

No. 77

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 77

A Bill respecting Provincial Universities

HON. MR. MCKINNON

Explanatory Note

1. This Bill will repeal and replace chapter 351 of the Revised Statutes. The Bill is based on the recommendations of the Governors of the University of Alberta as set out in their report. The main purpose of the Bill is to establish two separate Provincial universities—the University of Alberta and the University of Calgary and to reorganize university administration. Provision is also made for the establishment of additional universities. In addition a Universities Commission is established to act as an intermediary between the universities and the Government and to exercise certain regulatory functions with respect to the universities.

The references in the explanatory notes to the clauses are to the recommendation in the Governors' report and the section in the present Act dealing with the same subject matter.

2. Definitions.

3. Establishment of the universities. Recommendation A (1). Present section 3.

4. Visitor of the universities. Recommendation J (1). Present section 71.

BILL

No. 77 of 1966

An Act respecting Provincial Universities

(Assented to _____, 1966)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Universities Act*".
2. In this Act,
 - (a) "alumni association" means an association recognized by the board of a university as being representative of the graduates of the university;
 - (b) "board" means the governors of a university incorporated or continued by or under section 13;
 - (c) "university" means a Provincial university established or continued by or under section 3;
 - (d) "Universities Commission" means the body by that name established by section 62;
 - (e) "Universities Co-ordinating Council" means the body by that name established by section 58.

PART 1

PROVINCIAL UNIVERSITIES

3. (1) The Provincial university heretofore established under the name of the University of Alberta is hereby continued as a Provincial university with the name "The University of Alberta" but, except as provided in section 76, it shall not include the Provincial university facilities, operations and functions at Calgary or Banff which are hereby constituted a separate Provincial university with the name "The University of Calgary".

(2) The Lieutenant Governor in Council may, from time to time, establish such additional Provincial universities as he thinks necessary or desirable in the public interest, with such names as he considers fitting.

4. The Lieutenant Governor is the Visitor of each university, with authority to do all those acts which pertain to Visitors.

5. Each university to have a chancellor. Recommendation K (1) (4). Present section 45.

6. Term of office of chancellor. Recommendation K (2). Present section 46.

7. Vacancy in office of chancellor. Recommendation K (3). Present section 49.

8. Each university to have a senate. Recommendation F (1) (2). Present section 31 (1).

Chancellor and Senate

5. (1) For each university there shall be a chancellor who shall be elected by the senate.

(2) In addition to his other functions under this Act, the chancellor shall preside over all degree conferring ceremonies of the university and shall confer the degrees.

6. (1) A chancellor holds office for a term of four years and is not eligible for re-election as chancellor.

(2) Where the senate is satisfied that a person is, for any reason, no longer capable of acting as chancellor or of fulfilling his duties, the senate may remove him from office.

7. (1) Where the office of chancellor becomes vacant, the senate shall, promptly, elect a new chancellor.

(2) Where the office of chancellor is vacant or the chancellor is absent or unable to act, the president, as vice-chancellor, may exercise all the functions of the chancellor.

(3) Where the chancellor and the vice-chancellor are absent or unable to act or where the offices are vacant, the deans' council may designate some person to exercise the chancellor's functions at degree conferring ceremonies.

8. For each university there shall be a senate consisting of

- (a) the following *ex officio* members,
 - (i) the chancellor, who shall be chairman,
 - (ii) the president,
 - (iii) the vice-president (academic),
 - (iv) the chief academic officer for student affairs,
 - (v) the director of extension, or if none, the officer exercising comparable functions,
 - (vi) the president and vice-president of the alumni association,
 - (b) the following appointed members,
 - (i) two deans, to be appointed by the deans' council,
 - (ii) two members of the board, to be appointed by the board,
 - (iii) three members of the general faculty council, to be appointed by the general faculty council,
 - (iv) two members of the alumni association, to be appointed by the association,
 - (v) five members of the public, to be appointed by the Universities Commission,
 - (vi) two students, to be appointed by the students' council,
- and

9. Term of office of senate members. Recommendation F (1)
(3) (4). Present sections 31 (1), 32.

10. Finding of senate. Recommendation F (6).

- (c) thirty representative members, to be elected by the *ex officio* and appointed members to represent affiliated colleges or institutions, geographical areas and groups and organizations with an interest in the university.

9. (1) An appointed member of a senate, other than a student, holds office for a term of three years and a student member holds office for a term of one year, but all appointed members are, if otherwise qualified, eligible for re-appointment.

(2) A representative member holds office for a term of three years and is eligible for re-election for a second term of three years but not for further re-election.

(3) Where a senate is satisfied that an appointed or representative member is, for any reason, no longer capable of acting as a member or of fulfilling his duties, the senate may remove the member from office.

(4) Where a vacancy exists,

(a) if the vacancy is in respect of an appointed member, the body having the power of appointment may appoint a person to fill the vacancy, and

(b) if the vacancy is among the representative members, the *ex officio* and appointed members may elect a person to fill the vacancy,

in each case for the remainder of the unexpired term of office.

(5) Notwithstanding subsection (1) or (2), on the first appointments and elections after the commencement of this Act, members may be appointed or elected to hold office for one year or two year terms as the circumstances require so as to provide an orderly change in membership in the senate.

10. (1) It is the duty of a senate to inquire into any matter that might tend to enhance the usefulness of the university.

(2) In particular but without restricting the generality of subsection (1), a senate is empowered to

(a) require a report on any matter from any faculty or school council and the students' council and any member of the academic staff of the university,

(b) receive and consider submissions from anyone interested in the university, and

(c) arrange for public meetings, radio and television programs and such other means of acquiring and providing information with respect to the university and its functions as it considers appropriate,

and in consequence thereof make such report and recommendations as it considers advisable to the board or the general faculty council or to the Universities Commission or the Universities Co-ordinating Council.

11. Honorary degrees. Recommendation F (7) (b).

12. Administration of senate. Recommendation F (5) and (8).

13. Board of governors for each university. Recommendation D (1) and (2) in part. Present sections 11 to 13.

14. Qualifications and term of office of governors. Recommendation D (2) in part, (3), (4) and (5). Present sections 14 and 17.

11. An honorary degree may be conferred upon a person on the authorization of the senate.

12. (1) There shall be an executive committee of the senate consisting of the chairman and six other members of the senate to be selected annually by the senate, which shall exercise such powers, duties and functions as may be assigned to it by the senate.

(2) Each year a senate may submit a budget to the board for approval and the board shall, in accordance with the approved budget, provide the senate with the funds required to meet the cost of staff and supplies and such other expenses as may be incurred by the senate in fulfilling its duties.

Board of Governors

13. (1) The body heretofore incorporated under the name "Governors of the University of Alberta" is hereby continued as a corporation with the name "The Governors of The University of Alberta" and as the board of The University of Alberta.

(2) There is hereby created a corporation with the name "The Governors of The University of Calgary" which shall be the board of The University of Calgary.

(3) When the Lieutenant Governor in Council establishes an additional Provincial university under section 3, he shall also, by the order, incorporate a board for the university with such name as he considers appropriate.

(4) The board of each university shall consist of

- (a) a chairman of the board appointed by the Lieutenant Governor in Council,
- (b) the chancellor of the university,
- (c) the president of the university, and
- (d) eleven other persons appointed by the Lieutenant Governor in Council,
 - (i) two of whom shall be members of the alumni association of the university, nominated by the association,
 - (ii) one of whom shall be a member of the senate, nominated by the senate from its members who are not on the staff of the university, and
 - (iii) two of whom shall be members of the academic staff of the university, nominated by the general faculty council.

(5) The members of a board may elect one of their own number to be acting chairman in the absence of the chairman or in the event of the chairman's inability to act.

14. (1) A person is not eligible for appointment as a member of a board unless he is a Canadian citizen or British subject and is a resident of the Province.

