \$10,000.00
- Law Commission of Canada, Legal Dimensions Grant (2000), \$3000.00 (“Law and Intimacy in the Bureaucrat-Citizen Relationship”)
- United Nations Office for Project Services: Contract, for Human Development Training Project, (2000) \$29,000 (with Professors Albo, Mukherjee-Reed and Kapoor)
- Social Science & Humanities Research Council Doctoral Fellowship (1994-95), \$12,000.00
- Canada-U.S. Fulbright Fellowship (1993-94), \$20,000.00

## SELECTED PUBLICATIONS

### *Books & Dissertations*

- *The Future of Judicial Independence* (Toronto: Irwin Law, 2010) (co-edited with Adam Dodek) (forthcoming)
- *Boundaries of Judicial Review: The Law of Justiciability in Canada, 2<sup>nd</sup> edition* (Toronto: Carswell, 2010) (forthcoming) (first edition published in 1999)
- *Civil Litigation* (Toronto: Irwin, 2010) (co-authored with Janet Walker)
- *Parliament in Crisis* (Toronto: University of Toronto Press, 2009) (co-edited with Peter Russell)
- *Civil Litigation in Canada: Cases and Materials 7<sup>th</sup> ed.* (Toronto: Emond Montgomery, 2009) (ed. J. Walker)
- *Administrative Law in Context* (Toronto: Emond Montgomery, 2008) (co-edited with Colleen Flood)
- *Dilemmas of Solidarity: Rethinking Redistribution in the Canadian Federation* (Toronto: University of Toronto Press, 2006) (co-edited with Sujit Choudhry and Jean-Francois Gaudreault-Desbiens)
- *Access to Care, Access to Justice: The Legal Debate on Private Health Insurance in Canada*

Sossin – curriculum vitae – January 2010

(Toronto: University of Toronto Press, 2005) (co-edited with Colleen Flood and Kent Roach)

- *Public Law* (Toronto: Carswell, 2002) (co-authored with Michael J. Bryant)

## CURRICULUM VITAE



DR. JANUSZ A. KOZINSKI

**Date of Birth:** November 27, 1959 (Poland)  
**Citizenship:** Canadian and Polish/European Union  
**Marital Status:** Married to Roma Socha (October 23, 1982)  
**Children:** Son, Lukasz A. Kozinski (B.A. Cornell; M.A. McGill)  
**Private Address:** 112 Saskatchewan Crescent W., Saskatoon, SK, S7M 0A3, Canada  
4131 Côte-des-Neiges, Suite 14, Montréal, Qc, H3H 1X1, Canada  
**Email:** [janusz.kozinski@usask.ca](mailto:janusz.kozinski@usask.ca)

## EXECUTIVE SUMMARY

Dr. Kozinski has enjoyed a distinguished academic career in leading institutions in the USA, Europe, and Canada. He is one of the world's most widely acknowledged experts in sustainable energy systems and immune building concepts focused on anti-bioterrorism.

Educated in Krakow, Poland, he subsequently went to the Massachusetts Institute of Technology (MIT) and spent much of his career at McGill University, where he was Sir William Dawson Scholar and Associate Vice-Principal (Research & International Relations). He currently serves as Dean of the College of Engineering at the University of Saskatchewan. In addition, he holds International Chair in Bioenergy at the Institute for Advanced Studies and the Centre National de la Recherche Scientifique (France's most distinguished research laboratory). He completed the prestigious *Oxford Advanced Management & Leadership Programme* at Oxford University, and, recently, the Executive Education Program on *Crisis Leadership in Higher Education* at Harvard University.

Throughout his academic career, Dr. Kozinski has organized and led multi-disciplinary research teams and programs linking sustainable energy, environmental, public health, and security issues. He is responsible for the creation of a network of leading research centers of excellence involving research



institutions, universities and industrial partners around the world engaged in developing renewable energy systems, biofuels and bio-energy options. He has assisted governments in formulating policies that have influenced North American and European energy legislation.

His research includes projects related to sustainable energy systems, the next generation of nuclear reactors, environmental impact of energy technology, hydrogen economy, pathogen and mutagen destruction, greenhouse gas mitigation, fabrication of novel nanomaterials, public security in buildings immune to bioterrorism, and Mars exploration. Tying some of these research interests together during his work in Europe, Professor Kozinski, as the only invited scientist from Canada at the time, went into space on a series of zero-gravity parabolic flights organized by the European Space Agency.

Known for his ability to identify and mobilize complementary technologies to creatively solve a wide range of energy, environmental and security challenges, his own extensively published discoveries are being widely applied to address everything from wet biomass conversion and environmentally neutral biofuel production, to the mitigation of nuclear waste, and the protection of public buildings vulnerable to terrorist attacks. Many of his innovations are supported by significant government, private foundation, and industry grants in Canada and abroad (including nine NSERC Strategic Grants since 2000 and a \$200k Discovery Grant).

On another level of professional development, he has founded his own energy company and consults with multinational firms around the globe. Dr. Kozinski has also served on the board of a number of companies in Canada and the USA including the position of chairman of several boards.

#### EDUCATION (INCLUDING EXECUTIVE EDUCATION PROGRAMS)

- 2010** – *Harvard Executive Education: Crisis Leadership in Higher Education* – Harvard University, Harvard Kennedy School of Government, USA; this program helps higher education leaders develop the skills – gathering critical information, adapting to unique circumstances, and prioritizing actions and responses – needed to respond to and manage crises effectively.
- 2009** – *The Oxford Advanced Management & Leadership Programme* – Oxford University, Said Business School, England; focused personal development and strategic management addressing key global trends, and how these are shaping the competitive landscape of business and academic life.
- 2009** – *Professional Engineer* – Association of Professional Engineers and Geoscientists of Saskatchewan; completed a rigorous assessment and the professional ethics examination; the P.Eng. activities focus on the application of engineering principles towards the safeguarding of life, health, property, economic interests, the public welfare and the environment.
- 1986** – *Doctor of Science (honors)* from AGH – University of Science & Technology, Department of Heat Engineering & Environmental Protection, Krakow, Poland, having concluded an oral exam in Energy & Environmental Systems and a public defense of a doctoral dissertation. The Ph.D. thesis was entitled “*Soot Formation in Flames of Heavy Liquid Fuels Modified by Water*”.
- 1983** – *Master of Engineering (honors)* from AGH – University of Science & Technology, Department of Heat Engineering & Environmental Protection, Krakow, Poland, having presented a thesis entitled “*Mathematical Analysis of Radiation Heat Transfer in the Combustion Process of Fuel-Water Emulsions*”.

1978 – *Bachelor of Science (honors)* from Wyszynski College, Staszow, Poland.

### PROFESSIONAL AND ACADEMIC EXPERIENCE

**2007 – Present**      *Dean*

College of Engineering, University of Saskatchewan, 57 Campus Drive, Saskatoon, SK, Canada  
Chief Executive Officer of the College of Engineering responsible for a variety of comprehensive portfolios including development of the *Strategic Plan for 2008-2012: Strengths, Ambitions & Aspirations* and a *Master Plan for 2020: Vision & Resources*. Established first Engineering Entrepreneurship Chair in Canada based on a private donation. Secured government funding for the Centre of Excellence in Transportation & Infrastructure. Prepared a plan for a new Institute for Biomedical Engineering and introduced new programs for international partnerships. (Selected details are described in the section entitled *Administrative Contributions*).

**2006 – Present**      *International Chair in Bioenergy*

Institute for Advanced Studies and Centre National de la Recherche Scientifique, 3D avenue de la Recherche Scientifique – 45072 Orléans cedex 2, France  
Responsible for the creation of the network of Research Centres of Excellence involving various research institutions and universities engaged in research concerning renewable and sustainable energy systems, biofuels, and bioenergy. Developing research projects focusing on the conversion of biomass to hydrogen, greenhouse gas mitigation, generation of novel nanomaterials, and application of nanofuels for space exploration. Formulating policies influencing the EU energy legislation.

**2005 – 2006**      *Associate Vice-Principal Research & International Relations*

McGill University, 845 Sherbrooke Street West, Montreal, Quebec, H3A 2T5, Canada  
Responsible for the most important portfolios in the Vice-Principal's Office including the Research Grants & Ethics Office, the Office of Technology Transfer, the Strategic University Research Funding Office, and the Office of International Research. Chair of the Research Policy Committee of the Senate; chair of the University Lab Safety Committee; member of the Academic Policy Group. (Selected details are described in the section entitled *Administrative Contributions*).

**2001 – 2006**      *Sir William Dawson Scholar* (McGill equivalent to Tier II Canada Research Chair)

McGill University, Department of Mining, Metals & Materials Engineering, 3610 University Street, Montreal, Quebec, H3A 2B2, Canada  
Developed multidisciplinary research program involving colleagues from medicine, biology, chemistry, biotechnology, psychology, and engineering. This program focused on interactions between energy technologies (including green energy), environmental impacts, sustainability, and human security. Lead this multidisciplinary team as principal investigator on many strategic, industrial and collaborative grants and projects (details are described in sections concerning *Research Interests* and *Research Funding*).

**2003**      *Visiting Professor*

University of London, Imperial College and Queen Mary College, Department of Engineering, Advanced Combustion Research Laboratory, Mile End, London, England  
Invited to develop research projects concerning interactions between soot nanoparticles and mutagenic/carcinogenic polycyclic aromatics in flames. Delivered a series of invited lectures on the relationship between alternative energy and environmental pollution.

2002

**Visiting Professor**

University of Leeds, Department of Chemical & Energy Engineering, Leeds, England  
Invited to give a series of lectures concerning the application of Diamond Anvil Cells in high-pressure high-temperature research. Discussed best practices of graduate supervision in a multidisciplinary research environment.

2002 – 2003

**Visiting Professor** (sabbatical)

Centre National de la Recherche Scientifique, Laboratoire de Combustion et Systèmes Réactifs, IC, Av. de la Recherche Scientifique, 45071 Orléans cedex 2, France

Worked on a series of research projects concerning development of a propulsion system for the *first* return trip to Mars using metallic nanoparticles as fuels. This research program linked three major areas of interest in current science and engineering: (1) Travel to Mars, (2) Health Protection, and (3) Nano-technologies. The proposed approach was based on *in situ* resource utilization involving application of the Martian atmosphere as a fuel oxidizer (this approach may be the key to long-term human exploration and presence on Mars). Participated in a series of parabolic flights organized by the European Space Agency.

1994 – 2006

**Associate Professor** (tenure; 2000), **Assistant Professor** (tenure-track; 1994-1999)

McGill University, Department of Mining, Metals & Materials Engineering, 3610 University Street, Montreal, Quebec, H3A 2B2, Canada

Established *Energy & Environmental Research Laboratory* and created an environment conducive to allowing researchers to provide optimal performance. Taught courses MIME-212, 317, 451, 555, 455, 250 (cumulative average based on students' evaluations was 4.379 out of 5.0; selected as *Teacher of the Year* in 1996). Supervised graduate students (Ph.D., M.Eng.), postdoctoral fellows, visiting scholars, and undergraduate researchers. Conducted research concerning environmental aspects of energy generation and waste management. Coordinated Departmental research seminars and recruitment. Advised undergraduate students and CIM-TMS Student Chapter. (Selected details are described in the *Training & Supervision* section).

