

Bill No. 57 of 1942.

A BILL TO AMEND AND CONSOLIDATE THE
UNIVERSITY ACT.

NOTE.

This Bill provides for a consolidation of *The University Act* with certain amendments. In the main the Bill follows closely the provisions of the old Act. The principal differences are in the provisions relating to the powers of the various governing bodies of the University. Under the proposed Bill the Board of Governors will consist of 13 members of whom 6 will be *ex officio* members as set out in section 12, the other 7 members are to be appointed by the Lieutenant Governor in Council.

The composition of the Senate is reduced by the Bill from over 50 members to 25, 16 of whom are to be *ex officio* members as set out in section 31. There are to be 9 appointed members who will represent agriculture, business, labour, industry, public education and organizations devoted to social and cultural welfare. These latter members will be appointed by the statutory members of the Senate. Certain academic powers of the Senate have been transferred to the General Faculty Council whose powers are set out in section 61 (2).

The Act also continues the different Faculty Councils whose powers are set out in section 64.

Section 65 gives statutory authority to the Deans' Council which authority was not contained in the old Act.

New provisions are added in section 66 dealing with the Department of Extension. Authority is given in section 68 for the appointment of a business manager of the University with the title of Comptroller or such other title as the Board of Governors shall determine. The sections of the old Act dealing with the borrowing powers and government guarantees for such borrowings are continued. Sections 78 and 79 deal with exclusive rights of the University to confer degrees except degrees in Divinity and rights with regard to the use of the word "University" and the Coat of Arms or crest of the University.

The Bill repeals the old Act, being chapter 56 of the Revised Statutes of Alberta, 1922, and it is proposed it shall come into force on the first day of June, 1942.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 57 of 1942.

An Act to amend and consolidate The University Act.

(Assented to _____, 1942.)

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

SHORT TITLE.

1. This Act may be cited as "*The University Act, 1942.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
 - (a) "Appointed members" means the members of the Board appointed by the Lieutenant Governor in Council;
 - (b) "Board" means the Governors of the University of Alberta;
 - (c) "College" includes a school or other institution of learning;
 - (d) "Convocation" means the Convocation of the University as constituted on the sixteenth day of December, one thousand nine hundred and ten, together with all persons who have thereafter become graduates of the said University;
 - (e) "Head", when it refers to the head of an affiliated institution, means the person who is, or is certified by the governing body of such institution to be, the head thereof;
 - (f) "Property" includes real property, and all other property of any nature and kind whatsoever;
 - (g) "Real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof, and any interest or interests therein;
 - (h) "Registrar" means the registrar of the University, or such other person as shall be designated by the Board to act as the registrar of the University;
 - (i) "Senate" means the Senate of the University of Alberta;
 - (j) "Teaching staff" includes professors, associate professors, lecturers, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;
 - (k) "University" means the University of Alberta.

3. The provincial university known as the University of Alberta and the Board, Senate, Convocation and the several faculties of the University are and each of them is hereby continued and subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the rights, powers and privileges which they had on the thirty-first day of May, 1942, or which are by this Act, conferred upon them.

4.—(1) All appointments in and rules and regulations affecting the University in force and effect on the day upon which this Act comes into force shall continue subject, as to the teaching staff, and all offices, servants and employees, to removal by the Board at its discretion.

(2) The Lieutenant Governor in Council may appoint a President of the University and may fix his remuneration and term of office and may alter or vary the remuneration and abridge or extend the term of office of the President.

5.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University, or of any student thereof or therein nor shall religious observances according to the form of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein, and their attendance at public worship in their respective churches or other places of religious worship, and their religious instruction by their respective ministers according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes:

Provided, always, that attendance on such forms of religious observance shall not be compulsory on any students attending the University.

(2) Nothing in this section contained shall interfere with the right of any affiliated institution or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper and to require the same to be observed as a part of its own discipline.

6. All property which was on the date of the coming into force of this Act vested in the University or the Board shall be or continue to be vested in the Board:

Provided, however, that none of the real property so vested in the Board which is for the time being used for University purposes shall be sold or encumbered, nor shall the same be leased for a longer period than five years except with the approval of the Lieutenant Governor in Council.

7. The real property vested in the Board and used for University purposes, shall not be liable to be entered on, used or taken by any municipal or other corporation, or by

any person possessing the right of taking lands compulsorily for any purposes whatsoever; and no power to expropriate real property conferred by statute shall extend to such real property unless the Act conferring the power is made in express terms to apply to such real property.

8. The property, real and personal, vested in the Board shall not be liable to taxation for provincial, municipal or school purposes, but shall be exempt from every description of taxation:

Provided, however, that the interest of every lessee or occupant of real property vested in the Board, unless the lessee or occupant is a member of the teaching staff, or an officer or servant of the University, or is an association of undergraduates, or an incorporated society of undergraduates, or of graduates and undergraduates, or is an affiliated college, shall be liable to taxation.

9. Any person with the approval of the Board may under and subject to such terms and conditions as it may prescribe endow a chair or found a scholarship in the University, or aid the University by providing an endowment for any other purpose or object in connection therewith.