(2) A person appointed a member of a board holds office for a term of three years, or until his successor is appointed.

15. General powers of the governors of a university. Recommendation D (7), (8) and O (1) to (4). Present section 23 and section 25 in part, section 66.

(3) A member is eligible for re-appointment for a second term of three years, but not for a further appointment until the expiration of a period of three years after his second term has ended.

(4) Notwithstanding subsection (3),

(a) the chairman for the time being is always eligible for re-appointment on the conclusion of his term of office, and

(b) any member of a board is eligible for appointment as chairman though he has, at the time of his appointment concluded two terms of three years each as a member of the board.

(5) Where a board advises the Lieutenant Governor in Council that an appointed member is, for any reason, no longer capable of acting as a member or of fulfilling his duties, the Lieutenant Governor in Council may terminate the appointment of the member.

(6) Where a vacancy occurs among the appointed members of a board, the Lieutenant Governor in Council may appoint a person to fill the vacancy for the remainder of the unexpired term of office.

General Powers

15. (1) Except as otherwise provided in this Act, a board has the management and control of the university and of the property, revenues, business and affairs thereof and in particular but without restricting the generality of the foregoing a board is empowered

(a) after consideration of the recommendations of the general faculty council, if any, on matters of academic import, to provide for

(i) the support and maintenance of the university,

(ii) the betterment of existing buildings,

(iii) the erection of such new buildings as the board considers necessary for the purposes of the university, and

(iv) the furnishing and equipment of such existing and newly erected buildings,

(b) to make such regulations as to the board seem fit for the management, government and control of the university buildings and lands,

(c) after consideration of the recommendations of the general faculty council, if any, to provide for the establishment of faculties, schools, departments, chairs, programs of instruction and such other activities as the board considers necessary and advantageous,

(d) to determine, subject to the approval of the Universities Commission, fees for instruction and determine such other fees as the board considers necessary,

16. Settlement of questions. Present section 30.

- (e) to make regulations relative to the physical examination of the students of the university,
 - (f) to enter into such arrangements with the governing body of any secondary or primary school as the board considers necessary for the purposes of or in connection with the academic work of the university or of any faculty, school or department thereof,
 - (g) subject to the terms of any trust upon which it may be held, to invest in such manner as to the board seems fit, all moneys that come into the hands of the board and that are not then required to be expended for any purpose for which they may be lawfully applied,
 - (h) to acquire and deal with
 - (i) any invention or any interest therein and any licence to make or use or sell an invention, and
 - (ii) a patent for an invention, a copyright, a trademark, trade name and the like, or any interest therein,
 and
 - (i) to require that there be assigned to the board an interest in any invention
 - (i) made by any person with the facilities, equipment or financial aid provided by the board, or
 - (ii) made by an officer or employee of the university while acting within the scope of his duties or employment or that resulted from or is connected with his duties or employment,
 or an interest in a patent issued for such an invention.
- (2) It is a duty and function of each university to contribute to the educational and cultural advancement of the people of Alberta at large and a board may
- (a) establish and provide programs, services and facilities to carry out those purposes, and
 - (b) co-operate with any other institution, body or person for the establishment and provision of such programs, services and facilities,
- in such manner as the board considers proper.

16. Where any question arises as to the powers or duties of the senate, the president, a dean or any other officer or employee of a university, or any council or faculty or other body of a university, being powers or duties not definitely provided for in this Act, the question shall be settled and determined by the board, whose decision is final.

17. Power of boards to acquire land for university purposes. Recommendation D (1), (8) (g), (i). Present section 25 (1) (f) to (h), (6) and (7).

18. Power of board to lease or sell land. Recommendation D (8) (k), (l), (m). Present section 25 (1) (k), (l), (m).

19. Appointment of officers and employees by a board. Recommendation D (8) (c) to (f), L (4) (a), (e). Present sections 25 (1) (b), (c), (3) and (4), 67 (3) and (4).

Land

17. (1) A board may acquire, by gift, devise, purchase, expropriation or otherwise, any estate or interest in land for the purposes of the university.

(2) An expropriation under subsection (1) shall be made in accordance with Part III of *The Expropriation Procedure Act*.

(3) An owner of any estate or interest in land expropriated by a board and an owner of any estate or interest in land injuriously affected by the exercise of the power of expropriation by a board is entitled to due compensation from the board for any damages necessarily resulting from the exercise of the power of expropriation beyond any advantage he may derive from any works for which the estate or interest in land was expropriated or by which the estate or interest in land was injuriously affected.

18. (1) A board may lease any land held by it for any term not exceeding five years and may lease any minerals held by it for any term it considers proper.

(2) Subject to the terms of any trust upon which it may be held, a board may sell or mortgage or lease for a longer period than five years any land held by it that is not, at the time, being used for the purposes of the university.

(3) A board may,

(a) with the approval of the Lieutenant Governor in Council and the Universities Commission, but

(b) subject to the terms of any trust upon which it may be held,

sell or mortgage or lease for a longer period than five years any land held by it that is, at the time, being used for the purposes of the university.

Officers and Employees

19. (1) A board may,

(a) subject to subsection (3), appoint such officers and employees as it considers necessary for the proper conduct of the affairs of the university and promote and dismiss any such officer or employee,

(b) subject to subsection (2), determine the salaries or remuneration of the officers or employees,

(c) prescribe the duties of the officers and employees, and

(d) prescribe the tenure of office or employment of the officers and employees.

(2) Subject to the approval of the Universities Commission, a board may establish salary and wage scales, and the ranges thereof, for all positions on the staff of the university.

20. Appointment of president by the board. Recommendation L (1), (3) (a). Present section 67 in part.

21. Functions of the president. Recommendation L (3), (4) and (6). Present section 67 in part.

(3) A person shall not be appointed to, promoted to or dismissed from

(a) any position on the academic staff of a university, or

(b) any senior position, as determined by the board, on the administrative staff of a university,

except upon the recommendation of the president made in accordance with procedures approved by the general faculty council.

(4) A president may, in his discretion, suspend from duty and privileges

(a) any officer or employee of the university, or

(b) any person who is paid from funds administered by the university,

for a period not exceeding three months and when he exercises the power of suspension with respect to a member of the academic staff, the president shall promptly report his action and the reasons therefor

(c) to the board, and

(d) to the executive committee of the general faculty council,

but any person suspended pursuant to this subsection is entitled to be paid his salary during the time the suspension is in effect.

20. (1) For each university there shall be a president who is

(a) the chief executive officer of the university, and

(b) the vice-chancellor.

(2) The Lieutenant Governor in Council shall appoint the president and prescribe his tenure of office and the remuneration to be paid him by the board.

21. (1) A president has the general supervision over and direction of the operation of the university including

(a) the academic work of the university,

(b) the instructional staff of the university, including the deans of all faculties,

(c) the officers and servants employed in or in connection with academic work, including the registrar and librarians, and

(d) the business affairs of the university,

and has such other powers, duties and functions as may be assigned to him by the board.

(2) Whenever he considers it necessary to do so, a president may summon

(a) a meeting of the general faculty council,

(b) a meeting of any faculty council or school council, and

22. Vice-presidents to be appointed. Recommendation M, L (7).
Present section 25 (1) (b).

23. Appointment of registrar. Recommendation Q (1). Present
section 25 (1) (b) and 70.

24. Dean for each faculty to be appointed with certain duties.
Recommendation N (1), (2) and (4). Present section 69.

(c) a joint meeting of all the faculty councils and school councils or of any two or more of them, and may take the chair at any such meeting.

(3) A president may delegate any of his powers, duties or functions as he sees fit and prescribe conditions governing the exercise of any delegated power, duty or function, including the power of subdelegation.

(4) The president shall report annually to the board and the senate upon the academic work of the university, and as to its progress and requirements and make such recommendations thereon as he considers necessary.