1992 – 1994

**Visiting Assistant Professor of Chemical & Fuels Engineering**

The University of Utah, Department of Chemical & Fuels Engineering, Advanced Combustion Research Center, Salt Lake City, Utah 84112, USA

Developed research projects entitled: "*Application of Carbon Filters in Thermal Treatment of Wastes*", "*Ash Particle Behavior during Biowaste Combustion*" and "*Soot Characteristics in Wood Combustion*". These projects were conducted for the Gas Research Institute, and the South-West Center for Environmental Studies. They involved pilot-scale experiments and advanced diagnostic techniques, as well as co-supervision of two Ph.D. students (K. Rink and D. Summit) All projects were conducted under the overall supervision of Prof. David W. Pershing, Dean, College of Engineering (currently Provost). The major contribution was the invention of novel techniques allowing for neutralization of toxic and carcinogenic solids.

1989 – 1992

**Research Associate**

McGill University, McGill Metals Processing Centre, 3450 University Street, Montreal, Qc, Canada

Leader of the McGill team responsible for developing a research project entitled "*Process Technology in Steel Reheating Furnaces*" as well as technology transfer to industry. It was a \$4 million NSERC-University-Industry collaborative project, supervised by Prof. Roderick Guthrie, which involved industrial partners Dofasco and Stelco Steel (Hamilton, Ontario). The major result of this work was related to energy savings estimated at \$2 million per company per year.

1988 – 1989

**Post-Doctoral Fellow**

Massachusetts Institute of Technology, Energy Laboratory & Department of Chemical Engineering, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139, USA

Responsible for coordinating and developing a major research project entitled “*Formation and Destruction of Soot Particles, and Nitrogen-, Oxygen- and Sulfur-Containing Polycyclic Aromatic Compounds in Turbulent Diffusion Flames*”. The project involved experiments on industrial-scale flames generated in a tunnel furnace of the MIT Combustion Research Facility (CRF). It was supervised by Prof. Janos M. Beer, Director of the MIT CRF. Helped obtain funding for the project from the National Institutes of Health Sciences and the US Department of Energy.

1983 – 1993 **Assistant Professor** (1987-1993); **Research Associate** (1983-1986); *On leave* (1988-1993)

AGH – University of Science & Technology, Department of Heat Engineering & Environmental Protection, Al. Mickiewicza 30, 30-059 Krakow, Poland

Taught undergraduate and graduate classes on thermodynamics and air quality. Conducted research on oxidation of soot particles and mutagenic hydrocarbons during combustion of solid and liquid fuels. Supervised M.Eng. and co-supervised Ph.D. students.

### INDUSTRIAL AND CONSULTING EXPERIENCE

*Director*, Member of the Board of Directors, Innovation Saskatchewan, 2009 – Present (the Board, which is chaired by the Minister of Energy & Resources and the Minister of Advanced Education, Employment & Labour, leads the new agency's work of coordinating government support for research, development and commercialization of innovation in the province).

*Chair* of the Board of Directors, Centre of Excellence for Transportation & Infrastructure (Canada), 2008 – Present

*Chairman* of the Board of Directors (2006-2008) & Chair of International Scientific Board, UV-Light Sciences Group Inc. (USA), 2008 – Present

*Chairman* of the Board of Directors & President, Energy Reaction Inc. (Canada), 2000 – Present

*Director*, Member of the Board of Directors, BioSynEnergy Inc. (European Union), 2009 – Present

*Director*, Member of the Board of Directors, AquaTerRen Inc. (USA), 2009 – Present

*Director*, Board of Directors, Health Technologies Inc. (USA), 2007 – Present

*Consultant*, Biotechnology Research Institute, National Research Council, 2006 – Present

*Chairman* of the Board of Directors, Sofame Technologies Inc. (Canada), 2005 – 2007

*Resident Consultant*, Dell-Point Inc. (Canada), 2004 – Present

*Managing Director & Scientific Advisor*, Green Canal Holdings (Canada), 2003 – Present

*Consultant*, PrecisionH2 Inc. (Canada): Generation of hydrogen for fuel cells, 2001 – 2004

*Consultant*, Atlantic Hydrogen Inc. (Canada): Characteristics of carbon nanostructures, 2004 – 2007

*Consultant*, Gamma Engineering Ltd. (Canada): Waste-to-energy concepts in the iron and steel industry, 2004 – Present

*Consultant*, Rio Tinto – Iron & Titanium Inc. (Canada): Pyrohydrolysis of metals, 2001 – 2006

*Consultant*, Federal Ministry of Public Works & Government Services (Canada): eWAR systems for public buildings immune to bioterrorism, 2002 – 2005

*Consultant*, National Utility Investors (USA): Replacement of fossil fuels with biofuels, 2001 – 2005

*Consultant*, PyroGenesis Inc. (Canada): Application of biomass energy in power plants, 2000 – 2006

*Consultant*, Bowater Forest Products Inc. (Canada): Atmospheric emissions of polychlorinated dibenzodioxins and furans, 2001 – 2006

*Consultant*, KMW Systems Inc. (Canada): Optimization of bioenergy in boilers, 2001 – 2004

*Consultant*, Dofasco Inc. (Canada): Injection of biomass/bio-coke into blast furnaces, 2004 – 2008

*Consultant*, Asea Brown Boveri (ABB, Poland): Destruction of combustion-generated pollutants, and Removal of Hg from effluents, 1998 – 2000

*Consultant*, Liquid Air (Canada): Optimization of coke oven gas composition, 1997 – 1998

## AWARDS AND DISTINCTIONS

### *Personal*

- Distinguished Paper Award, Thirty-Second Int'l Symposium on Combustion (USA, 2008)
- First International Chair in Bioenergy awarded by the Institute for Advanced Studies (France, 2006)
- Best Paper Award, First Int'l Conference on Safety & Security Engineering (Italy, 2005)
- Best Paper Award, 6<sup>th</sup> Int'l Symposium on Special Topics in Chemical Propulsion (Chile, 2004)
- Advanced-Level Scientific Exchange Award (SSHN), Embassy of France in Canada (2002-2003)
- Sir William Dawson Scholarship awarded by the McGill Board of Governors (2001)
- Senior Kosciuszko Fellowship (USA) at the University of Utah (1992-1993)
- Kosciuszko Visiting Fellowship (USA) at the Massachusetts Institute of Technology (1998-1999)
- Ministry of Science and Higher Education Award (Poland) for basic studies on the soot formation phenomenon in flames (1987)
- Rector's Honor List (Ph.D. degree), September 1986 Convocation, AGH – University of Science & Technology, Poland (1986)
- Chancellor Award for research in the field of combustion, AGH – University of Science & Technology, Poland (1984)
- Two First Place Awards from Polish Academy of Sciences for scientific achievements (1981 and 1983)
- Dean's Honor List (M.Eng. degree), June 1983 Convocation, AGH – University of Science & Technology, Poland (1983)

### *To Students/PDFs under my supervision*

- Combustion Institute Fellowship to my Postdoctoral Fellow Dr. P. Escot (2008)
- Horace G. Young Scholarship to my M.Eng./Ph.D. student Ms. R. Vintila (2006)
- Combustion Institute Fellowship to my Ph.D. student Mr. A. Sobhy (2006)
- Canadian Section Fellowship (CI) to my Ph.D. student Mr. A. Sobhy (2006)
- NSERC Research Fellowship to my Research Assistant Mr. A. Patel (2006)
- NSERC Research Fellowship to my Research Assistant Mr. A. Tohn (2005)
- Outstanding Teaching Assistant award to my Teaching Assistant S. Kashani (2004)
- Combustion Institute Fellowship to my Ph.D. student Mr. R. Hashaikeh (2004)
- NSERC Post-Doctoral fellowship to my Ph.D. student Mr. S. Xu (2003)
- Combustion Institute Fellowship to my Ph.D. student Mr. Z. Fang (2002)
- Canadian Section Fellowship (CI) to my Ph.D. student Mr. Z. Fang (2002)
- McGill Major Scholarship to my Ph.D. student Mr. E. Sanderson (2001)
- Graduate Fellowship to my Ph.D. student Mr. A. Sobhy (2001)
- NATO Science fellowship from NSERC to my PDF Dr. R. Sekula (1999)
- NSERC Graduate Industrial Scholarship to my Ph.D. student Mr. E. Sanderson (1999)
- NSERC Post-Doctoral fellowship to my PDF Dr. R. Saade (1996-1999)
- R.W. Stewart Graduate Scholarship to my M.Eng. student Mr. S. Di Lalla (1996).
- R.W. Stewart Graduate Scholarship to my Ph.D. student Ms. I. Makarow (1994)

### ADMINISTRATIVE CONTRIBUTIONS

#### *Dean, College of Engineering at the University of Saskatchewan*

- *College Accreditation & Advancement:* I developed and obtained collegial approval for a new *Strategic Plan for 2008-2012* that focuses on the College's strengths, ambitions & aspirations. I also established a framework for a *Master Plan for 2020* that outlines our long-term vision and linked the plan with targeted fundraising campaign. I lead the team responsible for successful accreditation of all engineering programs evaluated by the Canadian Engineering Accreditation Board. I also established a task force on "*Student Life, Learning & Services*" and implemented its recommendations concerning the impact of resources, services and administrative structures on the quality and comparability of academic and other services and support delivered to students.
- *Office of the Dean:* I proposed, engaged faculty and staff, and implemented reorganization of the financial and administrative structures of the College Administration streamlining and improving the operation of its various academic-, research- and funding-related services. The new structure, which assigned specific responsibilities and accountabilities to key units made communication within the Office more transparent and resulted in more effective work. These administrative changes reduced demands on faculty, empowered staff to innovate their areas of responsibility and enhanced support for students.
- *Office of Prizes & Awards:* I created this new Office responsible for dynamic promotion of research quality and for celebrating research and academic excellence. It focuses on developing strong, well balanced, and successful nominations in various categories. It also organizes an "Annual Gala of Excellence" where the College's best researchers and teachers are commemorated.
- *Research Funding:* I designed a successful plan to renew the College's complement while focusing on hiring three CRC Tier I and Tier II, two industrial research chairs, and launching four new research centres funded at a level of \$26.2 million (a Centre of Excellence in Transportation & Infrastructure, a Centre in Creative & Innovating Design, a Centre in Masonry Design, and a Canadian Innovative Materials Research Centre that is being coordinated with the Canadian Light Source synchrotron).
- *University Committees:* I contribute to key committees of the Senate and the University Council in the following areas: Research Centres (e.g., Energy Frontiers Research Centre, Institute for Biomedical Engineering), Information Strategy, Institutional Positioning/Branding, Innovation & Culture, Search Committees (e.g., VP Research, Dean of Business School, Vice-Provost Faculty Relations), Chairs & Programs (Canada Excellence Research Chair, School of Architecture, Mining Engineering Program), and the University – Faculty Association Committee on the Management of the Collective Agreement.

#### *Associate Vice-Principal (Research & International Relations) at McGill University*

I was responsible for the most important portfolios in the Vice-Principal's Office:

- *Research Grants & Ethics Office:* I reorganized the Office with the focus on improved direct interaction with researchers. It was based on the formation of three synergistic sections; (i) a *Faculty Grants Section* composed of the satellite research grants officers located in individual Faculties implementing best practices and successful approaches including facilitating the formation of trans-disciplinary teams and themes; (ii) an *Internal Grants Section* responsible for

handling all internal programs including Research Centres, GRF, Travel, Seminar, Social Sciences & Humanities grants etc; (iii) a *Research Performance Section* focused on research data collection, verification, analysis, and the development of a new and coherent research performance metrics. This three-tier approach helped establish a new paradigm for efficient and timely analysis of new opportunities in view of the university's strengths.