BOARD OF GOVERNORS

10. There shall continue to be a Board of Governors of the University heretofore constituted.

11. The Board shall be a body corporate under the name and style of "The Governors of the University of Alberta," and shall have power subject to the provisions of section 6 to acquire, hold, deal with, lease and dispose of real property for the purposes of the University.

12. The Board shall consist of the following members:
 The Chancellor of the University,
 The President of the University,
 The President and the Vice-President of the Alumni Association,
 The Deputy Provincial Treasurer,
 The Deputy Minister of Education,
 and a Chairman and six other persons appointed by the Lieutenant Governor in Council.

13. No person shall be eligible for appointment as a member of the Board unless he is a British subject and a resident in the Province.

14.—(1) The Board may appoint one of its members to be vice-chairman, and in the absence or illness of the chairman, or if there is a vacancy in the office of chairman, the vice-chairman shall act for and have all the powers of the chairman.

(2) In the absence or illness of both the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman for the time being, and the member so appointed shall act for and have all the powers of the chairman.

(3) All acts which lawfully might have been done by the chairman when done by the vice-chairman or by a chairman appointed for the time being, shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection (1) of this section for the vice-chairman acting or that any of the causes mentioned in subsection (2) of this section for the appointment of a chairman for the time being in fact existed.

15. Unless and until otherwise provided by the Board seven members thereof shall be necessary to constitute a quorum.

16.—(1) The Board as existing on the day upon which this Act comes into force shall continue in office until the appointed members hereinbefore provided for are appointed pursuant to this Act.

(2) Of the members first appointed hereunder three members, of whom one shall be the chairman, shall be appointed for a term of three years, two for a term of two years and two for a term of one year. Thereafter each such member shall be appointed for a term of three years. Any member shall be eligible for re-appointment for a 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.

(3) Any appointed member shall, on the expiry of his term of office hold office until his successor is appointed.

17.—(1) There shall be an executive committee of the Board consisting of the chairman, the president, and one other member of the Board to be selected by the Board annually.

(2) The executive committee shall have authority, subject to the direction and control of the Board, to perform all the administrative acts authorized by the Board to be performed by such committee.

18. Any appointed member of the Board may be removed from office by the Lieutenant Governor in Council.

19. No person being the head of an affiliated institution or college, a member of the regular and permanent teaching staff of the University or a member of an affiliated institution or college shall be eligible to be appointed as a member of the Board.

20. If a member of the Board, after his appointment, accepts or occupies any of the offices or positions in the last preceding section mentioned, or goes to reside out of the Province, or becomes insane, or otherwise incapable of acting as a member of the Board, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the Board shall be conclusive evidence thereof.

21. In the case of a vacancy in the Board caused by resignation or otherwise which happens before the term of office for which a member has been appointed expires, the vacancy shall be filled by the appointment by the Lieutenant Governor in Council of a successor to the member who has died, or resigned, or otherwise ceased to be a member, who shall hold office for the remainder of the latter's term of office.

POWERS OF THE BOARD

22. The Board shall be the controlling body in all matters pertaining to the University whether administrative or academic and, except as herein otherwise provided, the government, conduct, management and control of the University and of the property revenues, business and affairs thereof shall be vested in the Board.

23. All the powers over, in respect of, or in relation to the University which are not by the terms of this Act directed to be exercised by any other person or body of persons are hereby, subject to the provisions of this Act, vested in the Board.

24. Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is hereby declared that the Board shall have the following powers, that is to say:

- (a) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing the quorum of the Board, and for the appointment of such committees as it may deem necessary, and for conferring on any of such committees power and authority to act for the Board in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board;
- (b) To appoint a Vice-President, Deans of all the faculties, the Librarian, the Bursar, the Registrar, the professors, teachers and instructors of and in the University, the Director of the Department of Extension, or any of such officers as the Board may deem necessary for the proper conduct of the business of the University, together with all such other

officers, clerks, employees and servants as the Board shall deem necessary, and, subject as hereinafter mentioned, to fix the salaries or remuneration of such officers, and to define their duties and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board:

Provided that no person shall be appointed as a Dean of any faculty, or as a member of the teaching staff of the University, or of any faculty thereof, unless he has first been nominated for the position to which it is proposed to appoint him by the President of the University:

Provided further that, except where there is a vacancy in the office of President, no Dean of a faculty or member of the teaching staff of the University or of any faculty thereof shall be promoted or removed from office except upon the recommendation of the President of the University;

- (c) With the consent and approval of the Lieutenant Governor in Council to make regulations respecting, and to provide for, the retirement and superannuation of any persons mentioned in the last preceding subsection, or the payment of a gratuity to any of them upon retirement or to the widow or any other dependant of such person upon his death and to provide that any superannuation or retirement allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the moneys of the Board or by contributions from the persons aforesaid, or partly by both;
- (d) Subject to the limitations imposed by any trust as to the same, to invest in such manner as to the Board may seem meet; all moneys which come in to the hands of the Board and are not required to be expended for any purpose to which they may be lawfully applied;
- (e) To purchase and take and hold by gift or devise real property for the purposes of the University;
- (f) To purchase and acquire all such property as the Board may deem necessary for the purposes of the University, including the power of purchasing the interest of any lessee of any real property vested in the Board which is under lease;
- (g) (i) Without the consent of the owner thereof or any person interested therein to enter upon, take, use and appropriate all such real property as the Board may deem necessary for the purposes of the University, making due compensation therefor to the owners and occupiers thereof and all persons interested therein;
- (ii) In the event of no mutual agreement as to the amount of compensation being arrived at, with-

in the period of sixty days from the date of the entry upon such property pursuant to the powers herein contained, then the amount of compensation shall be fixed and determined by two arbitrators, one to be appointed by the Board and the other by the party or parties owning the land or the interest therein so appropriated;