22. (1) For each university

(a) there shall be appointed

(i) a vice-president (academic), and

(ii) a vice-president for business affairs, and

(b) there may be appointed such other vice-presidents as the board considers advisable.

(2) The vice-president (academic) is the senior vice-president and when the president is absent or unable to act or during any vacancy in the office of president the vice-president (academic) is the acting president.

(3) A vice-president has such powers, duties and functions as may be assigned to him by the board upon the recommendation of the president.

23. For each university there shall be appointed a registrar who has such powers, duties and functions as may be assigned to him by the board and the president.

24. (1) For each faculty there shall be appointed a dean

(a) who is the chief executive officer of that faculty,

(b) who has the general supervision over and direction of the academic work and instructional staff of the faculty and of the officers and employees employed in connection with that work, and

(c) who has such other powers, duties and functions as may be assigned to him by the president.

(2) The president may appoint a member of the teaching staff of a faculty who shall be the acting dean in the event of the absence or inability to act of the dean of the faculty or during any vacancy in the office of a dean.

(3) A dean may delegate any of his powers, duties and functions as he sees fit and prescribe conditions governing the exercise of any delegated power, duty or function, including the power of subdelegation.

25. Authority of board to establish and operate pension plans.
Recommendation D (9). Present section 25a.

26. Expenditures by a board. Present section 26 (1).

27. Borrowing powers. Recommendation Q (2). Present section 72.

25. (1) A board, with the approval of the Lieutenant Governor in Council and of the Universities Commission, may provide for the creation, alteration or extension of any pension, annuity or other payment for or for the benefit of any person whomsoever, or class of persons whomsoever, as the board may approve, which pension, annuity or other payment may be under any plan providing for

- (a) contributions from individuals or from the board or both,
- (b) the creation of a fund to partly or wholly discharge liability to the persons who are the beneficiaries under a plan,
- (c) the appointment by the board of persons and committees for the management of such a plan and the investment and reinvestment of any funds,
- (d) the guarantee by the board of any or all liability to persons who are the beneficiaries under such a plan.

(2) Notwithstanding any other Act, any appointee under clause (c) of subsection (1) has such investment powers with respect to any such fund as the board may approve.

(3) The interest of any person in any pension, annuity or other payment under a plan established pursuant to this section is not subject to garnishee proceedings or attachment or seizure, or any legal process, except in respect of a charge of failure to account for university or public moneys, and is not assignable.

(4) The Lieutenant Governor in Council may, for and in the name of the Province, guarantee the payment by the board of any or all liability to such persons as are the beneficiaries of any pension, annuity or other payment under a plan established pursuant to this section.

Finance

26. A board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings or for any other purpose, unless the liability or expenditure can be provided for out of the annual income of the year or unless the liability or expenditure is approved by the Universities Commission and the moneys are available therefor.

27. (1) A board may borrow from any bank or treasury branch or from any other person such sum of money as is required to meet the expenses of the university, until such time as the revenues for the current year are available.

(2) Any borrowings made pursuant to this section shall be repaid out of and are a first charge upon the revenues of the current year, and may be secured by a promissory

28. Debenture borrowing. Recommendation Q (2). Present section 73.

note or notes given on behalf of the board in such manner as the board may arrange.

28. (1) Subject to the approval of the Lieutenant Governor in Council, a board, for the purposes of the university, may from time to time borrow such sums of money as the board may require and may from time to time issue notes, bonds, debentures or other securities which

- (a) shall bear interest at such rate or rates as may be determined by the board,
- (b) shall be in such denomination or denominations as may be determined by the board,
- (c) shall be payable as to principal and interest
 - (i) in such currency or currencies of such country or countries,
 - (ii) at such place or places,
 - (iii) at such time or times, and
 - (iv) in such manner, as may be determined by the board,
- (d) may be made redeemable in whole or in part in advance of maturity
 - (i) at such time or times,
 - (ii) on such terms, and
 - (iii) at such price or prices, either with or without premium, as may be determined by the board, and
- (e) may be issued in such amounts as will realize the net sum required by the board for the purposes of the university.

(2) Where the authorizing resolution of a board made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required for the purposes of the university, the recital or declaration is conclusive proof of the facts stated therein.

(3) Subject to the approval of the Lieutenant Governor in Council, a board may sell or otherwise dispose of any notes, bonds, debentures or other securities on such terms and conditions as it deems advisable, either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.

(4) Any notes, bonds, debentures or other securities and the coupons, if any, attached thereto, shall be in such form and shall be executed in such manner and by such persons as may be determined by the board.

29. Provincial guarantee of debentures. Recommendation Q (2). Present section 75.

30. Form and manner of signatures. Recommendation Q (2). Present section 76.

31. Annual report by board to Universities Commission. Recommendation D (10). Present section 28 (2) and (3).

29. (1) The principal and interest of any borrowings by notes, bonds, debentures and other securities issued by a board may be guaranteed by the Province of Alberta.

(2) The guarantee, in such form and manner as the Lieutenant Governor in Council may approve, may be endorsed upon any notes, bonds, debentures or other securities issued by a board and may be signed on behalf of the Province of Alberta by the Provincial Treasurer, the Deputy Provincial Treasurer or by such other person as the Lieutenant Governor in Council may designate.

(3) The signature of the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council, upon the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

(4) Where in respect of any notes, bonds, debentures or other securities issued by a board it becomes necessary or desirable under the terms of any guarantee given on behalf of the Province of Alberta to make payment under the guarantee, such payment may be made upon the order of the Lieutenant Governor in Council

- (a) out of the General Revenue Fund, without further appropriation, or
- (b) from the proceeds of any loan made under *The Provincial Loans Act* or the sale of securities owned by the Province.

30. (1) The seal of a board on any notes, bonds, debentures or other securities of the board and the signatures of

- (a) any person authorized by the board to execute the notes, bonds, debentures or other securities or any coupon attached thereto, or
- (b) the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities

may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the board or on the guarantee endorsed thereon, as the case may be.

(2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the board and the Province of Alberta notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery thereof.

31. (1) A board shall annually, after the end of its fiscal year, prepare a report showing the revenues and ex-

32. General faculty council established. Recommendation E (1). Present section 61 (1).

33. How members of general faculty council are chosen. Recommendation E (1). Present section 61 (2).

penditures during its last fiscal year, together with a full and complete statement of the reserve funds of the university and an audited balance sheet of its financial transactions during the period, together with such other information as the Universities Commission may require.

(2) The annual report of a board shall be transmitted to the Universities Commission forthwith after its completion.

General Faculty Council

32. For each university there shall be a general faculty council consisting of

- (a) the following *ex officio* members,
 - (i) the president, who shall be chairman,
 - (ii) the vice-presidents,
 - (iii) the dean of each faculty,
 - (iv) the director of each school,
 - (v) the chief librarian,
 - (vi) the director of extension, or if none, the officer exercising comparable functions, and
 - (vii) the registrar,
- (b) the elected members representing the faculties and the schools that have school councils, and
- (c) the appointed members.

33. (1) The faculty council of each faculty and the school council of each school that has a school council may elect from the full-time members of the academic staff of the faculty or school such number of members to the general faculty council as may be assigned to it pursuant to subsection (3), each to hold office

- (a) for a term of three years, or until his successor is elected, and
- (b) while he is a full-time member of the academic staff of the faculty or school.

(2) Notwithstanding subsection (1), a faculty council or school council

- (a) shall, as circumstances require, elect members to hold office for one year or two year terms so as to provide overlapping terms of office for the representatives of the faculty or school, and
- (b) may, where a vacancy occurs before the expiry of a term of office, elect a member to hold office for the remainder of the unexpired term.

