

1994 BILL 228

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 228

UNIVERSITIES AMENDMENT ACT, 1994

MR. ZARIWNY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 228
Mr. Zariwny

BILL 228

1994

UNIVERSITIES AMENDMENT ACT, 1994

(Assented to , 1994)

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

1 The Universities Act is amended by this Act.

2 In the following provisions "governors" is struck out wherever it occurs and "regents" is substituted:

section 1(e);
section 5(1)(c)(i),(e) and (2);
section 6(1)(c) and (2)(a).

3 In the following provisions "general faculties council" is struck out wherever it occurs and "general academic council" is substituted:

section 4(6)(a)(v) and (b);
section 5(1)(c)(ii),(e) and (2);
section 6(1)(d) and (2)(b);
section 15(4)(d)(iii);
section 17(1)(a) and (d);
section 21(2);
section 21.1(4) and (5);
section 22(4)(a);

Explanatory Notes

- 1** Amends chapter U-5 of the Revised Statutes of Alberta, 1980.

section 35;
section 36(1), (3) and (4);
section 37(1) and (2);
section 38(2);
section 39(2)(e), (3) and (4);
section 40(1);
section 41;
section 42(1)(c) and (d);
section 42(3);
section 45(1);
section 61(1)(c);
section 62(1);
section 63(1), (2) and (3).

4 Section 4 is amended:

(a) by repealing clause (6)(a)(iii); and

(b) in subsection 6(b) by striking out "the senate,".

5 The heading "Chancellor and Senate" preceding section 8 is amended by striking out "and Senate".

6 Sections 8 and 9 of the Act are repealed and the following are substituted:

4 Sections 4(6)(a) presently reads:

4(6) Notwithstanding anything in this Act, an interim governing body of a university

(a) may exercise or perform the powers and duties of

(i) the chancellor, until the election of the first chancellor,

(ii) the president, until the appointment of the first president,

(iii) the senate, until the commencement of its first meeting,

*(iv) the board, until the commencement of its first meeting,
and*

*(v) the general faculties council, until the commencement
of its first meeting,*

and

*(b) may exercise the powers and duties referred to in clause (a)
either in its own name or in the name of the chancellor, the
president, the senate, the board or the general faculties
council, as the case may be.*

6 Sections 8 and 9 presently read:

8(1) For each university there shall be a chancellor who shall be elected by the general academic council from the nominees proposed by the honours committee.

(2) When a vacancy occurs in the office of chancellor, the honours committee shall nominate candidates in accordance with section 11.

(3) 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.

(4) The chancellor shall represent the public interest in the university and is the vice chairman of the board and an ex officio member of the board.

(5) A person is not eligible for election as chancellor unless he is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

8(1) For each university there shall be a chancellor who shall be elected by the senate.

(2) A joint committee may nominate one or more persons, as directed by the senate, for the office of chancellor.

(2.1) The joint committee referred to in subsection (2) shall consist of

- (a) 3 members of the general faculties council appointed by the general faculties council,*
- (b) 3 members of the alumni association appointed by the alumni association,*
- (c) 3 members of the senate appointed by the senate,*
- (d) one member of the students' union appointed by the students' union, and*
- (e) one member of the graduate students association appointed by the graduate students association or, if there is no graduate students association, one graduate student appointed by the graduate students.*

(3) The senate may elect the chancellor from among the persons nominated by the joint committee under subsection (2) and any other persons that are nominated by members of the senate at the meeting of the senate at which the joint committee presents its nominations to the senate.

(4) 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) The chancellor shall represent the public interest in the university and is the chairman of the senate and an ex officio member of the board.

(6) A person is not eligible for election as chancellor unless he is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

9(1) A chancellor holds office for a term of 4 years and is not eligible for re-election as chancellor.

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

(3) When 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.

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

7 *The heading "Honours Committee" is added before section 10.*

9(1) A chancellor holds office for a term of 4 years and is not eligible for re-election as chancellor.

(2) When 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.