- *Office of Technology Transfer*: I was a member of the University Committee, which analyzed OTT's profile and developed a new structure for the Office and its *modus operandi*. It helped invigorate staff, shifted focus onto research- rather than purely IP-driven approach, and stimulated commercialization of new ideas. My contributions were relevant as I was the only member of the Committee with a substantial collaborative experience with industry.
- *Strategic University Research Funding Office*: I helped create and define this new Office's mandate and its mission. I created individual domains of specialization in particular programs focusing on development and implementation of strategic awards such as CFI, Genome, National Centers of Excellence, and High-Performance Computing. This solution proved tremendously successful as McGill outperformed, by a factor of two, all universities in Quebec in the recent CFI competition. I was also instrumental in obtaining a \$30-million grant in high-performance computing for the McGill-based consortium.
- *Office of International Research*: I developed a template for a focused research-based international relations program including structural changes to the international research portfolio. Based on my proposal, a very successful McGill – India collaborative program was developed involving top researchers and administrators on both sides. We clearly defined an overarching goal, strategic objectives and key research themes. It allowed for laying down foundations for the university to become a true partner that key players on the Indian research/academic scene think of when they are looking abroad. I successfully applied this approach at the University of Saskatchewan in my current role as Dean of Engineering.
- *University Committees*: I chaired the *Research Policy Committee* of the Senate (2005-6) which developed research policies and procedures on matters related to research ethics and funding; initiated and prepared a new 'Policy on Conflict of Interest in Research' and a 'Policy on Ethical Conduct of Research'; and reorganized budget, as well as criteria for establishing and evaluating Research Centres (2005-2006). I also chaired the *University Laboratory Safety Committee* and established new areas of departmental responsibilities contributing to safety in research laboratories. In addition, I contributed to the *Academic Policy Group* (chaired by the Provost) and helped reinvent research integrity and compliance policies; and the *Advisory Committee to the Provost on Animal Care*. I was also designated by the V-P Research & Int'l Relations to sit on boards of all research centres at McGill University.



Board of Governors

## ACADEMIC RESOURCES COMMITTEE

### **Report to the Board of Governors at its Meeting of April 26, 2010**

*The Academic Resources Committee met on April 1, 2010 and submits the following information report to the Board of Governors.*

#### **1. President's Report**

Dr Shoukri commented on the provincial budget and its consequences. Queen's Park has committed to fully funding additional enrolments across the system in 2010-2011, and to extend the tuition fee framework permitting annual increases of five per cent for regulated programs. The province continues to plan for additional placements associated with demographic growth in the GTA, and York is closely involved in the preparations. Salary freezes for non-unionized employees will provide additional budgetary space, and make possible some strategic academic investments despite the ongoing need for cuts. The Provostial White Paper will be an important touchstone for allocation decisions, and the President congratulated the Provost and all those who have participated in the process for developing consensus around issues that are vital to the University's evolution.

#### **2. Report of the Vice-President Academic and Provost**

Vice-President Academic and Provost Monahan reported on the following items:

- the status of the Provostial White Paper exercise, with special attention to the final stage of consultations and the addition of a new, paramount objective: renewal and growth of the faculty complement
- the viability of goals associated with rising admissions standards in view of the provincial government's desire to expand enrolments, and the University's commitment to raising cut-off averages
- the critical need for infrastructure funding to support growth and strategic planning priorities (for example, in the expansion of the sciences)
- the positive outcome of recent collegial discussions concerning appointments procedures
- appointments planning for 2010-2011

#### **3. Report of the Vice-President Research and Innovation**

In his report, Vice-President Shapson touched on the following matters:



- research dimensions of the recent federal budget, and the University's plans to maximize opportunities flowing out of additional investments in areas of York's traditional and emerging strengths
- pan-University capacity building and efforts to cultivate discipline-spanning clusters in areas such as health, climate change, and digital media
- recent successes of researchers in major funding competitions, including two of the four grants awarded under the Major Collaborative Research Initiatives envelope (it being unprecedented for a single institution to receive multiple awards from this program)
- progress in the development of research networks and innovation partnerships, and the focus of York's unique Knowledge Mobilization unit
- the transformative potential arising from the local-global dialectic, and the pursuit of catalytic relations with partners from the university, public, and private sectors
- the nature of the new Convergence Centre in Markham, which will house Innovation York in a facility shared with regional partners
- the May meeting of the York Leadership Roundtable

Sam Schwartz  
Chair

University Secretariat

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## Memo

To: Paul Cantor, Chair, Board of Governors

From: Sam Schwartz, Chair, Academic Resources Committee

Date: April 1, 2010

Re: **President's Report on Appointments, Tenure and Promotion**

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The Academic Resources Committee recommends

*that the Board approve the President's April 2010 report on Appointments, Tenure and Promotion.*

This report focuses on tenure and promotions decisions. Dr Shoukri confirms that tenure and promotion decisions followed due process and that the advice of the appropriate bodies was considered.

Documentation is attached as Appendix A.

## Appendix A: Recommendations for Tenure and Promotion

### I. Promotion to Full Professor

Name	Faculty	Unit (If Applicable)	Highest Degree (University)	Specialization(s)
Das Gupta, T (F)	Liberal Arts & Professional Studies	Equity Studies	PhD ( Toronto)	Social change & social movements, Multiculturalism, Immigration, South Asian Diaspora, Immigrant Women
Kempadoo, K (F)	Liberal Arts & Professional Studies	Social Science	PhD (Colorado)	Global Sexuality Studies
Weisman, R (M)	Liberal Arts & Professional Studies	Social Science	PhD (California)	Remorse, Witchcraft

### II. Tenure with Promotion to Associate Professor

Name	Faculty	Unit (If Applicable)	Highest Degree (University)	Specialization(s)
Eckford, A (M)	Science & Engineering	Computer Science & Engineering	PhD (Toronto)	Communications and Networks
Vlajic, N (F)	Science & Engineering	Computer Science & Engineering	PhD (Ottawa)	Wireless Networks Sensors

## COMMUNITY AFFAIRS COMMITTEE

### Report to the Board of Governors at its meeting of April 26, 2010

*The Community Affairs Committee met on April 6, 2010 and makes the following report to the Board of Governors for information:*

The responsibility of the committee for oversight of 3 of the university's enterprise risks informs its discussion of agenda topics.

#### **President's Items**

The committee received an update on the progress of the White Paper from President Shoukri and noted the importance of the background material for understanding the issues of community engagement, student recruitment, student satisfaction and the university's reputation. It also was advised that the requested from Mr. Justice Frank Iacobucci on academic freedom will shortly be released and is relevant to many of the issues which the university has faced in the last year. The Ontario budget is in general good news for universities as it provides, among other things, full funding for current and future students.

#### **University Relations**

The committee welcomed Vice President Sloan to her first Committee meeting. Reflecting on her first months at the university, Vice President Sloan described the priorities of the University Relations Division as strengthening capacity for strategic communications and community relations. Commenting on the recent unfavorable articles in the press, she noted the teamwork that had resulted in a peaceful campus during the recent Israeli Apartheid Week. Building the university's reputation in general and within the many communities of which it is comprised is a long term task. Outreach to the student community to both better understand their issues and to ask for help in solutions was suggested by committee members as an additional avenue of approach.

#### **Student Affairs**

Vice President Tiffin updated the committee on issues arising around the most recent YFS election. A request that has been made of York's Ombudsperson, Professor John McCamus, to review the YFS election processes and to report by the end of June. The intention of the review is to ensure that the processes themselves provide for democratic renewal in light of numerous concerns raised but is not intended to focus on the particulars of the most recent election. Among the problems noted was the very poor participation rate by the student electorate which speaks to the regrettably low level of engagement of students in student government in general.

### Presidential Task Force on Student Life, Learning and Community

Members were referred to the memorandum circulated with the agenda outlining initiatives which have been undertaken to improve the student environment. A copy is attached hereto as Appendix A. The implementation of the recommendations of the Task Force has continued. There has been better communication with student groups, with the result that members of the community are clearer about expectations and consequences of disruptive behavior. There have been no major demonstrations this year and security has taken a more active role in prevention of incidents by being more present in situations of potential conflict and also has been diligent in following up on policy breaches. The safety audit undertaken by Metrac has been delayed, but the report is expected by the summer. A number of measures have already been taken to improve the security of the campus and particularly residence, including property watch officers, alarmed doors and CCTV cameras. Plans continue to develop for creating more and better student space, including the expansion of library study space and the continuation of planning and consultation for better use of Vari Hall.

### Recruitment and Enrolment Update

While the results of this year's recruitment and enrolment exercise will not be known until the end of May, there is reason to be positive in terms of the number of accepted offers to date, which are tracking well over last year but have not yet met the pre-strike level of 2008. The grade cut offs are either holding or increasing and the prediction is that over all, the entry averages will be slightly higher than last year. Approximately 5,000 students and parents attended the Spring Gala events which went very well. In the course of a discussion of the National Survey of Student Engagement exercise and the challenge to advance academic quality, it was observed that York students with high entering averages chose the university because of a particular program or because they have family members who have had a good experience here. York students have established a "Golden key Honor Society" for the academic top 15% of students and it has been well subscribed.

The next meeting for the York Circle is on May 1 and members were encouraged to attend.

### Future Agendas

The committee spent some time *in camera* discussing future agendas and are particularly interested in better understand student campus life and how the university might better communicate its messages, particularly to students and potential students. It will be important going forward to identify York's key "communities" in terms of reputation, and how they might be addressed. The Committee members are anxious to share their expertise in both knowledge of the community and in communication, and how best to share that will be a focus going forward.

### Other Business

Mr. Lewis acknowledged the service of Emmett Soldati and Debbie Jamieson, both of whose terms will be expiring in June and thanked them for their participation. A note of thanks was sent to the departing committee members including wishes for Mr. Soldati's future success in graduate school.



## Memo

To: Board Community Affairs Committee

From: Rob Tiffin, Vice-President Students

Date: April 6, 2010

Subject: **Initiatives Undertaken to Improve the Student Environment**

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### INCREASED SECURITY

- Consultations with students have been undertaken to create more friendly student lounge space in the rotunda and upper floors of Vari Hall. This is expected to be completed by September 2010.
- Security is taking a more active role in monitoring student activities in Vari Hall and other locations where events are occurring. Their increased presence was prominent leading up to and including Israel Apartheid Week.
- The protocol for a security review when events are being planned by student groups has been reviewed and communicated to student groups.
- No trespass' warnings have been provided to individuals external to the community and the University is prepared to act on these warnings when warranted.
- Electronic bulletin boards have been installed in strategic locations around campus to post emergency information and general information. Telephones have been installed in all classrooms.

### GREATER INTERVENTION

- Security plays a role in controlling the usage of space by issuing tickets to those who are not in compliance with the Temporary Use of University Space policies
- Security now has the power to issue tickets for violations of the University rules rather than waiting for a complaint.
- The Office of Student Mediation and Conflict Resolution facilitated a mediation process in summer 2009 between Hasbara and SAIA that did result in reduced tension between the groups and created a better working relationship with the Office of Human Rights. The result to date has been a Fall and Winter term without demonstrations or significant incidents.

- Student Community and Leadership Development, Human Rights and Security have met frequently with representatives of Hillel, SAIA, CUFI, Hasbara and other religious groups, e.g. Muslim Student Association, to discuss areas of conflict and to plan activities that would avoid conflict. No incidents or demonstrations occurred in the fall term.
- Prior to Israel Apartheid Week individual and group meetings occurred to discuss how each of the groups would interact with each other. All made commitments not to engage in a disrespectful manner and to disengage if discussions became heated. They were also advised that Security would be present and would intervene. The result was a very quiet week without incident. All parties fulfilled their commitments.
- During Israel Apartheid Week both Hasbara and Hillel held a number of speaking events in classrooms and other locations on campus. None were disrupted.