(3) On the direction, from time to time, of the general faculty council the registrar

- (a) shall establish the total number of elected members there is to be on the council, which shall be twice the number of *ex officio* members, and

34. Functions of general faculty council. Recommendation E
(2), (3). Present section 61 (3).

- (b) shall determine the number of members that may be elected by such faculty or school, which, so far as is reasonably possible, shall be in the same proportion to the total number of elected members as the number of full-time members of the academic staff of the faculty or school is to the total number of full-time members of the academic staff of all the faculties and schools.
- (4) The appointed members shall be appointed by the *ex officio* and elected members of the general faculty council,
 - (a) from the academic staff of the university, and
 - (b) if the *ex officio* and elected members so decide, from the students at the university,
 in such number and for such terms of office as the *ex officio* and elected members decide.

34. (1) Subject to the authority of the board, a general faculty council is responsible for the academic affairs of the university and in particular but without restricting the generality of the foregoing, the general faculty council is empowered to

- (a) exercise any power of a faculty council that the general faculty council considers desirable to exercise,
- (b) consider and make decisions on the reports of the faculty councils as to the courses of study in the faculties,
- (c) determine all courses of study to which clause (b) does not apply and which are to be offered by the university for credit toward the requirements for any degree or diploma,
- (d) determine the time tables for examinations, lectures and other instruction in each faculty,
- (e) consider and make decisions on the reports of faculty councils as to the appointment of examiners and the conduct and results of examinations in the faculties,
- (f) provide for the granting and conferring of degrees,
- (g) provide for the preparation and publication of the university calendar,
- (h) hear and determine appeals from the decisions of faculty councils upon applications, requests or petitions by students and others,
- (i) consider all matters reported to it by any faculty council and communicate its opinion or action thereon to the faculty council concerned,
- (j) determine the date for the beginning and ending of lectures in the university and also the beginning and ending of each university term,

35. Deans' council established. Recommendation H. Present section 65.

36. Faculty councils established. Recommendation G (1), (2) and (3), L (5), E (2) (q). Present sections 62, 63, 67 (2).

- (*k*) make rules and regulations for the management and conduct of the library,
 - (*l*) recommend to the board the establishment of faculties, schools, departments, chairs and courses of instruction in the university in any subject that the council thinks fit,
 - (*m*) make rules and regulations respecting academic awards,
 - (*n*) determine standards and policies respecting the admission of persons to the university as students, subject, in the case of standards and policies respecting first year students, to the approval of the Universities Co-ordinating Council,
 - (*o*) make recommendations to the board with respect to affiliation of other institutions, academic planning, campus planning, a building program, the budget, the regulation of residences and dining halls, procedures in respect of appointments, promotions, salaries, tenure and dismissals, and any other matters considered by the council to be of interest to the university,
 - (*p*) authorize lecturing and teaching on the university premises by persons other than members of the staff of the university, and
 - (*q*) authorize a school to have a school council of the same nature and with the same powers, duties and functions as a faculty council and, in its discretion, revoke any authority so given.
- (2) Any recommendations from the general faculty council to the board shall be transmitted to the board through the president.

Deans' Council

35. (1) For each university there shall be a deans' council which shall consist of

- (*a*) the president, who shall be chairman,
- (*b*) the vice-presidents,
- (*c*) the dean of each faculty, and
- (*d*) such other officers of the university as may be designated by the council.

(2) The deans' council is an advisory body to the president, the board and the general faculty council and has such powers, duties and functions as may be delegated to it.

Faculty Councils

36. (1) For each faculty of a university there shall be a faculty council.

(2) A faculty council, other than that of a faculty of graduate studies, shall consist of

37. Functions of faculty council. Recommendation G (4), N (3). Present sections 64, 69 (3).

38. School councils authorized. Recommendation E (2) (r), G (5), N (5).

- (a) the dean of the faculty, who shall be chairman,
 - (b) the president,
 - (c) all full-time members of the academic staff of the faculty,
 - (d) any representative of a professional association appointed pursuant to subsection (4), and
 - (e) such other persons as may be appointed thereto by the general faculty council on the recommendation of the faculty council.
- (3) The faculty council of a faculty of graduate studies shall consist of
- (a) the dean of the faculty, who shall be chairman,
 - (b) the president, and
 - (c) such other persons as may be appointed thereto by the general faculty council.
- (4) The general faculty council may appoint to a faculty council a representative of any body which, by statute, has regulatory powers in respect of a profession for which the faculty offers a program of study.

37. (1) Subject to the control of the general faculty council, a faculty council is empowered to

- (a) determine the programs of study in any branch of learning for instruction in which the faculty is established,
 - (b) appoint the examiners for examinations in the faculty, conduct the examinations and determine the results thereof,
 - (c) provide for the admission of students to the faculty, subject to the admission standards and policies determined by the general faculty council,
 - (d) determine the conditions under which a student must withdraw from or may continue his program of studies in the faculty, and
 - (e) authorize the granting of degrees *in course* to persons in any branch of learning for instruction in which the faculty is established.
- (2) A meeting of a faculty council shall be held at any time upon the summons of the dean of the faculty.

School Councils

38. Where the general faculty council authorizes a school to have a school council,

- (a) the director of the school may exercise all the powers, duties and functions of a dean of a faculty, and
- (b) the school council shall be of the same nature as and may exercise all the powers, duties and functions of a faculty council,

39. General faculty council to have general control of student affairs. Recommendation E (4) and (5) in part.

40. Continuation of students' unions. Recommendation I (1). Present sections 65a and 65b in part.

subject to such conditions or restrictions as may be imposed by the general faculty council.

Student Affairs

39. (1) A general faculty council has the general supervision of student affairs at a university and in particular but without restricting the generality of the foregoing, the general faculty council is empowered

- (a) subject to a right of appeal to the board, to exercise disciplinary jurisdiction over students attending the university, including jurisdiction
 - (i) to fine students,
 - (ii) to suspend the right of students to attend the university or to participate in any student activities, or both, and
 - (iii) to expel students from the university,
- (b) to delegate its disciplinary jurisdiction in any particular case or generally to any person or body of persons, subject to such conditions with respect to the exercise of any delegated power as it considers proper,
- (c) to establish a council on student affairs consisting of
 - (i) members of the academic staff,
 - (ii) students, and
 - (iii) administrative officers,of the university to exercise immediate jurisdiction over student affairs with respect to such matters and in such manner as the general faculty council may determine and to exercise such other powers, duties and functions as the general faculty council may determine, and
- (d) to give to the students' union such powers of government with respect to the conduct of students it represents as the general faculty council consider proper.

(2) A council established under clause (c) of subsection (1) may make regulations governing the calling of its meetings and the quorum and conduct of business thereat and generally as to the conduct of its affairs.

(3) Any powers of government given to a students' union pursuant to clause (d) of subsection (1) are subject to the overriding control of the board, the president and the general faculty council.

(4) Nothing in this section takes away or impairs the right of control that an affiliated institution or college has over its students.

40. (1) For each university there shall be a students' union to provide for the administration of the affairs of

41. Management and powers of a students' union. Recommendation I (1) and (2). Present sections 65a and 65b in part.

42. Students' council and intermediary between students and board and general faculty council. Recommendation E (5).

the students at the university, including the development and management of student institutions, the development and enforcement of a system of student law and the promotion of the general welfare of students consistent with the purposes of the university.

(2) The body heretofore incorporated under the name "The Students' Union, the University of Alberta" is continued as a corporation with the name "The Students' Union, The University of Alberta" and as the students' union of The University of Alberta.

(3) The body heretofore incorporated under the name "The Students' Union, the University of Alberta at Calgary" is continued as a corporation with the name "The Students' Union, The University of Calgary" and as the students' union of The University of Calgary.

(4) When the Lieutenant Governor in Council establishes an additional Provincial university under section 3, he shall also, by the order, incorporate a students' union for the university with such name as he considers appropriate.

