

UNIVERSITY OF TORONTO

CONNAUGHT MEDICAL RESEARCH LABORATORIES

1755 Steeles Avenue West, Willowdale, Ontario, Canada

August 24, 1971

The Honourable John White, Esq.
Minister of University Affairs
Parliament Buildings
Toronto, Ontario

Dear Mr. White:

Thank you very much for the copy of the University of Toronto Act 1971 and for your invitation to comment on particular sections. I should like to comment on Section 14.

Section 14 vests by implication, in the Governing Council of fifty persons, the trusteeship of the Connaught Medical Research Laboratories, which has for many decades been the responsibility of the Governors of the University of Toronto.

As you know, the Connaught Medical Research Laboratories operate as an unincorporated institution of some magnitude, with purposes and activities very different from those of a university and with an administrative organization separate for the most part, from the university. It has a separate employees' union, and separate policies relating to personnel and inventions, which differ from those of the university.

The Governors have controlled the Laboratories through the Connaught Committee which has functioned like a board of trustees. The success of the Laboratories has been due in no small part to the wise guidance of a succession of distinguished charmen, most of whom have served for many years, which permitted a familiarity with the complex operations of the Laboratories and provided continuity of policy.

The first chairman was Col. Sir Albert Gooderham, who presided from 1915 to 1935. Other chairmen have included the Rev. J.H. Cody (1935-1938), Balmer Neilly, Esq. (1938-1949), John S.D. Tory, Esq. (1949-1955), The Hon. Mr. Justice Arthur Kelly (1955-1965), the Hon. Donald M. Flemming (1965-1967), and from 1967 J.E. Brent, Esq., Chairman of IBM Canada Ltd.

Through the Connaught Committee the Governors have maintained the principle that Connaught is a trust to be operated in the public interest as a self-supporting institution of public service, devoted to the advancement of public health. The earnings of Connaught and bequests made to it have been devoted to such purposes.

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Connaught owes its name and terms of reference to a deed of gift from Col. and Mrs. Gooderham in 1917. These terms of reference and a statement of purposes by the first Director, Dr. J.G. FitzGerald, have provided the guiding principles of the Laboratories for more than fifty years. They could be paraphrased in more modern language as follows:

To promote public health and preventive medicine by:- (1) medical and biological research; (2) preparation and sale of products for the prevention, diagnosis and treatment of diseases in man and animals; (3) participation in education related to public health and preventive medicine, and (4) any other appropriate means, including grants in aid of selected fields of research.

The terms of reference of Connaught have so far been set forth officially only in the Gooderham deed of gift. One would hope that the new council of fifty would be guided by these terms and by precedents set by the Board of Governors and would keep the property and earnings now held by the Governors for the purposes of Connaught to be used for such purposes only. However, there seems to be no legally compelling reason why they must do so. The council of fifty might well decide that the property and earnings of Connaught should be applied to any educational or administrative objects in the University which may seem desirable to the Council.

Another difficulty which I see for Connaught in being controlled directly by the Governing Council is already foreshadowed in the multiplication of university-wide committees for the supervision of various research activities. One can foresee from the spirit which prompted the new Act a strong tendency for more zealous intervention by more committees in the affairs of all parts of the University. These may well hamper or even frustrate some of Connaught's important activities.

For these reasons I suggest two alternatives. The first might be the amendment of Section 14 to provide that the properties, earnings and bequests now held by the Governors for the purposes of Connaught be vested in a separate board of trustees appointed by the Government from among the members of the Governing Council who are to be appointed by the Government or elected by the Alumni.

The second might be granting of a charter of incorporation for Connaught with all trustees appointed by the Government.

It seems desirable that some affiliation between Connaught and the University of Toronto should be preserved. It seems desirable, too, that such affiliation should be negotiated between independent parties to serve the proper interests of both.

The possibility of incorporation of the Connaught Medical Research Laboratories has been under discussion by the Connaught Committee for nearly two years. A concise statement of reasons for incorporation are given in the page enclosed.

Yours very truly,

J. K. W. Ferguson

J. K. W. Ferguson, M.D.

Director

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