### **CONSISTENT ENFORCEMENT OF POLICIES**

- Student Community and Leadership Development provided orientation sessions in the fall and winter for all student groups to ensure that they were aware of the process to book space, the restrictions governing the use of space as well as the consequences for misuse.
- Prompt action has been taken when incidents have occurred in order to ensure that it is understood that policies are enforced and that this is communicated to the community.
- The Student Code of Conduct is now under review by a panel of students, faculty and staff to address procedural deficiencies and to develop a code of student rights and responsibilities.

### **IMPROVED ENVIRONMENT**

- The Office of Human Rights has initiated a series of meetings and conferences on human rights and respectful speech. This included a successful poster campaign in November that spoke to the importance of civil dialogue and the impact of hurtful dialogue.
- Consultations with students have been undertaken to create more friendly student lounge space in the rotunda and upper floors of Vari Hall. This is expected to be completed by September 2010.
- A Respect, Inclusivity and Awareness tutorial was developed for students on a pilot basis this year and will be fully implemented in Fall 2010 for all incoming students and is included in orientation training.
- The Vice-President Students, Associate Vice-President Academic Learning Initiatives, Residence Life Coordinators, Director of Housing and students are now reviewing all aspects of residence life to identify areas of improvements.
- A pilot Living and Learning Community, i.e. Life Sciences House, will be established in the Bethune residence in September 2010. A small group of students in Biology, Chemistry and Kinesiology will receive supplemental instruction and peer tutoring.
- The Committee on Campus Dialogue, with membership from students, faculty and staff, has been struck and has had its first symposium on sexual assault. Discussions are underway to begin planning for a fall event.

- The open hours of the Scott Library have been modified to provide 24 hour access during peak periods of activity during the academic year.
- This has been a year without demonstrations or significant incidents of student conflict.
- A series of lectures have been organized by the Colleges and individual academic units to discuss freedom of expression, civil discourse and controversial topics. All have occurred without incident.
- Additional bulletin boards have been installed in locations recommended by students to disseminate information on upcoming events.



**FINANCE AND AUDIT COMMITTEE**  
**Report to the Board of Governors**  
at its meeting of 26 April 2010

*The Finance and Audit Committee met on 5 April 2010 and in addition to the items for approval on the agenda, submits the following report to the Board of Governors for information:*

**1. Auditors' Reports on Student Association Financial Statements**

The Committee received a report from the Vice-President Students on the Audited Financial Statements of the student associations at the University. Twenty-five of the University's twenty-nine centrally funded student governments and organizations have submitted audited Financial Statements and Letters to Management for fiscal 2009. Fourteen of the twenty-five completed audits received unqualified opinions from the auditors with all of the organizations now operating under a financial system and plan.

The Office of Student Community Development continues to support the student groups through several forms of assistance and advice to ensure they are meeting their fiduciary responsibilities and mitigating risk.

**2. Budget Planning Update**

The proposed budget plan for 2010-2013 will come to the Finance & Audit Committee in May and the Board in June for approval. At the meeting in early April Vice-President Brewer provided an update on the emerging issues and key budget decisions that are shaping the next three-year budget. The driving issues of the operating budget at this time include:

- The March 2010 Provincial Budget
- Actual enrolments for Winter 2010
- Enrolment plans for 2010-11
- Investment performance of the endowment and pension funds

The provincial budget delivered in March had a significant focus on post-secondary education. Directions and decisions announced pertaining to operating funds, enrolment growth, tuition fees, capital funding, compensation controls and pension reform all positively inform the University's operating budget. The impact of the budget is still being analyzed and further information from the government on some matters, including tuition, is pending.

Positive budget developments to date include:

- higher than forecasted enrolments in winter 2010 which resulted in a positive variance to the 2009-2012 budget plan;
- strong international enrolments, particularly at the graduate level;
- steadily improving investment performance of both the endowment and pension funds;
- possibility of solvency relief measures for the pension fund from the provincial government; and
- improved budget positions in some Faculties

In spite of the positive developments in some areas, a tight fiscal environment persists at the University. In that context, a budget plan that aligns resources to the University's strategic plans and priorities will be developed and brought forward.

### **3. Tuition Credit Report**

In winter 2009 the University provided students with a tuition credit opportunity as a way to alleviate the financial stress associated with the extension of the 2008-09 academic year. It applied to undergraduate students who withdrew from fall term only and full-year (Sept-April) courses with the intention to re-enroll in the winter 2009 term, the summer 2009 term and/or the fall/winter 2009-2010 session. To be eligible students had to have paid their fees in full and have dropped their original course by April 3, 2009.

In total 18.2% of eligible students took advantage of the tuition credit opportunity. Overall the initiative was a success. First and foremost it helped alleviate some of the impact of the extended year on students. It also provided a sense of goodwill with students following a challenging year and helped boost summer 2009 and fall 2010 enrolments when declines were expected.

### **4. Report of the Internal Auditor**

#### *Status Report*

The Committee received and discussed a report from the Director of Internal Audit for the period 1 February 2010 – 31 March 2010. The department undertook nine audit engagements, of which three have been completed. A corrective actions status report to February 28, 2010 was also received. Nearly one-half (44%) of the recommended corrective actions from previous audits have been *Completed*; nearly one-half (46%) are *Generally on Schedule*; and approximately 10% are *Behind Schedule*.

In response to the results of one of the audits conducted between February-March, a comprehensive restructuring of policies, procedures, processes and systems pertaining to the procurement of goods and services is underway to enhance controls at the University. The Committee will be kept apprised of progress on this task.

#### *Internal Audit Plan 2010-2011*

The Committee reviewed and approved the Internal Audit Plan for 2010-2011. The Plan is a risk based plan, which aligns with the University's strategic objectives and the key organizational risks as identified in the Enterprise Risk Management Initiative. The key elements of the 2010-2011 Audit Plan are to cover high-risk areas across the University focusing on the institution's main functions and processes, and to set out the resource requirements and audit hours necessary to fulfill the objectives of the Plan. The staff complement of the department will be held at five auditors reflecting the increased risk and overall complexity of University operations. The planned level of resources remains within a reasonable range for large universities.

*David Denison  
Chair*

University  
Secretariat

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## Memo

To: Paul Cantor, Chair, Board of Governors  
From: David Denison, Chair, Finance and Audit Committee  
Date: April 26, 2010  
Subject: **Undergraduate Residence and Graduate Apartment Rates**

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### Recommendation

**The Board Finance and Audit Committee recommends that the Board of Governors approve an increase to the undergraduate residence room rates by 5% across-the-board for the Keele and Glendon campuses for 2010-2011.**

### For Information:

**All apartment rates are to be increased by 2.1% across the board per the 2010 rent control guideline, effective May 1, 2010.**

### Background and Rationale

The 2009-2010 residence rate increase was reduced to 2% to assist students in rearranging their finances as a result of a down economy and the impact of the CUPE strike.

For 2010-2011, the proposal is for a 5% increase to all room rates to address the following:

- a) covering increased operating costs (based on the planning assumptions, below).
- b) implementing a 3-year capital improvement and deferred maintenance program.
- c) keeping York competitive within the university student housing market.

For the fiscal year 2010-2011, the planning assumptions are as follows:

- CPI Increase: 2%
- Energy Cost Projected Increase: Heating & Cooling 2%; Electricity 3%
- Salary/Wages Increase: 3.3%

### Building Maintenance and Renewal:

Housing has developed a list of deferred maintenance and renewal project priorities, with cost estimates, to be completed between 2010 and 2013. These projects are critical to address aging and deteriorating housing stock and to reduce repair and maintenance costs associated with breakdowns.

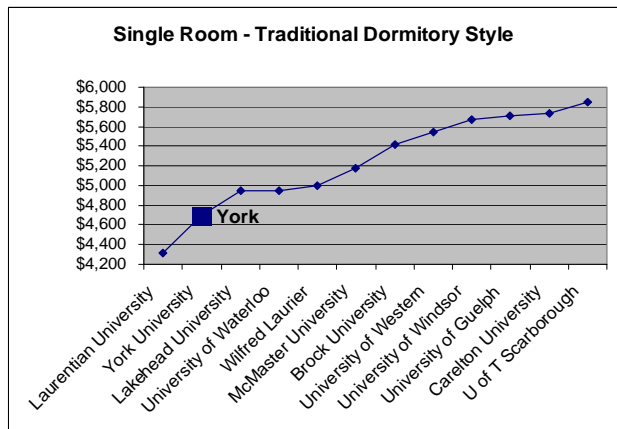
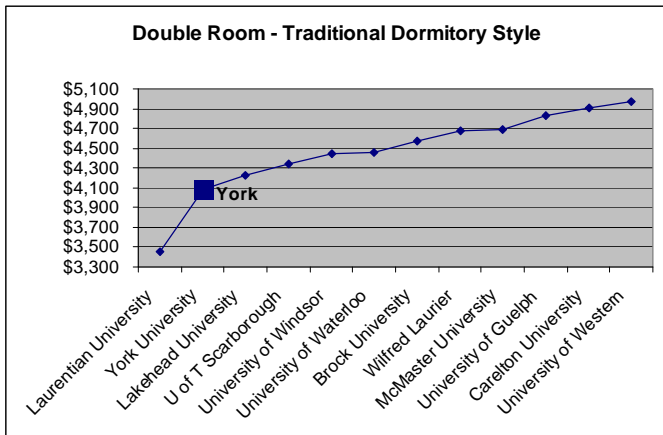
Projects have been prioritized based on facility audit life cycle estimates, health and safety risk factors, maintenance costs and tenant feedback and complaints. Projects are also focused on improvements to architectural finishes that will help modernize the look of existing facilities and increase the appeal, recruitment and retention rates for the York residences.

Through the long term plan approval process, an additional \$3 million is available for Housing deferred maintenance commencing in budget year 2010-2011 and in each year thereafter.

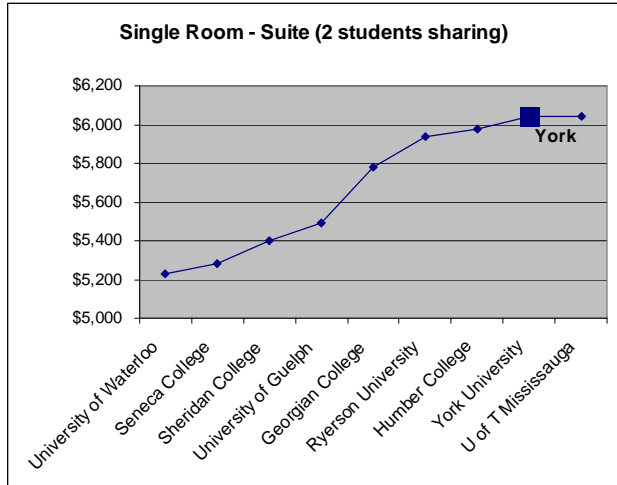
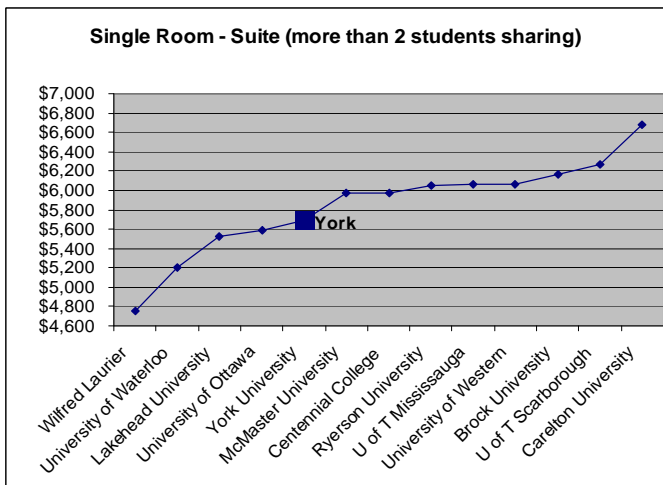
In addition, the 5% rate increase proposed to take effect for 2010-2011 will cover costs associated with staffing and resources needed to design and implement these projects within the 3-year program period.