- (iii) The two arbitrators so appointed shall have the power to appoint an umpire, and the provisions of *The Arbitration Act* shall apply to and govern the arbitration;
- (h) To acquire, hold, maintain, and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University for athletic purposes, and to erect and maintain such buildings and structures thereon as it may deem necessary;
- (i) To provide such means for the physical examination, instruction and training of the students of the University as to the Board may seem meet;
- (j) With the approval of the Lieutenant Governor in Council to sell or mortgage or lease any real property vested in the Board which is for the time being used for University purposes subject to the terms of any trust upon which the same is held; without any such approval, to lease at such rent and upon such terms and conditions as may seem proper to the Board any of the property last mentioned for any term not exceeding five years; and without any such approval to sell or mortgage or lease at such price or at such rent and upon such terms and conditions as may seem proper to the Board any other real property vested in the Board, subject to the terms of any trust upon which the same is held;
- (k) To lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the purposes of the University, and for the furnishing and equipment of such existing and newly erected buildings;
- (l) To lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University, whether such students be graduates or undergraduates, and to make such regulations as may to the Board seem meet for the management, government and control of such residences and dining halls;
- (m) To fix and determine the fees to be paid by undergraduates and graduates of the University for instruction therein or in the faculties thereof, includ-

ing library fees, laboratory fees, gymnasium fees, fees for physical instruction and examination, and fees for examinations, degrees and certificates, and when an affiliated institution or college, by arrangement with the Senate, teaches any part of the course covered by the University calendar, to make such a reduction in the fees payable by the students so taught in such institution or college as may to the Board seem reasonable;

- (n) To enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purposes of or in connection with the academic work of the University or of any faculty or department thereof, and the governing body of any such secondary or primary school shall have authority with the approval of the Lieutenant Governor in Council to make such arrangements with the Board;
- (o) To establish such faculties, departments, chairs or courses of instruction as the Board shall determine;
- (p) Subject to the approval of the Lieutenant Governor in Council, to purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire any patents, interest in patents, licenses and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions; and use, exercise, develop, dispose of, assign or grant licenses in respect of, or otherwise turn to account the property rights or information so acquired; and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent of invention or of any rights thereunder may possess, exercise and enjoy;
- (q) Subject to the approval of the Lieutenant Governor in Council to apply for, purchase or otherwise acquire any trade marks or trade names and the like or any interest therein and use, dispose of, assign or otherwise turn to account the trade marks, trade names and interests so acquired; and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trade mark or trade name or the like may possess, exercise and enjoy;
- (r) Subject to the approval of the Lieutenant Governor in Council, to apply for, purchase or otherwise acquire any copyright or like right or any interest therein or right thereunder, and use, exercise develop, dispose of, assign or grant licenses in respect of or otherwise turn to account any copy-

right or like right or any interest or right so acquired; and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or like right or of any interest therein or right thereunder may possess, exercise and enjoy.

- (s) To appoint as a member of the Council of the appropriate faculty or school the representative of any professional society or association incorporated in the Province, and enumerated in section 61 (2) (p);
- (t) To establish colleges as part of the University and to establish research laboratories, institutes, experimental stations, radio stations, extra-mural courses of instruction and generally such activities as the Board may consider necessary and advantageous to the University;
- (u) To appoint a Vice-President of the University either on an acting or permanent basis who in the case of the illness or absence of the President or of a vacancy in the office shall have all the duties and powers of the President other than those as to appointments, promotions and removal, unless he shall be requested by the Board to exercise the last mentioned powers.
- (v) On the recommendation of the Senate to cancel any degree granted by the University.

25. Every person shall have the unrestricted right to devise and bequeath property real and personal for the purposes of the University.

26. The 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 same can be provided for out of, and it shall be provided for out of the annual income of the year, or unless the same is sanctioned by the Lieutenant Governor in Council.

27. Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by resolution or by regulation as the Board may determine, but it shall not be essential to the validity of any resolution or regulation that it shall be under the corporate seal of the Board if it be authenticated in the manner prescribed by the Board.

28.—(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant Governor in Council for that purpose.

(2) The Board shall make an annual report of its transactions to the Lieutenant Governor in Council, in which shall be set forth in detail the receipts and expenses for the

year ending on the next preceding thirty-first day of March, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant Governor in Council may from time to time require.

(3) Such report shall be transmitted to the Minister of Education on or before the first day of December next after the close of the year for which it is made, and shall be laid before the Legislative Assembly within the first ten days of its next session.