(3) If a vacancy occurs during the term of office of the chancellor or the expiry of the term of office of the chancellor is imminent, a joint committee shall be established consisting of

- (a) 3 members of the general faculties council appointed by the general faculties council;*
- (b) 3 members of the alumni association appointed by the alumni association;*
- (c) 3 members of the senate appointed by the senate;*
- (d) one member of the students' union appointed by the students' union;*
- (e) one member of the graduate students association appointed by the graduate students association or, if there is no graduate students association, one graduate student appointed by the graduate students.*

(3.1) The joint committee may nominate 1 or more persons for the office of chancellor.

(3.2) The senate may elect the new chancellor from among the persons nominated by the joint committee, at the meeting of the senate at which the joint committee presents its nominations to the senate.

(4) When 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.

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

8 Sections 10, 11 and 12 of the Act are repealed and the following is substituted:

10(1) For each university there shall be an honours committee consisting of

- (a) 4 members nominated by the board;**
- (b) 4 members of the alumni association nominated by it who are not members of the board or the general academic council;**
- (c) 4 members of the general academic council named by it;**
- (d) the chancellor who shall be the chairman.**

8 Sections 10, 11 and 12 presently read:

10(1) 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 or, when there is more than one, the senior vice-president;*
- (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) 2 deans, to be appointed by the deans' council;*
- (ii) 2 members of the board, to be appointed by the board;*
- (iii) 3 members of the general faculties council, to be appointed by the general faculties council;*
- (iv) 2 members of the alumni association, to be appointed by the association;*
- (v) 9 members of the public, to be appointed by the Minister;*
- (vi) 4 students to be appointed by the council of the students' union;*
- (vii) if there is a graduate students association, one member of the association appointed by the council of the association;*

11(1) In the event of a vacancy in the chancellorship, the board shall appoint a member of the honours committee to act as chairman.

(2) Subject to the authority of the board, the honours committee is empowered to

- (a) elicit and receive nominations for honorary degrees that may be conferred by the university;**
- (b) review nominees for honorary degrees and recommend suitable nominees to the board;**
- (c) solicit and review nominations for the position of chancellor when a vacancy in the office occurs, or is scheduled to occur and to recommend suitable candidates to the general academic council;**

(3) In order to recommend to the board a nominee for an honorary degree under subsection (1)(b) that nominee must be approved by a vote of two-thirds of the honours committee.

(viii) 2 non-academic staff members to be appointed by the Minister;

(c) 30 representative members, to be elected by the members of the senate to represent affiliated colleges or institutions, geographical areas and groups and organizations with an interest in the university including, at the discretion of the members of the senate, representatives of staff organizations within the university.

(1.1) Only persons who

(a) are Canadian citizens or have been lawfully admitted to Canada for permanent residence, and

(b) are residents of Alberta,

are eligible to be appointed as members of a senate under subsection (1)(b)(v).

(2) The senate of a university is a corporation.

11(1) An appointed member of a senate, other than a student, holds office for a term of 3 years and a student member holds office for a term of one year, but all appointed members are, if otherwise qualified, eligible for reappointment.

(1.1) An appointed member of a senate, other than a person appointed under section 10(1)(b)(v), ceases to hold office when he ceases to occupy the position or perform the function that qualifies him for the appointment.

(2) A representative member holds office for a term of 3 years and is eligible for re-election for a 2nd term of 3 years but not for further re-election.

(3) When 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, on the vote of not less than 2/3 of the members present when the vote for removal from office is taken, remove the member from office.

- (4) (a) In recommending suitable candidates to the general academic council for the position of chancellor under subsection (1)(c), the honours committee shall only put forward the names of the 3 candidates receiving the highest number of votes in that committee if there are more than 3 nominees.**
- (b) No nominees for the position of chancellor shall be employed by the university or be members of the staff of the university.**

(4) When 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 members of the senate may elect a person to fill the vacancy,

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

(4.1) A person appointed under section 10(1)(b)(v) to fill a vacancy is, if otherwise qualified under section 10, eligible to be appointed for 2 additional terms as a member of the senate.