Residence Rate Comparisons: (Note: Some rates shown are calculated averages where the institution provided a range of rates for certain room types.)

York's 2009-10 undergraduate residence rates for traditional dormitory rooms continued to fall in the range of 10% below the median in comparison with other Ontario universities and colleges.



York's 2009-10 rates for suite-style residence remain near the median average with other institutions, however the newest Pond Residence two-person suites continue to attract more applications than space available and remain at the high end of the range.



Most universities and colleges are increasing their residence rates by an average of 4% for 2010-11.

York's 5% increase will represent an increase of \$206 to \$238 for traditional dormitory rooms, and \$271 to \$312 for suite-style rooms, over the eight-month undergraduate residence agreement period.

The Committee is satisfied that the rate of increase is reasonable and necessary to achieve the Housing plans and address students' needs.

Apartment Rates Comparison:

The 2.1% increase to apartment rents will keep York on par with similar unit types in buildings in the neighbourhoods surrounding the Keele campus. Bachelor units ranged from \$679 - \$720 per month for 2009-2010 in the Jane-Finch area and will cost \$735 in the Assiniboine apartments for 2010-2011. A one-bedroom apartment in 500 Murray Ross Parkway is \$885 per month compared with a one-bedroom apartment in the Assiniboine apartments that will cost \$882.

The rents for the Passy Garden apartments are roughly 10% higher, but include wireless internet service.

Consultation and Communication:

The proposed undergraduate residence rates for 2010-2011 have been presented to the Residence Life Advisory Council represented by students, residence life staff and College Masters.

With regard to the apartment rate increase, all tenants in occupied units are automatically notified 90 days in advance of the annual statutory rent increase, based on their lease anniversary date.

Housing Services continues to work collaboratively with residence life staff, residents and tenants at both the Keele and Glendon campuses by meeting regularly and creating focus groups to invite feedback for enhancing their on-campus living environments and experience.

# Memo

To: Paul Cantor, Chair, Board of Governors  
 From: David Denison, Chair, Finance and Audit Committee  
 Date: April 26, 2010  
 Subject: **Meal Plan Rates – Undergraduate Residences**



## Recommendation

**The Board Finance and Audit Committee recommends that the Board of Governors approve the increases in the meal plan rates at both the Keele and Glendon campuses as shown in the following table:**

	Optional Suite Plan (to be set at ½ Bronze Plan)	Meal Plan Programs		
		Bronze	Silver	Gold
<b>Current 2009/2010</b>	\$ 1000	\$ 2500	\$ 3000	\$ 3500
<b>Proposed 2010/2011</b>	\$ 1500	\$ 3000	\$ 3500	\$ 4000

## Background and Rationale

York University’s meal plan program provides residence and commuter students with access to food services across campus. Meal plans operate on a “declining balance” debit-style basis and are accessed via the YU-card. The majority of students participating in the meal plan program live in residence, where meal plans are a compulsory part of the residence package for most students. Undergraduate students living in suite-style accommodations in Calumet, Bethune and The Pond Road Residences are not required to purchase a meal plan, although many choose to purchase a plan for the tax savings and convenience it can provide. Meal plan participation data is provided in Table 1.

Meal plans offer students exemption from retail sales taxes (GST and PST) on their meal purchases, provided the plans comply with regulations set forth by the Canada Revenue Agency and the Ontario Ministry of Finance. The tax exemption is a popular feature with students and parents. The regulations require that meal plans be sufficient to provide students with a minimum of ten meals per week for the duration of the plan (September to April). Based on the formula provided by the Canada Revenue Agency, a meal plan at York in 2010-2011 must be priced at a minimum of

\$2,100 to qualify. This minimum level increases over time as food prices rise and/or regulations change, as has been the case at various times in recent years.

The minimum requirement does not provide students with a sufficient food budget for the academic year and meal plans are typically priced well above that amount.

The current minimum meal plan amount continues to prove inadequate for most students who select it. In 2009-2010, 30% of students who chose the plan ran out of money at least two months before the end of the term, with some students depleting their plans in January. While the incidence of depletion has been reduced following the meal plan increases implemented in 2008 and 2009, it continues to be a significant problem and the artificially low meal plan prices are viewed as misleading by some parents and other institutions. Customer demand for food service providers to use more expensive ingredients and supplies such as local produce and biodegradable packaging is placing additional upward pressure on meal prices.

### **Proposed Meal Plan Packages**

The proposed meal plan packages for 2010-2011 are provided in Table 2. The proposed rates represent a \$500 increase to each plan option.

### **Comparative Rates at Other Ontario Institutions**

Universities in Ontario offer a variety of board (buffet-style) and declining balance meal plan programs with their residence offerings. Some institutions (e.g. Carleton) provide only a combined room and meal plan price, thus it is difficult to create a direct plan-by-plan comparison with every institution.

The price range for comparable sets of plans offered at other Ontario institutions in 2009-2010 is provided in Table 3. The average of minimum meal plans was \$3,200. Within the Greater Toronto Area, meal plans at Ryerson and University of Toronto ranged from \$2,725 to \$4,134. Based on historical practice, it is anticipated that meal plan prices at Ontario institutions will increase by a range of 1% to 5% for 2010-2011.

### **Food Services and Meal Plan Program Strategic Plan**

Food Services has been working with Aramark to conduct market research in support of the development of a new strategic plan for Food Services and the Meal Plan program to enhance the student experience and improve food quality and variety on campus. Based on the findings of the study, which included input from approximately 4,000 community members, as well as additional feedback received from residence students, it is anticipated that an enhanced residence dining program will be developed for approval this year with a target implementation date of September 2011. This will include renovations to food service operations in Complex 1 and Complex 2 and the implementation of a new meal plan program.

## Tables

**Table 1: Meal Plan Participation Rates**

Plan	Number of Students	
	2009/2010	2008/2009
Bronze Plan	1421	1240
Silver Plan	437	604
Gold Plan	110	165
<b>Total</b>	<b>1,968</b>	<b>2009</b>

- Data includes partial plans sold to York University English Language Institute students.

**Table 2: Proposed 2010-2011 Packages for Tax Exempt Meal Plans**

Meal Plan Package	Meal Plan Elements			Total
	Meal Plan	Meal Plan Plus	“Flex” Funds	
\$3000 Plan (Bronze)	\$3000	0	0	\$3,000
\$3500 Plan (Silver)	\$3000	\$400	\$100	\$3,500
\$4000 Plan (gold)	\$3000	\$750	\$250	\$4,000
Use of funds	Food outlets only	Food outlets only	Food outlets Vending Machines Bookstore Other retail	
Exempt from sales taxes?	Yes	Yes	No	
Funds expire at end of term?	Yes	No	No	

The price for the optional Suite plan (for students living in suite-style residence units) is normally set at half of the Minimum plan rate. For 2010-2011, this would be \$1,500. Feedback from students who have purchased this plan indicates that the current \$1000 amount is insufficient for the year.

**Table 3: Meal Plans at Ontario Universities (2009-2010)  
Ascending Order by Minimum Plan**

Campus	Style	2009/2010						Average
YORK	DB	2,500	3,000	3,500				3,000
Laurentian	DB	2,450	2,700					2,575
McMaster	DB	2,575	2,775	2,975	3,175	3,375		2,975
Ryerson	DB	2,725	2,970	3,290				2,995
Queen's	Board	2,960	3,315	3,490	3,735	3,845	3,950	3,549
U of T – Victoria	Board	3,310	3,840					3,575
Wilfrid Laurier	DB	3,079	3,339	3,588				3,335
Guelph	DB	3,080	3,580	4,030	4,410	4,760		3,972
U of T – Mississauga	DB	3,295	3,610	3,795	3,985			3,671
Brock	Both	3,350	3,500	3,750	4,000	4,250		3,770
Windsor	DB	3,350	3,500	3,700	3,900			3,613
Waterloo	DB	3,420	3,940	4,340				3,900
U of T - University College	DB	3,480	3,940					3,710
Western	DB	3,550	3,860	4,080				3,830
Carleton	Board	3,560	4,260	4,268				4,029
U of T - New College	Board	3,910	3,949	4,134				3,998
Average Minimum Plan		3,206	(6% increase from prior year)					
Median Minimum Plan		3,310						





## Memo

To: Paul Cantor, Chair, Board of Governors

From: David Denison, Chair, Finance and Audit Committee

Date: April 26, 2010

Subject: **Recommendation on 2010 Endowment Distribution Rate**

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### Recommendation:

**The Board Finance and Audit Committee recommends that the Board of Governors approve changes to the 2010 distribution rate for endowments as follows:**

- 1) **Suspend Capital Protection for 2009-10.**
- 2) **Distribution for endowments with funded positions (Market Value to Book Value) as at April 30, 2010 as follows:**
  - a) **5% for those endowments with a funded position greater than 1.10.**
  - b) **4% for those endowments with a funded position of 1.06 to 1.09.**
  - c) **3% for those endowments with a funded position of 1.01 to 1.05**
  - d) **Suspend distributions for all endowments with funded positions of 1.00 or less.**

### Background

The Endowment Funds of York University and York University Foundation include donations received that are restricted for the purposes designated by the donors. The restricted purposes are generally for scholarships and bursaries, research chairs and other special projects. The endowment assets are invested in long term investments in accordance with an approved Statement of Investment Policies and Procedures.

The responsibility for the investment of the funds resides with the Boards of the University and Foundation through their respective Investment Committees. Responsibility for the setting of the distribution policy resides with the Boards through their respective Finance and Audit Committees. A similar recommendation is being made to the Foundation by its Finance and Audit Committee.

Due to the significant volatility in capital markets in recent years, the administration of the University and management of the Foundation have been closely monitoring and regularly reporting to both the Investment Committees and the Board Finance and Audit Committee on the performance of the fund and the probability that the endowment capital, at market, will be sufficient to maintain the annual distributions.

**Fund Position – Consolidated York University and York University Foundation**

Figure 1 below has been updated to the end of February and demonstrates the decline and disappearance of the positive revenue between market value and book value over the period from January 31, 2007 to February 28, 2010. This figure also demonstrates the results of the positive returns that have been experienced from February, 2009 to the end of February, 2010.

