

1970 Bill 57

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 57**

**An Act to amend The Universities Act**

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THE MINISTER OF EDUCATION

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First Reading .....

Second Reading .....

Third Reading .....

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Printed by L. S. Wall, Queen's Printer, Edmonton

# BILL 57

1970

An Act to amend The Universities Act

(Assented to \_\_\_\_\_, 1970)

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

1. *The Universities Act* is hereby amended.
2. Section 2 is amended by adding the following clauses after clause (c):
  - (c1) "graduate students association" means the graduate students association of a university established under section 40;
  - (c2) "students' union" means the students' union of a university established or continued under section 40;
3. The words "general faculty council" are struck out wherever they occur in the Act and the words "general faculties council" are substituted.
4. Section 5 is struck out and the following is substituted:
  5. (1) For each university there shall be a chancellor who shall be elected by the senate on the nomination of a joint committee representing the general faculties council, the alumni association and the senate, with three members to be appointed by each.
  - (2) The chancellor shall be the representative of the university at ceremonial occasions and 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.
5. Section 7 is amended by striking out subsection (1) and by substituting the following:

## **Explanatory Notes**

**1.** This Bill will amend chapter 105 of the Statutes of Alberta, 1966.

**2.** Definitions added.

**3.** Self-explanatory.

**4.** Section 5 presently reads:

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.

**5.** Section 7, subsection (1) presently reads:

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

7. (1) Where the office of chancellor becomes vacant, the senate shall, promptly, call upon each of the general faculties council and the alumni association to appoint three members to form, with three appointed members of the senate, a joint committee to nominate a new chancellor.

6. Section 8, subsection (1) is amended

- (a) as to clause (a) by striking out subclause (iii) and by substituting the following:
  - (iii) the vice-president or, where there is more than one, the senior vice-president,
- (b) as to clause (b) by striking out subclauses (vi) and (vii) and by substituting the following:
  - (vi) four students to be appointed by the council of the students' union, and
  - (vii) if there is a graduate students association, one member of the association appointed by the council of the association,
- (c) as to clause (c) by adding at the end thereof the words "including, at the discretion of the *ex officio* and appointed members, representatives of staff organizations within the university".

7. Section 10, subsection (2), clause (a) is amended by striking out the words "students' council" and by substituting the words "council of the students' union or graduate students association".

8. Section 13 is amended

- (a) as to subsection (4) by adding the word "and" at the end of clause (d) and by adding the following clause after clause (d):
  - (e) if the university has a graduate students association, one person appointed by the Lieutenant Governor in Council who shall be a full member of the association nominated by the council of the association.
- (b) by adding the following subsection:
  - (6) The members shall receive their reasonable travelling and other expenses while absent from their ordinary places of residence or employment and in the course of their duties as members of the board.

9. Section 14 is amended

- (a) as to subsection (1) by striking out the words "British subject and is a resident of the Province" and by substituting the words "landed immigrant",

**6. Section 8, subsection (1), clause (a), subclause (iii), clause (b), subclauses (vi) and (vii) and clause (c) presently read:**

- 8. (1) For each university there shall be a senate consisting of**
  - (a) the following ex officio members,**
    - (iii) the vice-president (academic),**
  - (b) the following appointed members,**
    - (vi) four students, to be appointed by the students' council, and**
    - (vii) if a university has a faculty of graduate studies and an organization of graduate students approved by the general faculty council, one graduate student appointed by the organization,**
  - (c) 30 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.**

**7. Section 10, subsection (2), clause (a) reads:**

- (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,**

**8. Section 13, subsection (4), clause (d) reads:**

- (4) The board of each university shall consist of**
  - (d) 13 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, and**

**9. Section 14, subsection (1) and subsection (2a), clause (b) read:**

**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.**

**(2a) Notwithstanding subsection (2),**

- (b) a person appointed under section 13, subsection (4), clause (d), subclause (iv) ceases to be a member when he ceases to be a full-time member of the students' union:**

(b) as to subsection (2a) by adding the word "and" at the end of clause (b) and by adding the following clause after clause (b) :

(c) a person appointed under section 13, subsection (4), clause (e) ceases to be a member when he ceases to be a full-time member of the graduate students association.

**10.** Section 19, subsection (2) is amended by striking out the words "Subject to the approval of the Universities Commission, a" and by substituting the word "A".

**11.** Section 20, subsection (2) is amended by striking out the words ", subject to the approval of the Universities Commission,".

**12.** Section 22 is struck out and the following is substituted:

**22.** (1) For each university there shall be appointed such vice-presidents as the board considers advisable.

(2) For a university with more than one vice-president, the board shall name the senior vice-president and when the president is absent or unable to act or during any vacancy in the office of president the senior vice-president is the acting president.