29. No action shall be brought against the Board or the Senate or any Council or any Board of Examiners or any other Board, Council, or committee appointed by the Board, Senate or any Council or any body acting pursuant to this Act, or against any member of any such bodies on account of anything done or omitted by him in the execution of his office, without the written consent of the Attorney General for Alberta, first had and obtained.

30. If any question arises as to the powers and duties of the Senate of the University, or of the President, or of any Dean or of any other officer or servant of the University, or of any council or faculty thereof, not definitely provided for in this Act, the same shall be settled and determined by the Board, whose decision shall be final.

THE SENATE

31.—(1) The Senate of the University shall be composed of twenty-five members consisting of:

The Chancellor of the University,
 The President of the University,
 The Chairman of the Board of Governors,
 The Supervisor of Schools,
 The Principal of St. Stephen's College,
 The Rector of St. Joseph's College,
 The Principal of Mount Royal Junior College,
 The Rector of St. Aidan's College,
 The Principal of the Provincial Institute of Technology and Art,
 The Director, Department of Extension,
 The President and Vice-President of The Alumni Association,
 The President of The Students' Union,
 Two representatives of the General Faculty Council,
 One representative of the Deans' Council.

The above members shall be styled the "Statutory members" and nine additional members (styled as "appointed members") shall be selected to represent agriculture, business, labour, industry, public education and organizations devoted to social and cultural welfare.

(2) The appointed members shall be appointed by the Statutory members and as vacancies occur the Statutory

members shall fill such vacancies by appointment but so that the total number of Statutory and appointed members shall not, at any time, exceed twenty-five.

(3) The Registrar of the University shall be the Secretary of the Senate.

(4) An appointed member of the Senate shall not hold office for more than three years but shall be eligible for re-appointment for a further term of three years but shall not be eligible for any further appointment.

32. No person shall be eligible for election as Chancellor or be appointed as a member of the Senate unless he is a British subject and a resident of the Province.

33. If a member of the Senate resigns, goes to reside out of the Province, becomes insane or incapable of acting, or becomes a member of the teaching staff of any affiliated institution or college not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof.

POWERS AND DUTIES OF SENATE

34. It shall be the duty of the Senate and it shall have power to inquire into all matters that might tend to enhance the usefulness of the University and to report upon and make recommendations in respect of the same to the Board and to the appropriate Faculty Councils, and without derogating from the generality of the foregoing the Senate shall perform the following duties and have the following powers:

- (a) To pass by-laws or rules for the regulation and conduct of its business including the determination of the quorum necessary for the transaction of its business and no such by-laws or rules shall be valid until approved by the Board. No act of the Senate shall be valid unless passed in accordance with such by-laws or rules so approved;
- (b) to provide for the granting of and to recommend to Convocation the conferring of honorary degrees;
- (c) to recommend to the Board the establishment of exhibitions, scholarships and prizes;
- (d) with the concurrence of the General Faculty Council to recommend to the Board the cancellation, recall and suspension of a degree whether heretofore or hereafter granted or conferred on any graduate of the University or graduate *ad eundem statum* of the University who has been or shall be convicted either in the Province or elsewhere of an offence which if committed in Canada would be an indict-

able offence, or who has been or shall be guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University; for erasing the name of such graduate from the roll or register of graduates, and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any regulation, provided such diploma, certificate or other instrument has been issued by or under the authority of the University, or of the Senate, or of the General Faculty Council of the University; and the mode of inquiring into and determining as to the guilt of such graduate and the procedure generally in respect of any of the said matters; and for the purpose of making such inquiry the Senate and the committees thereof shall have all the powers which are by *The Public Inquiries Act* conferred upon commissioners under the provisions of such Act;

- (e) to recommend to the Board the establishment of Faculties, Departments, Chairs and courses of instruction in the University in any subject which to the Senate may seem meet;
- (f) to make provision for enabling the students of the University, and of the affiliated institutions and colleges, to appoint a representative committee of themselves, to be chosen in such manner as shall be approved by the Senate, and which shall be the recognized official medium of communication on behalf of such students between them and the Senate, and which shall have the right to make communications through the President of the University to the Senate upon any subject in which they are or may deem themselves to be interested; and to give to such committee such powers of government with respect to the conduct of the students it represents as to the Senate shall seem meet, but always subject to the control of the Board, Senate, President and Deans' Council as in this Act set out:

Provided that nothing herein contained shall take away or impair the right of any student of or in the University to make complaint to the governing bodies thereof in respect to any matter as to which he is or may deem himself to be entitled to complain, but every such complaint shall be transmitted through the President to the proper governing body;

Provided further that nothing in this section contained shall be construed or is intended to or shall impair or affect the right of control which an affiliated institution or college possesses over its students;

- (g) to require written or oral reports from the various faculty or student councils or faculty members of

the University, as it may deem advisable, and to require the attendance, if it so desires, of Faculty members or students and as a result of such reports and attendances to make such recommendations to the Board as to it may seem meet;

- (h) to hear submissions from any person or body interested in the University and with the approval of the Board to inquire into any matters pertaining to the University and to make any recommendations it deems advisable to the Board, or other appropriate body.

CONVOCATION

35.—(1) Convocation shall consist of all the graduates of the University and of all persons who have been registered as members of Convocation.