41. (1) The business and affairs of a students' union shall be managed by a body to be known as the students' council, the members of which shall be elected by and from the members of the students' union as provided in the by-laws thereof.

(2) Subject to the approval of the general faculty council, a students' council may make by-laws governing

- (a) the requirements for membership in the students' union,
- (b) the qualifications for election as a member of the students' council and the time and manner of conducting the elections,
- (c) the number of persons and the officers that the students' council is to consist of,
- (d) the calling of meetings of the students' council and the quorum and conduct of business thereat,
- (e) the maintenance of the students' union by the levy of membership fees,
- (f) the acquisition, management and disposition of property by the students' union, and
- (g) any other matter pertaining to the management and affairs of the students' union.

(3) Subject to the approval of the board, a students' union may acquire real property by purchase, lease or otherwise and may hold and alienate it.

42. (1) A students' council is the official medium of communication between the students of a university and the board and general faculty council and any communica-

43. Powers of bodies constituted under Act.

44. Liability of university for student activities denied. Present section 29 (2).

45. Religious observances. The present section 5.

tion from the students' council to the board or general faculty council shall be transmitted through the president of the university.

(2) Subsection (1) does not take away or impair the right of any student or group of students to petition any of the governing bodies of the university in respect of any matter, but any such petition shall be in writing and shall be transmitted to the governing body through the president of the university.

Miscellaneous

43. (1) Any body constituted or continued by or under this Act

(a) may make regulations respecting the calling of meetings of the body and the quorum and conduct of business thereat and generally as to the conduct of its affairs, and

(b) may delegate any of its powers, duties and functions under this Act as it sees fit and may prescribe conditions governing the exercise of any delegated power, duty or function, including the power of subdelegation.

(2) An act or thing done by a majority of the members present at a meeting of a body constituted or continued by or under this Act shall be deemed to have been done by the body as long as the members present at that meeting constitute a quorum of the body and any vacancy in the membership of such a body does not impair the right of the remaining members to act as long as a quorum of the body remains in office.

44. Neither a board nor any officer or employee of a board is liable

(a) in respect of any act or omission in relation to any activity of the students' union or the student body, or

(b) on account of any act of the students' union or the student body or any member thereof.

45. (1) No religious test shall be required of any officer or employee or student of a university nor shall religious observances according to the form of any religious denomination or sect be imposed upon any of them.

(2) Subsection (1) does not take away or impair any right of a college or institution affiliated with a university

(a) to make such provision with regard to religious instruction and religious worship for its own students as it considers proper, and

(b) to require the observance thereof as part of its own discipline.

46. Annual audit required. Present section 28 (1).

47. Exemption from assessment and taxation. The present section 8 extended to cover students' unions and the Universities Commission.

48. Non-application of The Planning Act. Present section 7a.

46. The Provincial Auditor or his nominee shall from time to time and at least once every year audit the accounts of the board of each university.

47. (1) All land and improvements owned by
(a) the board of a university, or
(b) a students' union, or
(c) the Universities Commission,
are exempt from assessment and taxation for provincial, municipal or school purposes, except as otherwise provided in this section.

(2) With respect to any land or improvement referred to in subsection (1), the interest of a person who is

- (a) a purchaser of the property under a *bona fide* agreement for sale, or
- (b) an occupant of the property, or part thereof, under a lease, licence or permit,

is liable to assessment and taxation for provincial, municipal and school purposes, and the interest of that person in the property shall be assessed in the same manner as if he were the owner of the property, unless that person is himself exempt from taxation.

(3) Clause (b) of subsection (2) does not apply with respect to an occupant

- (a) who is in possession of the property in an official capacity on behalf of the owner, or
- (b) who is an officer or employee of the board that owns the property, or
- (c) who is a college or institution affiliated with a university, or
- (d) who is an association of students.

(4) All lands referred to in subsection (1) are liable to assessment and taxation for local improvements and for frontage tax.

48. (1) The provisions of any other Act, or regulations or orders thereunder, or of any municipal by-law or resolution that require, in the use or development of land,

- (a) compliance with any rules, controls, standards or regulations contained in any building code or similar by-law, zoning by-law, interim development by-law, development scheme, general plan, or resolution or regulation of a like nature, or
- (b) approval or permission to be given by any municipal or other authority before such use or development is commenced,

do not apply to any use or development of any real property owned by or leased to a university.

(2) For the purposes of this section "development" means

49. Exemption from expropriation by others. Present section 7.

50. Municipal duty with respect to dogs. New.

51. Exclusive power to grant academic degrees. The present section 78.

52. Protection of university coats of arms. The present section 79.

- (a) the carrying out of any construction or excavation or other operations in, on, over or under land, or
- (b) the making of any change in the use of any land, buildings or premises.

49. The power to expropriate land conferred by any statute on a municipality or any other person does not extend to the land of a university, students' union or the Universities Commission unless the statute conferring the power is made in express terms to apply to the land of a university or the Universities Commission, or the students' union, as the case may be.

50. For research and teaching purposes, every municipality operating a dog pound shall, upon request from the faculty of medicine of a university, make available to the faculty any impounded dogs that have not been claimed within a reasonable time by the owner and that would otherwise be destroyed.

51. With the exception of degrees in divinity, no person other than a university may grant or confer any academic degree.

- 52.** (1) No person shall assume or use
- (a) the coat of arms or crest of a university, or
 - (b) any design in imitation thereof, or
 - (c) any design calculated to deceive by its resemblance thereto,

except upon and in accordance with the consent of the board of the university.

- (2) No person shall
- (a) use in the name of any business or undertaking, or
 - (b) make use of in any advertising,

the name of a university or any derivation or abbreviation thereof, except upon and in accordance with the authority of the board of the university.

- (3) Except as authorized pursuant to subsection (2), no person shall

- (a) use in the name of any business or undertaking, or
- (b) make use of in any advertising,

the word "university" or any derivation or abbreviation thereof, except upon and in accordance with the authority of the Universities Commission.

(4) A person who contravenes this section is guilty of an offence and is liable upon summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term not exceeding seven days.

53. Anatomical specimens may be given to a university. The present section 80.

54. Duties of undertakers. The present section 54 in part.

55. Duty of hospitals and institutions. The present section 81 (2).

56. Nature of demand. The present section 81 (4) and (5)

57. Duty of university with respect to bodies received by it. The present section 82.

53. A legal representative or other person having lawful possession of the body of any deceased person and not being an undertaker or other person entrusted with the body for the purpose only of interment may hand over or permit the handing over of the body of the deceased person to a university for anatomical purposes and for scientific instruction and research, unless

- (a) to the knowledge of the legal representative or other person, the deceased person had expressed his desire either in writing at any time during his life or orally in the presence of two or more witnesses during the illness of which he died that his body after death should not be used for such purposes, or
- (b) the surviving husband or wife or any known relative of the deceased person requires the body to be interred without being used for such purposes.

54. (1) Every undertaker or public officer having charge of the body of a deceased person that is not claimed within a reasonable time by the immediate relatives or the legal representatives of the deceased, shall upon demand hand over the body to the nearest university or to such officers as it may appoint for the purpose.

(2) Notwithstanding subsection (1), where a relative or friend of the deceased requests a burial and is willing to provide funds for the burial, he may demand possession of the body of the deceased person and arrange for the funeral.

55. Every hospital, every penal or corrective institution and every eleemosynary or public institution supported by or receiving financial aid from the Province, shall upon demand hand over to the nearest university or to such officers as it may appoint for the purpose the bodies of deceased inmates of such institutions that are not claimed within a reasonable time by the immediate relatives or the legal representatives of the deceased.

56. (1) The demand referred to in sections 54 and 55 may be a general one, which shall be effective until countermanded.