(5) Notwithstanding subsection (1) or (2), members of the senate may be appointed or elected to hold office for a term of not more than 3 years as circumstances require so as to provide an orderly change in the membership of the senate, and the members so appointed or elected are, if otherwise qualified, eligible for reappointment or re-election in accordance with subsection (1) or (2), as the case may be.

(6) The members of the senate may be paid travelling and living expenses while absent from their ordinary places of residence in the course of their duties as members of the senate at the rates prescribed by the senate.

12(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 council of the students' union or graduate students association and any member of the academic staff of the university,

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

9 Section 13 is amended by striking out "senate" and substituting "board".

10 Section 14 is repealed.

11 The heading "Board of Governors" preceding section 15 is repealed and the heading "Board of Regents" is substituted.

12 Section 15 is amended

(a) by repealing subsection (1) and substituting the following:

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

(b) by repealing subsection (2) and substituting the following:

(2) The body heretofore incorporated under the name "The Governors of the University of Calgary" is hereby continued as a corporation under the name "The Regents of the University of Calgary" and as the board of The University of Calgary.

(c) in subsection (4)(a) by adding the following after "Lieutenant Governor in Council":

"on the recommendation of the Legislative Assembly";

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

and in consequence thereof make any report and recommendations that it considers advisable to the board or the general faculties council or to the Minister or the Universities Co-ordinating Council.

9 Section 13 presently reads:

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

12 Section 15 presently reads in part:

15(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) If the Lieutenant Governor in Council establishes an additional Provincial university under section 4, he may also incorporate a board for the university with any name 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;

(d) in subsection (4)(b) by adding the following after "university":

"who shall be the vice-chairman of the board";

(e) (i) in subsection (4)(d)(i) by striking out "2" and substituting "3";

(ii) by repealing subsection (4)(d)(ii);

(iii) in subsection (4)(d)(iv) by striking out "2" and substituting "3";

(iv) by adding the following after subsection (4)(d)(v):

(vi) up to 2 additional members nominated by the board.

13 Section 16 is amended:

(a) in subsection (1) by adding "(d)" after "section 15(4)(a)";

(b) in subsection (2) by adding "Except as provided in subsection 2.1" before "A person appointed";

- (b) *the chancellor of the university;*
- (c) *the president of the university;*
- (d) *the following members appointed by the Minister:*
 - (i) *2 alumni of the university nominated by the alumni association;*
 - (ii) *one member of the senate nominated from its members who have been appointed under section 10(1)(b)(v) or elected under section 10(1)(c);*
 - (iii) *2 members of the academic staff of the university nominated by the general faculties council;*
 - (iv) *2 students nominated by the council of the students' union;*
 - (v) *if the university has a graduate students' association, one graduate student nominated by the council of the association;*
- (e) *8 additional members representative of the general public appointed by the Lieutenant Governor in Council.*

13 Section 16 presently reads:

16(1) Only persons who

- (a) *are Canadian citizens or have been lawfully admitted to Canada for permanent residence, and*
- (b) *are residents of Alberta,*

are eligible to be appointed under section 15(4)(a) or (e).

(2) A person appointed as a member of a board

- (a) *holds office for a term not exceeding 3 years as*

(c) by renumbering clause (2.1) as clause (2.2) and by adding the following before clause (2.2):

(2.1) Those persons appointed under section 15(4)(d)(i),(ii),(iii) and (vi) shall hold office for a term not exceeding 2 years.

(d) by repealing section (3)(a).

prescribed in the appointment, and

- (b) continues to hold office after the expiry of his term of office until he is reappointed, his successor is appointed or a period of 3 months has expired, whichever first occurs.*

(2.1) If a person resigns his membership on the board, his appointment as a member of the board terminates on the effective date specified in his resignation or, if no effective date is specified, on the date of receipt of his resignation by the board.