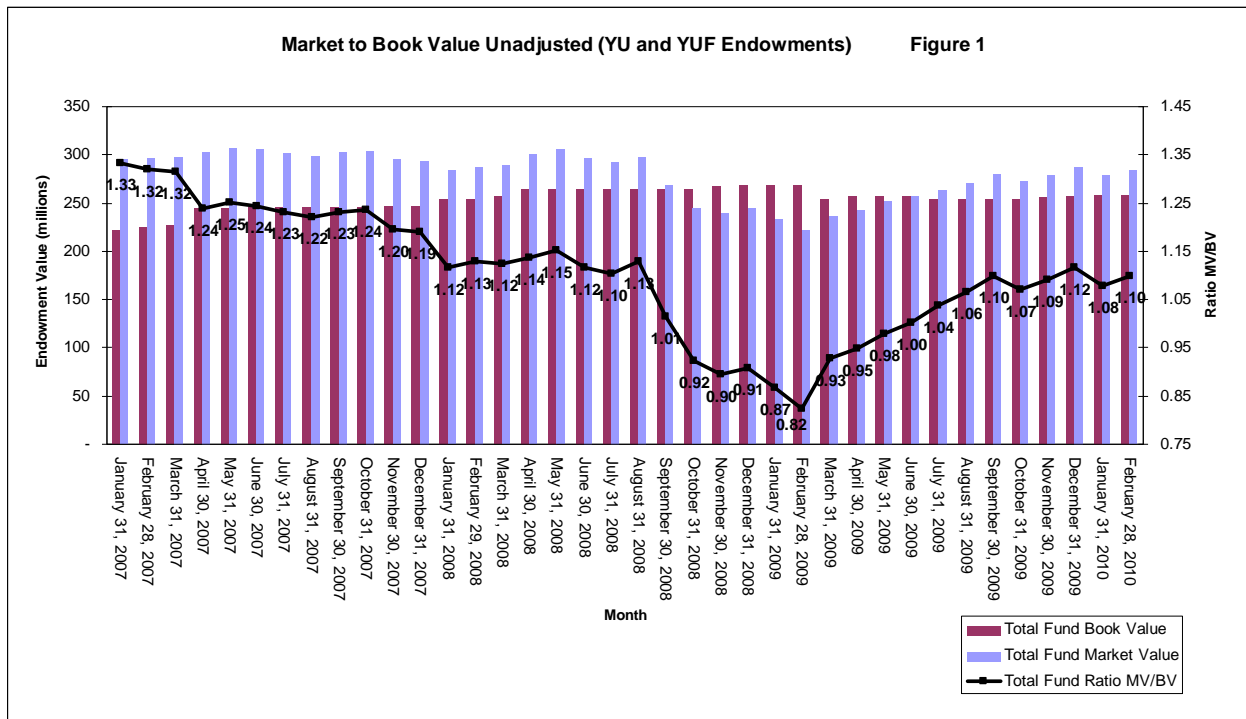


Figure 1 demonstrates the significant reserve that existed at January 2007 that had been seriously eroded to the level of 82 percent (ratio of Market Value to Book Value). As a result of a strong performance during 2009 and the actions taken to suspend CPI taken and reduce distributions for the 2009 distribution, the reserve is recovering and at the end of February is at the level of 1.10 (ratio of Market Value to Book Value) and the endowment is no longer underwater. What this graph clearly demonstrates is the need to maintain reasonable levels of reserves in order to sustain the normal annual distribution over the long term.

The normal annual distribution rate for endowments, with the exception of a special arrangement for one donor, has been 5% of the adjusted book value. Last year the Board revised the distribution rate and took a number of measures to help preserve the capital of these endowments. The measures included a combination of suspension of CPI, reversal of previous capitalizations and a reduced distribution of 3% restricted to endowments that had a funded position of .90 or greater.

Each individual endowment account is required to stand on its own and must be analyzed based on its characteristics deriving from timing of cash inflows and investment history. Consequently, each individual endowment can be ranked by strength based on its unique ratio of market value to book value that in essence is based on the length of time it has been invested in the endowment fund.

A detailed review of the endowments and their individual ratio of market to book value has been analyzed and figure 2 below outlines the position of these funds in ranges. The detailed analysis was prepared based on the end of February 2010 balances.

<b>MV/BV Analysis</b>				<b>Figure 2</b>
<b>CONSOLIDATED (Includes YU and YUF)</b>				
<b>as at February 28, 2010</b>				
Excludes:				
1. New Endowments created after April 30, 2009				
2. YU Endowments that do not normally receive distribution				
3. Schulich Special arrangement endowments				
<b>MV/BV Ratio</b>	<b>Count</b>	<b>Total BV</b>	<b>Actual MV</b>	<b>% BV</b>
	<b>28-Feb-10</b>	<b>28-Feb-10</b>	<b>28-Feb-10</b>	<b>28-Feb-10</b>
<b>&gt;1.10</b>	640	72,503,522	92,870,113	36%
<b>1.6 to .1.10</b>	324	39,552,872	43,022,092	20%
<b>1.01 to 1.05</b>	571	56,668,995	59,927,856	28%
<b>1.0 or less</b>	134	32,042,107	30,901,309	16%
<b>TOTALS</b>	<b>1,669</b>	<b>200,767,496</b>	<b>226,721,370</b>	<b>100%</b>

The investment objective of the Endowment Fund is to preserve the Fund capital in real terms in order to provide a flow of income to endowment beneficiaries in perpetuity. An additional investment objective of the Endowment Fund is to provide a rate of return sufficient to support stable expenditures over time.

In surveying Canadian Universities, most universities continue to be conservative with their endowment distribution rates for 2010 in an attempt to maintain some reserves to assist should capital markets continue to be volatile in the near term.

This proposal represents a cautious approach which balances the desire to make as much available as possible from the endowments, while balancing the need to maintain reasonable reserves within each endowment and not expose the University's central budget to additional cost pressures in future years.

Based on the above formula, it is estimated that the endowment distribution will amount to \$6.9M as compared to \$10M which is the value had the distribution policy remained at the normal level of 5%.

The University will mitigate the shortfall in funding that is created as a result of this reduced distribution by:

- 1) Providing supplementary support for student awards from the University operating budget.
- 2) Providing full support from the University operating budget for any shortfall in distribution for salary and benefit costs for endowed chairs.
- 3) The Foundation will communicate to the donor community and will work with individual donors with special arrangements as appropriate.

The Foundation has and will continue to encourage donors who have established endowed funds to provide additional funding equivalent to the required distribution to fund the intended purpose.

**INVESTMENT COMMITTEE**  
**Report to the Board of Governors**  
at its meeting of 26 April 2010

*The Investment Committee met on 29 March 2010 and submits the following report to the Board of Governors for information:*

**1. Meeting of the Investment Committee**

The Committee received the Treasurer's Report on cash flow and short-term investments to January 31, 2010. Following the adjustments made to the short term investment program in November 2009 (reported to the Board in December 2009), no further changes to the program have been made. Interest rates remain low and as a result almost the entire liquid portion of the short-term funds is being held in bank accounts which are yielding a higher rate of return than the other short-term investment vehicles.

The Investment Committee was joined by the members of the Investment Committee of the Foundation Board for a joint meeting.

**1. Endowment Fund Performance**

*Semi Annual Investments & Performance Snapshot and Performance Summary*

The Committees received the semi-annual investments and performance summary as at December 31, 2009, and the total fund performance summary to February 28, 2010. The report shows the impact of the return of positive performance in the markets. At December 31, 2009 the fund had grown by \$43.5 million (19.5%) from April 30, 2009 to \$287.7 million, with a slight slip of \$3.3 million by February 28, 2009 to \$283.8 million.

Consistent with the requirements of the *Statement of Investment Policies and Procedures*, the Committees also received and reviewed the fee structure and fund expenses for the endowment fund for 2009 versus 2008. There was an increase in fees in 2009 of approximately 19%, which is a reflection of the increased complexity and diversification in the fund structure, the higher manager fees associated with the new asset classes added in 2008, and the addition of currency management. A revision of the University's custodial services fee schedule has resulted in an approximately 68% reduction in custodial fees for 2009, which included rebates for part of 2008.

*Performance Monitoring Report*

The University annually retains Aon Consulting to conduct a detailed performance monitoring review of the endowment fund to assess fund managers' success in fulfilling their mandates and in generating returns relative to market results. The results of the 2009 calendar year-end review were presented to the Committees at the meeting in March. Consistent with the previous year the analysis provided valuable information to take into account in determining the continuation of manager contracts.

**2. Canadian Equity Investment Manager Structure**

In a December, 2009 report on recent developments at one of the Canadian equity investment managers, Administration committed to reviewing the structure of the Canadian equity segment and providing a recommendation at the March meeting<sup>38</sup> regarding the retention or conversion of the

manager structure. This review was prompted by two main concerns: changes in leadership and personnel at one of the Managers and a concern that the investment expertise that had contributed to performance was no longer present; and secondly, a question as to whether two managers are required for the diminished weight of this asset class. The current weight of Canadian equities is 15% of the total fund, split evenly between two managers, Foyston Gordon & Payne and Sceptre Investment Counsel.

The analysis conducted by Administration included:

- A due diligence visit conducted at the offices of Sceptre including meeting the individual portfolio managers during which administration found the team to be strong and have potential to continue the positive performance exhibited by Sceptre over the long-term
- Reviewing quantitative and qualitative analysis provided by the consultant, Aon Consulting.
- A comparison of the styles of the managers as well as the individual portfolios to ensure diversification within the relatively small Canadian equity managers. This analysis showed that styles were complementary and the holdings and exposures were sufficiently distinct from each other.

The conclusions and resulting recommendation of Administration was to continue the existing structure. After reviewing the analysis, the Committee approved this recommendation to continue the structure and to monitor the managers closely with a similar report to come forward in a year's time.

### **3. Endowment Distribution for 2010**

A recommendation from the Finance & Audit Committee pertaining to endowment distribution for the 2010-2011 academic year is on the agenda for the Board's approval. The proposed changes were brought to the Investment Committees for information, and they support the recommendation.

### **4. Investment Manager Mandate Revision**

In January of 2009 a passive hedge strategy was implemented on a portion of the Endowment Fund's non-Canadian portfolio, which entailed a 50% currency hedge on the US small/mid cap equity, global equity and global high yield bond portfolios. TD Asset Management (TDAM) was selected as the investment manager for implementing the currency hedge. The hedging strategy also required that the Global Equity Manager - Alliance Bernstein – use a hedged benchmark index. Its manager mandate was revised to incorporate the MSCI World 50% Hedged benchmark. In January 2010, with the addition of an active currency manager, the passive currency overlay with TDAM was terminated and the Alliance Bernstein benchmark was returned to Unhedged though it was initially intended that some moderate amount of active currency hedging could be continued for portfolio risk reduction. Prior to implementation it became apparent that there was considerable probability that hedging activity could overlap between Bernstein and Mesirow. As a result, York instructed Bernstein to remove all currency hedging and discontinue hedging going forward. A revised mandate reflecting this change was approved by the Committee.

### **5. Annual Investment Report for the Endowment Fund**

The Committee received and reviewed the Annual Investment Report as at December 31, 2009 (Appendix A). The report provides a detailed overview of the assets and performance of the fund. It also describes the activities of the Committees over the last calendar year and those planned for 2010.

*Guy Burry  
Acting Chair*

## Memo

To: Board of Governors, York University  
From: Gary Brewer, Vice-President Finance and Administration  
Date: April 26, 2010  
Subject: **Annual Investment Report at December 31, 2009**

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The Annual Investment Report to the Board of Governors provides a detailed review of the assets and performance of the Endowment Fund to December 31, 2009. The Report also reviews the Investment Committees' activities during calendar 2009 and plans for 2010.

### Summary

The value of the combined endowment assets of York University and York University Foundation was \$287 million as at December 31, 2009. This compared to \$244 million as at December 31, 2008. The rise in value during calendar 2009 was due to contributions of \$11 million, from donations and bequests, plus investment income and market appreciation of \$51 million, net of withdrawals of \$18 million, for funding of 2008 and 2009 endowment distributions.

The total fund one-year rate of return for 2009 was 21.7%, compared to 20.2% for the benchmark. This highly-positive result followed on the highly-negative one of 2008 when the fund had returned -19.1%. The rallying markets together with the outperformance of the endowment's combined investment managers contributed to a substantial recovery of the assets from their low point of \$221 million at February 28, 2009.

In a survey of institutional investments, including pension funds and endowments, York's endowment fund was ranked by Aon Consulting in the top quartile for one-year total return relative to a peer group sample.

Over the four-year period, which is the policy convention for gauging the fund's performance relative to its objectives and benchmark, the annualized rate of return for the fund was 3.1% which mildly exceeded the benchmark return for the same period of 3.0%.