(2) The refusal or failure to comply with the demand renders the person so refusing or failing liable on summary conviction to a fine not exceeding twenty-five dollars.

57. (1) A university shall keep a careful record of each body received by it in accordance with sections 53 to 55, and is at liberty to use such bodies for anatomical purposes and for scientific instruction and research.

58. Establishment of Universities Co-ordinating Council. Recommendation C (1) in part. Present section 61a in part.

59. Terms of offices of members. Recommendation C (1) in part. Present section 61a in part.

60. General duties of Universities Co-ordinating Council. Recommendation C (3) and (4) in part. Present section 61a in part.

(2) Every body handed over to a university for anatomical purposes shall, after undergoing anatomical examination, be decently interred by the university in some burial ground in use for persons of the religious persuasion to which the person whose body was so examined belonged.

(3) A certificate of the interment of the body shall be transmitted to the legal representative or other person who handed over the body, or permitted the body to be handed over, to a university for anatomical purposes.

PART 2

UNIVERSITIES CO-ORDINATING COUNCIL

58. (1) There shall be a Universities Co-ordinating Council consisting of

- (a) the president of each university,
- (b) the vice-president (academic) of each university,
- (c) two deans and two other members of the academic staff of each university, to be appointed by the general faculty council of the university, and
- (d) not more than three other members of the academic staff of each university, to be appointed by the Universities Co-ordinating Council.

(2) The chairman of the Universities Co-ordinating Council is

- (a) the president of The University of Alberta, or his nominee, in even numbered years, and
- (b) the president of The University of Calgary, or his nominee, in odd numbered years.

(3) The Universities Co-ordinating Council may appoint a secretary and prescribe his powers, functions and duties.

59. (1) A person appointed to the Universities Co-ordinating Council by a general faculty council holds office for a term of three years and is eligible for re-appointment for a second term of three years but not for further re-appointment by the general faculty council.

(2) A person appointed by the Universities Co-ordinating Council holds office for a term of three years and is eligible for re-appointment.

(3) Notwithstanding subsection (1) or (2), from time to time a person may be appointed for a term of less than three years for the purpose of providing an orderly change in membership of the Universities Co-ordinating Council or to fill a vacancy for the remainder of the unexpired term of office.

60. (1) It is a duty of the Universities Co-ordinating Council to inquire into any matter that, in its opinion, re-

61. Powers of Universities Co-ordinating Council in respect of academic qualifications in the professions. Recommendation C (4) in part and (5). Present section 61a in part.

quires or would be assisted by co-operative decisions or actions by the general faculty councils of the universities and to make recommendations in connection therewith to any general faculty council.

(2) The Universities Co-ordinating Council may, upon the request of a general faculty council, give advice and opinions to the general faculty council on any matter.

(3) The Universities Co-ordinating Council may make such recommendations to a general faculty council or a board on matters relating to universities as it considers proper and desirable.

(4) The Universities Co-ordinating Council may determine minimum standards for the affiliation of colleges or institutions with a university and may recommend

- (a) the affiliation of a college or institution with a university and the terms thereof, and
- (b) the dissolution of any such affiliation or the modification or altering of the terms thereof.

61. Where any Act respecting a profession or calling gives to the Universities Co-ordinating Council jurisdiction to appraise the adequacy of the academic qualifications of persons applying for membership in a body incorporated under that Act, the Universities Co-ordinating Council is, notwithstanding anything in that Act, empowered to

- (a) enter into such arrangements with the body corporate as the Council considers desirable for the fulfilment of the Council's powers, duties and functions under that Act,
- (b) require persons whose qualifications are in doubt to pass examinations or to take any course of instruction as the Council considers necessary in order to establish adequate qualifications,
- (c) provide for the setting and marking of examinations for that purpose,
- (d) waive a requirement for an examination where it is satisfied as to the adequacy of the qualifications from other evidence,
- (e) establish and appoint a board of examiners with respect to that profession or calling and delegate to the board of examiners such of the Council's powers, duties and functions with respect to that profession or calling as the Council sees fit, and
- (f) authorize the board of examiners to appoint an executive committee from its own number to deal with such matters as the board of examiners delegates to it.

62. Establishment of Universities Commission. Recommendation B (1) in part and (2) in part.

63. Qualifications and term of office of members. Recommendation B (2) and (3).

64. Remuneration of members. Recommendation B (2) (a) in part.

65. Expenses of Universities Commission. Recommendation B (7) (e).

66. Acquisition of land. Recommendation B (1) in part.

PART 3

UNIVERSITIES COMMISSION

62. (1) There is hereby created a corporation with the name of the "Universities Commission".

(2) The Commission shall consist of

- (a) a chairman to be appointed by the Lieutenant Governor in Council,
- (b) the Deputy Minister of Education,
- (c) the Deputy Provincial Treasurer, and
- (d) six other persons to be appointed by the Lieutenant Governor in Council.

(3) The members of the Commission may elect one of their own number to be acting chairman in the absence of the chairman or in the event of the chairman's inability to act.

63. (1) A person is not eligible for appointment as a member of the Universities Commission unless he is a Canadian citizen or British subject and is a resident of the Province.

(2) The chairman holds office during pleasure unless otherwise expressed in his appointment.

(3) A member, other than the chairman, holds office for a term of three years and is eligible for re-appointment for two further terms of three years, all terms to be consecutive but not for further re-appointment.

(4) Where the Universities Commission advises the Lieutenant Governor in Council that a member is, for any reason, no longer capable of acting as a member or of fulfilling his duties, the Lieutenant Governor in Council may terminate the appointment.

64. (1) The Lieutenant Governor in Council may prescribe the duties of and the remuneration to be paid to the chairman by the Universities Commission.

(2) The members, other than the chairman, shall not receive any remuneration for their services, but the Commission shall pay to all members their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Commission.

65. The expenses, debts and liabilities incurred in the carrying out of the Universities Commission's purposes under this Act shall be paid by the Commission out of the moneys received by it from the Government.

66. The Universities Commission may acquire by gift, devise, purchase or otherwise any estate or interest in land

67. Officers and employees of Universities Commission. Recommendation B (7) (f) and (8).

68. Functions of the Universities Commission. Recommendation B (6) and (7) in part.

and hold and alienate it, subject to the terms of any trust upon which it may be held.

67. (1) The Universities Commission may appoint such officers and employees as it considers necessary and prescribe their duties and their salaries or remuneration.

(2) The appointment of officers and employees of the Commission shall be during pleasure unless otherwise agreed between the Commission and the officer or employee.

(3) *The Public Service Pension Act* applies *mutatis mutandis* to the chairman and the officers and employees of the Commission and each month the Commission shall pay into the General Revenue Fund the contributions required to be made under section 5 of that Act together with an equal amount from the funds of the Commission as its contribution.

68. The Universities Commission is empowered to

- (a) inquire into the financial needs of the universities and advise the Government with regard to the granting of financial assistance for university purposes;
- (b) gather and make available information relating to university education in the Province in order to assist the universities in the preparation and execution of plans for the development of the universities to the end that they may be fully adequate to the needs of society;
- (c) act as trustee of any moneys or property given or bequeathed for or in connection with the universities;
- (d) subject to the terms of any trust upon which it may be held, invest in such manner as to the Universities Commission seems fit, all moneys that come into the hands of the Commission and that are not then required to be expended for any purpose for which they may be lawfully applied;
- (e) subject to the terms of any trust upon which it may be held, divide among the universities in such manner as the Universities Commission sees fit any moneys or real or personal property received by the Commission for or in connection with the universities;
- (f) require each university to submit to it from time to time such reports and other information as the Universities Commission may require;
- (g) regulate or prohibit the extension, expansion or establishment of any service, facility or program of study by a university so as to reduce or avoid an undesirable or unnecessary duplication of a similar service, facility or program of study already provided by a university;

69. Annual audit required.

70. Annual report to the Government.

71. The present Chancellor is to continue as the Chancellor of the University of Alberta for the remainder of his present term of office. Recommendation K (5).