(2) Convocation shall have power,—

- (a) to make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof;
- (b) to appoint a clerk of Convocation, and to prescribe his duties;
- (c) to consider all questions affecting the well-being of the University and to make representations thereon to the Board and to the Senate.

36. In the absence of the Chancellor, the President shall preside at meetings of Convocation, and in the absence of both the Chancellor and President, Convocation shall have power to elect a presiding officer for any meeting thereof.

37. Convocation shall meet yearly at the time fixed by the Chancellor for the conferring of degrees, and at such other times as the Chancellor may deem necessary; and it shall be the duty of the Board to provide a suitable place for its meetings.

38. If at least fifteen members of Convocation by writing under their hands setting forth the object thereof, require the Chancellor to convene a special meeting of Convocation, it shall be the duty of the Chancellor to call the same without unnecessary delay.

39. No matter shall be considered at any such meeting except that for the consideration of which the meeting has been called.

40. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation in that behalf, and, in the absence of such regulation, in such manner as may be directed by Convocation.

41. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate.

42. All questions shall be decided by the vote of the majority of the members present.

43. The chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question upon which there is an equality of votes shall be taken to be negatived.

44. No question shall be decided at any meeting unless at least fifteen members are present.

CHANCELLOR

45.—(1) There shall be a Chancellor of the University who shall be elected by Convocation at the time and in the manner hereinafter provided, and who shall be the chairman of the Senate and of Convocation.

(2) The person who holds the office of Chancellor immediately preceding the date upon which this Act comes into force shall continue to be Chancellor and to hold office for a period of four years from such date.

46. All degrees shall be conferred by the Chancellor or in the case of his illness, absence, or a vacancy in his office, by the President of the University or in the case of his illness, absence, or a vacancy in his office, by some member of the Faculty appointed for the purpose by the Board.

47. The Chancellor shall hold office for four years and until his successor is elected, but except as aforesaid shall not be eligible to hold office for more than four consecutive years.

48. If the Chancellor ceases to be a resident of the Province, or becomes insane or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of the vacancy by the Board, entered upon its minutes, shall be conclusive evidence thereof.

49.—(1) In the case of a vacancy in the office of Chancellor, the Board shall fix a date for the election of a successor which shall be not later than three months after the vacancy occurs and such date shall be published in *The Alberta Gazette* as soon as possible after it is fixed.

(2) Until the election takes place, the President shall exercise the functions of the Chancellor.

50. Any three members of Convocation may nominate a candidate for the office of Chancellor and the nomination paper or papers shall be delivered to the Registrar at least one month before the date fixed for the election.

51. In the event of only one candidate being nominated for Chancellor, such candidate shall be deemed to have been elected, and in such case no voting papers shall be required to be sent out.

52. In case a poll is necessary, the Registrar shall, not later than two weeks before the day of election, send by post to each member of Convocation whose address is known to him a list of the candidates duly nominated, arranged in alphabetical order, accompanied by a voting paper in the Form in the Schedule to this Act.

53. The votes at any election by Convocation shall be given for the Chancellor by voting papers in the Form in the Schedule to this Act, or to the like effect, being delivered to the Registrar of the University at his office in sealed envelopes not later than the day of election.

54. Any voting papers received by post on or prior to the date of the election shall be deemed to be delivered for the purpose of the election.

55. Two persons, to be appointed by the President for that purpose, shall be the scrutineers.

56. The voting papers shall upon the day following the date of election, at an hour to be fixed by the Board, or, if no hour is so fixed, then at ten o'clock in the forenoon of the said day, be opened by the Registrar of the University in the presence of the scrutineers and such members of Convocation as may desire to be present, and the Registrar shall examine and count the votes and keep a record thereof in a proper book to be provided by the Board.

57. If more than one name appears upon a voting paper for Chancellor the vote shall be invalid, and shall not be counted.

58. Upon the completion of the counting of the votes, the registrar and the scrutineers shall declare the result of the election, setting forth the number of votes cast for each person who had been nominated, and shall without delay report the same in writing under their hands to the Board and Senate.

59. In case of an equality of votes given for two or more persons for Chancellor, which leaves the election undecided, the Senate shall at its next meeting give the casting vote necessary to decide it.

60.—(1) The Board shall have power to make any necessary regulations, not inconsistent with this Act, for the conduct of any election to be held under this Act.

(2) If from any cause any election provided for by this Act is not held as hereinbefore provided, the Board shall make provision for holding the same and fix the dates for the nominations and other proceedings for taking, counting and recording the votes thereat, and declaring the result thereof, and such proceedings shall, as far as may be practicable, be made conformable with those provided by this Act.

GENERAL FACULTY COUNCIL

61.—(1) There shall be a General Faculty Council which, unless and until otherwise provided by the Board, shall be composed of the President, the Deans, the full professors of all the faculties, the Registrar, the Librarian, the Director of Extension and the heads of departments of instruction not included in the foregoing list.