(3) Notwithstanding subsection (2),

- (a) a person appointed under section 15(4)(d)(ii) ceases to be a member when he ceases to be a member of the senate,*

- (a.1) a person appointed under section 15(4)(d)(iii) ceases to be a member when he ceases to be a member of the academic staff of the university,*

- (b) a person appointed under section 15(4)(d)(iv) ceases to be a member when he ceases to be a student,*

- (c) a person appointed under section 15(4)(d)(v) ceases to be a member when he ceases to be a graduate student, and*

- (d) a person appointed under section 15(4.1)(b) ceases to be a member when he ceases to be an employee of the board.*

(4) A member is eligible for reappointment for a 2nd term of 3 years, but not for a further appointment until the expiration of a period of 3 years after his 2nd term has ended.

(5) Notwithstanding subsection (4),

- (a) the chairman is always eligible for reappointment 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 2 terms of 3 years each as a*

14 Section 17 is amended

(a) by adding the following after subsection(1)(k):

(l) after consideration of the recommendations of the honours committee, to confer honorary degrees.

(b) by adding the following after section 17:

17.1(1) It is the duty of the board 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), the board is empowered to

(a) require a report on any matter from any faculty or school council and the council of the students' union or graduate students association 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 any other means of acquiring and providing information with respect to the university and its functions that it considers appropriate.

member of the board.

(6) When 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.

(7) When 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, and an appointment to an unexpired term of office shall not be considered, for the purposes of subsection (4), as a term of office.

14 Section 17 reads in part:

17(1) Except as otherwise provided in this Act, a board has the management and control of the university and of its property, revenue, business and affairs and in particular, but without restricting the generality of the foregoing, a board is empowered

15 Section 18 is amended by striking out "the senate,".

16 Section 22(6) is amended by striking out "and the senate".

17 The heading "General Faculties Council" preceding section 35 is repealed and the heading "General Academic Council" is substituted.

18 Section 35 is amended:

(a) in subsection (a) by adding the following after clause (vii):

(viii) the director of information systems, or if none, the officer exercising comparable functions.

15 Section 18 presently reads:

18 If 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.

16 Section 22(6) presently reads:

22(6) The president shall report annually to the board and the senate on the academic work of the university and as to its progress and requirements and make any recommendations thereon he considers necessary.

18 Section 35 presently reads:

35 For each university there shall be a general faculties council consisting of

(a) the following ex officio members:

(i) the president, who shall be chairman;

(ii) the vice-president;

(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;

(vii) the registrar;

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

(c) the following student members:

(b) by adding the following after subsection (d):

(e) the following publicly appointed members:

(i) 5 persons appointed by the Minister who are not employees of the Government of Alberta or of the university;

(ii) 2 persons nominated by the alumni association.

19 The following is added after section 35:

35.1(1) Appointments made by the Minister under section 35(e)(i) may be for terms of 1, 2 or 3 years.

(2) Members appointed under section 35(e)(ii) shall be appointed for a term not exceeding 1 year.

(3) Notwithstanding subsection (2), members may be re-nominated by the alumni association after serving 1 or more terms.

20 Section 36(3)(a) is amended by adding "plus 7" after "ex officio members".

- (i) *2 students nominated by the council of the students' union;*
 - (ii) *if there is a graduate students association, one student nominated by the council of the association;*
- (d) *the appointed members.*

20 Section 36(3) presently reads:

36(3) On the direction, from time to time, of the general faculties 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*
- (b) *shall determine the number of members that may be elected by each 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.*

21 Section 47(2) is amended by striking out "a senate".

22 Section 67(3) is repealed.

23 Notwithstanding any other provision in this Act, when the senate of a university has authorized the conferring of an honorary degree but that degree has not been granted at the coming into force of this Act, the university may grant that honorary degree.

24 This Act comes into effect on July 1, 1995.

21 Section 47(2) presently reads:

47(2) A member of a senate, a board or an interim governing body appointed under section 4 is not personally liable for any thing done by the senate, the board or the interim governing body, as the case may be, or for any thing done by himself in good faith and in the purported exercise of his powers, duties and functions under this Act.

22 Section 67(3) presently reads:

(3) Without derogating from the general powers of a board under section 17(1) to manage and control a university, a proposal of a university or a private college designated under section 64.5 to reduce, delete or transfer a program of study must be submitted to the Minister in the form prescribed by the Minister, and the Minister may approve or refuse to approve the proposal.