72. Present officers and employees continue in their positions.

(h) act as an intermediary between the Government and the universities and between universities; and shall do such other things as the Lieutenant Governor in Council may direct.

69. The Provincial Auditor or his nominee shall from time to time and at least once every year audit the accounts of the Universities Commission.

70. (1) The Universities Commisison shall annually, after the end of its fiscal year, prepare a report showing the revenue and expenditures during its last fiscal year, together with a full and complete statement of the reserve funds of the Commission and an audited balance sheet of its financial transactions during the period, together with such other information as the Lieutenant Governor in Council may require.

(2) The Commission shall transmit its annual report and the annual reports of the universities received by it to the Minister of Education.

(3) The Minister of Education shall lay a copy of the reports of the Commission and the universities before the Legislative Assembly within fifteen days after the commencement of the next ensuing session.

PART 4

TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS

71. (1) The person who was the Chancellor of the University of Alberta immediately prior to the commencement of this Act continues as chancellor of The University of Alberta under this Act for the remainder of the term of office for which he was elected.

(2) The persons who were "appointed members" of the Senate of the University of Alberta immediately prior to the commencement of this Act continue as elected members of the senate of The University of Alberta under this Act for the remainder of the terms of office for which they were elected.

72. (1) The persons who were officers or employees of the University of Alberta immediately prior to the commencement of this Act and were employed at or in connection with

(a) the University of Alberta at Calgary, and

(b) the Banff School of Fine Arts,

shall be deemed to have been appointed as officers or employees of The University of Calgary pursuant to this Act

73. Transfer of assets and liabilities of the university at Calgary and of Banff School of Fine Arts to The University of Calgary.

74. Declaratory order by the Universities Commission.

and they continue in their offices or employment subject to this Act.

(2) The persons who were officers and employees of the University of Alberta immediately prior to the commencement of this Act, excluding those referred to in subsection (1), continue in their offices or employment subject to this Act and as if they had been appointed under this Act.

(3) Notwithstanding subsection (1) or (2), the President of The University of Alberta, jointly with the President of The University of Calgary, may declare

- (a) that a person to whom subsection (1) applies continues as an officer or employee of The University of Alberta, and
- (b) that a person to whom subsection (2) applies becomes an officer or employee of The University of Calgary.

73. (1) All lands, buildings, plants, works, supplies, rights, contracts, franchises, easements, assets, liabilities and property of every kind, including choses in action, owned, held, incurred or used

- (a) by the Governors of the University of Alberta, and
- (b) at or in connection with the Provincial university facilities at Calgary or the Banff School of Fine Arts,

immediately prior to the commencement of this Act shall, subject to subsection (2), be vested in The Governors of The University of Calgary.

(2) Subsection (1) does not apply

- (a) to property held in trust under *The Ultimate Heir Act*, which shall be vested in the Universities Commission, or
- (b) to trust property referred to in section 76 which shall be vested in The Governors of The University of Alberta.

74. (1) To avoid any uncertainty, inconvenience, loss or inequity the Universities Commission may, by order, specify the things referred to in section 73 that are or are not to be vested in The Governors of The University of Calgary and may, in an order,

- (a) direct the transmission of any such thing to The Governors of The University of Calgary,
- (b) direct the division or partition of or sharing of any such thing between or by the boards in such proportion and in such manner as the Commission considers just,
- (c) impose such conditions as the Commission considers just with respect to any such thing
 - (i) whether or not the thing is being transmitted, vested or shared,

75. Existing proceedings may be continued.

- (ii) for the benefit or advantage of either or both boards or of someone else,
including requiring a board to make a payment to or to indemnify the other board or someone else, to the extent the Commission considers just,
 - (d) direct the transmission of any such thing to the Universities Commission to be held and administered or expended by it for the benefit of the universities in such manner and in such proportion as the Commission considers just,
 - (e) declare any estate or interest in any such thing to be vested in The Governors of The University of Calgary or the Universities Commission without any further act being required, and
 - (f) do such other things and give such other directions as the Commission considers necessary or desirable to carry out the purpose of section 73.
- (2) The Universities Commission shall not make an order under subsection (1) that constitutes or would result in a breach of trust, and to the extent that any order purports to do so, the order is void.
- (3) A certified copy of an order of the Universities Commission under subsection (1) may be deposited in a land titles office, registry office or other appropriate public office and, notwithstanding any other Act, it is not necessary to deposit or file or issue any other instrument, document or certificate or to make any entry showing the transmission of title from the Governors of the University of Alberta to The Governors of the University of Calgary or to the Universities Commission of any property, right or liability or to have any certificate of title issued in respect thereof or to have any mortgage, charge, encumbrance or other document transmitted to the name of The Governors of The University of Calgary or of the Universities Commission, nor is it necessary in any instrument whereby The Governors of The University of Calgary or the Universities Commission deals with any such property, right or liability to recite or set out the transmission.

75. No action or other proceedings or power or remedy by, in or against the Governors of the University of Alberta shall be discontinued or abated on account of this Act but may be continued by, in or against

- (a) The Governors of The University of Alberta, or
- (b) The Governors of The University of Calgary, or
- (c) the Universities Commission,

as may be appropriate, and an order under section 74 shall be admitted in evidence as proof of which of those bodies any right or liability or other interest in property of any sort is or is to be vested in.

76. Special provisions to provide for the administration of certain trust properties.

77. The Public Junior Colleges Act is amended to relate its provisions to the existence of two or more Provincial universities.

76. (1) In this section "trust property" means any estate or interest in property, real or personal, which by deed, will or other instrument executed before the commencement of this Act was or is given, granted, devised or bequeathed to the University of Alberta, or the Governors thereof, to be held in trust for any purpose of or in connection with the University of Alberta.

(2) For the purpose of receiving, holding, administering and otherwise dealing with the trust property The University of Alberta shall be deemed to include all the Provincial university facilities, operations and functions which, immediately prior to the commencement of this Act constituted the University of Alberta.

(3) The Governors of The University of Alberta shall administer the trust property in accordance with the terms and intent of the trusts upon which the property was given, granted, devised or bequeathed and shall, after consultation with The Governors of The University of Calgary, apply or apportion the property to the Provincial university operations at Edmonton, Calgary, Banff or elsewhere as The Governors of The University of Alberta, subject to the terms and intent of the trust, considers proper.

Consequential Amendments

77. (1) This section amends *The Public Junior Colleges Act*.

(2) Section 2 is amended by adding the following clause after clause (e) :

(f) "university" means a university under *The Universities Act*.

(3) Section 3 is amended

(a) as to clause (a) by striking out the words "University of Alberta" and by substituting the word "university",

(b) by striking out clause (b) and by substituting the following:

(b) with the approval of the university with which it is affiliated, subjects in a course of study for a year other than the first year beyond matriculation into that university, and

(4) Section 5 is amended

(a) as to subsection (1) by striking out clause (b) and by substituting the following:

(b) the board of governors of a university has approved, in writing, the affiliation of the proposed junior college with that university.

(b) as to subsection (2) by striking out the words "Board of Governors" and by substituting the words "board of governors of a university".

78. Chapter 348 of the Revised Statutes is amended to take into account the existence of two Provincial universities.

79. Chapter 22 of 1947 is amended in consequence of the Banff School of Fine Arts being administered by The University of Calgary.

(5) Section 7, subsection (2) is amended by striking out clause (a) and by substituting the following:

(a) a copy of the approval of the board of governors of the university with which the proposed junior college is to be affiliated,

(6) Section 34, clause (a) is amended by striking out the words "University of Alberta matriculation" and by substituting the words "matriculation into a university".