Over the longer term, which is a suitable period for gauging the overall success of the investment program, the 9-year annualized return of the fund was 5.2%. The fund's return exceeded the benchmark for the same period by 1.2% annualized and exceeded the nominal amount required to cover annual distributions and investment expenses for the fund.

The addition of currency overlay at the beginning of 2009 positively contributed to the investment program's result. The Canadian dollar appreciation relative to the USD was a highlight feature in the past year. This was significant as the US dollar dominates the foreign currency exposure in the endowment fund which at December 31 had 35% of assets denominated in USD. The passive USD currency overlay contributed 1.4% scaled across the total fund for the year.

The managers hired by the Investment Committees in mid and late 2008 for three new mandates all managed their portfolios according to expectations. Notably over the 2-year period of 2008 and 2009 that encompassed the worst of the credit crisis and the best of the post-crisis market rally, these managers added value and protected the York endowments from the worst of the down side risk within their market segments.

Several activities overseen by the Committees reached completion near end of 2009. First, the final transition to the policy asset mix was completed in the first week of January 2010. This concluded the 18-month three-phase transition of the fund assets from the legacy asset mix to the target asset mix. A currency overlay specialist was hired and assigned the new mandate for active currency management, as implemented in the first week of January 2010. A philosophy and strategy for management of currency exposure was incorporated in the revision of the Statement of Investment Policies and Procedures (SIPP), as approved by the Board in February 2010. The performance benchmark was also restated in this revision to integrate the performance measurement of currency hedging.

To meet the endowment obligations and protect the endowment capital from the worst of the down market, the University and Foundation had to intensively focus on individual endowments and provide subsidization where needed of the 2009 payout. The reductions and relocations, as were approved by the Board a year ago, have allowed the endowed assets to significantly recover and consequently the upcoming distribution in 2010 is expected to be close to normal.

Details and additional coverage are provided in the Report respectfully presented by the Investment Committees.



# Annual Investment Report

## Endowment Fund

December 31, 2009

Board of Governors – April 26, 2010



## Annual Investment Report for the Endowment Fund as at December 31, 2009

### *Summary*

The Endowment Fund consists of the combined endowment assets of York University and York University Foundation pooled for investment purposes. The fund is mainly made up of true endowments which are gifts and bequests from donors and partly made up of quasi endowments which are funds designated by the University for long-term investment. The investments are governed by the terms and constraints specified in the Statements of Investment Policies and Procedures (Policy). The Policy, endowment assets, investment portfolios and the managers that invest them are overseen by the Investment Committees of the Board of Governors and Board of Directors respectively of York University and York University Foundation.

Capital markets reached the inglorious nadir of the global credit crisis on March 9, 2009. From the measured peak of May 31, 2008 to trough of February 28, 2009, the endowments total fund market value fell from \$305 million to \$221 million, a drop of \$84 million or 27.5% (net of contributions and withdrawals). Out of that first-quarter trough, the endowment assets rose by \$66 million to \$287 million at December 31, 2009. While still not back to pre-crisis levels, the market value regained a healthy complexion by end of calendar year and the outlook turned positive for a broad-based distribution in 2010.

The significant recovery of York's endowments in calendar 2009 is due to both a strong investment performance and the conservative payout strategy that included emergency measures as were approved by the Board of Governors a year ago for the fiscal year 2009-10. The endowment distributions paid out in May 2009 were made according to the health of the individual endowments as at April 30, 2009. The dollar payout for each endowment was decreased to 60% of normal level if the endowment market value was at least 90% of the book value. The payout was suspended altogether for endowments that were market to book of less than 90% and therefore deemed at risk of permanent impairment. The result was approximately \$3 million was withdrawn from the fund for spending, approximately 30% of the normal aggregated payout. The endowments that received no payout were buttressed with allocations from the University operating funds and together with residual unspent balances from prior years' distributions; it resulted that the University was largely able to uphold its commitment to endowment beneficiaries.

### *Total Assets*

The total combined market value for the York University and York University Foundation endowment assets as at December 31, 2009 was \$287.1 million, compared to \$243.8 million as at December 31, 2008. The custodian of the invested assets, CIBC Mellon Global Securities Services, provides the valuation of record. The split of endowment assets between York University and the Foundation as at December 31, 2009 was:

	<u>Market Value (\$ Mil)</u>	<u>% of Total</u>
University	224.2	78.1%
Foundation	<u>62.9</u>	<u>21.9%</u>
<b>TOTAL Endowments</b>	<b>\$ <u>287.1</u></b>	<b><u>100.0%</u></b>

### **Asset Mix**

The asset mix as at December 31, 2009 was as follows:

<u>Asset Class</u>	<u>\$ Millions</u>	<u>Asset Mix (% Weights)</u>		
		<u>Fund</u>	<u>Phase 2</u>	<u>Deviation</u>
Canadian Equities	62.2	21.7%	20%	1.7%
Small/Mid Cap US Equities	55.7	19.4%	20%	(0.6%)
Global Equities	63.7	22.2%	25%	(2.8%)
Emerging Markets Equities	17.7	6.2%	5%	1.2%
Canadian Bonds	67.1	23.4%	25%	(1.6%)
Global High Yield Bonds	17.7	6.2%	5%	1.2%
Short Term	2.6	0.8%	-	0.8%
Currency Hedges	<u>0.4</u>	<u>0.1%</u>	<u>-</u>	0.1%
TOTAL Fund	<u>\$ 287.1</u>	<u>100.0%</u>	<u>100%</u>	

### **Managers and Mandates**

The University has engaged seven investment managers to manage eight specialty investment mandates on its behalf. Each of the managers has been selected according to their investment expertise and is responsible for managing a portfolio in their area of specialization. The firm, date of hire, asset class mandate and December 31, 2009 dollar and proportional allocation to each manager were as follows:

<u>Manager</u>	<u>Inception Date</u>	<u>Mandate</u>	<u>\$ Millions</u>	<u>%Wt</u>
<u>Equities</u>				
Foyston, Gordon & Payne	October 1, 2004	Canadian	26.9	9.4%
Sceptre Investment Counsel	June 1, 1999	Canadian	35.3	12.3%
Westwood Management Corp.	June 30, 2008	S/Mid Cap US	55.7	19.4%
AllianceBernstein	June 1, 1999	Global – Half-Hedged	63.7	22.2%
Aberdeen Asset Management	July 2, 2008	Emerging Markets	17.7	6.2%
<u>Fixed Income</u>				
TD Asset Management	August 1, 1997	Canadian	67.1	23.4%
Stone Harbor Inv. Partners	June 30, 2008	Global High Yield	17.7	6.2%
<u>Currency Management</u>				
TD Asset Management	January 6, 2009	Passive Overlay	<u>0.4</u>	<u>0.1%</u>
TOTAL Externally Managed			<u>\$ 284.5</u>	100.0%

### **Investment Policy Asset Mix**

The target asset mix below is specified in the Statement of Investment Policies and Procedures as adopted by the Investment Committee in December 2009 and approved by the Board of Governors on February 22, 2010.

<u>Asset Class</u>	<u>Target Weight</u>
Canadian Equities	15%
Small/Mid Cap US Equities	20%
Global Equities	25%
Emerging Markets Equities	10%
Canadian Bonds	25%
Global High Yield Bonds	5%

The target asset mix first adopted in 2008 presented significant transitions from the historical asset mix that had been in place since fund initialization in 1999. The shifts involved reallocation of 35% of assets and the addition of three new asset classes and currency overlay, as later adopted in 2009. The asset transitions were handled in three steps over 18 months, with the final step completed in early January 2010.

### ***Performance Objectives and Benchmark***

The performance benchmark is a weighted composite of public market indexes representing the asset classes defined in the policy asset mix. Each index is a broad and representative sample of investable equities or bonds for a country or countries. The target asset mix and reference indexes corresponding to the policy benchmark are shown below:

<u>Asset Class</u>	<u>Target Asset Mix</u>	<u>Benchmark Index</u>
Canadian Equities	15%	S&P/TSX Composite
Small/Mid Cap US Equities	20%	Russell 2500
Global Equities	25%	MSCI World Net (Half-hedged in '09)
Emerging Markets Equities	10%	MSCI Emerging Markets
Canadian Bonds	25%	DEX Universe Bond
Global High Yield Bonds	5%	BofA ML High Yield Bonds Master II

During the phase in period from 2008 to 2010, performance of the funds has been tracked and measured against a composite of indexes weighted according to the stage of phase-in activity.

The policy return objective for the fund is to achieve a four-year annualized rate of return, net of investment fees, that meets or exceeds the four-year annualized rate of return of the composite benchmark for the same period over most four-year annualized periods.

Formal evaluation of the total fund performance relative to the composite index is conducted at least annually. Individual investment manager results are evaluated on the basis of their return and their risk (standard deviation) relative to the respective asset class benchmark.

### ***Capital Markets Returns***

The index rates of return in Canadian dollar terms for the past four calendar years and annualized for the four-year period were:

<u>Benchmark Index</u>	<u>Annual Rates of Return (%)</u>				<u>4-Year (%)</u>
	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>Annualized</u> <u>2006-2009</u>
S&P/TSX – Canadian Equities	35.1	-33.0	9.8	17.3	3.9
* Russell 2500 – S/MidCap US Equities	14.1	-20.9	-14.0	15.7	-2.7
MSCI World Net – Global Equities (Unhedged)	10.4	-25.8	-7.5	19.6	-2.5
* MSCI Emerging Markets – EM Equities	52.0	-41.4	18.5	32.1	8.7
DEX Universe – Canadian Bonds	5.4	6.4	3.7	4.1	4.9
* BofA ML HY Master II – High Yield Bonds	33.8	-7.9	-13.3	11.3	4.4

\* *New in 2008.*

### ***Endowment Fund Returns***

The total fund rate of return, gross of fees, as calculated by an independent performance measurement provider, BNY Mellon Asset Services, is compared to the policy benchmark return below.

<u>Total Fund</u>	As at December 31				4-Year (%)
	<u>Annual Rates of Return (%)</u>				<u>Annualized</u>
	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2006-2009</u>
Endowment Fund	21.7	-19.1	-0.3	15.1	3.1
Composite Benchmark	<u>20.2</u>	<u>-18.6</u>	<u>1.9</u>	<u>12.7</u>	<u>3.0</u>
VALUE ADDED	<u>1.5</u>	<u>-0.5</u>	<u>-2.2</u>	<u>2.4</u>	<u>0.1</u>

The endowment obligations represent a perpetual commitment and so the investment strategy is generated and applied with continual reference to this long-term horizon. The historical track record is therefore an important gauge of the overall success of the investment program. York's record for the fund and benchmark returns, as calculated by an independent third party, is presented below for a series of intervals:

<u>Total Fund</u>	Periods Ended December 31, 2009				
	<u>Annualized Rates of Return (%)</u>				
	<u>2009</u>	<u>07-09</u>	<u>05-09</u>	<u>03-09</u>	<u>01-09</u>
	<u>1 Yr</u>	<u>3 Yrs</u>	<u>5 Yrs</u>	<u>7 Yrs</u>	<u>9 Yrs</u>
Endowment Fund	21.7	-0.6	4.8	6.7	5.2
Composite Benchmark	<u>20.2</u>	<u>-0.1</u>	<u>4.6</u>	<u>6.4</u>	<u>3.6</u>
VALUE ADDED	<u>1.5</u>	<u>-0.5</u>	<u>0.2</u>	<u>0.3</u>	<u>1.6</u>

### ***Performance Review***

For the one year ended December 31, 2009, the total fund return was 21.7%. The fund return outperformed the benchmark rate of return of 20.2% by a substantial 1.5%. The contributing factors are described in this section.