(3) If there is only one vice-president, when the president is absent or unable to act or during a vacancy in the office of president the vice-president is the acting president.

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

**13.** Section 25, subsection (1) is amended by striking out the words "and of the Universities Commission".

**14.** Section 32 is amended by adding the following clause after clause (b) :

(b1) the following student members,

(i) two students nominated by the council of the students' union, and

(ii) if there is a graduate students association, one student nominated by the council of the association,

and

**10. Section 19, subsection (2) reads:**

(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 academic staff of the university.

**11. Section 20, subsection (2) reads:**

(2) The board shall appoint the president and prescribe his tenure of office and, subject to the approval of the Universities Commission, prescribe the remuneration to be paid to him by the board.

**12. Section 22 reads:**

**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.**

**13. Section 25, subsection (1) reads in part:**

**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:**

**14. Section 32, clause (b) reads:**

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

**(b) the elected members representing the faculties and the schools that have school councils, and**

**15.** Section 33 is amended by striking out subsection (4) and by substituting the following:

(4) The *ex officio*, elected and student members shall appoint the appointed members of the general faculties council from the staff of the university, in such number and for such terms of office as the *ex officio*, elected and student members determine.

**16.** Section 39 is amended

- (a) as to subsection (1), clause (d) by adding after the words "students' union" the words "and to the graduate students association",
- (b) as to subsection (3) by adding after the words "students' union" the words "or graduate students association".

**17.** Section 40 is amended by adding the following subsection:

(5) Where a university has a faculty of graduate studies, the Lieutenant Governor in Council may incorporate a graduate students association for the university, with such name as he considers appropriate, to provide for the administration of the affairs of the graduate students and the promotion of the general welfare of the graduate students consistent with the purposes of the university.

**18.** Section 41 is struck out and the following is substituted:

**41. (1)** In this section "student organization" means a students' union and a graduate students association.

(2) The business and affairs of a student organization shall be managed by a body to be known as the council of the student organization, the members of which shall be elected by and from the members of the student organization as provided in the by-laws thereof.

(3) The council of a student organization may make by-laws governing:

- (a) the requirements for membership in the student organization;
- (b) the qualifications for election as a member of the council and the time and manner of conducting the elections;
- (c) the number of persons and the officers that the council is to consist of;
- (d) the calling of meetings of the council and the quorum and conduct of business thereof;



**15. Section 33, subsection (4) reads:**

- (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) from the students at the university,in such number and for such terms of office as the ex officio and elected members decide.

**16. Section 39, subsection (1), clause (d) and subsection (3) read:**

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.

- (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 considers proper.

(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.

**17. Incorporation of graduate students association.**

**18. Section 41 presently reads:**

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.

- (e) the maintenance of the student organization by the levy of membership fees;
- (f) the acquisition, management and disposition of property by the student organization;
- (g) any other matter pertaining to the management and affairs of the student organization.

(4) Subject to the approval of the board, a student organization may acquire real property by purchase, lease or otherwise and may hold and alienate it.

**19.** Section 42, subsection (1) is amended by striking out the words "students' council" and by substituting the words "council of the students' union".

**20.** Section 44, subsection (1) is amended by adding after the words "students' union", wherever they occur, the words ", graduate students association".

**21.** Section 47, subsection (1) is amended by adding the following clause after clause (b) :

- (b1) a graduate students association, or

**22.** Section 52 is amended

- (a) as to subsection (1) by striking out clause (c),
- (b) by striking out subsection (5) and by substituting the following:

(5) Where a person contravenes this section, the Supreme Court on application by way of originating notice

- (a) by the university in respect of a contravention of subsection (2), or

- (b) by the Universities Commission in respect of a contravention of subsection (3),

may grant an injunction enjoining the person from continuing the contravention of this section.

**23.** Section 63, subsection (1) is amended by striking out the words "British subject and is a resident of the Province" and by substituting the words "a landed immigrant".

**24.** Section 64, subsection (2) is amended by striking out the word "living" and by substituting the word "other".

**25.** This Act comes into force on the day upon which it is assented to.

**19. Section 42, subsection (1) reads:**

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

**20. Section 44 (1) presently reads:**

44. (1) 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.

**21. Section 47, subsection (1), clause (b) reads:**

47. (1) All land and improvements owned by  
(b) a students' union, or

**22. Section 52, subsections (1) and (5) read:**

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.  
(5) Where a person has been convicted of contravening this section, the Supreme Court on application by way of originating notice,  
(a) by the university in respect of a contravention of subsection (2), or  
(b) by the Universities Commission in respect of a contravention of subsection (3), may grant an injunction enjoining the person so convicted from continuing the contravention of this section.

**23. Section 63, subsection (1) reads:**

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.

**24. Section 64, subsection (2) reads:**

(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.