(7) Section 35, subsection (1) is amended by striking out the words "University of Alberta" and by substituting the words "university with which the junior college is affiliated".

(8) Section 37, subsection (1) is amended by striking out the words "University of Alberta" and by substituting the words "university with which the junior college is affiliated".

78. *The Ultimate Heir Act* is amended

(a) as to section 2 by striking out clause (b) and by substituting the following:

(b) "Universities Commission" means the body with that name incorporated by *The Universities Act*.

(b) by striking out the word "University" wherever it occurs in the Act and by substituting the words "Universities Commission",

(c) as to section 8 by striking out subsection (2) and by substituting the following:

(2) The Universities Commission shall pay the annual income from the moneys held in trust pursuant to subsection (1) to the universities under *The Universities Act* in such shares as the Commission considers fair and equitable and any moneys so paid to a university shall be applied, in the discretion of the board of governors thereof, in providing scholarships and assistance in the field of research at the university.

79. *The Banff Foundation Act* is amended

(a) as to section 2

(i) by striking out clause (b) and by substituting the following:

(b) "Governors" means The Governors of The University of Calgary;

(ii) by striking out clause (d) and by substituting the following:

(d) "University" means The University of Calgary.

(b) as to section 6, clause (a) by striking out the words

30. Chapter 264 of the Revised statutes is amended to relate to the existence of two Provincial Universities.

31. Chapter 91 of the Statutes of Alberta, 1965 is amended to to the existence of two Provincial universities.

32. The Assessment Act, 1960 and The City Act are amended to remove a partial duplication of the tax exemption provisions contained in this Act.

- “the University of Alberta” and by substitutng the words “The University of Calgary”,
- (c) by striking out section 11.

80. *The Public Service Pension Act* is amended

- (a) as to section 23a, subsection (1) by striking out the words “the University of Alberta” and by substituting the words “a university under *The Universities Act*”,
- (b) as to section 33
- (i) by striking out subsection (1) and by substituting the following:
- 33. (1)** In this section,
- (a) “University” means a university under *The Universities Act*;
- (b) “University employee” means a person employed by the Governors of a University on a full time continuous basis.
- (ii) by striking out the words “of Alberta” wherever they occur in subsections (2) to (5).

81. *The Teachers’ Retirement Fund Act, 1965* is amended

- (a) as to section 2, clause (i) by striking out the words “of the University of Alberta” and by substituting the words “of a University under *The Universities Act*”,
- (b) as to section 22, subsection (2) by striking out the words “University of Alberta” and by substituting the words “university employing him”,
- (c) as to section 23, subsection (1) by striking out the words “of Alberta”.

82. (1) *The Assessment Act, 1960* is amended

- (a) as to section 14 by adding the following clause after clause (d) :
- (d1) all property vested in an educational institution affiliated with a university under *The Universities Act*, except the whole or any part of a separate building owned by such an institution and used as a dwelling and the lands used in connection therewith;
- (b) as to section 72 by striking out the words “under section 8 of *The University Act*”.

(2) *The City Act*, section 544 is amended

- (a) as to subsection (1) by striking out clause (h) and by substituting the following:
- (h) all property vested in an educational institution affiliated with a university under *The Universities Act*, except the whole or any part of a separate building owned by such an institution

83. The Public Trustee Act is amended to correct cross-references.

84. This section operates to change the reference in the provisions listed in the Schedules from the University of Alberta, the General Faculty Council of the University of Alberta, or the Co-ordinating Council of the University of Alberta, to the appropriate references under this Bill.

85. Repeal of present Act.

86. Commencement of Act.

and used as a dwelling and the lands used in connection therewith;

- (b) by striking out subsection (2) and by substituting the following:

(2) Notwithstanding the exemptions enumerated in subsection (1) all lands, including lands otherwise exempt, are liable to assessment and taxation for local improvements and for frontage tax.

83. *The Public Trustee Act* is amended by striking out the words "sections 80 and 81 of *The University Act*" where they occur in subsection (9) of section 18 and section 25a thereof and by substituting the words "sections 53 and 54 of *The Universities Act*".

84. (1) In the enactments listed in Schedule A, a reference to the University of Alberta shall be deemed to be a reference to any university under this Act.

(2) In the enactments listed in Schedule B, a reference to the General Faculty Council of the University of Alberta shall be deemed to be a reference to the Universities Co-ordinating Council.

(3) In the enactments listed in Schedule C, a reference to the Registrar of the University of Alberta shall be deemed to be a reference to the secretary of the Universities Co-ordinating Council.

(4) In the enactments listed in Schedule D, a reference to the University of Alberta shall be deemed to be a reference to the Universities Co-ordinating Council.

(5) In the enactments listed in Schedule E, a reference to the Co-ordinating Council of the University of Alberta shall be deemed to be a reference to the Universities Co-ordinating Council.

85. This Act repeals and replaces *The University Act*, being chapter 351 of the Revised Statutes.

86. (1) This Act, except sections 62 to 70, comes into force on the first day of July, 1966.

(2) Sections 62 to 70 come into force on the day upon which this Act is assented to.

SCHEDULE A

The Alberta Architects Act Section 9 (2) (c)

The Alberta Registered
Dietitians Association Act Section 14 (1)

The Chartered
Physiotherapists Act Sections 5, 15

The Medical Profession Act	Sections 34 (2), 70 (8)
The Alberta Pharmaceutical Association Act	Sections 25 (2), 30 (5), 44 (2)
The Teaching Profession Act	Section 6 (3)
The Alberta Registered Music Teachers' Association Act	Section 11 (d)
The Agricultural Schools Act	Section 16 (c)
The Alberta Land Surveyors Act, 1965	Section 17 (1)
The City Act	Section 318 (4)

SCHEDULE B

The Alberta Architects Act	Sections 2 (e), 9, 11
The Alberta Chartered Accountants Act	Section 2 (c), 10, 13, 14, 15
The Alberta Registered Dietitians Association Act	Sections 2 (f), 13, 14
The Engineering and Related Professions Act	Sections 2 (a), (f), 13 (2), 16, 17
The Chartered Physiotherapists Act	Sections 2 (d), 13, 14
The Psychologists Association Act	Sections 2 (c), 11, 12, 13, 19a
The Veterinary Surgeons Act	Sections 2 (a), 12, 18, 19, 28
The Medical Profession Act	Sections 2 (e), (h), (i), 33, 38, 70

SCHEDULE C

The Veterinary Surgeons Act	Sections 12, 18 (5)
The Medical Profession Act	Sections 32 (1), 70 (4)
The Alberta Pharmaceutical Association Act	Section 27 (1)

SCHEDULE D

The Alberta Architects Act	Section 11 (2)
The Alberta Chartered Accountants Act	Section 10 (2)
The Alberta Registered Dietitians Association Act	Section 13 (1)
The Chartered Physiotherapists Act	Section 13 (1)
The Psychologists Association Act	Section 11 (1)
The Veterinary Surgeons Act	Section 18 (2)
The Medical Profession Act	Section 33 (2)
The Alberta Pharmaceutical Association Act	Sections 26 (2), 28 (1)
The Alberta Land Surveyors Act, 1965	Sections 15 (2), 25 (1) (c)

SCHEDULE E

The Alberta Pharmaceutical Association Act	Sections 26, 27 (1), 28 (2)
The Alberta Land Surveyors Act, 1965	Sections 2 (c) 14, 15, 17 (1), 20, 21, 22, 23, 24 (c), 25, 26, 27, 28, 30 (c)
The Registered Nurses Act	Sections 5, 6, 11
The Agrologists Act	Sections 2 (b1), 20, 24
The Legal Profession Act, 1966	Sections 35 (b), 36, 38 (2), 39 (2), 40 (2), 41

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FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act respecting Provincial
Universities

Received and read the

First time

Second time

Third time

HON. MR. MCKINNON