(2) The General Faculty Council, subject to the control of the Board, shall perform the following duties and have the following powers,—

- (a) to exercise any of the powers granted to Faculty Councils which the General Faculty Council deems it desirable to exercise;
- (b) to consider and determine on the report of the respective Faculty Councils as to the course of study in all the faculties;
- (c) to consider and determine as to all courses of study to which the next preceding paragraph does not apply;
- (d) to fix and determine the time-tables for examinations, and for lectures and other instruction in the different faculties;
- (e) to consider and determine on the report of the respective Faculty Councils as to the appointment of examiners and the conduct and the results of the examinations in all the faculties;
- (f) to provide for the appointment of a University Board of Examiners and for the conduct of all University examinations other than examinations held in the faculties of the University separately and for the determining of the results of such examinations;
- (g) to provide for the granting of, and to recommend to Convocation, the conferring of degrees in course;
- (h) to provide for the preparation and publication of the University calendars and of the calendars of such affiliated institutions, or colleges as desire their calendars to be inserted in the University calendar;

- (i) to hear and determine appeals from decisions of the Faculty Councils upon applications by memorials by students and others;
- (j) to consider all such matters as shall be reported to it by the council of any faculty, and to communicate its opinion or action thereon to the said Faculty Council;
- (k) to determine the date for the beginning and ending of lectures in the University and also the beginning and ending of each University term;
- (l) to make rules and regulations for the management and conduct of the library;
- (m) to recommend to the Board the establishment of faculties, departments, chairs and courses of instruction in the University in any subject which to the Council seems meet;
- (n) to recommend to the Board the affiliation with the University of any institution or college established in the Province for the promotion of any useful branch or branches of knowledge, together with the terms of such affiliation, which terms may include the right of such institution or college to present students for examination leading to degrees in the University; and on the passing of such examinations, as the University may require, by students so presented, they shall be entitled to receive degrees from the University;
- (o) to recommend to the Board the dissolution of any such affiliation or the modification or altering of the terms thereof;
- (p) to arrange with the Law Society of Alberta, the College of Physicians and Surgeons of Alberta, the Alberta Dental Association, the Alberta Association of Architects, the Veterinary Association of Alberta, the Alberta Land Surveyors Association, the Institute of Chartered Accountants, the Alberta Pharmaceutical Association, the Association of Registered Nurses of Alberta, the Association of Professional Engineers, Alberta Optometric Association, the Alberta Teachers' Association, and any incorporated society or association established in the Province with power to prescribe examinations for candidates and others applying for registration upon the roll of or for admission to such societies or associations respectively, and notwithstanding the provisions of any other Act for conducting such examinations and on nomination of the appropriate Faculty Council appointing examiners therefor and for reporting the results thereof to the governing body of such societies and associations respectively; and such societies and associations or any of them shall have power to enter into such arrangements.

FACULTY COUNCILS

62. There shall be a Faculty Council for each faculty in the University.

63. Each Faculty Council shall consist of the President of the University, the Dean of the Faculty, the professors and associate professors and such other members of the teaching staff of the Faculty as the Board shall determine, and one representative of each of the appropriate professional bodies enumerated in section 61 (2) (p).

64. The Faculty Councils, subject to the control of the Board, shall perform the following duties and have the following powers:

- (a) to fix the times and places of the meetings of the councils respectively and to make rules and regulations for governing their respective proceedings, including the determination of the quorum necessary for the transaction of business;
- (b) subject to the approval of the General Faculty Council to fix and determine the course of study in the branch of learning for instruction in which a faculty is established;
- (c) subject to approval of and confirmation by the General Faculty Council to appoint the examiners for and conduct the examinations in their respective faculties, and to determine the results of such examinations;
- (d) to nominate examiners for such professional societies or associations as have representation on the Councils respectively and to report such nominations to the General Faculty Council;
- (e) to deal with, and, subject to an appeal to the General Faculty Council, to decide upon all applications and memorials by students and others in connection with the said faculties respectively;
- (f) to consider and report to the General Faculty Council upon such matters affecting the said faculties respectively as to the Council may seem meet.

DEANS' COUNCIL

65. There shall be a Deans' Council consisting of the President and Deans of the different faculties of the University who shall, subject to the control of the Board, have the following duties and powers,—

- (a) to advise the President in academic matters;
- (b) to act as an executive body for the General Faculty Council;
- (c) to authorize lecturing and teaching in the University by others than duly appointed members of the staff;

- (d) to exercise disciplinary jurisdiction with respect to the students in attendance at the University, or to delegate its authority in any particular case or by any general regulation to any person or body of persons or Council; and disciplinary jurisdiction shall include the power to impose fines;
- (e) to have such other powers and duties as may be assigned to it by the Board.

DEPARTMENT OF EXTENSION

66.—(1) There shall be a Department of Extension of the University, which Department shall have the general function of contributing to the educational and cultural advancement of the people of the Province at large.