As a group, the active managers added value of 0.6% in calendar 2009 of 0.6%. Emerging markets (5% of fund) and Canadian equities (20% of fund) were the highest returning asset classes globally (see index returns presented on page 4). The emerging markets manager exceeded the MSCI Emerging Markets Index by 3.4% for the year, returning 55.4% for the portfolio. The Canadian equity managers, combined, achieved the 35.1% return of the benchmark index. One Canadian equity manager exceeded the S&P/TSX Composite Index return by 3.1% while the other more-heavily weighted portfolio trailed the index by 2.4%. The Global Equity manager made a come back on its security selection and exceeded the Half-Hedged MSCI World Net Index return of 17.2% by 4.9%. The Small/Mid Cap US Equity manager fell slightly short of the Russell 2500 Index return of 14.1% by 0.3%. The High Yield Bond and Emerging Markets Debt combined strategies managed by the global high yield bonds manager significantly underperformed the BofA ML High Yield Bonds Master II; this was due to the fund being underweighted in lower quality issues and overweighted in sovereign debt relative to the benchmark index. The endowment's active manager component is dominated by value and value-oriented managers that as a group tended to avoid the higher beta risk securities and thus missed some of the more precarious upward-swings seen in 2009. While riskier holdings were minimized the stock picking skills of the managers surpassed the various indexes in 2009.

The passive Canadian bonds portfolio return met the index return of 5.4%.

The overall effect on total fund of asset transition activity, cash drag, and the timing of cashflows - contributions to the fund and withdrawals to cover spending and fees - was negative and overall explained -0.6% of added value. The fund's purchase of USD in order to fund the Phase 2 transition from Canadian equity to Small/Mid Cap US Equity was a key cost as it occurred at a point when the USD was in fast-falling mode. The addition of currency hedging however was a positive offset.

The major contribution to total fund outperformance came from the passive currency overlay that added value of 1.4% across the whole fund. The passive currency hedging strategy applied to the US denominated portfolios of US S/Midcap Equity and the Global High Yield Bonds. Together these portfolios were 25% of the total fund and as at year end were valued at C\$73 million. The factor driving this was the change in the USD which fell in terms of cost in CAD from 1.2246 at December 31, 2008 to 1.0484 at December 31, 2009, a Y/Y change of -14.4% .

As at December 31, 2009, the four-year annualized return for the fund was 3.1%. This result exceeded the policy benchmark annualized return of 3.0% for the same period by 0.1%. Four-year average fees of approximately 0.3% cause the result to be slightly short of target by 0.2% annualized.

### ***Comparative Performance***

Aon Consulting has produced comparative performance results for a sample of balanced funds reported on in the pooled funds survey they compile quarterly. The quartile breaks for the sample excluding the effect of outliers (> 90<sup>th</sup> and 95<sup>th</sup> percentiles) are shown below for the funds ranked for the one year ended December 31, 2009:

	<u>Balanced Funds</u> <u>December 31, 2009</u>
5 <sup>th</sup> percentile	26.5%
25 <sup>th</sup> percentile	19.9%
Median	16.7%
75 <sup>th</sup> percentile	15.0%
95 <sup>th</sup> percentile	12.7%

York's endowment fund one-year return of 21.7% ranked above the 25<sup>th</sup> percentile break (first quartile) in the survey.

In general the funds participating in the survey tend to have an average 60-40 stock-bond mix. In years such as 2009, when equity market returns far outpaced those from bonds, funds with higher equity content, such as the York endowments with 70% allocated to equity, will outperform the peers. The value added of 1.5% is a secondary factor supporting the high ranking.

### ***Growth of Endowments***

The combined endowments valued at both market and book value in millions of dollars as at the end of the last five calendar years were (in \$ Millions):

	<u>Book Value</u>	<u>Market Value</u>
December 31, 2009	257.4	287.1
December 31, 2008	268.2	243.8
December 31, 2007	247.3	294.4
December 31, 2006	221.1	293.2
December 31, 2005	181.4	244.9

The total book value of endowments is the aggregate for all individual endowments of the original contributed capital and matching contributions plus cumulative annual inflation protection plus any capitalized investment earnings.

The catastrophic markets of late 2008-early 2009 were the catalyst to a series of capital protection measures taken by the University early in 2009. These included de-capitalization of cumulative earnings that had previously been capitalized and reversal of one year of inflation protection; the magnitude of these two actions is visible at the book value level in the table below and explains the reduction in total book value during calendar 2009.

The composition of the total book value at year end is shown below and compared to a year ago (in \$ Millions):

	<u>Orig. + Match Contributions</u>	<u>Cumulative Inflation Protection</u>	<u>Capitalizations</u>	<u>TOTAL Book Value</u>
December 31, 2009	236.6	20.8	0	257.4
Dec 31, 2008	<u>232.9</u>	<u>25.8</u>	<u>9.5</u>	<u>268.2</u>
CHANGE	<u>3.7</u>	<u>( 5.0)</u>	<u>(9.5)</u>	<u>( 10.8)</u>

The change in the total fund market value is shown below (in \$ millions):

Market Value, December 31, 2008	243.8
Contributions	
Gifts & Bequests	10.6
Withdrawals	
Endowment Distributions, 2009 and 2008	(14.5)
Internally Restricted Investments	(3.7)
Investment Income and Market Appreciation	<u>50.9</u>
NET CHANGE	<u>43.3</u>
Market Value, December 31, 2009	\$ <u>287.1</u>

The University and Foundation each contract the services of an external record keeper to track the total book value and corresponding market value for each of the individual endowed accounts that combined number close to two thousand.

### ***Investment Committees***

The York University and York University Foundation Investment Committees meet four times a year to conduct their business in accordance with the duties specified in the Statements of Investment Policies and Procedures.

The Committees' responsibilities are mainly in the domain of fund governance and investment strategy. This includes regular monitoring of assets and performance, oversight and selection of portfolio managers, ongoing revision and development of the investment policy and asset mix and reporting to the respective Boards of Governors. The Committees will additionally pursue other initiatives that are in the best interests of the endowment beneficiaries.

### ***Activity Report – 2009***

During 2009, a range of activities were overseen by the Investment Committees.

The primary activity affecting the investments, with direct impact on assets and six of the managed portfolios, was the continued transitioning of the fund toward the target asset mix. Two transitions were managed. In May 2009, phase 2 was achieved through reallocation of 5% of fund from Canadian equity to US small/midcap equity. In December 2009-January 2010, the final leg of the restructuring to the target mix was achieved through the reallocation of 5% of fund from Canadian equity to emerging markets equity.

A further significant activity involving the assets, and specifically the risk of those assets owing to 50% of the fund begin invested in equity and fixed income strategies with accompanying foreign exchange exposure, was

the assessment of fit for the fund of an active currency management component in the fund structure and the overall investment strategy. The need for a currency strategy was validated by the size of the exposure and the ongoing significant impact of volatile currency exchange rates that have been experienced in the recent years. In some cases, the effect of currency valuation swings has outstripped the returns of underlying capital markets for small and large countries alike. The endowments exposure to USD (34% of total fund at December 31, 2009), the euro (6% of total fund), and other currencies was the starting point for investigating the type of currency mandate and manager that could meet the identified need for mitigation of the effects of episodic and extreme swings in currency valuations that have the potential to impair the University's ability to meet the near-term annual distribution requirements. The scope of this risk was underscored by the effect of the credit crisis and global economic downturn on capital markets and the health of the endowments during the 2008-09 firestorms.

The following activities were undertaken to effectively incorporate risk-mitigating currency management in the fund:

- **Active Currency Manager Search:** A search was co-launched with York's Pension that involved evaluation of a selection of professional currency managers with institutional scope and experience in the Canadian context, followed by a process of selection, due diligence, recommendation, hiring and implementation. The selected manager was Mesirow Financial.
- **Specification of Currency Mandate:** A mandate was developed to address the endowment fund specific criteria that included defining the designated portfolio representing the exposures matching the underlying assets to be hedged. The target hedge ratio was established at 50% of all actual developed market currency exposures and a conservative active risk target of 2% was established for the manager's hedging activities.
- **Statement of Investment Policy and Procedures:** The Policy was revised as approved by the Investment Committees in December 2009 and the Board of Governors on February 22, 2010 to incorporate currency hedging as a component of investment strategy with provision for benchmarking and oversight at total fund and active-management levels.
- **Active Currency Overlay Implementation:** The implementation involved external transition of positions from the passive currency overlay manager and the active global equity manager to Mesirow. The global equity mandate was revised to reflect the change in strategy and target benchmark at the portfolio level. The passive account was closed.

Managing the endowment distribution was a critical activity in 2009 as the impact of severe capital market returns on the funds has warranted that payouts be reduced and in cases withheld entirely in order to minimize impairment of capital and preserve endowment earning power for the long run. The process involved detailed monitoring of total fund and individual endowments, development of mechanisms to mitigate the impact on any single endowment, and system adjustments including reversal of prior flows such as 2008 CPI protection, and past capitalizations. This was an extreme challenge as the actions required were those that an engaged endowment fiduciary would hope to never have to undertake. The return to sanguine health for most of the endowments has increased the University's optimism for a more normal distribution process in 2010.

The custodian services review undertaken by the Administration was concluded with the redrawing of all custody agreement documentation and revision of fee schedules for all services under contract for the endowment fund as well as the University's operating fund and pension fund. The project was a success and significant cost savings and service improvements have been launched with the ongoing custodian CIBC Mellon Global Securities Services and its parent, BNY Mellon.

The investment and endowment centric activities dominated the landscape for Administration and the Investment Committees in 2009. This caused the Responsible Investing project to be put on hold part way through the year. Progress toward defining the type of program that would suit York University was made and this will serve as the starting block for continuation of this project in 2010.

### ***Planned Activity - 2010***

The achievement of the Policy target asset mix in January 2010 concludes the project work that began in 2006 with the launch of a full-scale asset/liability study. With the target mix achieved, the Investment Committees may turn the focus toward the feedback activity of reviewing and evaluating the achieved structure. In general, the effect of a major asset restructuring would be reviewed and assessed over a cycle of four years which is a reasonable and standard horizon for long-term investors to gauge relative success. Since the restructuring was commenced in mid 2008 and completed in early 2010, it is expected the University with the guidance of the Investment Committees will launch the next comprehensive review, in the form of an asset/liability study, in 2012-13.

Currency management will be a key focus including development of reporting standards and features that meet the Investment Committee's oversight requirements. Complexity arises from the nature of currency which represents an exposure rather than an asset and hedges which employ currency forwards. Administration will work closely with the currency manager to develop transparency in the reporting of positions, activities, and risk. The Committees will have the opportunity to engage with the manager in defining the quality of information for flow through to the Committees and the Board.

As in 2009, the endowments will be closely monitored through the first four months of the year at the endowed account level to determine the ability of each individual endowment to sustain all or part of a normal distribution. The Administration is in the process of producing the treatment plan for the 2010 distribution, details of which will be brought to the appropriate Board committees for information and approval. The objectives as specified in the Statement of Policies and Procedures, of protecting contributed capital and maintaining a stream of inflation-adjusted payouts over a very long term horizon shall guide the recommendations brought forth.

The Responsible Investment project will be continued with progress into Phase 2. Phase 2 focuses on establishing the Objectives and Framework of the program, which has been expanded to cover and harmonize the approach for all university-invested assets as held for the endowment and pension funds. Activities are expected to include the drawing of proposed guiding principles for the Responsible Investment Action Plan and a review of the practices of the broad community of Canadian universities, to assist in shaping the direction forward.

*Board Investment Committees, May 25, 2010*  
*Board of Governors, April 26, 2010*