(2) The Director of the Department of Extension, acting under the jurisdiction and supervision of the President and subject to the control of the Board shall, in the fulfilment of the foregoing general function, have the following powers:

- (a) to organize and conduct study groups, short courses, refresher courses, special schools, conferences, lectures, and demonstrations, in such subjects and at such places within the Province as he may deem advisable;
- (b) to organize and produce radio programmes and arrange for speakers and performers;
- (c) to co-operate with other institutions or bodies, including departments of Government, in organizing and conducting activities of the foregoing kinds;
- (d) to use as instructors and speakers for the purposes indicated in the three preceding paragraphs such members of the University staff as may be qualified and available, and such additional instructors and speakers as may be approved by the President;
- (e) to maintain an extension library of books, pamphlets, other publications, and aids to education, whether printed, mimeographed, typewritten, or otherwise recorded or reproduced, and to lend, sell, rent, or distribute any of the foregoing under appropriate conditions to the people of the Province at large and particularly to people in smaller centres and rural districts of the Province;
- (f) to maintain supplies and equipment for visual education and for education generally, including education in art, music, and drama, and to lend, sell, rent, or otherwise make available to the people of the Province under appropriate conditions such supplies and equipment;
- (g) to organize and conduct such other activities as may be authorized by the Board.

PRESIDENT

67.—(1) There shall be a president of the University, who shall be the chief executive officer thereof, and shall have the general supervision over, and direction of the academic work of the University, and of the teaching staff thereof, including the Deans of all faculties, and of the officers and servants employed in or in connection with such work, including the Registrar and Librarian of the University, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

(2) The President shall be a member of all faculty councils and shall be *ex officio* chairman of the same.

(3) The President shall have power to suspend any member of the teaching staff of the University and any officer and servant mentioned in subsection (1) of this section, and when he exercises such powers he shall forthwith report his action to the Board, with a statement of his reasons therefor.

(4) The President shall make recommendations to the Board as to all appointments to and all promotions in and removals from the teaching staff of the University, and of the officers and servants mentioned in subsection (1) of this section.

(5) The President shall have the right to summon meetings of the General Faculty Council or of any Faculty Council whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present.

(6) The President may also in his discretion convene joint meetings of all the Faculty Councils or of any two or more of them.

(7) The President shall report annually to the Board and the Senate upon the progress and efficiency of the academic work of the University, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary; and he shall also report upon any matter which may be referred to him by the Board or by the Senate.

(8) The enumeration of the express powers in this section mentioned shall not be taken to limit the general powers conferred by subsection (1) hereof.

COMPTROLLER

68.—(1) The Board may appoint a Business Manager of the University with the title of Comptroller, or such other title as the Board shall determine, who shall hold office during pleasure of the Board.

(2) The duties and functions of the Comptroller shall be,—

- (a) to represent the President in the business affairs of the University;
- (b) to be responsible for the organization of the University statistics;
- (c) to have a general oversight over the properties, revenues and business affairs of the University including a general supervision over its servants and employees;
- (d) to attend, in an advisory capacity all meetings of the Board;
- (e) to exercise such other powers and functions as may be from time to time assigned to him by the Board.

DEANS OF FACULTIES

69.—(1) When the Board considers that occasion has arisen for the appointment of a Dean of each or any of the faculties of the University, the Board shall appoint such officer, and he shall be the chief executive officer of the faculty of which he is appointed Dean, and shall, subject to the control of the President as hereinbefore provided, have general supervision over and direction of the academic work and the teaching staff thereof, and of the officers and servants employed in or in connection with such work and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the President.

(2) The Dean of the Faculty, when so appointed, shall keep the minutes of the Faculty Council, and shall summon all meetings of the same, and he shall keep the records of the faculty of which he is appointed Dean.

(3) In case of the absence or illness of the Dean of any faculty, the President may appoint a member of the teaching staff of that faculty to act for the Dean; and failing an appointment, or until it is made by him, or if there be a vacancy in the office of Dean of any faculty, the senior member of the teaching staff thereof shall act as the Dean for the time being.

REGISTRAR

70. There shall be a Registrar for the University, who shall be appointed by the Board, and who shall have such powers and perform such duties as from time to time may be assigned to him by the Board, or by the President, as hereinbefore provided.

VISITOR

71. The Lieutenant Governor shall be the Visitor of the University, with authority to do all those acts which pertain to visitors as to him shall seem meet.

BORROWING POWERS

72. The Board may borrow from any person, bank or corporation such sum of money as may be required to meet the expenses of the University, until such time as the revenues for the current year are available, and such loans shall be repaid out of and shall be a first charge upon such revenues, and may be secured by the promissory note or notes given on behalf of the Board, in such manner as the Board may arrange.

73. In the event of it being necessary for the Board to secure a loan for the purpose of purchasing or otherwise acquiring any real property for the uses of the University, or for the purpose of erecting, repairing, adding to, furnishing or equipping any buildings thereof, or for the purpose of improving the grounds or of making any other improvements of a permanent character, the Board may, with the approval of the Lieutenant Governor in Council, issue bonds, debentures, debenture stock, or securities of a like nature, either secured by pledge or mortgage of any property or assets vested in The Board for the purposes of the University, or upon any portions thereof, or not so secured, and the Board may make and enter into any agreement that may be necessary for carrying out the purposes of this section, and make and execute all such agreements, deeds and other instruments as may be deemed necessary to carry into effect the provisions of any such agreement.

74.—(1) The Board, with the approval of the Lieutenant Governor in Council, may raise by way of loan in such manner and form, and at such time or times as the Board may deem expedient, by the issue and sale of bonds, debentures, debenture stock or other securities, whether secured by pledge or mortgage on any property or assets vested in the Board for the purposes of the University, or upon any portions thereof, or not so secured, such sum or sums of money as the Board may deem necessary to repay, renew or refund the whole or any part of any securities heretofore or hereafter issued by the Board under the provisions of this Act, and whether the same are guaranteed by the Lieutenant Governor in Council or are not so guaranteed, including accrued interest together with discount, exchange and expenses in connection with the issue of new securities, and such new securities, if the Board so desires, may be issued at any time before the maturity or retirement of the securities to be repaid, renewed or refunded.

(2) Any sum or sums raised under the authority of the next preceding subsection shall be applied to repay, renew or refund the said bonds, debentures, debenture stock or other securities, including accrued interest together with discount, exchange and expenses in connection with the issue of new securities.

(3) The approval of the Lieutenant Governor in Council of the issue of such new securities shall be conclusive evidence that the amount of the new securities is necessary to realize the sum or sums required to be raised by the Board by way of loan for the purpose of such repayment, renewal or refunding.

(4) The Board shall provide for the creation of an annual sinking fund of at least one-half of one per cent of the principal sum of the new securities, to be applied for the redemption of the new securities, and the sinking fund shall be invested in bonds, debentures or other securities of, or guaranteed by the Government of the Dominion of Canada, or of any of the Provinces of Canada, and shall be subject to the control of the Provincial Treasurer.

(5) The provisions of sections 75 and 76 of this Act shall extend to and apply to the securities issued pursuant to this section.

75. It shall be lawful for the Lieutenant Governor in Council, for and in the name of the Province, to guarantee the securities which shall be given by the Board for any sums borrowed by it under the authority of this Act, and the performance by the Board of the stipulations on its part contained in the securities.

76. The form and manner of the Government guarantee shall be determined by the Lieutenant Governor in Council, and the guarantee shall be signed by the Provincial Treasurer or by such officer or person as shall be designated for that purpose by the Lieutenant Governor in Council, and, upon being so signed, such guarantee shall be binding on the Province, and the purchaser of any securities so guaranteed shall not be bound to inquire into the authority of the officer or person signing the guarantee thereof.

77.—(1) The Lieutenant Governor in Council may raise by way of loan under the provisions of *The Provincial Loans Act* at such time or times as may be deemed expedient such sum or sums of money as may be necessary to repay the whole or any part of any bonds, debentures, debenture stock or other securities heretofore or hereafter issued by the Board under the provisions of this Act and guaranteed by the Lieutenant Governor in Council, including accrued interest and discount, exchange and expenses in connection with the issue of the securities of the Province, and such securities of the Province may, if desired, be issued at any time before the maturity or retirement of the securities of the Board to be repaid.

(2) Any sum or sums raised under the authority of the next preceding subsection shall be applied to repay the said bonds, debentures, debenture stock, or other securities of the Board, including accrued interest, together with discount, exchange and expenses in connection with the issue

of the securities of the Province, without any further or other appropriation than is provided by this Act.

(3) A recital or declaration in the Order of the Lieutenant Governor in Council authorizing the issue and sale of the securities, to the effect that the amount of the securities so authorized is necessary to realize the sum or sums of money required to be raised by way of loan to repay any such securities of the Board, shall be conclusive evidence of that fact.

EXCLUSIVE RIGHTS

78. With the exception of degrees in Divinity, the University shall have exclusive degree conferring powers within the Province and no other school, college or other institution of any kind in the Province, except as aforesaid, shall have any authority or power to confer any academic degree.

79.—(1) No person shall, without the consent of the Board, make use of the name of the University or the word "University" or any derivative or abbreviation thereof, such as "Varsity", in the names of firms, corporations or businesses or in advertising.

(2) No person shall, without the consent of the Board, assume or use the Coat of Arms or Crest of the University or any design in imitation of it, or calculated to deceive by its resemblance thereto.

(3) Any person violating any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and costs.

GENERAL

80. Every undertaker or public officer having charge of the body of any deceased person which is not claimed by the immediate relatives or the legal representatives of the deceased, and which would require to be buried at the public expense, shall upon demand hand over the said body to the University, or to such officers as it may appoint for such purposes, and 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 University or the said officers the bodies of deceased inmates of such institutions not claimed by the immediate relatives or the legal representatives of the deceased, and the University shall keep a careful record of each such body so received by it and shall be at liberty to use the same for anatomical purposes and for scientific instruction and research.

81. *The University Act*, being chapter 56 of the Revised Statutes of Alberta, 1922, is hereby repealed.

82. This Act shall come into force on the first day of June, 1942.

SCHEDULE.
(Section 52.)

FORM OF VOTING PAPER.

I,, resident at
..... in the.....do hereby
declare:

1. That I am a member of Convocation of the University of Alberta;
2. That the signature affixed hereto is my proper handwriting;
3. That I have not at this election signed any other voting paper as a member of Convocation;
4. That I vote for the following person to be Chancellor of the said University:

.....
Witness my hand this.....day of, 19....

SECOND SESSION
NINTH LEGISLATURE
6 GEORGE VI
1942

BILL

An Act to amend and consolidate The
University Act.

Received and read the

First time

Second time

Third time.....

HON. MR. ABERHART.

EDMONTON:
A. Shnitka, King's Printer
1942